CASE STUDY · MONTGOMERY COUNTY, PENNSYLVANIA

The pension was divided correctly. Your client's share dies with him.

An eighteen-year marriage in Montgomery County. A public school teacher with a PSERS pension, and a spouse holding the 401(k) and the equity awards. Not because anyone got the math wrong.

What the order did, and did not, do

The decree awarded the non-member spouse a share of the teacher's PSERS annuity. The coverture was right, the marital portion was right, and the order was approved.

What it never said was who receives the benefit when the member dies. Pennsylvania lets an order require an **irrevocable survivor annuitant**, and once it does, the designation cannot be changed without going back to court. 24 Pa.C.S. § 8533.3; 71 Pa.C.S. § 5953.3. **Absent a restricting order, the member may generally change it.** *Titler v. State Employees' Retirement Bd.*, 768 A.2d 899 (Pa. Commw. Ct. 2001).

$1,180
Monthly share awarded to the non-member spouse for life, as written

$240,720
Income that disappears if the member predeceases her by seventeen years

1 sentence
What it would have taken in the order to prevent that

The statement will never tell you this.

A benefit estimate shows the monthly figure. It does not show whether the survivor designation is locked. You can build a thirty-year income plan on that number and never see the failure sitting underneath it.

Where you come in

Ask to see the order, not the benefit estimate. That is the whole contribution here, and almost nobody makes it. If the order is silent on survivor coverage, your client's income has an expiry date nobody has priced.

Two mechanics worth carrying: the instrument is an **approved domestic relations order** rather than a QDRO, reviewed by the board secretary with appeal only to the Commonwealth Court; and PSERS and SERS each hold separately governed **defined-benefit and defined-contribution components**.

My role is the divorce, not the relationship. You keep the client.

TIDAL POINTE
SOUND GUIDANCE THROUGH THE SHIFTING TIDES

Bob Mitton, CDFA®
Founder & CEO · Certified Divorce Financial Analyst
(843) 919-0199 · tidalpointe.com

Illustrative sample prepared to demonstrate work product. Parties, figures, and documents are fictional and are not drawn from any client matter. General education only; not legal or tax advice.