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**GOVERNMENT CODE - GOV**

**TITLE 3. GOVERNMENT OF COUNTIES [23000 - 33205]** ( Title 3 added by Stats. 1947, Ch. 424. )

**DIVISION 4. EMPLOYEES [31000 - 33017]** ( Division 4 added by Stats. 1947, Ch. 424. )

**PART 3. RETIREMENT SYSTEMS [31200 - 33017]** ( Part 3 added by Stats. 1947, Ch. 424. )

**CHAPTER 3. County Employees Retirement Law of 1937 [31450 - 31898]** ( Chapter 3 added by Stats. 1947, Ch. 424. )

**ARTICLE 15.5. Survivors' Allowances [31841 - 31852]** ( Article 15.5 added by Stats. 1961, Ch. 1591. )

**31841.** This article shall not be operative in any county until such time as the board of supervisors shall, by resolution adopted by majority vote, make the provisions of this article applicable in such county.

(Added by Stats. 1961, Ch. 1591.)

**31841.1.** This article shall not be applicable to any member who because of his county service is subject to the federal old age and survivors insurance provisions of the Federal Social Security Act.

(Added by Stats. 1961, Ch. 1591.)

**31842.** As used in this article "eligible spouse" means an individual who is caring for one or more of the children (as defined in Section 31843) of a deceased member and who is:

- (a) The widow or widower of such deceased member, or
- (b) The divorced former spouse of such deceased member, from whom he or she was receiving not less than one-half of his or her support at the time of his or her death.

(Amended by Stats. 1976, Ch. 1436.)

**31843.** As used in this article "child" means a member's child who is dependent upon such member at the time of his death and while such child is unmarried and:

- (a) Under 18 years of age, or
- (b) Whether under or over 18 years of age, totally disabled and such disability occurred prior to such child attaining age 18 years.

(Added by Stats. 1961, Ch. 1591.)

**31844.** As used in this article "parent" means:

The father or mother of the deceased member who at the time of the death of such member was not less than 62 years of age and was receiving not less than one-half of his or her support from the member, and who has not remarried since the member's death.

(Amended by Stats. 1976, Ch. 1436.)

**31845.** Upon the death of a member prior to retirement who was a member continuously for not less than 18 months immediately prior to his death, survived by an eligible spouse, if such eligible spouse waives the amount, if any, payable as a death benefit pursuant to Section 31781, such eligible spouse shall be paid a monthly survivor's allowance equal to the sum, based upon the member's compensation at the time of his death and the number of children for which such eligible spouse is caring, specified in Section 31849 minus the amount to which such eligible spouse is entitled pursuant to Section 31765, 31765.1, 31781.1, 31781.2, or 31787.

(Added by Stats. 1961, Ch. 1591.)

**31846.** Upon the death of a member prior to retirement who was a member continuously for not less than 18 months immediately prior to his death and who is survived by one or more children, during such time as no eligible spouse is entitled to a survivor's allowance pursuant to this article, if the father or mother having custody or guardian of such child or children waives the amount, if any, payable as a death benefit pursuant to Section 31781, such child or children shall be entitled to a monthly survivor's allowance equal to the sum, based upon the member's compensation at the time of his death and the number of children, specified in Section 31849 minus the amount to which such children are entitled pursuant to Section 31765, 31765.1, 31781.1, 31781.2, or 31787.

*(Amended by Stats. 1980, Ch. 676.)*

**31847.** The monthly survivor's allowance in the case of two or more children entitled thereto shall be divided equally between them.

*(Added by Stats. 1961, Ch. 1591.)*

**31848.** Upon the death of a member prior to retirement who was a member continuously for not less than 10 years immediately prior to his death, who is survived by one or both parents, if no death benefit is paid to any one pursuant to Section 31781 other than the member's widow, widower, or children, such parent, or both of such parents shall each be entitled to a monthly survivor's allowance equal to the sum, based upon the member's compensation at the time of his death, specified in Section 31849.

*(Added by Stats. 1961, Ch. 1591.)*

**31849.** Monthly survivors' allowances shall be based upon the following table:

	Monthly
Member's survivors	allowances
Surviving spouse caring for one child .....	\$591.80
Surviving spouse caring for two or more children .....	690.40
One child only .....	295.90
Two children only .....	581.80
Three or more children .....	690.40
Widow or widower age 62 (no child) .....	327.10
Each of two dependent parents at age 62 .....	295.90
Sole dependent parent at age 62 .....	325.50
Lump sum payment .....	255.00

*(Amended by Stats. 1974, Ch. 1359.)*

**31850.** Upon the death of a member prior to retirement who was a member continuously for not less than 18 months immediately prior to his death survived by a widow or widower with whom he was living at the time of his death, the retirement system shall pay to such widow or widower in addition to all other payments due, if any, to such widow or widower a lump sum supplemental survivorship benefit of two hundred fifty-five dollars (\$255). If such member is not survived by such a widow or widower, the retirement system shall apply such lump sum supplemental survivorship benefit to reimburse the person who paid the funeral expenses of such member to an amount not to exceed two hundred fifty-five dollars (\$255).

*(Added by Stats. 1961, Ch. 1591.)*

**31851.** In addition to the contributions required elsewhere in this chapter there shall be deducted from the salary or wages of each member (to finance the costs of the benefits provided in this article) an amount specified in the regulations of the board. The board shall fix the additional contributions of members at amounts which it finds will pay one-half of the cost of the survivors' benefits and lump sum supplemental survivorship benefit provided for in this article. Unless and until such regulations otherwise provide such amount shall equal eighty-eight cents (\$0.88) per month for safety members and sixty-eight cents (\$0.68) per month for all other members.

*(Added by Stats. 1961, Ch. 1591.)*

[31852](#). The amounts deducted pursuant to Section 31851 shall not be considered to be a portion of a member's accumulated contributions and shall not be refunded to a member upon termination of service, or for any other reason.

*(Added by Stats. 1961, Ch. 1591.)*