

The Mid-America Pension Rights Project

Fact Sheet: Spouse & Survivor's Pension Rights

Question: *Do widows (and widowers) have any protection if the spouse who earned the pension dies?*

Answer: If your spouse retired after 1984, you were legally entitled to a survivor pension option upon your spouse's retirement. If your spouse died before retirement, you should be eligible for a pre-retirement survivor annuity. If the retirement or death occurred prior to 1984, you may still be entitled to benefits, depending on the individual plan provisions.

Question: *What happens to a worker's pension in a divorce?*

Answer: All assets including pension plans must be disclosed and divided in the divorce, but it was not uncommon in the 1970s and 1980s for the pension benefits to be overlooked. Sometimes a divorce can be reopened to divide pensions accumulated during marriage if the divorce decree did not divide it.

Question: *Do common law spouses have rights to pensions?*

Answer: In Ohio, common law marriage was abolished in 1991. But if you can prove you had a common law marriage prior to 1991, you may have a right to your common law spouse's pension as a result of death or divorce.

Note: The [Women's Institute for a Secure Retirement](http://www.wiserwomen.org) (WISER) at www.wiserwomen.org is an excellent source of information on women's pension issues.

WISER is located at:

1201 Pennsylvania Ave., NW
Suite 619
Washington, DC 20004

You can also contact them by e-mail at info@wiserwomen.org.