

**602.9115 Annuity for survivor of annuitant.**

1. For the purposes of [this article](#), “*survivor*” means the surviving spouse of a person who was a judge, if married to the judge for at least one year preceding the judge’s death.

2. The survivor of a judge who was qualified for retirement compensation under the system at the time of the judge’s death, is entitled to receive an annuity of one-half of the amount of the annuity the judge was receiving or would have been entitled to receive at the time of the judge’s death, or if the judge died before age sixty-five, then one-half of the amount the judge would have been entitled to receive at age sixty-five based on the judge’s years of service for which contributions were made to the system. The annuity shall begin on the judge’s death or upon the survivor’s reaching age sixty, whichever is later. However, a survivor less than sixty years old may elect to receive a decreased retirement annuity to begin on the judge’s death by filing a written election with the state court administrator. The election is subject to the approval of the state court administrator. The amount of the decreased retirement annuity shall be the actuarial equivalent of the amount of the annuity otherwise payable to the survivor under [this section](#).

3. If the judge dies leaving a survivor but without receiving in annuities an amount equal to the judge’s credit, the balance shall be credited to the account of the judge’s survivor, and if the survivor dies without receiving in annuities an amount equal to the balance, the amount remaining shall be paid to the survivor’s legal representatives within one year of the survivor’s death.

[C73, 75, 77, 79, 81, §605A.15]

[83 Acts, ch 186, §10202\(2\)](#)

CS83, §602.9115

[84 Acts, ch 1285, §29](#); [86 Acts, ch 1243, §39](#); [2015 Acts, ch 29, §114](#); [2016 Acts, ch 1011, §110](#)

Referred to in [§602.9115A](#), [602.9209](#)