

# Survivor Benefits Election

A survivor annuity is a monthly amount payable after your death to eligible spouses, former spouses, and children. Your spouse and former spouse may be entitled to a survivor annuity based on your election or on a court order. Your annuity will be reduced to provide this benefit. You may elect to provide a survivor annuity for your current spouse, former spouse(s), and/or an insurable interest.

## *Eligibility for Survivor Annuity Benefits*

### **For Widows, Widowers, and Former Spouses**

To be eligible for a survivor annuity after your death, your widow(er) must have been married to you for a total of at least 9 months or be a parent of your child. The marriage duration requirement does not apply if your death is accidental.

A former spouse cannot receive a survivor annuity unless:

- He or she was married to you for at least 9 months; and
- He or she has not remarried before reaching age 55. However, if the two of you were married for 30 years or longer, your former spouse can receive a survivor annuity.

### **For Children**

The eligibility of your children for survivor annuity after your death does not depend on your marital status or the type of annuity you elect. Your annuity is not reduced to provide this benefit. Your unmarried dependent children may qualify for survivor annuity until age 18. Benefits may be payable to an unmarried child after age 18 if the child is a full-time student at a recognized educational institution or is incapable of self-support due to a disability incurred before age 18. (Benefits for a student child are generally not payable after the child is 22.)

Information about your children in your annuity claim file will help to expedite the processing of claims for childrens' survivor benefits.

Children will not be denied benefits after your death solely because they were not identified on your retirement application.

## *Termination of the Reduction in Your Annuity to Provide a Survivor Benefit*

### **Current Spouse**

The reduction in your annuity to provide a survivor annuity for your current spouse stops if your marriage ends because of death, divorce, or annulment. **Note:** The reduction does not end if a court order requires you to continue to provide the survivor annuity benefit.

### **Former Spouse**

The reduction in your annuity to provide a survivor annuity for a former spouse ends if the former spouse dies, if the former spouse remarries before reaching age 55, or under the terms

of the court order that required you to provide the survivor annuity for the former spouse when you retired. (Modifications to the court order issued after you retire do not affect the former spouse survivor annuity.)

**Note:** Remarriage before age 55 does not terminate the reduction if you and your former spouse were married for at least 30 years.

### **Insurable Interest**

The reduction in your annuity to provide an insurable interest annuity ends if the person you name to receive the insurable interest annuity dies or if the person you name is your current spouse and you change your election because a former spouse has lost entitlement to a survivor annuity. The reduction also ends if, after you retire, you marry the insurable interest beneficiary and elect to provide a spousal survivor annuity for that person. If you marry someone other than the insurable interest beneficiary after you retire and elect to provide a survivor annuity for your spouse, you may elect to cancel the insurable interest reduction at that time.

### ***Lump Sum Benefit***

If no survivor annuity is payable upon the retiree's death, a lump sum may be payable equal to the annuity due the deceased, but not paid before death. If no survivor annuity is payable, the balance of any retirement contributions remaining to the deceased person's credit in the Civil Service Retirement and Disability Fund, plus applicable interest, may also be payable.

### **CSRS Retirees**

The maximum survivor benefit under CSRS available for a spouse or former spouse is 55% of your unreduced annuity. Your annual annuity is reduced by 2-1/2% of the first \$3,600 and 10% of the remainder to provide this benefit. If you are married when your annuity begins, it will be computed with a reduction to provide maximum survivor benefits for your spouse upon your death. You can elect to provide any amount less than the maximum survivor benefit or no survivor benefit. However, you must get your spouse's consent to elect either of these options. Your spouse must complete SF 2801-2, *Spouse's Consent to Survivor Election*, which is part of form [Standard Form 2801, CSRS Application for Immediate Retirement](#). Forward SF 2801-2 to the Office of Personnel Management (OPM) along with your application for retirement.

After your death, your spouse will **not** be eligible to continue health benefits based on your Federal service unless you elect a reduced annuity to provide a survivor annuity of at least one dollar a month and you are enrolled for Self and Family health benefits coverage when you die.

### **FERS Retirees**

The maximum survivor benefit available is 50% of your unreduced annuity. Your annuity is reduced by 10% to provide this benefit.

You can elect to provide a partial survivor benefit, which is 25% of your unreduced annuity with a 5% reduction in your annuity, or no survivor benefit. However, you must get your spouse's consent to elect either of these options: a partial or no survivor benefit. In either of these situations, SF 3107-2, Spouse's Consent to Survivor Election, which is a part of form [Standard Form 3107, FERS Application for Immediate Retirement](#), must be completed by your spouse and forwarded to the Office of Personnel Management (OPM) along with your application for retirement.

If your spouse is covered under your Federal Employees Health Benefits (FEHB) plan and you do not elect survivor benefits for your spouse, your spouse will not be eligible to continue this health benefits coverage after your death. Your spouse will also not be eligible to enroll in the Federal Long Term Care Insurance Program (FLTCIP) after your death.