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Status **Pending** PolicyStat ID **19875044**



San Bernardino County Employees'
Retirement Association

Origination	N/A
Last Approved	N/A
Effective	Upon Approval
Last Revised	N/A
Next Review	3 years after approval

Area	Benefits
Applicability	SBCERA systemwide

Survivor Benefit - No Named or Deceased Beneficiary Designation

POLICY NO. 037

I. Purpose

The San Bernardino County Employees' Retirement Association (SBCERA or the Plan) administers various survivor benefits pursuant to the County Employees Retirement Law of 1937 (CERL) upon the death of a member, a member's former spouse or registered domestic partner who is entitled to a benefit for the life of the member, or a member's named beneficiary. The policies set forth in this document are intended to comply with succession laws when there is no named beneficiary to whom to distribute benefit payments that remain due.

This policy will enhance SBCERA staff's (Staff) ability to conduct operations and administration aspects of the Plan in a more efficient manner while providing an exceptional service experience to our members and their eligible beneficiaries.

II. Operating Criteria

If a member fails to name a beneficiary, or if the beneficiary named by a member predeceases the member, Staff will make a determination of a beneficiary to receive any benefit payments that remain due in accordance with California law of intestacy within the parameters listed in this provision. Without a designation, the benefit is payable to the probated estate. If the estate will not require probate, but there is a trust, the benefit ~~may~~shall be paid to the trust. If there is no probated estate and no trust, the

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Plan will pay the member's remaining benefits due in accordance with the following order of priority ("Intestacy Distribution Order"), to:

- a. The member's surviving spouse or registered domestic partner; or
- b. Natural or legally adopted child(ren) in equal shares, if living; otherwise
- c. Parents in equal shares, if living, otherwise
- d. Siblings in equal shares, if living, otherwise
- e. The estate of the member.

For avoidance of doubt, any individual who is entitled to receive a benefit, or a portion of a benefit, because they are in the Intestacy Distribution Order, will receive the benefit only if they are alive during the month of the distribution. Thus, for example, if a member has no surviving spouse, registered domestic partner, or children, and the member predeceases their parents, but one of two parents dies shortly after the member dies, then SBCERA will distribute any remaining benefit payments that are due, to the surviving parent only.

III. Procedures to Disburse Final Payments

In order to disburse benefit payments when there is no named beneficiary, Staff must confirm the successor(s) in interest. Staff will require proof of relationship to the deceased in the form of Birth Certificate, Marriage Certificate, Adoption Decree or other applicable means.

Once Staff has verified the proof of relationship and determined amounts payable to those eligible, an SBCERA limited affidavit(s) for collection of SBCERA benefits will be issued to the successor(s) in interest to affirm their information is true and accurate and to indemnify SBCERA from paying out benefits in error.

Additional Documents Required

A photocopy of the death certificate showing the cause and manner of death should be submitted along with other applicable documents provided by Staff.

When there is no designated beneficiary, and payment of benefits will be made statutorily, photocopies of the following documents should be made with the claim:

- If you are a spouse or legal domestic partner of a deceased payee, a copy of your certified marriage or partnership certificate is needed.
- If a claim is being made by or for a child of the payee, a copy of the child's certified birth certificate or certified adoption papers.
- If a claim is being made by the estate, Letters Testamentary or Letters of Administration, and Order for Probate or other documentation from the Probate Court will be needed to show that the estate is subject to probate and that a personal representative, executor, or administrator has been appointed. If the estate is a designated beneficiary but is not subject to probate, a copy of the member's Last Will and Testament is required.
- If the claim is being made by the trustee of a trust, a Certification of Trust form is required.

Approval Signatures

Step Description	Approver	Date
Policy Owner & Chief Counsel Review	Barbara Hannah: Chief Counsel	Pending

Applicability

SBCERA, SBCERA Internal

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