

STATE OF CONNECTICUT,

Bill No. 262Page 1 of 5

Introduced by

Senator Burke - 3rd
Rep. Bluda - 58thDate January 1971

Ref. to Committee on

Education

General Assembly,

January Session, A. D., 19 71.**AN ACT CONCERNING BENEFITS TO A CHILD WHO HAS NOT COMPLETED HIS EDUCATION**CONNECTICUT
STATE LIBRARY
LEGISLATIVE REFERENCE
SECTION

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Subdivision (f) of Section 10-168 of the 1969 supplement to the general statutes is repealed and the following substituted in lieu thereof: If the member dies within two calendar months of his withdrawal from teaching in the public schools of this state, or prior to the effective date of his retirement, or prior to the date on which the co-participant option becomes effective, as provided in section 10-167, any amount credited to the member's annuity savings account with regular accumulated interest thereon, with the exception of any payments made for additional annuities, shall be applied toward the financing of such benefits for such dependents and such survivors of the member as defined herein and in such amounts as provided herein, notwithstanding any written designation of beneficiaries as provided for in section 10-176. When a deceased member's annuity savings account has been used in full in financing survivorship benefits, payments to his survivors shall be continued from the forfeitures, interest and state appropriations of the survivorship and dependency fund as provided in section 10-165. A member's benefit shall be computed under the following methods if he meets the conditions herein prescribed: (a) Survivors' and dependents' benefits shall be payable on the last day of the month following that month in which eligibility for such benefits occurs and no payment shall be due for the month in which ineligibility occurs. (b) The total family benefits that may accrue to the dependents of a member are limited to three hundred dollars in any one calendar month. No widow's or mother's benefit payable under subdivision (c), (d) or (e) of this section shall be reduced because of benefits payable to other dependents of the deceased member under the provisions of this section, but the benefits payable to such other dependents shall be prorated within the balance remaining after deducting the widow's or mother's benefits from the total family benefits payable under

this subdivision. Whenever a child becomes ineligible for a monthly benefit, the benefit to which he had been entitled shall be reallocated among the surviving children entitled to such benefits, provided, such adjusted benefit payable to each child shall not exceed the maximum benefit payable in subdivision (f).

(c) Widow's insurance benefits are payable, upon filing application, if the deceased member died after January 1, 1958, and the widow (1) has not remarried; (2) was living with the husband at the time of his death. A widow is deemed to have been living with her husband at the time of his death if they were both members of the same household on the date of his death, or if she was receiving regular contributions from him toward her support on such date, or if he had been ordered by a court to contribute to her support. The term "widow" means the surviving wife of a deceased member, but only if she meets one of the following conditions: (1) Was married to him for not less than one year immediately prior to the day on which he died; or (2) is the mother of his son or daughter; or (3) legally adopted his son or daughter while married to him and while such son or daughter was under the age of eighteen; or (4) was married to him at the time both of them legally adopted a child under the age of eighteen. Such widow's insurance benefits shall be one hundred twenty-five dollars per month.

(d) Mother's insurance benefits are payable, upon filing application, to the widow of a deceased member who died after January 1, 1958, if at the time of death the widow (1) has in her care a child of the deceased member entitled to child insurance benefits; (2) has not remarried; (3) is not entitled to a widow's insurance benefit under subsection (c) hereof; (4) was living with the husband at the time of his death. Such mother's insurance benefits shall be one hundred twenty-five dollars per month.

(e) Mother's insurance benefits are payable, upon filing application, to the former wife divorced of a deceased member who died after January 1, 1958, if the former wife divorced (1) has in her care a child of the deceased member who is her son, daughter or legally adopted child entitled to child insurance benefits; (2) was receiving from the deceased member, pursuant to agreement or court order, at least one-half of her support at the time of his death; (3) has not remarried; (4) is not entitled to a widow's insurance benefit as provided by subsection (c) or (d). The term "former wife divorced" means a woman divorced from a deceased member, but only if she meets one of the following conditions: (1) Is the mother of his son or daughter; (2) legally adopted his son or daughter

while married to him and while such son or daughter was under the age of eighteen, or (3) was married to him at the time both of them legally adopted a child under the age of eighteen. Such mother's insurance benefits shall be one hundred twenty-five dollars per month. (f) Child insurance benefits are payable upon filing application, to the child, including a stepchild or adopted child, of a deceased member who died after January 1, 1958, if the child (1) is unmarried and under the age of eighteen and or is unmarried, under the age of twenty-three, and is a full-time student in a public or private secondary school, college, university, technical institute, or any post secondary school institution; (2) was dependent upon the member at the time of his or her death; or (3) such dependent child was under a disability which began before he attained the age of eighteen. The term "disability" means inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or to be of long-continued and indefinite duration. An individual shall not be considered to be under a disability unless he furnishes such proof of the existence thereof as may be required by the retirement board. The term "child" includes a stepchild of a deceased member who has been such a stepchild for at least one year immediately preceding the day on which the member died or an adopted child of a deceased member without regard to the length of time the child has been adopted. If only one child is entitled, he shall receive one hundred twenty-five dollars per month. If more than one child is entitled, each child shall receive eighty dollars plus an equal share of an additional forty dollars per month. A child is considered dependent upon the father if the father at the time of his death was living with or contributing to the support of the child. If the father at the time of his death was not living with the child or contributing to his support, the child, if legitimate, is considered dependent upon the father unless the child (1) had been adopted by some other individual or (2) was living with and receiving more than one-half of his support from his stepfather. An adopted child is considered dependent upon his adopting father under the same conditions as those which apply to a father and his natural child. A child is considered dependent upon his stepfather at the time of the stepfather's death if the child was (1) living with his stepfather or (2) receiving at least one-half of his support from his stepfather. A child is considered dependent upon his natural mother or

adopting mother at the time of her death if such mother was a member when she died regardless of presence of or support furnished the child by the father. A child is considered dependent upon his natural, adopting or stepmother at the time of death of such mother if she was living with or contributing to the support of the child and the child (1) was neither living with nor receiving contributions from his father or adopting father or (2) was receiving at least one-half of his support from her. (g) Widower's insurance benefits are payable to the widower of a deceased woman member who died after January 1, 1958, and the widower (1) has not remarried; (2) is not entitled to a federal or state old age benefit based on his own earnings equal to or greater than the amount he would be entitled to as the dependent widower of the deceased wife; (3) was living with the wife at the time of her death. A widower is deemed to have been living with his wife at the time of her death if they were both members of the same household on the date of her death or he was receiving regular contributions from her toward his support on such date or she had been ordered by a court to contribute to his support; and (4) was receiving at least one-half of his support from the wife at the time of her death and filed proof of such support within two years of the date of death. The term "widower" means the surviving husband of a deceased woman member, but only if he meets one of the following conditions: (1) Was married to her for not less than one year immediately prior to the date on which she died; or (2) is the father of her son or daughter; or (3) legally adopted her son or daughter while married to her and while such son or daughter was under the age of eighteen; or (4) was married to her at the time both of them legally adopted a child under the age of eighteen. Such widower's insurance benefits shall be one hundred twenty-five dollars per month. (h) Parent's insurance benefits are payable, upon filing application, to the parent or parents of a deceased member who died after January 1, 1958, and if the member did not leave a widow, widower or child who could ever qualify for monthly insurance benefits on the member's wages and the parent (1) has reached the age of sixty-five (2) has not remarried after the death of the member; (3) was receiving at least one-half of his or her support from the member at the time of the member's death and filed proof of such support within two years of the date of death, and (4) is not entitled to a federal or state old age benefit based on his or her own earnings equal to or greater than the amount he or she would be

entitled to as the dependent parent of the deceased member. The term "parent" means (1) the mother or father of a deceased member; (2) a stepparent of the deceased member by a marriage contracted before the member attained the age of sixteen, or (3) an adopting parent who adopted the deceased member before he or she reached the age of sixteen. Such parent's insurance benefits shall be one hundred twenty-five dollars per month. (i) Upon the death after January 1, 1958, of a member, except in those cases where the co-participant option as defined in section 10-167 has become effective, a lump sum death payment is payable to the person whom the retirement board determines to be the widow or widower of the deceased and to have been living with the deceased at the time of death. If there is no such person, an amount is payable to any person or persons to the extent and in the proportion that he or they have paid the burial expenses for the deceased insured individual. No payment shall be made unless application is filed within two years after the date of death. The lump sum death payment shall be five hundred dollars for members with five years or less of creditable Connecticut public school service; provided, if a member has rendered more than five years of such service, and additional payment of one hundred dollars shall be made for each complete year payable from forfeitures. The statutory maximum is one thousand dollars. Any amount credited to the member's annuity savings account, with the exception of any payments made for additional annuities not expended in survivorship benefits or a lump sum death payment as provided herein, shall be paid to the member's estate or to such person as he has nominated by written designation executed and filed with the retirement board, with regular interest thereon.

Section 2. This act shall take effect July 1, 1971.

STATEMENT OF PURPOSE: To provide children benefits to a child who has not completed his education.