

Survivor Benefits for Children

*This pamphlet answers questions
most frequently asked by:*

- Minor Children of Deceased Employees and Retirees
- Students and School Officials
- Guardians of Disabled Children



**United States
Office of
Personnel
Management**

Retirement and
Insurance
Service

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

<http://www.opm.gov/retire/>

You may also communicate with us using email at:

retire@opm.gov

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General Information

The Civil Service Retirement System pays monthly survivor annuity benefits to eligible children of deceased Federal employees or retirees. These benefits, as well as Federal health benefits, are administered by the Office of Personnel Management (OPM).

The Government does not award children's survivor benefits automatically.

When a Federal employee or retiree dies, the surviving parent or other person responsible for the eligible children must complete an *Application for Death Benefits*, Standard Form 2800, and send it to us along with a death certificate.

As the form instructs, list all surviving children on the *Application for Death Benefits*. If we need additional information, we will request it from you.

We pay children's annuity benefits to their guardian if a court has appointed one. Otherwise, we usually pay the benefits to the surviving parent or other person who has care and custody of the children. If the surviving parent also qualifies for monthly benefits, we will include the children's benefits in the same monthly payment the parent receives. When a student beneficiary reaches age 18, we will send payments directly to the student if he or she writes and asks us to.

After we approve survivor annuity benefits for those we find eligible, we will send a Survivor Annuity Statement to the person who receives the annuity on behalf of the children. This statement will include the names of the children awarded benefits and the amount each will receive.

Basic Eligibility Requirements For Survivor Annuity

A. To receive monthly survivor annuity benefits:

- the child must be the unmarried survivor of a Federal employee who has 18 months of creditable civilian service or of a civil service retiree (“Child” includes an adopted child, step-child, or recognized child born out of wedlock.); and

- the child must have been dependent upon the deceased employee or retiree. We consider that a child was dependent if he or she:
 - ⊗ was born within wedlock to the deceased employee or retiree;

 - ⊗ is an adopted child of the deceased employee or retiree or a child who meets all of the following conditions:
 - the child lived with the deceased, and
 - the deceased filed a petition to adopt the child, and
 - the child was adopted by the surviving spouse after the employee or retiree died;

 - ⊗ is a stepchild or recognized child born out of wedlock who lived with the employee or retiree in a regular parent-child relationship at the time of the employee’s or retiree’s death; or

⊗ is a recognized child born out of wedlock for whom a judicial determination of support has been obtained.

In addition, we consider that a recognized child born out of wedlock was dependent if there is proof that the deceased employee or retiree made regular and substantial contributions to the child's support.

B. Annuity benefits terminate when a child:

- reaches age 18,
- marries, or
- dies.

Annuity benefits stop at the end of the month **before** the one in which any of the above terminating events occurs. For example, if a child turns 18 on June 29, annuity benefits would stop May 31. We would pay the last check (annuity for May) on June 1. **Note:** An unmarried child under age 18 can continue to receive benefits even if employed or in the military service.

Annuity benefits can continue after age 18 if the person is incapable of self-support because of a disability incurred before age 18 or is a full-time student. Annuity benefits that were stopped because the child attained age 18 can be resumed if the person is unmarried and becomes a full-time student before reaching age 22. See the discussion starting on page 9 for more information. Annuity benefits that were stopped because the child married cannot be resumed if the marriage later ends due to divorce or death. If the marriage is annulled, the person should send us a copy of the court decree. We will then determine if the benefit can be reinstated.

Notify us promptly if a son or daughter is no longer eligible for annuity. Be sure to give his or her name, the CSF claim number, the name of the deceased employee or retiree, and the reason and date the annuity should stop. Caution: If we erroneously pay benefits to a child who is not eligible, we must recover the amount paid in error. In case of fraud, the law provides for fine and imprisonment. In some instances, interest and penalties may be charged on the overpayment.

To notify us, write to:

U. S. Office of Personnel Management
Retirement Surveys Branch
P.O. Box 956
Washington, DC 20044-0956

or call (202) 606-0249 Monday through Friday between 7:30 a.m. and 5:00 p.m. Eastern Time.

Health Benefits Coverage

- The deceased employee or retiree must have been enrolled in a self and family health benefits plan on the date of death; and
- The dependent child must have been eligible for coverage as a family member when the employee or retiree died; and
- He or she must be unmarried and under age 22; and
- At least one family member must be eligible for an annuity as the survivor of the deceased employee or retiree.

If the student is the only family member receiving an annuity, the health benefits coverage stops if the student is no longer eligible for a monthly annuity. The health benefits may be reinstated if the student again becomes eligible for an annuity.

A foster child who lived with the deceased employee or retiree in a regular parent-child relationship may receive health benefits coverage, if otherwise eligible. (A foster child, however, is not eligible for survivor annuity payments.)

Generally, health benefits coverage may continue for a dependent child until he or she marries or attains age 22, whichever occurs first.

Health benefits coverage can continue after age 22 if the person is unmarried and is incapable of self-support because of a disability incurred before age 22 which is expected to continue for more than one year. To establish eligibility for this coverage, you will need to give us enough information about the person's condition to permit us to determine whether the coverage can continue. Please call us or write asking us to continue the person's coverage. Please do not contact us any more than 90 days before the person's 22nd birthday. Call us on (202) 606-0201 or write to the

U. S. Office of Personnel Management
Health Benefits Enrollment Branch
P. O. Box 14172
Washington, DC 20044-4172

We will send you complete instructions. You will need a doctor's statement in this connection. You are responsible for any costs incurred in getting this information and sending it to us.

If the person is receiving survivor annuity after attaining age 18 because of disability, it may not be necessary to submit a doctor's statement. In this event, you should call or write to us about 90 days before the person's 22nd birthday and we will tell you what you should submit.

Health benefits coverage for a disabled person over 22 terminates if the person marries or becomes able to earn a living. Later if the person's survivor annuity is reinstated, health benefits coverage may also be reinstated.

Health Benefits Premiums

Generally, if the deceased employee or retiree is survived by a widow(er) who is eligible for survivor annuity benefits, the health benefits premiums are withheld from his or her annuity. If no widow(er) survives, the premiums are withheld from the annuity payable to the youngest eligible child. If the monthly annuity is not enough to pay the health benefits premiums, you can arrange to pay the premiums to the Office of Personnel Management so that the coverage can continue.

Children Who Lose Health Benefits Coverage

Temporary Continuation of Coverage

Generally, a child who loses eligibility for coverage may qualify for Temporary Continuation of Coverage under the Federal Employees Health Benefits Program. The temporary coverage would continue for up to 36 months after the coverage would have ended. The cost of the enrollment is the total premium plus 2 percent of the total premium for administrative expenses. There would be no Government contribution toward the cost of the coverage. When the temporary coverage ends, the child enrollee would be entitled to a 31-day extension of coverage and an opportunity to convert to a nongroup health benefits contract (unless the temporary coverage ends because of cancellation or non-payment of premiums).

You must notify your retirement system within 60 days after the child loses coverage and provide the child's mailing address. Your retirement system will notify the child of his or her Temporary Continuation of Coverage rights after receiving this information from you. If a child wants the temporary coverage, he or she must elect it within 60 days after receiving the notice (or after the date the child loses coverage, if later).

Important: The opportunity to elect temporary coverage ends 60 days after the event that caused the loss of coverage whether or not the retirement system is notified that a child has lost coverage.

The law requires that the effective date of the temporary coverage be the day after the 31-day extension of coverage the child received when his or her eligibility for regular coverage ended. Because the effective date of the

temporary coverage cannot be changed, the first payment may cover several months premiums.

31-Day Temporary Extension of Coverage and Conversion to a Nongroup Contract

A child who loses regular health benefits coverage for any reason other than by cancellation (including cancellation by nonpayment of premiums) has a 31-day temporary extension of coverage, at no cost, for the purpose of converting to a nongroup contract with his or her current health benefits plan. This is true even when the child also has the right to elect Temporary Continuation of Coverage as explained above. A child who elects temporary coverage instead of the conversion policy has another opportunity to convert to a nongroup contract when the temporary coverage ends (other than by cancellation).

To convert the child's coverage to a nongroup plan, you or the child must apply directly to the health benefits plan within 31 days after the child's eligibility ends. Many plans provide fewer benefits under the converted nongroup contract and the premium rates are relatively more expensive. If you need to know the benefits and costs of the converted nongroup contract, get in touch with the child's health benefits plan.

Annuity Benefits After Age 18

Children Incapable of Self-Support

A son or daughter incapable of self-support because of a physical or mental disability can receive annuity benefits after age 18 if the disability existed before the 18th birthday and he or she meets the Basic Eligibility Requirements given on page 3.

You will need to give us enough information about the disabled person's condition to permit us to determine whether the annuity payments can continue. If the disabled child is under age 18 when you apply for death benefits, we do not need information about the disability until about 90 days before the child's 18th birthday. At that time you should call us on (202) 606-0500 or write to the

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

asking us to continue the annuity payments because the child is disabled. We will send you complete instructions.

If the disability exists and the person is age 18 (or within three months of age 18) at the time you apply for death benefits, indicate on the *Application for Death Benefits*, Standard Form 2800, that the child is disabled. We will send you complete instructions on how to apply for a disabled child's benefit.

In either instance, you will need a doctor's statement. You are responsible for any costs incurred in getting the information we need and sending it to us.

If a disabled son or daughter age 18 or older is eligible for benefits, we will make the payments in the same amount and manner as for a child under age 18.

Annuity benefits continue for a disabled person age 18 or older until he or she:

- recovers from the disability,
- becomes capable of self-support,
- marries, or
- dies.

Notify us promptly if any of these events occur. If a son or daughter who recovers from a disability or becomes capable of self-support is a full-time student (or later becomes one), we can continue the benefits (or reinstate them) if the student is under 22. Requirements are given in the following section. If you believe the person meets these requirements, write to us and we will send you the necessary certification forms. If we paid a lump sum after the benefits for a disabled person terminated and he or she later becomes a full-time student before age 22, read the information starting on page 14, **Lump Sum Payments**, before requesting reinstatement of benefits.

Students Ages 18-22

A surviving child who meets the Basic Eligibility Requirements listed on page 2, is between the ages of 18 and 22, and is a full-time student at a recognized educational institution may be eligible for a monthly survivor annuity benefit.

If a person who meets these requirements is listed on the *Application for Death Benefits*, Standard Form 2800, we will send an *Initial Certification of Full-Time School Attendance*, RI 25-41. This form is completed by

the person who expects to receive the payments and by the school. If a child under 18 receives annuity benefits, as the 18th birthday approaches, we notify the parent, guardian, or other payee of the date the annuity will stop and explain how to get continued benefits for a son or daughter who is a qualified student.

A recognized educational institution is a school that has a faculty and requires study or training to be done at the school, is accredited, and is generally accepted as an educational institution. Examples include:

- High schools.
- Technical or vocational institutes.
- Business schools.
- Colleges.
- Junior Colleges.
- Universities.

Not acceptable as recognized and accredited educational institutions are correspondence schools, elementary schools, Job Corps, the U.S. military service academies, such as the U.S. Naval Academy, or any training programs where the trainee receives pay primarily as an employee, such as apprenticeship programs.

The student must be attending day or evening classes at the school, with enough course work each semester or term to finish his or her education within the length of time generally considered normal by the school for a full-time day student. Full-time students must have a sufficient subject load to allow them to graduate within the minimum time which is considered normal for a full-time student of the school.

High schools generally require 25 to 35 actual clock hours of class attendance each week to consider a student as full-time. For special programs, they generally require a minimum of 20 hours per week.

Colleges, junior colleges, and universities generally require a minimum of 12 semester or quarter credit hours to graduate in the normal length of time. For tuition purposes, a student carrying fewer credit hours may be designated as full-time. Being designated full-time for tuition purposes does not necessarily establish eligibility for adult student benefits.

Vocational or technical schools generally require that students make this schooling their principal activity. This means that the student spends as much as 40 clock hours each week in activities related directly to training in the school. Normally, the activities take place at the school.

Acceptable work-study programs generally require some regularly scheduled class attendance; together, the class attendance and the work periods constitute a full-time course of training. High school work-study programs are considered full-time if the school gives the student credit for successfully completing the work-study program.

Generally, cooperative programs are not considered full-time college. However, if the student receives full-time academic credit and is not receiving pay primarily as an employee, the student may qualify for a monthly annuity. Although a college may consider a student in a cooperative program full-time for tuition or registration purposes, this alone does not qualify the student to receive an annuity.

We may request periodic certification from you that the student continues to meet the eligibility requirements. We may also request at any time that you provide proof of the school enrollment.

Annuity benefits continue between school years unless the break is more than 5 months or the student does not plan to continue full-time school attendance. If the student plans to be out of school for more than 5 months, we cannot pay benefits during the break. If he or she plans to return to school within 5 months, but does not do so, benefits stop at the end of the month before the change of plans. Evidence of a change of plans includes entry into military service and failure to return to school on the date the new term begins. You must notify us immediately if there is a break of more than 5 months between school years or the student does not plan to continue full-time school attendance. We must recover any benefits erroneously continued during the break.

A son or daughter whose annuity benefits as an adult student stopped because he or she is no longer a full-time student at a recognized school could qualify for benefits again before reaching age 22. In such a case, ask us to send an application for reinstatement. Call (202) 606-0500 or write to the

U. S. Office of Personnel Management
Retirement Surveys Branch
P.O. Box 956
Washington, DC 20044-0956.

Be sure to provide the child's full name, the survivor annuity claim number (CSF number), and the full name of the deceased Federal employee or retiree. (Before requesting this, please read the discussion about Lump Sum Payments.)

*When a student is no longer eligible, the payee (the person who receives the payments for the student) is responsible for notifying us at once. It is **not** the responsibility of the school official. If the student stops school, marries, or dies, write or call us at the above address right away and tell us the student's name, CSF number, the full name of the deceased employee or retiree, and the nature and date of the event. You may notify us by calling the Retirement Information Office at (202) 606-0500, Monday through Friday between 7:30 a.m. and 5:30 p.m. Eastern Time, or by calling the Retirement Surveys Branch at (202) 606-0249, Monday through Friday between 7:30 a.m. and 5:00 p.m. Eastern Time.*

Annuity benefits stop for the student at the end of the month before the one in which he or she :

- Turns 22 (however, if the 22nd birthday falls on or after September 1 and before the following July 1, we can continue payments to the end of the month preceding the one in which full-time schooling stops or to June 30, whichever comes first).
- Marries.
- Dies.
- Stops attending school.
- Transfers to a nonrecognized school.
- Changes to less than full-time school attendance.

- Enters military service or a Government service academy (such as the U.S. Naval Academy).
- Fails to submit proof that he or she is attending school full-time when we request it.

If the student's 22nd birthday occurs on or after September 1 and before July 1 of the following year and the death of the employee/annuitant occurs during the same period, the student may be eligible for a monthly annuity.

Except when the student attains age 22 (or fails to submit proof that he or she is a student), you must notify us immediately at the address on page 12 when any of the above events occur. If we pay benefits after one of these events, the person who received the payment will be indebted to the Civil Service Retirement System, and we will have to recover the money. The overpaid amount should be set aside for return upon demand. OPM has the authority to enforce collection through court action and/or referral to a collection agency.

Lump Sum Payments

You should read the following information carefully. It applies to all children who are eligible for benefits or who may become eligible.

In some cases, we pay a one-time “lump sum payment” when annuity payments to all eligible survivors end or when a Federal employee or retiree dies leaving no survivors who have applied and are eligible for an annuity. The lump sum payment consists of any retirement contributions (plus any interest, if applicable) of the deceased employee or retiree remaining after we have paid all eligible persons who applied for annuity benefits.

We pay the lump sum benefit to the individual the deceased employee or retiree designated as beneficiary. If the deceased did not designate a beneficiary, we pay the lump sum to the survivor(s) in the order set by Federal law. First is the widow or widower, if one survives; next in order come the children; then the parents; then the executor of the estate; and finally, the next of kin of the deceased.

If we have made a lump sum payment and later receive an application for survivor annuity benefits for an eligible child, ***we cannot pay the annuity unless the entire lump sum payment is first repaid to us.***

For More Information

If you want more information on survivor benefits for children, write to:

U. S. Office of Personnel Management
Retirement Surveys Branch
P.O. Box 956
Washington, DC 20044-0956

or call (202) 606-0249 Monday through Friday between 7:30 a.m. and 5:00 p.m Eastern Time.

Also, use this address whenever you need to write to us or send material concerning survivor benefits. If you do write, please be sure to state your questions clearly and include the full name and date of birth (or social security number) of the deceased Federal employee or retiree and the child's survivor annuity claim number (CSF number). This will make it possible for us to identify the proper records promptly.

The booklets listed below offer more detailed information about their respective topics than is possible here. If you wish to request either or both of these booklets you may call the number above or write to us at the address also shown above.

Title	Form Number
Information for Survivor Annuitants	RI 25-26
Information About the Federal Employees Health Benefits Program	RI 79-2

Retirement & Insurance Service



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