

Chapter 176 of the Acts of 2011

Same-Sex Marriage Option Change Application

FILING DEADLINE: Your completed application must be received by the MTRS, or postmarked, on or before July 2, 2012

Q&A: Eligibility and the application process

Who is eligible to change their retirement to Option C?

MTRS members (and surviving spouses of such members) who:

- retired from the MTRS on or before May 17, 2004 under Option A or B, **and**
- entered into a same-sex marriage between May 17, 2004 and May 17, 2005.

Are members who have entered into civil unions or domestic partnerships also eligible?

No. This provision applies only to members who "married" a person of the same sex on or before May 17, 2005.

In general, what will happen if I change my option now?

Generally, if you change from Option A or B to Option C:

- The gross amount of your monthly benefit will decrease, because Option C, by definition, provides a lower allowance than either A or B.
- You will have to repay to the MTRS the difference between what you have received at your original, higher benefit amount, and your new, lower benefit amount, for the period between your date of retirement and the implementation date of your new, lower benefit amount. (Interest will not be charged on the repayment amount.)
- Upon your death, your Option C beneficiary will receive a survivor benefit equal to 2/3 of your monthly benefit at the time of death. In the event your Option C beneficiary predeceases you, contact us so that we may adjust your benefit to the higher, Option A "pop-up" amount.

What will my new Option C benefit amount be? How much will I have to repay?

Your Option C benefit will be based on the Option C factor table in effect on your retirement date, not the current Option C factors, and we will help you estimate both your new Option C and repayment amounts. For assistance, contact us at geninfo@trb.state.ma.us or 617-679-6877.

How is the repayment handled? Do I write a check to the MTRS, or can you take the amount out of my future retirement benefit payments over time?

The MTRS will reduce your monthly retirement allowance for a certain period to recover the total repayment amount. After the total repayment has been made, your monthly retirement allowance will be your new, lower benefit amount.

How do I apply to change my option?

You must complete and submit this *Chapter 176 Same-Sex Marriage Option Change Application*.

Is there a deadline for applying?

Yes. Your completed application must be received by the MTRS, or postmarked, **on or before July 2, 2012**. If your form is not received or postmarked on or before July 2, 2012, you forever lose your right to change your retirement option under Chapter 176.

Will the MTRS acknowledge receipt of my application?

Yes, within two to four weeks after we receive your completed application, we will send you either a postcard or an e-mail to acknowledge its receipt.

When will my benefit be adjusted?

If you are eligible to change your retirement option, we will adjust your benefit as soon as possible, but no earlier than 90 days from the receipt of your completed application.

I am the surviving spouse of a qualifying MTRS retiree. What does this mean for me?

If you change your deceased spouse's option to Option C, and name yourself as beneficiary, you will receive a monthly survivor benefit equal to 2/3 of your spouse's Option C benefit amount. You will have to pay the difference between the higher A or B benefit your spouse received from his or her date of retirement through his or her date of death; that amount will be collected from your first benefit payment(s). If you name another eligible beneficiary (see application), that beneficiary will receive the survivor benefit as described above.

MAIN OFFICE

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Cambridge, MA 02142-1206
Phone 617-679-MTRS (6877)
Fax 617-679-1661

WESTERN REGIONAL OFFICE

One Monarch Place
Springfield, MA 01144-2048
Phone 413-784-1711
Fax 413-784-1707

ONLINE

mass.gov/mtrs



MASSACHUSETTS TEACHERS'
RETIREMENT SYSTEM

Chapter 176

Same-Sex Marriage Option Change Application

1 READ
 this information

Members (and surviving spouses of such members) who entered into a same-sex marriage between May 17, 2004 and May 17, 2005, and who retired on or before May 17, 2004 under Option A or B, are allowed a one-time limited opportunity to change their retirement to Option C. If you qualify, and wish to change to Option C, your completed application—**along with a photocopy of your certificate of same-sex marriage**—must be received by the MTRS, or postmarked, on or before **July 2, 2012**.

2 PROVIDE
 your contact and MTRS retirement information

Status MTRS retiree
Check one Surviving spouse of MTRS retiree (name):

Name . . .

Address . . .

Phone . . .

E-mail . . .

MTRS retiree's information...

SSN

Date of retirement
Must be on or before 5/17/2004 .

Original retirement option . . *Check one* A B

Date of same-sex marriage
Must be 5/17/04–5/17/05 . . .

Attach copy of marriage certificate and check box.

3 INDICATE
 your decision to change your (or your deceased spouse's) retirement option and **DESIGNATE** Option C beneficiary

YES, I wish to change my (or my deceased spouse's) retirement to Option C.
 Upon the retiree's death, Option C provides a monthly survivor benefit to one named beneficiary that is equal to 2/3 of the retiree's monthly benefit at the time of death. At this time, you **must** designate your (or your deceased spouse's) Option C beneficiary. Additionally, you must:

- ATTACH** a certified copy of the Option C beneficiary's birth record; **AND**
- If the beneficiary is the retiree's current, surviving or former spouse, **ATTACH** a copy of the marriage certificate; **AND**
- COMPLETE** Section 5, Spousal Acknowledgment on page 2, even if you are **not** currently married.

Name of beneficiary *First M. Last*

Beneficiary's date of birth . . *mm/dd/yyyy* SSN

Relationship to retiree. . . . *Check one* Parent Sibling Child Spouse
 Surviving spouse Former spouse who has not remarried

NOTE: You may **not** change your Option C beneficiary designation after July 2, 2012. In the event that your Option C beneficiary predeceases you, contact the MTRS so that we may adjust your benefit to the higher, Option A "pop-up" amount.

4 READ and SIGN
 this statement

To submit your application, **MAKE A COPY** of this form and all attachments, and **SUBMIT** your materials to our Cambridge office so that they are received or postmarked **on or before July 2, 2012**

I certify under the penalties of perjury that:

- I am the MTRS retiree (or surviving spouse of such retiree) named above, and hereby apply to change my (or my deceased spouse's) retirement to Option C pursuant to the same-sex marriage option change provision of Chapter 176 of the Acts of 2011.
- I understand that changing to Option C means:
 - The new gross amount of my (or my deceased spouse's) monthly benefit will be decreased because Option C, by definition, provides a lower monthly benefit amount than either Option A or B.
 - This option change will be effective retroactively to my (or my deceased spouse's) original retirement date.
 - I (or, if the retiree is deceased, the Option C beneficiary) will have to repay to the MTRS the difference between what I (or my deceased spouse) received at the original, higher benefit amount and the new, lower benefit amount, for the period between the original date of retirement and the implementation date of the new, lower benefit amount. Any repayment amount will be deducted from my (or the Option C beneficiary's) future retirement benefits.
 - Upon the retiree's death, the Option C beneficiary will receive a monthly survivor benefit equal to 2/3 of the retiree's monthly benefit at the time of death.

Signature Date

5 READ and SIGN Section a

If applicable, your spouse must then complete and sign Section b

SPOUSAL ACKNOWLEDGMENT: You **MUST** complete Section a, below, and then, if applicable, your spouse must complete section b. If your spouse's whereabouts are unknown, you must complete a notarized affidavit (available upon request from the MTRS's main office), including your spouse's last known address.

a) I, the undersigned, having decided to change my original retirement option selection, pursuant to Chapter 176 of the Acts of 2011, now elect to receive my retirement allowance under Option C. I hereby certify that (check all that apply):

- I am now married. On my date of retirement, I...
 was was not married to my current spouse.
Please sign and date this section, then give this form to your spouse for completion of section b.
- I have been divorced and it is my understanding that there
 is is not don't know a Domestic Relations Order on file with the MTRS.
Please sign and date this section, below. Note: The terms of a DRO on file with the MTRS will govern your option selection. Your DRO may have to be revised to allow for the selection of Option C.
- I am NOT currently married.
Please sign and date this section, below.



NOTE: YOU NEED TO COMPLETE THIS ACKNOWLEDGMENT EVEN IF YOU ARE NOT CURRENTLY MARRIED

I subscribe under the penalties of perjury that the above information is true, complete and correct to the best of my knowledge.

Applicant's signature Date*

Name (please print) SSN

b) As the spouse of a member who is changing his or her retirement option, you are entitled to both notification and explanation of the retirement option selected by the member. You must sign Section b before one witness; **the member named in Section a, above, cannot be your witness.** The witness must sign and date the form on the same day that you do; it is not necessary that your witness be a Notary Public.

Before completing this section, please review the information on the same-sex marriage option change provision of Chapter 176 of the Acts of 2011, as well as a description of Option C, on our website at mass.gov/mtrs. **Please be sure that you have read and understand the various provisions of Option C, specifically, the benefits to which you may or may not be entitled to upon his or her death. If you have any questions, do not hesitate to contact the MTRS for an explanation.**

If you fail to sign this Spousal acknowledgment, the MTRS will notify you within fifteen (15) days by registered mail of the option selected by your spouse and your right to sign and return the spousal acknowledgment within thirty (30) days. Failure to sign and return the Spousal Acknowledgment to the Massachusetts Teachers' Retirement System within 30 days will result in your spouse's selection becoming effective without your signature.

I, the undersigned, am the spouse of the member named in Section a, above, who has applied to change his or her retirement option selection with the Massachusetts Teachers' Retirement System. I hereby certify under the penalties of perjury that:

- I have read and understand the information on Chapter 176 and Option C, and
- I am aware that the applicant is electing Option C and understand the provisions of that option.

Spouse's signature Date*

Name (please print) SSN

WITNESS TO SPOUSE'S SIGNATURE (must be witnessed by someone **other** than the member)

I subscribe under the penalties of perjury that the member's spouse (the person named immediately above) personally appeared before me and signed this form in my presence.

Witness's signature Date*

Name (please print)

Address

* This section must be completed and signed **ON OR AFTER** the date that the applicant completed and signed page 1 of this application.