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Sec. 3309.44. (A) As used in this section:

- (1) "Dependent child" is a dependent child defined in section 3309.45 of the Revised Code.
- (2) "Dependent parent" is a person who is a dependent parent for the purposes of section 3309.45 of the Revised Code.

(B) Should a member die before service or commuted service retirement, his accumulated contributions shall be paid to such beneficiaries as he has designated in writing on a form provided by the school employees retirement board, signed by him and filed with the board prior to his death. The last designation of any beneficiary revokes all previous designations. The member's marriage, divorce, legal dissolution, legal separation, or withdrawal of account, or the birth of his child, or his adoption of a child, constitutes an automatic revocation of his last designation. If a deceased member was also a member of the public employees retirement system or the state teachers retirement system, the beneficiary last established among the systems shall be the sole beneficiary in all the systems.

If the accumulated contributions of a deceased member are not claimed by a beneficiary, or by the estate of the deceased member, within ten years, they shall be transferred to the guarantee fund and thereafter paid to such beneficiary or to the member's estate upon application to the board. The board shall formulate and adopt rules governing all designations of beneficiaries.

(C) If a member dies before service or commuted service retirement and is not survived by a nominated beneficiary, any survivors shall qualify as beneficiaries, in the following order of precedence, with all attendant rights and privileges:

- (1) Spouse;
- (2) Youngest dependent child of a member if such child elects to take survivor benefits under division (B) of section 3309.45 of the Revised Code, and the total amount of survivor benefits payable to all dependent children of the member by such election exceeds the amount of the accumulated account subject to refund;
- (3) A financially dependent incompetent progeny of the member, provided the incompetent progeny elects to take a survivor benefit under division (B) of section 3309.45 of the Revised Code;
- (4) Children share and share alike;
- (5) A dependent parent of a member, if that parent elects to take survivor benefits under division (B) of section 3309.45 of the Revised Code;
- (6) Parents, share and share alike;
- (7) Estate.

Any payment made to a beneficiary as determined by the school employees retirement board shall be a full discharge and release to the board from any future claims.

(D) Any amount due any person, as an annuitant receiving a monthly service or commuted service retirement allowance or benefit, and unpaid to him at his death, shall be paid to the beneficiary designated in writing on a form provided by the retirement board, signed by the annuitant and filed with the board. If no such designation has been filed, or if the designated beneficiary is deceased or is not located within ninety days, such amount shall be paid, except as otherwise provided in section 3309.45 of the Revised Code, in the following order of precedence to the annuitant's:

- (1) Surviving spouse;
- (2) Children, share and share alike;
- (3) Parents, share and share alike;
- (4) Estate.

For the purpose of this division, an annuitant is the last person who received a monthly allowance or benefit pursuant to the plan of payment selected by the retirant or designated by this chapter. Such payment shall be a full discharge and release to the board from any future claim for such payment.

(E) If the validity of marriage cannot be established to the satisfaction of the retirement board for the purpose of disbursing any amount due under this section or section 3309.45 of the Revised Code, the retirement board may accept a decision rendered by a court having jurisdiction in the state in which the member was domiciled at the time of death that the relationship constituted a valid marriage at the time of death, or the "spouse" would have the same status as a widow or widower for purposes of sharing in the distribution of the member's intestate personal property.

(F) If any amount due under this section is payable to a beneficiary who has been found guilty by a court of law of feloniously contributing to the death of the member, then such payment shall not be paid to such beneficiary in the absence of a court order to the contrary filed with the retirement board.

~~(G) If a beneficiary is paid any benefit to which he is not entitled under this chapter, the benefit shall be repaid to the system by the beneficiary or shall be recovered by a withholding from his subsequent benefit.~~

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