

Spousal Rights to Vested Retirement Accumulations

Purpose

This document describes spousal rights to vested retirement accumulations.

Definition

A *qualified domestic relations order* is a court order providing for child support or other marital property payments that may affect retirement distributions.

Annuity Options

Annuity Options Before Annuity Payments Begin

The participant may not choose the Single-Life Annuity option or designate an annuity partner for a Two-Life Annuity who is not his or her spouse, unless the spouse consents in writing during the 90 days preceding the date annuity benefits begin. The waiver can be revoked only during the same 90-day period. It cannot be revoked after benefits begin. If the participant is eligible and elects a lump-sum withdrawal, his or her spouse must also consent to the withdrawal in writing.

Note: The participant's spouse can waive his or her rights to this benefit once the employee has reached age 35, or at any age after the employee's employment ends.

Refer to [Distributions from Vested Contracts](#) (BE-A-275) for more information on single life annuity.

Divorce or Separation

In the event that a judgement, decree, or court order establishes the rights of another person to the participant's retirement plan benefits, and where there is a qualified domestic relations order, payments will be made in accordance with that order. A court order may preempt the usual requirements that the participant's spouse be considered the primary beneficiary for a portion of the accumulations.

Note: The participant must provide TIAA-CREF with a judgement, decree, or court order directly; it does not go through the Research Foundation.

Participant's Death

If Employee Dies Before Annuity Payments Begin

Under Federal law, if a participant is married and dies before annuity benefit payments begin, his or her spouse must receive a benefit that is at least 50 percent of the participant's retirement plan accumulations.

If Employee Dies After Annuity Payments Begin

Federal law also mandates once annuity payments have begun, if the employee dies, then his or her spouse must continue to receive at least 50 percent of the annuity income that was being paid to the employee prior to his or her death.

Note: Before or after an employee's death, no other beneficiary may receive more than 50 percent of a participant's accumulations, unless his or her spouse waives this benefit in writing, as required by TIAA-CREF.

Feedback

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