



Ohio Administrative Code

Rule 3309-1-68 Payment to individual with legal incapacity.

Effective: May 1, 2022

(A)

(1) For purposes of this rule, "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, or survivor benefit.

(2) For purposes of this rule, "benefit recipient" means any person who is eligible to receive a payment or benefit under Chapter 3309. of the Revised Code.

(B) Except as otherwise provided in this rule, guardianship of the estate shall be required to do any of the following on behalf of a member or benefit recipient who has a legal disability as defined in division (B) or (D) of section 2131.02 of the Revised Code:

(1) The guardian may designate a beneficiary, but if the designation is anyone other than the estate or the statutory order of succession identified in section 3309.44 or 3309.50 of the Revised Code, the beneficiary designation must be approved by court order.

(2) Direct payment of benefits on behalf of the member or benefit recipient. Payment shall be issued to the guardian of the estate or as otherwise specified by court order.

(C) Guardianship of the estate shall not be required if a court of competent jurisdiction issued an order that directs SERS to issue a member or benefit recipients payment to a specific person or entity, and identifies a specific account at a financial institution.

(D) A guardian of the person may do any of the following:

(1) Receive a benefit recipients account information;



(2) Change a benefit recipients address; or

(3) Apply for and receive a payment required by paragraph (C)(1) of rule 3309-1-09 of the Administrative Code.

(E) If the benefit recipient is a minor, payment may be issued to the benefit recipients biological or adoptive parent so long as the minor is in the care and custody of the parent, or to the benefit recipients legal custodian.