

## Supreme Court Justices, Appellate Court Judges, and Circuit Court Judges Assuming Office Before or After July 30, 1979

### Surviving Spouse Benefits

No benefits or return of contributions are payable to the deceased Justice's or Judge's estate if a **retired** Justice or Judge dies with no surviving spouse. If a Justice or Judge dies **prior to retirement** with no surviving spouse or with a surviving spouse and the Justice or Judge has less than five years of creditable service, the estate of the Justice or Judge is entitled to the accumulated contributions in the Justice's or Judge's retirement account.

Survivor benefits are paid in equal monthly installments for the remainder of the spouse's life or until remarriage of the surviving spouse and will change automatically when the salary of active Justices and Judges changes.

#### Judicial Service Only

A surviving spouse of any Justice or Judge with **five or more years** of creditable service (judicial service only) is entitled to receive a benefit equal to three percent of the salary payable by the state for the judicial position at the time of death **multiplied** by the number of years of service, not to exceed 10 years. This benefit **cannot** exceed 30 percent of the salary payable by the state for the deceased Justice's or Judge's former position.

#### ERS or TRS Transfer Service

A surviving spouse of any Justice or Judge who has **five or more years** of creditable service, including ERS or TRS transfer service, is entitled to receive a benefit as follows:

#### Surviving Spouse Formula (ERS or TRS Transfer Service)

$3\% \times \text{Current Judicial Salary} \times \text{Years of Judicial Service}$

*Plus*

$40\% \times 2.0125\% \times \text{Average Final Salary} \times \text{Years of Transfer Service}$

This benefit **cannot** exceed 30 percent of the current salary paid by the state for the judicial position from which the member retired or was serving at the time of death.