

Status **Pending** PolicyStat ID **20591419**

San Bernardino County Employees'
Retirement Association

Origination 9/5/2019

Last Approved N/A

Effective Upon Approval

Last Revised 8/12/2026

Next Review 3 years after approval

Area **Benefits**
Applicability **SBCERA systemwide**

Standard for Determining the Eligibility of a Continuance for a Survivor Benefit

POLICY NO. 029

I. PURPOSE

The San Bernardino County Employees' Retirement Association (SBCERA) administers survivor continuance allowances pursuant to the County Employees' Retirement Law of 1937 (CERL) upon the death of members. In general, if there is no surviving spouse entitled to an allowance or there is a surviving spouse caring for one or more children, the allowance shall be paid to an eligible surviving beneficiary so long as the child or children are unmarried and under the age of 18 years, (although pursuant to certain statutes the child may be 18). In all cases, with the exception of child who became totally disabled prior to reaching 18 years of age (Article 15.6), the benefits will continue to a child up to the date of the child's 22nd birthday if the child remains unmarried and is regularly enrolled as a full-time student in an accredited school as determined by the Board of Retirement (Board). Therefore, the Board adopts the following standard for determining the continuance of a survivor benefit.

II. OPERATING CRITERIA

In all cases, including a benefit paid to a surviving spouse, who is caring for surviving child(ren), a child must be:

1. Unmarried at the time of the death of the member and as required by statute, must remain

unmarried in order to receive a continuation of any benefit. This requirement does not apply to lump sum distributions of contributions or burial benefits when the child is a nominated beneficiary of the member.

2. Notwithstanding the statutory age requirement of a minor child(ren) to commence receiving a survivor and/or survivorship, a child over 18 must be regularly enrolled as a full-time student in an accredited school as of the date of the member's death.
3. As used herein, an accredited school includes an institution of learning that is accredited by an agency, whose determination concerning the institution's accreditation is accepted by a local, state, or federal government, or an international institution that is recognized by the government of the country where the school is located. On the job training courses shall not be considered to fall within the definition of an accredited school. In cases of doubt, the Board reserves the right to determine whether a school is accredited based upon the information provided by the surviving child.
4. A child shall be determined to be regularly enrolled as a full-time student if he or she remains continuously enrolled in the number of units or courses required to be considered a full-time student by the accredited school in which the child is enrolled. Full-time enrollment is for the accredited school's school year calendar.
5. A break in enrollment for regular summer or term breaks shall not be considered a break in full-time enrollment, as long as the child returns to a full-time course schedule upon the commencement of the next regular term of the accredited school. Courses taken on-line or via correspondence may be counted toward full-time enrollment as long as such courses are taken through an accredited school.
6. The recipient or guardian must certify every six months that the child is unmarried and is a full-time student enrolled in an accredited school. The certification must be returned to SBCERA within 45 days of the date of SBCERA's request for certification. In the event, the certification is not received within the specified timeframe herein, the benefit shall be suspended and/or cancelled. However, where the school's registrar will not certify a child's full-time enrollment status until classes have commenced and SBCERA is notified of the matter, the benefit will not be suspended and/or canceled, and a child may submit the required certification as soon as it is received from the school's registrar.
7. Pursuant to Article 15.6 of the CERL, a child, any age, who is totally disabled, and became totally disabled before reaching 18 years of age, is exempt from the requirement of enrolling as a full-time student in an accredited school.

Surviving Spouse Caring for One or More Children

In the case where a surviving spouse is receiving a benefit pursuant to Government Code section 31855.12 based on caring for one or more surviving child(ren) annually, the surviving spouse shall sign and submit a certification declaring that as the surviving spouse, he or she has legal custody and care of the surviving child(ren). The certification must be returned to SBCERA within 45 days of the date of SBCERA's request for certification. If the certification is not returned within the specified timeframe herein, SBCERA may suspend, including canceling the surviving spouse benefit. It is the responsibility of the surviving spouse to notify SBCERA if there is a change in the circumstances of the care and custody of the surviving child or children. Staff may request, if necessary, supporting documentation that the surviving child or children is in the legal care and custody of the surviving spouse. As required by

Government Code section 31855.11, where the surviving children are not being cared for by the surviving spouse, the child or children shall be entitled to a monthly allowance as specified in Government Code section 31855.12.

Approval Signatures

Step Description	Approver	Date
	Barbara Hannah: Chief Counsel	Pending

Applicability

SBCERA, SBCERA Internal

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