

From the Department of State's RNet website at <https://rnet.state.gov/cr12.htm> under "Divorce/Former Spouse Benefits"

Divorce/Former Spouse Benefits

If a participant in FSPS becomes divorced, the former spouse may be qualified for benefits, provided that (a) the former spouse was married to the participant for at least 10 years during the participant's federal creditable service, of which 5 of the 10 years occurred while the participant was a member of the Foreign Service), and (b) the former spouse has not remarried prior to age 55, and (c) the former spouse has not expressly waived the benefits described herein. The former spouse is entitled to:

- A pro rata share of 50% of the gross annuity benefit of the participant, AND
- A pro rata share of the maximum survivor benefit (50% of the unreduced benefit under FSPS), AND
- Health insurance coverage as a former spouse under the FEHB Program, if the former spouse will be entitled to any share of the participant's annuity or survivor annuity and applies for coverage within 60 days of the divorce. The former spouse can remain enrolled in the FEHB coverage for the rest of his or her life, provided premiums are paid and the former spouse does not remarry before 55. If the former spouse does not qualify for any of the participant's annuity or survivor annuity, the former spouse can still qualify for coverage under the FEHB program under P.L. 100-654, for a period not exceeding 3 years.

Note: Pro Rata Share means a share representing the amount which accrued during the duration of the marriage. The formula for determining a pro rata share is the

$$\frac{\text{Years of Marriage during Federal Service}}{\text{Years of Federal Service}}$$

A divorced spouse who does not qualify for statutory benefits may still be entitled to a share of the participant's annuity, or to a survivor annuity, if a valid court order so provides. The valid court order/notarized spousal agreement needs to be submitted to HR/RET as soon as possible after the divorce so that an official determination of benefits may be made. Please consult with HR/RET for any additional information regarding benefits to former spouses.