



## Ohio Administrative Code Rule 3309-1-68 Guardianship.

Effective: October 10, 2024

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(A) As used in this rule:

(1) "Benefit" means a payment from the accumulated contributions of the member or employer, or both, under Chapter 3309. of the Revised Code and includes an account refund, pension, annuity, disability benefit, survivor benefit, or death benefit.

(2) "Benefit recipient" means any person who is eligible to receive a payment or benefit under Chapter 3309. of the Revised Code and who has had a guardian appointed based either on being under the age of eighteen years or on being found incompetent.

(3) "Incompetent" has the same meaning as in division (D)(1) of section 2111.01 of the Revised Code.

(B) Payments to a benefit recipient shall be made as follows:

(1) To the guardian of the estate;

(2) To the agent, when there is a valid durable power of attorney and no guardian of the estate;

(3) To a specific person or financial institution account as directed by the probate court;

(4) Lump sum payments of one thousand dollars or less and payments required to be paid to the benefit recipient by paragraph (C)(1) of rule 3309-1-09 of the Administrative Code may be paid as follows:

(a) When there is a guardian of the estate, to the guardian of the estate;

(b) When there is a durable power of attorney and no guardian of the estate, to the agent;



(c) When there is no guardian of the estate or durable power of attorney, to the guardian of the person.

(5) If the benefit recipient is a minor, payment may be issued to the benefit recipient's legal parent so long as the minor is in the care and custody of the parent, or to the benefit recipient's legal custodian or legal guardian.

(C) Except as provided in this paragraph, court authority is required for an application to be signed on behalf of a benefit recipient for an account refund under section 3309.42 of the Revised Code. When the benefit recipient has less than ten years of total service credit, the guardian of the estate, or agent under a durable power of attorney when there is no guardian of the estate, may apply for an account refund.

(D) A guardian of the estate of a benefit recipient has restricted authority to complete and sign the following forms and applications on behalf of the benefit recipient:

(1) Designation of beneficiary form: The guardian may designate a beneficiary. If the beneficiary is anyone other than "estate" or "statutory," the beneficiary designation must be approved by court order.

(2) Application for age and service or conversion retirement: The guardian may elect plan A or plan B in accordance with divisions (B)(1) and (B)(3) of section 3309.46 of the Revised Code. If plan B is elected the guardian may only designate the beneficiary to be "statutory" or "estate." Any other election must be approved by court order.

(3) Application for benefits payable to a SERS retirant or other system retirant under section 3309.344 of the Revised Code: The guardian may sign the benefit application. If a monthly annuity is an option, the guardian cannot elect a lump sum payment unless approved by court order.

(4) Spousal consent form: The guardian may not sign unless approved by court order.

(5) Application for survivor benefits: If a monthly benefit is an option, the guardian cannot elect a



lump sum payment of accumulated contributions unless approved by court order.

(6) A written notice of waiver pursuant to section 3309.662 of the Revised Code.