Former Spouse's Consent to FERS Election

Federal Employees Retirement System

Employee Instructions

Read "Information for Employee" on the back of this form. If a qualifying court order, on file with the Office of Personnel Management, awards a portion of your annuity or a survivor annuity based on your Federal service to a former spouse who has not remarried before reaching age 55, you cannot elect coverage under the Federal Employees Retirement System (FERS) unless your former spouse consents to your election. Complete Part 1 of the form. Have your former spouse complete Part 2. Part 2 must be completed in the presence of a Notary Public or other person authorized to administer oaths. The Notary Public must complete Part 3.

Part 1 -- To Be Completed by Employee *(type or print)*

Name *(Last, first, middle)*	Date of birth	Social Security Number

Part 2 -- To Be Completed by Former Spouse of Employee

(Before completing, read "Information for Former Spouse" on the back of this form.)

I freely consent to the election of coverage under the Federal Employees Retirement System made by the employee named in Part 1, who is my former spouse. I understand that my consent is final (not revocable).

Name *(type or print)*	Signature *(Do not print)*	Date

Part 3 -- To Be Completed by a Notary Public or Other Person Authorized to Administer Oaths

I certify that the person named in Part 2 presented identification (or was known to me), gave consent, signed or marked this form, and acknowledged that the consent was freely given in my presence on the ____ day of _____ (*month*), 19____ (*year*) at _____ (*city and state*).

(seal)	Signature
	Expiration date of commission if Notary Public

Privacy Act Statement

Solicitation of this information is authorized by the Federal Employees Retirement Act (Public Law 99-335). The information you furnish will be used to determine whether the employee's election of coverage may become effective. The information may be shared and is subject to verification, via paper, electronic media, or through the use of computer matching programs, with national, state, local or other charitable or social security administrative agencies in order to determine benefits under their programs, to obtain information necessary for determination or continuation of benefits under this program, or to report income for tax purposes. It may also be shared and verified, as noted above, with law enforcement agencies when they are investigating a violation or potential violation of the civil or criminal law. Executive Order 9397 (November 22, 1943) authorizes use of the Social Security Number. Furnishing the Social Security Number, as well as other data, is voluntary, but failure to do so may mean that your election of FERS coverage cannot become effective.

Employing Office Instructions

When properly completed, this form is considered a part of the employee's election and must be attached to the election form, Standard Form 3109, and filed with it as a permanent document on the right side of the employee's OPF.

Information for Employee

If you are unable to obtain the consent of your former spouse, you may request OPM to:

- grant a waiver of the consent requirement if you cannot determine where the former spouse is located, or
- give you additional time so that you can get a modification of the court order.

If you are not sure whether a qualifying court order is on file at OPM, you may request that OPM make a determination as to whether a court order is on file. Ask your employing office for Standard Form 3111, which has the information about how to make any of these requests of OPM.

You do not need your former spouse's consent to your election if:

- There is no qualifying court order on file at the Office of Personnel Management that gives a portion of your annuity or survivor annuity to your former spouse.
- You are legally separated, but there is no final divorce decree.
- After your divorce your former spouse remarried before reaching age 55. (It does not matter whether the former spouse is still married.)
- You are staying in CSRS.

Information for Former Spouse

Your former spouse has an opportunity to transfer to the Federal Employees Retirement System (FERS) or stay in the Civil Service Retirement System (CSRS). If the terms of your divorce give you a portion of your former spouse's annuity or a survivor annuity, and a copy of this court order is on file with OPM, he or she cannot elect FERS without your consent.

FERS is a three-part program composed of the Basic Benefit Plan, Social Security, and the Thrift Savings Plan. Employees who stay in CSRS may also participate in the Thrift Plan. OPM administers only the Basic Benefit Plan of FERS. The same requirements that OPM honor court orders apply to both CSRS benefits and FERS basic benefits.

Future benefits to which you are entitled may be affected if the Federal employee changes from CSRS to FERS. An annuity under the FERS basic benefit plan is generally smaller than an annuity under CSRS; therefore, if the court order awards you a percentage of the employee's annuity, the amount you receive may be smaller if the employee changes to FERS coverage.

Under CSRS, former spouses may be entitled to a survivor annuity of up to 55% of the employee's retirement benefit (depending on the terms of the court order). Under FERS, a survivor annuity for a former spouse cannot normally exceed 50% of the amount of the employee's annuity.

Under FERS, no monthly spousal survivor annuity is payable on the death of an employee unless the employee has 10 years of creditable government service. However, a lump sum survivor benefit may be payable after 18 months of service. The lump sum payment is equal to $15,000, which is adjusted for inflation, plus half the amount of the employee's annual pay at the time of death. In addition, an employee under FERS is also covered by Social Security. Therefore, if your marriage to the employee lasted for at least 10 years, you may become eligible for Social Security benefits for divorced spouses.

NOTE: You are not required to obtain a modification of the court order now on file at OPM if the employee changes to FERS. The terms of the court order will be applied to Basic Benefits that become payable under FERS, except that the amount of benefits paid cannot exceed the amount payable under FERS. However, in the case of benefits from the Thrift Savings Plan (TSP), a court order must specify that it applies to the TSP and it must be filed with the Thrift Savings Board at the following address:

Federal Retirement Thrift Investment Board
Ben Franklin Station, P.O. Box 511
Washington, D.C. 20044