

**21.425 Benefits to surviving or disabled children -- Designation of beneficiaries.**

- (1) In any circumstances in which a surviving spouse would be entitled to any allowance under KRS 21.420, but there is no surviving spouse or the surviving spouse subsequently dies, and there is a surviving child or children of the member under the age of twenty-one (21), or there is a disabled child or children, the monthly allowance that the surviving spouse would have received or was receiving shall be continued, as follows:
  - (a) If the member does not have a disabled child or children, the benefit shall continue until there are no children remaining under the age of twenty-one (21); or
  - (b) If the member has a disabled child or children, the benefit shall continue until the death of the last remaining disabled child.
- (2) A member may designate his child or children under the age of twenty-one (21), or his disabled child or children, to receive the death benefit payable under KRS 21.420 instead of his spouse, or he may designate that his spouse shall receive a percentage of the death benefit, and his child or children under the age of twenty-one (21), or his disabled child or children, shall receive the remainder. The member making such a choice shall designate his beneficiary or beneficiaries in writing to the manager of the Judicial Form Retirement System on a form provided by the manager.
- (3) For purposes of this section, "disabled" means an individual determined by the Social Security Administration to be entitled to total disability benefits.

**Effective:** July 15, 2002

**History:** Amended 2002 Ky. Acts ch. 327, sec. 1, effective July 15, 2002. -- Amended 1998 Ky. Acts ch. 389, sec. 2, effective July 15, 1998. -- Amended 1982 Ky. Acts ch. 458, sec. 10, effective April 15, 1982. -- Amended 1974 Ky. Acts ch. 232, sec. 1; and ch. 386, sec. 4. -- Created 1972 Ky. Acts ch. 306, sec. 1.

**2010-2012 Budget Reference.** See Judicial Branch Budget, 2010 Ky. Acts ch. 154, Pt. I, 2, (1) at 2117.

**2010-2012 Budget Reference.** See Legislative Branch Budget, 2010 StateKy. Acts ch. 156, Pt. I, 1, (1) at 2123.