



Death benefit – survivor status confirmation

Use this form to confirm that the deceased OMERS member does not have a surviving eligible spouse (legal or common-law) and/or surviving eligible dependent children.

Once you have completed and signed this form, return it to OMERS by fax or mail (see reverse). If you fax it, do not mail the original to OMERS.

This form is to be completed by the member's beneficiary or estate administrator

1. DECEASED MEMBER IDENTIFICATION

Pre-retirement death Post-retirement death

Social insurance number		OMERS membership/reference number		Retirement date (yy/mm/dd)
<input type="checkbox"/> Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Ms. <input type="checkbox"/> Other:	Last name	First name	Middle name	

2. ENTITLEMENT

On the death of an OMERS member, a benefit may be payable, in order of entitlement, to the member's eligible spouse, eligible dependent child, or the named beneficiary or estate. Please see definitions for these terms on the back of this form.

For pre-retirement death

By signing below, you confirm that to the best of your knowledge there was no eligible spouse and/or any eligible dependent children at the date of the member's death.

For post-retirement death

By signing below, you confirm that to the best of your knowledge there was no eligible spouse at the date of retirement shown in section 1, and no eligible spouse and/or eligible dependent children at the date of the member's death.

Your name		Relationship to the deceased member		
Address (street number and name)		City	Province	Postal code
Daytime telephone ()				
Your signature		Date (yy/mm/dd)		
Signature of witness		Date (yy/mm/dd)		

DEFINITIONS

Pre-retirement – eligible spouse definition

OMERS considers the legal or common-law spouse of a deceased member to be the eligible spouse if:

- the member and the spouse were **not living separate and apart** at the date of the member's death; and
- the spouse did not waive rights to survivor benefits from the plan.

Post-retirement – eligible spouse definition

Determining the eligible spouse of a retired member is more complex. The following outlines the order of entitlement for members whose pension started on or after January 1, 1988. (For retirements before this date, please contact OMERS Client Services for more information.)

Retirement date spouse

If the member was married before retirement, OMERS considers the legal or common-law spouse at the date of retirement (i.e., retirement date spouse) to be the eligible spouse if:

- he or she **was not living separate and apart** from the member on the date of retirement; and
- he or she has not waived rights to survivor benefits from the plan.

If after the member retires there is a separation or divorce, the retirement date spouse would still qualify as the eligible spouse if:

- he or she was not living separate and apart from the member on the date of retirement; and
- he or she has not waived rights to survivor benefits from the plan.

If the member and the retirement date spouse were living separate and apart at the date of retirement, he or she may still qualify as an eligible spouse if:

- he or she and the member were not legally divorced at the date of the member's death; and
- there was no eligible common-law spouse at the date of the member's death.

"Living separate and apart" has a specific legal meaning. For more information, please contact OMERS Client Services.

Post-retirement date spouse

If the member married (or remarried) after retirement, OMERS considers the legal or common-law spouse at the date of the member's death (i.e., post-retirement date spouse) to be the eligible spouse if:

- there was no eligible retirement date spouse as defined above; and
- the post-retirement date spouse and the member were not legally divorced at the date of the member's death; and
- the post-retirement date spouse has not waived rights to survivor benefits from the plan.

Legal spouse

OMERS considers a legal spouse to be one who is legally married to the member.

Common law spouse

OMERS considers a common-law marriage to be one where the couple has lived together in a conjugal relationship continuously:

- for a period of not less than three years; or
- for a shorter period if the relationship is of some permanence and there are natural or legally adopted children of the common-law marriage.

On or after April 23, 1998: OMERS considers a same-sex spouse to be eligible if the common-law or legal spouse criteria are met.

Eligible dependent child

OMERS considers an eligible dependent child to be a natural or legally adopted child or a child in legal custody (other than foster-care arrangements) of a member who, at the time of the member's death, was both dependent on the member for support, and was:

- 18 years or younger in the year of the member's death; or
- under age 25* and a full-time student; or
- totally disabled as described below.

Totally disabled child

OMERS considers a totally disabled child to be someone whose physical or mental disability:

- occurred before age 21 or occurred before age 25* while a full-time student; and
- whose condition prevents self-support or doing any work for compensation or profit (except for an OMERS-approved rehabilitation or workshop program); and
- did not become disabled from a willfully self-inflicted injury, committing (or attempting to commit) an offence under the Criminal Code, or working in an unlawful occupation.

*Before January 1, 2005, this eligibility period ended at age 21.

Beneficiary

If there is no eligible spouse or children, the member's named beneficiary may be entitled to a benefit.

- OMERS needs to have the beneficiary's name(s) on file.
- A survivor cannot change the deceased member's designated beneficiary.
- A member may designate one or more beneficiaries by name, estate or institution. If the member named more than one beneficiary but did not specify the percentage each was to receive, OMERS will split the benefit equally.

Estate

If there is no eligible spouse or child, and no designated beneficiary on file with OMERS, a benefit may be paid to the member's estate.