



Ohio Administrative Code Rule 3309-1-20 Validity of marriage.

Effective: [October 4, 2015](#)

(A) For purposes of this rule, "age and service retiree" and "disability benefit recipient" have the same meaning as defined in rule 3309-1-35 of the Administrative Code, and "retiree" has the same meaning as defined in division (G) of section 3309.01 of the Revised Code.

(B) For the purpose of qualifying for, or receiving, any benefit as a spouse under Chapter 3309. of the Revised Code, the members or retirees marriage must be recognized by the state of Ohio. The school employees retirement board shall accept the following as proof of marriage:

(1) A marriage certificate; or

(2) In the absence of a marriage certificate, a decision rendered by a court, having jurisdiction in the state in which the member or retiree was domiciled at the time of death, that the relationship constituted a valid marriage at 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 or retiree's intestate personal property if not otherwise prohibited by section 3105.12 of the Revised Code.

(C) For any retiree or disability benefit recipient legally married in another state before June 26, 2015 whose marriage became recognized in the state of Ohio beginning on that date, the following rules apply:

(1) If a retiree makes an election under division (E)(3) of section 3309.46 of the Revised Code, the election must be made before June 26, 2016;

(2) An eligible age and service retiree or disability benefit recipient may enroll themselves and may enroll a spouse in the system's health care plan at any time between August 1, 2015 and November 30, 2015.

(3) The surviving spouse of a deceased age and service retiree who is receiving a benefit pursuant to



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section 3309.46 of the Revised Code may enroll in the system's health care plan at any time between August 1, 2015 and November 30, 2015.