



Ohio Administrative Code Rule 145-1-70 Waiver of spousal consent.

Effective: January 1, 2021

(A) The public employees retirement board may waive the requirement of spousal consent upon receipt of one of the following:

- (1) A written statement of the spouse's physician certifying that the spouse is medically incapable of consent;
- (2) On a form approved by the board, the affidavits of the contributor and at least two other persons attesting that currently and during the year prior to the contributor's application for benefits the whereabouts of the spouse are unknown.
- (3) A court order or orders issued under section 3105.171 or 3105.65 of the Revised Code or the laws of another state regarding the division of marital property requiring the contributor to designate the maximum amount payable to a joint and survivor beneficiary or beneficiaries.

(B) The requirement of spousal consent shall be waived if a member or contributor, who is married at the time of application, does both of the following:

- (1) The member applies for age and service retirement under section 145.32, 145.33, 145.331, 145.332, or 145.46 of the Revised Code or the contributor applies for a benefit under section 145.384 of the Revised Code;
 - (2) The member or contributor selects a joint-life plan designating the spouse of the member or contributor as the beneficiary and the percentage payable to the spouse after the death of the member or contributor is fifty per cent or greater of the member's or contributor's lesser retirement allowance or benefit.
-