

Copy of Attachment 7, AFI 36-3006

SURVIVOR BENEFIT PLAN (SBP) FORMER SPOUSE FACT SHEET

Former Spouse SBP Election by Retiring Member

The Survivor Benefit Plan (SBP) allows a retiring member to elect SBP coverage for a former spouse. A member who makes an election for former spouse coverage is prohibited from concurrently electing coverage for his/her present spouse. Child coverage can be included in a former spouse election; however, only children resulting from the marriage of the member and the former spouse are eligible in a former spouse and child election. In this case, the former spouse is the primary beneficiary; eligible children receive an annuity only if the former spouse remarries before age 55 or dies.

Benefit Payments.

The amount of the monthly SBP annuity is determined by the level of coverage or “base amount” elected. The base amount is not the amount paid to the former spouse; rather, it is the amount used to compute both the monthly cost and annuity. The base amount may range from a minimum of \$300 up to a maximum of the member’s gross retired pay. The annuity payable is 55 percent of the base amount elected.

Suspension of Coverage and Premiums Due to Former Spouse’s Remarriage Before Age 55.

If a former spouse remarries before age 55, SBP coverage is suspended for the duration of that marriage. The member must notify the Defense Finance and Accounting Service - Cleveland Center (DFAS-CL) (DFAS, U. S. Military Retirement Pay, PO Box 7130, London, KY 40742-7130) and provide a copy of the former spouse’s remarriage certificate in order that premiums can be suspended.

If the former spouse’s remarriage ends, coverage is reinstated the day following the termination of the former spouse’s remarriage. Former spouse premiums are reinstated effective the first day of the month after the date the former spouse’s remarriage terminates. The member must immediately notify the DFAS-CL (DFAS, U. S. Military Retirement Pay, PO Box 7130, London, KY 40742-7130) and provide a copy of the former spouse’s divorce decree or the death certificate of the person to whom the former spouse was married so that coverage and premiums can be reestablished in a timely manner to avoid a debt of premiums.

If the member dies during the period the former spouse coverage is suspended, the former spouse should apply for the annuity, inform DFAS-CL of the remarriage, and provide a copy of the remarriage license/certificate. Because of the former spouse’s remarriage before age 55, the former spouse would not receive the annuity unless/until the remarriage subsequently terminated. The former spouse must notify the Defense Finance and Accounting Service - Cleveland Center (DFAS-CL) (DFAS, U. S. Military Annuitant Pay, PO Box 7131, London, KY 40742-7131) and provide a copy of the divorce decree

or the death certificate of the person to whom the former spouse was married so the annuity can be established.

A former spouse who remarries at age 55 or older remains eligible to receive the annuity. SBP coverage and premiums remain in effect.

Coverage For Former Spouse And Child(ren).

The eligible child(ren) resulting from the marriage of the member and designated former spouse are covered when an election is made for former spouse and child coverage. Eligible child(ren) are contingent beneficiaries and receive the SBP annuity if the former spouse remarries before age 55 or dies. Eligible child(ren) divide the annuity in equal shares. Children remain eligible as long as they are unmarried and under age 18, or at least 18 but under 22 if a full-time student in an accredited school. A child who is disabled and incapable of self-support remains eligible for life or as long as disabled and unmarried if the disability occurred before age 18 (or before age 22 if a full-time student when the disability occurred).

Changes in Former Spouse Coverage.

A member may terminate former spouse or former spouse and child coverage in order to elect coverage for a spouse, child(ren), or spouse and child(ren). In order to elect child coverage, the election change must be submitted within 1 year of acquiring the dependent child(ren). If the election change is from former spouse to spouse coverage, there is no time limitation on the election period. If the member elects to change from former spouse to spouse coverage after 1 year of remarriage, the coverage is effective on the date the election is received by DFAS-CL and the associated premium is effective on the first day of the month after election receipt. **HOWEVER**, former spouse coverage can be changed **ONLY** under one of the following conditions:

a. If the former spouse election was made pursuant to the requirements of a court order, a certified copy of a court order that modifies all previous court orders relieving the retiree of the court-ordered former spouse requirement must be furnished to DFAS-CL (DFAS, U. S. Military Retirement Pay, PO Box 7130, London, KY 40742-7130) along with a request to convert to spouse, child, or spouse and child coverage; or

b. If the original election was made pursuant to a written agreement entered into voluntarily by the member and former spouse as a part of or incident to the proceedings of a divorce, a modified written agreement signed by the former spouse agreeing to the change must be furnished to DFAS-CL (DFAS, U. S. Military Retirement Pay, PO Box 7130, London, KY 40742-7130) along with a request to convert to spouse, child, or spouse and child coverage, or

c. If the original election was voluntary on the member's part (not part of a court order or written agreement), the election **CAN** be changed to cover a new spouse, child, or spouse and child without submitting an amended court order or modified written agreement. The member must submit a request to convert to spouse, child, or spouse and

child coverage to DFAS-CL (DFAS, U. S. Military Retirement Pay, PO Box 7130, London, KY 40742-7130). The former spouse is notified of the change in election.

Annuity Payments To Surviving Former Spouse.

A surviving former spouse who is receiving an annuity may remarry at age 55 or older and continue to receive the annuity payments. If remarriage occurs before age 55, SBP annuity payments will stop, but may be resumed if the remarriage later ends. It is the former spouse annuitant's responsibility to notify the DFAS-CL (DFAS, U. S. Military Annuitant Pay, PO Box 7131, London, KY 40742-7131) of any changes in marital status.

NOTE: This is not a contract document. The statutory provisions of SBP law are in Section 1447, Chapter 73, Title 10, United States Code. This fact sheet explains only the very basics of the SBP. More details can be obtained by contacting an SBP counselor at an Air Force installation or by accessing the "Survivor Benefit Plan" webpage on the Air Force Personnel Center (AFPC) website at <http://ask.afpc.randolph.af.mil>.