

What Do I Need to Do When My Marriage or Chapter 40 Domestic Partnership Terminates?



If your marriage ends through a divorce, annulment or legal separation, or your Chapter 40 domestic partnership is terminated by you or your partner, there may be several steps you should take with respect to your Wisconsin Retirement System (WRS) and insurance benefits.

Beneficiary Designations

If your beneficiaries will be determined under “standard sequence”,* your spouse or Chapter 40 domestic partner immediately ceases to be your beneficiary on the date that your marriage or domestic partnership ends. However, if you previously filed a beneficiary designation form with ETF designating your spouse/domestic partner as your beneficiary, **that designation remains in force until you file a new designation** regardless of the changes in your personal situation. The only way you can remove your spouse/domestic partner as your beneficiary is to file a new beneficiary designation form with ETF, which will supersede your previous designation form.

Beneficiary designation forms filed with ETF apply to your WRS account **and** to life insurance under the Wisconsin Public Employers Group Life Insurance Program administered by ETF.

**Your beneficiaries are determined under standard sequence if you have never filed a beneficiary designation form with ETF, or if you designated “standard sequence” on the last designation form you filed with ETF.*

Health Insurance

If you participate in the State of Wisconsin Group Health Insurance Program, and your

spouse/domestic partner is covered under your insurance, his/her coverage ends at the end of the month in which your marriage/domestic partnership terminates.* You must file a *Group Health Insurance Application/Change* form (ET-2301) to delete your spouse/domestic partner as your dependent. He/she can then apply for separate continuation coverage for up to 36 months.

**Exception: If your marriage terminates through a legal separation, rather than through a divorce or annulment, your former spouse can remain as a dependent under your health insurance.*

Life Insurance

If you have coverage under the Wisconsin Public Employers Group Life Insurance Program, you may need to update your beneficiary designation. Please refer to the “Beneficiary Designation” section above for further information.

If you have Spouse and Dependent (S & D) coverage, your spouse/domestic partner ceases to be covered under your S & D plan on the date that your marriage/domestic partnership terminates. If your spouse/domestic partner was your only dependent, contact your employer about cancelling your coverage. However, if you also have children covered under your S & D plan, you may choose to leave your coverage in force.

(Continued)

Wisconsin Retirement System (WRS)

If you have a WRS account, you may need to update your beneficiary designation. Please refer to the “Beneficiary Designation” section above for further information.

If you are already retired and receiving a WRS annuity, if you selected a joint and survivor option with your spouse/domestic partner as your named survivor, that person remains as your named survivor. There are only two ways to remove your former spouse/domestic partner as your named survivor:

1. If the court issues a Qualified Domestic Relations Order (QDRO), your annuity will be converted to a non-joint and survivor annuity. You cannot designate a new named survivor.
2. If you return to work for a WRS employer in a position that qualifies for WRS coverage, you can elect to terminate your annuity and reestablish your WRS account. When you later “re-retire” you must apply for a new annuity, and you can select a different option and/or designate a new named survivor for your new joint and survivor annuity.

Wisconsin Deferred Compensation

If you participate in the Wisconsin Deferred Compensation program (WDC), you may need to update your beneficiary designation. Please refer to the “Beneficiary Designation” section above for further information about standard sequence versus designated beneficiaries.

Note: *To designate beneficiaries for your WDC account, you must file a separate beneficiary designation form with the WDC administrator. Beneficiary designation forms filed with ETF do not govern the death benefits payable from your WDC account.*

Power of Attorney

If you have granted Power of Attorney (POA) to your spouse or domestic partner, terminating your marriage or domestic partnership may or may not automatically terminate the POA:

- If you are married, when either you or your spouse commences action to terminate your marriage, your POA is automatically terminated *unless the POA document expressly states that it remains in force after your marriage terminates.*
- If you have established a Chapter 40 domestic partnership, **terminating your Chapter 40 domestic partnership does NOT automatically terminate the POA. In this situation you must also revoke the POA.**
- However, if you have also established a “registry” (Chapter 770) domestic partnership and you terminate the Chapter 770 partnership, when either partner commences action to terminate the Chapter 770 domestic partnership automatically terminates the POA *unless the POA document expressly states that it remains in force after your Chapter 770 domestic partnership terminates.*