

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT



# **Information on Electing a Survivor Annuity for Your Former Spouse**

## **Civil Service Retirement System (CSRS)**

*a New Day for Federal Service*

We provide retirement information on the Internet. You will find retirement brochures, forms, and other information at:

[www.opm.gov/retirement-services](http://www.opm.gov/retirement-services)

You may also communicate with us using email at:

[retire@opm.gov](mailto:retire@opm.gov)

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## **I. Introduction**

This pamphlet provides information you need to know in order to elect a survivor annuity benefit for a former spouse. A former-spouse survivor annuity is a monthly payment that begins after your death.

This pamphlet explains:

- how court-ordered survivor benefits may affect your election
- how your annuity will be adjusted to provide survivor benefits
- when we can stop the reduction in your annuity to provide survivor benefits
- how your former spouse can receive Federal health benefits coverage.

*Please do not complete the accompanying election form until you read this pamphlet.*

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## **II. Conditions for Electing a Former-Spouse Survivor Annuity**

You can provide a survivor annuity if your election is timely (see Part IX) and (1) you were married to your former spouse for at least 9 months, (2) your former spouse has not remarried before age 55, (3) you have at least 18 months of service subject to civil service retirement deductions. If you and your former spouse were married for 30 years or longer, you may elect your former spouse even if he or she remarried before age 55.

You must file a *new* former-spouse survivor annuity election after your divorce or annulment *even if* you had already elected a survivor annuity for that individual as a current spouse at the time of your retirement. The election you made at retirement is no longer effective after your divorce or annulment. If you fail to inform OPM that your marriage ended by divorce or annulment and fail to make a new former-spouse survivor annuity election after your divorce or annulment, the fact that your annuity continues to be reduced to provide a current-spouse survivor annuity will not entitle your former spouse to a survivor annuity after your death.

Your election will not be permitted to the extent that it provides a lesser benefit than a qualifying court order that requires you to provide a former-spouse survivor annuity. (See Part III)

If your annuity is already reduced to provide a survivor annuity, your election will not be permitted to the extent that it causes the total survivor annuities to exceed the maximum survivor benefit payable. The maximum survivor benefit is based on 55 percent of your annuity. (It is based on 50 percent if your final separation from service was before October 11, 1962.)

***Spousal Consent Requirement:*** If you have remarried, your wife or husband must consent in writing to your election to provide a survivor annuity for your former spouse. A space for certifying consent is on the accompanying election form. We may waive this requirement under certain conditions (for example, if your current spouse's whereabouts cannot be determined). To request a waiver of the consent requirement, attach a statement to the election form explaining the reason for your request. We will inform you of the documentation that is required.

***If You Retired After May 6, 1985, and This Election Is for the Same Person You Were Married to at Retirement:*** You cannot provide a former spouse survivor annuity that is greater than the survivor benefit you both agreed to in writing when you retired.

***If You Marry After You Make This Election:*** If you elect the maximum available survivor benefit for your former spouse, the person you later marry may not be paid a survivor annuity you elect unless the former spouse loses entitlement. If you elect less than the maximum former-spouse survivor benefit, the person you later marry could, upon your election, be paid the portion not designated for your former spouse(s).

***If You Retired Before May 7, 1985, and Your Marriage Ended After That Date:*** You cannot provide a survivor annuity for your former spouse unless he or she was entitled to a survivor annuity as your spouse prior to May 7, 1985. The survivor benefit you elect now cannot exceed the amount you previously elected for that person.

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### **III. Court Ordered Benefits and Former-Spouse Survivor Annuity Elections**

You do not need to elect a survivor annuity for your former spouse if he or she was awarded a survivor annuity benefit by a qualifying court order. We will reduce your annuity to provide the court-ordered benefit.

To obtain a decision on whether a court order is qualifying or to notify the Office of Personnel Management (OPM) of the existence of a court-ordered benefit, send a complete, court-certified copy of the court order to:

*U.S. Office of Personnel Management  
Court-Ordered Benefits Branch  
P.O. Box 17  
Washington, DC 20044-0017*

Please include your full name, mailing address, CSA claim number and your telephone number when contacting OPM.

Please note that your election of a survivor annuity for your former spouse cannot conflict with a qualifying court order. For example, if a qualifying court order awards the maximum survivor benefit to your former spouse, you cannot elect a lesser amount. However, if the court order awards less than the maximum benefit, you could elect an additional amount if you are otherwise eligible to do so.

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#### **IV. How Your Annuity Will Be Affected If You Make an Election**

*If Your Annuity Has Not Been Reduced for Survivor Benefits Since Retirement:* Your annuity will be adjusted based on the amount of the survivor benefit you elect. There will be two reductions to your annuity. The first reduction is for the regular cost of the former-spouse survivor benefit. This reduction may stop if your former spouse loses entitlement to the benefit. (See Part VIII)

The second reduction is *permanent* even if your former spouse loses entitlement. This reduction is based on the accumulated survivor reduction owed, plus 6 percent interest compounded annually. The total amount owed and your age are used to determine an actuarial reduction for the survivor benefit. We refer to this as an actuarial reduction because it is designed to pay back the total amount owed over the average life expectancy of a person your age. (The actuarial reduction does not apply if your annuity is reduced to provide a court-ordered, former-spouse survivor annuity.)

The difference in your annuity rate is generally computed from the date of your retirement. However, you will not be charged for any period in which your annuity was reduced at a rate equal to or greater than the total reduction required by your new election. For example, if your annuity was previously reduced for the *maximum* survivor benefit, you will not be charged for the period the maximum survivor reduction was in effect.

The above annuity reductions are effective on the first day of the second month after we receive your election.

***If Your Annuity Has Been Reduced for Survivor Benefits Since Retirement:*** Even if your annuity has been reduced for a survivor benefit since retirement, you must still file a *new* election *after* a divorce or annulment if you wish to provide a survivor annuity for that same individual as a former spouse. If you fail to file a new election after your divorce or annulment and fail to inform OPM of your divorce or annulment, the fact that your own annuity continues to be reduced will not entitle your former spouse to a former-spouse survivor annuity after your death. If your annuity has been reduced for survivor benefits ever since retirement and your *new* election *after your divorce or annulment* is to provide the same amount of survivor benefits for your former spouse, no greater reduction in your annuity will be required to provide the same benefit. If you provide a smaller benefit for your former spouse, your annuity may be increased by the difference between the current and the new reduction. This adjustment will be retroactive to the first day of the month after your former spouse lost entitlement to the benefit.



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**V. If You Elect the Maximum Available Survivor Annuity**

Part B of our letter shows how much you and your former spouse will receive if you provide the maximum available survivor annuity. If the permanent actuarial reduction applies in your case, it was tentatively computed through the date shown in item 2 of Part B. If we do not receive your election by that date, the amount of the reduction may increase.

If you do not provide the maximum available survivor annuity, any required annuity reduction will be reduced in rough proportion to the reduced benefit you elect. If you want information on the exact cost of providing a smaller survivor annuity, please see below.

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**VI. Electing Less than the Maximum Available Survivor Annuity**

To obtain information on the exact cost of providing a smaller survivor annuity, please specify the amount you want your former spouse to receive in Part D of the letter. Provide your signature and the date. After we receive your request, we will provide you with the information and another election letter.

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## **VII. Federal Health Benefits Coverage for Your Former Spouse**

Because your former spouse is no longer a member of your family, your former spouse *cannot* receive coverage under your Federal Employees Health Benefits (FEHB) enrollment, even if you have self-and-family coverage. However, if you provide a survivor annuity for your former spouse, he or she can enroll in the FEHB Program if all of the following requirements are met:

1. Your former spouse was enrolled as a family member in the FEHB Program at any time during the 18-month period before your marriage ended,
2. After your marriage ended, your former spouse has not remarried before attaining age 55,
3. Your marriage to your former spouse ended while you were Federally employed or retired, and
4. Your former spouse applies to enroll within 60 days after we send him or her a notice of eligibility to enroll.

The former spouse must agree to pay the full subscription charge (both the enrollee and government shares). If you make this election and your former spouse is eligible to enroll, we will notify him or her of the procedures and time limit for enrolling.

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## **VIII. Events that Terminate a Former Spouse's Entitlement to Survivor Annuity**

Your former spouse will lose entitlement to a survivor annuity if he or she remarries before age 55 (unless the remarriage is to you, your annuity reduction continues, and you again elect this person as your current spouse or unless you had been married to each other for at least 30 years), dies, or as provided under the terms of a qualifying court order.

Generally, the reduction in your annuity for the regular cost of the former-spouse survivor annuity stops the first of the month after your former spouse loses entitlement. However, the reduction will continue if a qualifying court order requires you to provide another former-spouse annuity. You also may elect to continue the regular survivor reduction to provide or increase a survivor annuity for another former spouse or for a current spouse. To do so, you must notify the Office of Personnel Management in writing within two years after the former spouse loses entitlement to benefits.

If you make this election and your former spouse loses entitlement, please notify us immediately. Send proof of the terminating event (marriage or death certificate). We will adjust your annuity, if applicable. However, any actuarial reduction in your annuity to provide survivor benefits will not stop.

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## **IX. How to Apply**

***Two-Year Filing Deadline:*** If you decide to provide a former-spouse survivor annuity benefit, please complete the accompanying election form. It must be received by the Office of Personnel Management (a) within 2 years after the date your marriage ended or (b) within 2 years after the date another former spouse lost entitlement to a survivor annuity for which your annuity was reduced (see below for exception).

***Exception:*** If you retired before May 7, 1985, you cannot make an election under (b) above if the survivor annuity for your former spouse was based on an election you made before September 9, 1987.

***Mailing Address:*** Send your completed election to:

*U.S. Office of Personnel Management  
Retirement Operations Center  
ATTN: PRM-STOP  
P.O. Box 45  
Boyers, PA 16017-0045*

Please read all of the information on the enclosed letter and the information in this pamphlet before making your election.

***Important:*** *After we have received an election from you to provide a survivor annuity for your former spouse, you cannot revoke your election or reduce the amount of the benefit.*

***Documents You May Need to Provide:*** If you have *not* already submitted them, please include the following with your election:

1. If you are eligible to apply because your marriage ended within the last 2 years, please provide a complete, certified copy of the court order that ended your marriage, including any property or marital agreements incorporated into the order and any amendments.
2. If you are eligible to apply because, within the last 2 years, a former spouse lost entitlement to a survivor annuity benefit for which your annuity was reduced, please provide a complete, certified copy of the court order that ended your marriage, plus proof of the event that terminated your former spouse's entitlement to benefits (marriage or death certificate).

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**X. If You Decide Not to Provide a Survivor Annuity**

If you decide not to provide a survivor annuity for your former spouse, please enter his or her name and sign and date Part 4 of the election form.

Please note that you may change your mind and elect to provide a survivor annuity for your former spouse only if you again notify us in a signed notification that is received within 2 years after the date your marriage to your former spouse ended; or, it must be received within 2 years after the date another former spouse lost entitlement to a survivor annuity for which your annuity was reduced.

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## **XI. How to Contact Us**

If this pamphlet does not answer your questions about this former spouse survivor annuity election, telephone the person who signed the letter you received with this booklet. The telephone number is at the bottom of the letter in the signature block.

For general information, call the Retirement Information Office toll-free at 1-888-767-6738. Customer Service Specialists are available Monday through Friday from 7:30 a.m. to 7:45 p.m. Eastern time. They are not available on Federal holidays. If you use TTY equipment, call 1-855-887-4957. Please have your annuity claim number on hand when calling.

Make use of ***Retirement Services Online***. Log onto [www.servicessonline.opm.gov](http://www.servicessonline.opm.gov) to use your computer in a secure, pin-protected environment at your convenience to access information about your annuity payment or to make changes in your mailing and direct-deposit addresses, change your Federal and State income tax withholding, view a statement describing your annuity payment, and much more. This is a time-saving tool you can use any time of the day or night.

We provide retirement brochures, forms, and other information on the Internet at [www.opm.gov/retirement-services](http://www.opm.gov/retirement-services) and respond to emails sent to [retire@opm.gov](mailto:retire@opm.gov).

If you write to us, please state your questions clearly and give your full name and annuity claim number (CSA number). This allows us to identify the proper records promptly. Our mailing address for general correspondence is:

*U.S. Office of Personnel Management  
Retirement Operations Center  
P.O. Box 45  
Boyers, PA 16017-0045.*

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## Notes



UNITED STATES  
OFFICE OF PERSONNEL MANAGEMENT

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[www.opm.gov/retirement-services/](http://www.opm.gov/retirement-services/)