

21.425 Benefits to surviving or disabled children of members who began participating before January 1, 2014 -- Designation of beneficiaries.

- (1) In any circumstances in which a surviving spouse would be entitled to any allowance under KRS 21.420, but there is no surviving spouse or the surviving spouse subsequently dies, and there is a surviving child or children of the member under the age of twenty-one (21), or there is a disabled child or children, the monthly allowance that the surviving spouse would have received or was receiving shall be continued, as follows:
 - (a) If the member does not have a disabled child or children, the benefit shall continue until there are no children remaining under the age of twenty-one (21); or
 - (b) If the member has a disabled child or children, the benefit shall continue until the death of the last remaining disabled child.
- (2) A member may designate his or her child or children under the age of twenty-one (21), or his or her disabled child or children, or a special needs trust as defined by KRS 21.420(9) for the benefit of the disabled child, to receive the death benefit payable under KRS 21.420 instead of his or her spouse, or he or she may designate that his or her spouse shall receive a percentage of the death benefit, and his or her child or children under the age of twenty-one (21), or his or her disabled child or children, or a special needs trust as defined by KRS 21.420(9) for the benefit of a disabled child, shall receive the remainder. The member making such a choice shall designate his or her beneficiary or beneficiaries in writing to the manager of the Judicial Form Retirement System on a form provided by the manager.
- (3) For purposes of this section, "disabled" means an individual determined by the Social Security Administration to be entitled to total disability benefits.
- (4) Subsections (1) to (3) of this section shall not apply to a member who begins participating in the Judicial Retirement Plan on or after January 1, 2014.

Effective: July 15, 2026

History: Amended 2026 Ky. Acts ch. 18, sec. 13, effective July 15, 2026. -- Amended 2013 Ky. Acts ch. 120, sec. 28, effective July 1, 2013. -- Amended 2002 Ky. Acts ch. 327, sec. 1, effective July 15, 2002. -- Amended 1998 Ky. Acts ch. 389, sec. 2, effective July 15, 1998. -- Amended 1982 Ky. Acts ch. 458, sec. 10, effective April 15, 1982. -- Amended 1974 Ky. Acts ch. 232, sec. 1; and ch. 386, sec. 4. -- Created 1972 Ky. Acts ch. 306, sec. 1.