



## Survivors/Beneficiaries

Survivor benefits are payable under certain conditions to the spouse, minor children, and totally disabled or mentally handicapped children, if the member's death occurs while in active service or if 20 years of service credit has been accrued. Benefits become effective the day after death. LASERS may require survivors to provide proof annually or at other times that they are still legally entitled to survivor benefits. Survivor benefits are not subject to Louisiana inheritance taxes. Survivor benefits are not payable to survivors of participants in the DROP program (except judges).

Survivor benefits cannot exceed 75% of member's average compensation (often referred to as "final average compensation"). If there is a benefit for a surviving spouse and qualified surviving children, the surviving spouse receives one-third of the total benefit payable, and children receive two-thirds of the total benefit. If there is more than one surviving child, the children's portion is divided equally among all children.

### Definitions

**Minor child** -- an unmarried child less than 18 years of age or an unmarried full-time student less than 23 years of age. The child must be either issue of a marriage, natural child of a female member, child of a male member acknowledged under Civil Code Articles 203 or 209, or a legally adopted child.

**Student** -- a minor child enrolled on a full-time basis in a high school, vocational-technical school, college, or university. Students must attend at least 80% of enrolled classes to remain eligible for benefits. Full-time status is verified twice per semester.

**Surviving spouse** -- the spouse of a member with a minimum of 10 years service credit.

### Surviving minor children

LASERS will pay your surviving minor children 75 percent of your average monthly compensation, or \$300 per month, whichever is greater, if:

1. You are in state service at time of your death and

accumulated at least five years service credit, at least two years of which were earned immediately prior to your death; or

2. You accumulated 20 or more years service credit, whether or not you were in state service at time of your death.

Benefits for minors under age 18 are paid in care of their legal guardian under the minor's Social Security number. If your surviving spouse is entitled to a benefit, one-third of the benefit will be assigned to your spouse, and two-thirds will be designated to minor children. Minor children over age 18, if still eligible, will be paid directly.

### Physically or mentally disabled children

With the required service credit (shown in the numbered paragraphs in the LASERS Membership Handbook), your surviving totally physically disabled or mentally disabled children are eligible for a benefit not to exceed 75 percent of your average monthly compensation, or \$300, whichever is greater. This benefit is payable, regardless of the child's age, if the child is incapacitated at the time of your death. The child also must be dependent on your surviving spouse, or other legal guardian and not be receiving assistance from other state agencies. The benefit amount will be reduced if other state assistance is received. This benefit is payable to the child for life.

### Surviving spouse

A surviving spouse without minor children will receive 50 percent of your average monthly compensation or \$200 per month, whichever is greater, if:

1. You accumulated at least 10 years service credit with two years being earned immediately prior to death, and you are in state service at time of death; or

2. You accumulated at least 20 years service credit, whether or not you are in state service at time of death; and

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3. You and your surviving spouse were married for at least one year before your death. This is a lifetime benefit, regardless whether your spouse remarries, or has other income.

### Surviving spouse--Department of Corrections

The surviving spouse of a correctional officer, probation and parole officer, or security officer who is killed in line of duty, while serving in his official capacity, shall receive a benefit as provided by law. There is no time requirement for length of service or marriage.

### Surviving spouse--Wildlife Agents

The surviving spouse of a Wildlife Agent, who dies from an injury received in the line of duty, will receive a benefit of 75 percent of the member's average compensation, if the member had 25 years service. If the member had less than 25 years service, the spouse will receive a benefit of 60 percent of the member's average compensation. The retirement benefit is payable to the member for life and to the surviving spouse if the spouse remains unmarried until the spouse is 55 years of age (R.S. 11:234B).

### Alternate distribution of benefits for surviving spouse without minor children

You may provide in advance for an alternate distribution of benefits for your surviving spouse without minor children under the following circumstances:

1. You must have adult children of a prior marriage; and
2. There must be no minor children from either present marriage or prior marriage; and
3. You must have previously instructed in writing that LASERS make the alternate distribution.

If the above conditions are met and there is a benefit due your surviving spouse, you may direct, in writing, the benefit be split between your spouse and adult children of your prior marriage. The split is proportional, with your surviving spouse receiving a share based on the ratio of the length of your current marriage while in state service to your total state service. For example, if you were in state service 18 years and were married to your current spouse six years, the ratio would be six-eighteenths (6/18)--or

one-third (1/3). Your surviving spouse would get one-third (1/3) of the benefit and the adult children of your prior marriage would share two-thirds (2/3) of the benefit. The benefit is payable to the children and surviving spouse only for the lifetime of your surviving spouse.

### Trust for minor children

When there is no surviving spouse, or if the surviving spouse does not have legal custody, the benefit due surviving minor children may be paid to a trust created by the member under Louisiana law for each child. The trust ends once the child reaches the age of majority.

### Benefits payable to more than one person

LASERS divides the benefit among survivors, based on their relationship to you. The maximum total benefit payable to all survivors is 75% of your average compensation, if there are surviving children; or 50% to your surviving spouse, if there are no surviving children.

### Lump Sum Payment to a beneficiary

If you have fewer than five years service credit--or have no surviving spouse or minor children--your survivors are not entitled to monthly benefits. In this case, your last named beneficiary, or estate will receive a lump-sum payment of your total employee contributions. Your beneficiary can be anyone you choose, and you can name more than one beneficiary. Money received by a beneficiary is not subject to Louisiana state inheritance taxes. However, if money becomes part of your estate, it then becomes subject to state inheritance taxes.

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