

Sec. 3307.87. (A)(1) If a member participating in a plan established under section 3307.81 of the Revised Code is married at the time any benefits under the plan commence, benefits shall be paid in accordance with division (A)(2) of this section, unless the spouse has consented under division (C) of this section to a different form of payment.

(2) The benefits described in division (A)(1) of this section shall be paid in the form of an annuity, which shall consist of the actuarial equivalent of the member's benefits, in an amount that is payable for the life of the member and one-half of the amount continuing after the member's death to the spouse for the life of the spouse.

(B) If a member participating in a plan established under section 3307.81 of the Revised Code is married at the time of the member's death, any benefits that are payable to the member shall be paid to the member's spouse, unless the spouse has consented under division (C) of this section to the designation of a different beneficiary.

(C) ~~A plan established under section 3307.81 of the Revised Code shall include requirements for consent under this section that are the same as the requirements specified in division (a)(2) of section 417 of the Internal Revenue Code, 26 U.S.C.A. 417(a)(2), as amended.~~ Consent is valid only if it is evidenced by a signed statement that is witnessed by a notary public. Each plan may waive the requirement of consent if the spouse is incapacitated or cannot be located or for any other reason specified by the plan or in the regulations adopted under that section rules adopted by the state teachers retirement board.

Consent or waiver is effective only with regard to the spouse who is the subject of the consent or waiver.

EFF;
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