



**ARKANSAS JUDICIAL  
RETIREMENT SYSTEM**

**MEMBER  
HANDBOOK**

**2009**

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***A Guide for the  
Arkansas Judicial Retirement System***

This publication has been produced for use by members, staff and other interested persons for informal reference purposes only. The authors intend it to be accurate but whenever a statement herein conflicts with the law, the law shall prevail.

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ARKANSAS JUDICIAL RETIREMENT SYSTEM  
124 WEST CAPITOL AVENUE, SUITE 400  
LITTLE ROCK, AR 72201  
(501) 682-7800  
1-800-682-7377

OFFICE HOURS ARE 7:30 A.M. TO 4:30 P.M.  
MONDAY THROUGH FRIDAY

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The subject matter in this handbook is based on legislation. Therefore, at times technical language is unavoidable.

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December 2009

To the Members of the Arkansas Judicial Retirement System:

We are pleased to present the 2009 Edition of the “**Arkansas Judicial Member Handbook.**”

This new edition, like the previous ones, has been produced to provide answers to the most commonly asked questions regarding your Retirement System. The intent is to be accurate but whenever a statement herein conflicts with the law, the law shall prevail.

We hope you will find the “**Arkansas Judicial Member Handbook**” to be a useful tool in understanding your Retirement System and in planning for your retirement.

Sincerely,

Gail H. Stone  
Executive Director

## BOARD OF TRUSTEES

The statutes providing for and governing the Arkansas Judicial Retirement System may be found in Chapter 2 and subchapters 2 and 7 of Chapter 8 of Title 24 of the Arkansas Code of 1987 Annotated. The administration and control of the System is vested in the Board of Trustees of the Arkansas Judicial Retirement System. The Arkansas Judicial Council appoints the Board of Trustees. The Board of Trustees shall select one member who shall serve as chairman.

The duties of the Board of Trustees are as follows:

To make all rules and regulations necessary and proper for carrying out the provisions of the enabling statutes;

To provide administrative direction and control to the Executive Director and staff as may from time to time be required;

To appoint an actuary (or firm of actuaries) to be a technical advisor to the Board on matters regarding the operation of the System on an actuarial basis;

To appoint professional investment counsel to be the Board’s investment advisor or money manager.

The Board of Trustees must meet at least quarterly, and such other times as are necessary at the call of the Chairman. Members of the Board shall serve without pay, but may be reimbursed for all actual expenses for attending meetings.

## **BOARD OF TRUSTEES**

### **THE HONORABLE ROBERT EDWARDS**

Circuit Judge  
1600 E. Booth Suite 500  
Searcy, AR 72143

### **THE HONORABLE GAYLE FORD**

Retired Circuit Judge  
113 Grand Lane  
Mena, AR 71953

### **THE HONORABLE COLLINS KILGORE**

Second Division Circuit Court  
401 W. Markham, Suite 330  
Little Rock, AR 72201

### **THE HONORABLE CAROL CRAFTON ANTHONY**

Circuit Judge  
101 N. Washington, Suite 203  
El Dorado, AR 71730

### **THE HONORABLE JIM GUNTER**

State Supreme Court Judge  
Justice Building  
625 Marshall St.  
Little Rock, AR 72201

## **ADMINISTRATION OF THE ARKANSAS JUDICIAL RETIREMENT SYSTEM (A.C.A. 24-8-204)**

On July 1, 1983, the Executive Director and the administrative staff of the Arkansas Public Employees Retirement System (APERS) became the Executive Director and administrative staff of the Arkansas Judicial Retirement System. As a result, all administrative records were transferred to, and are now maintained in, the administrative offices of APERS.

A member may contact the Judicial Retirement System as follows:

**Arkansas Judicial Retirement System  
124 West Capitol Avenue, Suite 400  
Little Rock, AR 72201  
Little Rock Number: 682-7800  
Toll Free Outside Little Rock Exchange:  
1-800-682-7377**

## General Questions

### Q. Who is eligible for membership in the Arkansas Judicial Retirement System?

A. Sections 24-8-207 and 24-8-704 of the Arkansas Code of 1987 Annotated now provide, “All chancery, circuit, court of appeals and supreme court judges, whether elected or appointed to office, shall participate in the Judicial Retirement System.” However, if you did not become a member of the System at the time of your initial election or appointment, you may acquire prior service credit by paying into the System all contributions, together with interest, that would have been paid if you were a member of the System from the time you took office until you became enrolled.

### Q. Who determines the cost of benefits?

A. An actuary, retained by the Board of Trustees, makes an annual valuation of the System, and recommends an amount to be paid by the employer, when taken together with other funding sources, necessary to provide retirement allowances and other benefits as provided by law. The present actuary is Gabriel, Roeder, Smith and Company of Detroit.

### Q. What does the employer (State) contribute to the Plan?

A. The State contributes 12% of the active member payroll. In addition, the Chief Fiscal Officer of the State is required to make an annual transfer to the Judges Retirement Fund from the Constitutional and Fiscal Agencies Fund in an amount determined by computing the dollar amount required based on the actuarially determined employer rate in the most recent annual actuarial valuation and subtracting from that amount the statutory contribution amount, and then reduced by the amount of the court cost revenue transferred to the Judges Retirement Fund from the State Administration of Justice Fund in accordance with A.C.A. 16-10-310. (A.C.A. 24-8-210).

### Q. What are the other sources of Funding for the Plan?

A. The other sources of funding are investment earnings and court fees.

### Q. Who invests the System’s money?

A. The Board of Trustees has full power to invest and reinvest all funds (A.C.A. 24-2-602). The Board employs professional investment counsel to advise the Board on investment matters.

### Q. What are the principal types of investments?

A. The funds are invested in such classes as bonds, common stocks or other investments as the Board may approve.

### Q. If I chose to continue State Employees Insurance when I retire, will the retirement system withhold the monthly premium from my benefit and remit it to the appropriate insurance carrier?

A. Yes. The System will withhold and remit the premium if so authorized. If you need information about the Employee Benefits Division (formerly State & Public School Employees Insurance), contact the following:

**Employee Benefits Division  
P.O. Box 15610  
Little Rock, AR 72231-5610  
Phone: 501-682-1479  
1-800-247-3261**

**Q. Is there reciprocity between the Judicial Retirement System and other State systems?**

A. Judges are eligible for reciprocity with the Arkansas Public Employees Retirement System (APERS), the Arkansas Teacher Retirement System (ATRS), the Arkansas State Police Retirement System (ASPRS), the Highway Employees Retirement System (ASHERS), the Arkansas Local Police and Fire Retirement System (LOPFI), the District Judge Retirement System (ADJRS) and alternate plans for colleges and universities, vocational-technical schools, the Division of Vocational and Technical Education, and the Department of Higher Education.

Under reciprocity, you may utilize your service credit in the Judicial System with service in APERS, ATRS, ASPRS, Arkansas Highway Employees Retirement System (ASHERS), LOPFI, ADJRS and certain alternate plans for vesting purposes. For example, a person with (10) years of service in the Judicial Retirement System and four (4) years of service in the Arkansas Public Employees Retirement System would be eligible to draw a benefit from the Judicial System, at the required age. When eligible, the benefit from AJRS will be based on the service accrued in AJRS.

**Q. How will my retirement benefits be affected if I return to Judicial service after retirement?**

**A. Temporary Service**

In accordance with A.C.A. 16-10-902, “Any retired judge appointed to temporary service under Amendment 77 of the Arkansas Constitution shall receive compensation in addition to his or her retirement benefits at one-half (1/2) the rate as fixed by law for regularly elected circuit and chancery judges.

Also in accordance with A.C.A. 16-10-903, the judge or justice shall not be entitled to a change in membership status or to any increase, decrease, or other modification to his or her retirement benefits as a result of his or her service after retirement.

**Full-Time Service**

According to A.C.A. 24-8-218(c)(4), “Any judge under the age of seventy (70) years who is receiving retirement benefits under this subchapter or under subchapter 7 of this chapter, and who is elected or appointed to any judicial office in this State, and who foregoes receipt of retirement benefits while serving in the judicial office shall be entitled to resume receiving his or her previous retirement benefits upon termination of subsequent service.”

If the judge or justice, at the time of the initial retirement, was entitled to the benefits of the escalator clause provided in 24-8-218(c)(1) or the post retirement benefits provided in 24-8-223 or 24-8-217, the judge or justice and the judge’s or justice’s survivors shall again be entitled to the benefits upon the termination of any such subsequent judicial service.”

**Q. Who do I contact when I decide to retire?**

A. When you decide to retire, please notify the **Member Services Section** with a **letter of intent**. Upon receiving the letter, they will start the process of verifying your eligibility. If you are a Tier I member and have not already transferred credited service (i.e. municipal judge, etc.), or have not already purchased credited service (i.e. Prosecuting attorney, etc.), please let Member Services know as soon as possible in order to avoid unnecessary delays. The address is listed on the back of this handbook.

**Q. Where do I get tax withholding and direct deposit forms?**

A. Once your retirement is approved, your benefits will be paid monthly by the Judicial Retirement System Retiree Services Section. However, before receiving your first payment, the Member Services Section will write and provide you with tax withholding and direct deposit forms for you to sign and return.



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**Tier One**

**Q. What is a member required to contribute to the Plan?**

A. The contribution of each member of the System shall be 6% of each member's annual salary (A.C.A. 24-8-209).

When a Judge is certified as eligible for retirement, no further contribution shall be required of him (A.C.A. 24-8-211)

In the event a person ceases to be a member prior to qualifying for benefits, the person is entitled to a refund of all contributions paid into the system (A.C.A. 24-8-209).

Act 236 of 1997 provides for the employer pick-up of member contributions, retroactive to February 21, 1997, i.e., state and federal taxes will be deferred on these contributions.

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**Q. When can I contribute to the System after becoming eligible for retirement?**

A. Upon written notice of election by a member of AJRS, a judge with at least twenty (20) years of actual judicial service may continue or recommence payment of the six percent (6%) contribution into the System to accrue the maximum retirement benefit provided under A.C.A. 24-8-218. (Act 744 of 2009).

**Q. What is required to participate in this enhanced benefit?**

A. Election to participate shall be made in writing on the form enclosed in this Handbook and submitted to the AJRS Board of Trustees no later than the last working day preceding the requested effective date of participation. The election shall be irrevocable. Participation will begin on the first of the month selected by the member, provided the Election Form is received as indicated above. Otherwise, the effective date will be the first of the next month.

**Q. What is the increase in retirement benefits?**

A. Effective July 1, 2009, the benefit payable for each year of additional service after twenty (20) years of actual judicial service, the benefit shall be increased by two and one-half percent (2.5%), in accordance with the provisions of A.C.A. 24-8-211(b).

**Q. What is the maximum benefit payable?**

A. The maximum benefit payable to a judge or justice under this provision is seventy five percent (75%) of the salary for the office at the time of the member's retirement.

**Q. When am I eligible for retirement?**

A. Any active member with a minimum of ten (10) years of credited service may voluntarily retire upon reaching sixty-five (65) years of age or thereafter upon filing a written application with the board (A.C.A. 24-8-215 (a)).

Any other member who has a minimum of twenty (20) years of credited service may retire regardless of age, and any judge or justice who has served at least fourteen (14) years shall be eligible for benefits upon reaching age sixty-five (65) years (A.C.A. 24-8-215 (b)).

In all cases of age and service retirement for judges or justices elected after July 1, 1983, the member must have a minimum of eight (8) years of actual service as a Justice of the Supreme Court or a judge of the circuit or chancery courts or the Court of Appeals (A.C.A. 24-8-215(d)).

**Q. Is there an early retirement provision?**

A. Any judge or justice who has fourteen (14) years or more service in the System may elect to retire and receive retirement benefits at any time after reaching age sixty-two (62) years and before reaching age sixty-five (65) years (A.C.A. 24-8-216 (a)).

The retirement benefits of any judge or justice electing to retire before age sixty-five (65) years shall be reduced six percent (6%) for each full year and proportionately for any part of a year that the judge retires before reaching age sixty-five (65) years (A.C.A. 24-8-216 (b)). The statute provides only for "any judge of circuit or chancery court", but refers to other statutes that, in turn, provide for judges of the appellate courts.

Act 1099 of 1979 provided that any circuit judge, chancery judge, or supreme court judge who had eighteen or more years could retire "with benefits fractionally reduced equivalent to his period of service based on twenty years." This provision was repealed by Act 231 of 1983. However, Section 4 of Act 231 provides that the rights and interests of any judge or justice first elected prior to July 1, 1983, shall be determined according to the law as it existed prior to January 1, 1983, unless a judge or justice shall elect in writing, that his or her rights in the Judicial Retirement System shall be governed by Act 231.

**Q. Is there a compulsory age at which I must retire?**

A. Any judge or justice who becomes seventy (70) years of age during a term of office to which he/she has been elected may complete the term without forfeiting his/her rights to retirement benefits.

Any Judge or Justice who is not eligible to retire at age (70) may continue to serve as judge until the completion of the term of office in which he/she receives sufficient credited service to retire without losing his/her retirement benefits. The judge or justice shall lose all retirement benefits if he/she serves beyond the end of the term needed to get sufficient credited service to retire.

Notwithstanding the above requirement, Act 1355 of 1995 provides that any judge or justice who served continuously for at least sixteen (16) years, who is at least eighty (80) years of age, who is not serving on the effective date of this act, and who is ineligible for retirement due to having served beyond the mandatory retirement age, shall be entitled to receive retirement benefits under the Judicial

Retirement System. Otherwise, judges, or justices must retire by their seventieth birthday or lose their retirement benefits. However, any active judge or justice who was serving prior to July 1, 1965, may continue to serve until any age and shall, upon retirement, be eligible to receive retirement benefits (A.C.A. 24-8-215 (c)).

**Q. How is my retirement benefit determined?**

A. Upon retiring, a Judge receives sixty percent (60%) of the annual salary payable to the last judicial office held (A.C.A. 24-8-218 (a)). However, a judge is eligible for up to seventy-five percent (75%) under Act 744 of 2009.

**Q. Will my monthly benefits ever increase?**

A. For any person who was a member on or before June 30, 1983, the retirement benefits shall be increased or decreased from time to time as the salary for the particular judicial office is increased or decreased. For all judges or justices first elected after July 1, 1983, and who have received retirement benefits from the system for at least twelve (12) full calendar months, the retirement benefits shall be increased each July 1<sup>st</sup> by 3% . (A.C.A. 24-8-218 and 223).

**Q. What are the survivors’ benefits provided by the System?**

A. For a retiree, Survivor’s benefits shall be sixty-seven percent (67%) of the amount of the retirement benefits.

Upon the death of an active judge who has served at least three (3) years, or any other judge who has met or could have met the qualifications for retirement benefits, the judge’s survivors shall receive a sum equal to sixty-seven percent (67%) of the retirement benefits the judge would otherwise have received.

Survivor’s benefits shall be payable as follows:

If the decedent is survived by a spouse to whom he/she has been married for not less than one (1) year and with whom he/she is living

at the time of death and if he/she is not survived by any minor child or children, then the spouse shall draw for life, or until remarriage, a sum equal to sixty-seven percent (67%) of the benefits the judge would otherwise have received.

If the decedent is survived by both an eligible spouse and minor children, then one-half (1/2) of the survivors’ benefits shall be paid to the spouse for life, or until remarriage. The other one-half (1/2) of the survivors’ benefits shall be paid the guardian of the minor children during the period of minority. When all of the children cease to be minors, then the survivors’ benefits paid to the minor children shall be paid to the spouse;

If the decedent is not survived by an eligible spouse but is survived by minor children, then the survivors’ benefits, i.e., sixty-seven percent (67%) of the benefits the judge would otherwise have received, shall be payable to the guardian of the minor children during the period of minority.

If a surviving spouse who is receiving survivor’s benefits remarries and the benefits are discontinued, and the surviving spouse again becomes unmarried, benefits provided for the spouse shall be resumed (A.C.A. 24-8-218(b)).

The three-year requirement shall only apply to judges elected after July 1, 1983 (A.C.A. 24-8-218).

**Q. If I become disabled, may I receive benefits from the System?**

A. Any member of the System who has served a minimum of three (3) consecutive years shall receive retirement benefits if any incapacitating disability, as determined by the Arkansas Judicial Retirement Board, shall occur during any term for which the judge has been elected.

The three-year service requirement shall only apply to judges elected after July 1, 1983 (A.C.A. 24-8-217).



**Q. What are the survivor benefits under disability?**

A. Survivor benefits shall be sixty-seven percent (67%) of the amount of the retirement benefits.

**Q. May I transfer service from another Arkansas Retirement System?**

A. You may transfer service as a municipal judge, prosecuting attorney, and juvenile judge under the following conditions:

**Municipal Judge (A.C.A. 24-8-212)**

Any person who shall have served as a municipal judge in any municipal court in this state and who holds credited service therefore in any retirement system or retirement fund is authorized to transfer his/her credited service in the retirement system or fund to the Arkansas Judicial Retirement System by:

- (1) Notifying in writing, the administrative body of each retirement plan of his/her intention to transfer his/her tenure;
- (2) Authorizing the board of trustees or appropriate administrative body of his/her retirement system to transfer to the Arkansas Judicial Retirement System any sums of money paid for his/her retirement to the retirement fund or system by the municipal judge and, at the option of the city council or board of directors, to transfer to the Arkansas Judicial Retirement System the court costs collected during his/her tenure as municipal judge; and
- (3) Paying into the Arkansas Judicial Retirement System an amount of money he/she would have paid into the system for an equal amount of tenure as a judge of the court to which he/she has been elected, less the amount of money from his/her present retirement system as authorized in this section. Upon transferring the credited service from his/her present retirement fund or system, the person shall be given credited services for which he/she has qualified under any other plan or system to which he/she has belonged by reason of his/her service as municipal judge.

**Prosecuting Attorney (A.C.A. 24-8-214)**

Any person who shall have served not less than two (2) years as an elected prosecuting attorney in this state and who holds credited service therefore in the Arkansas Public Employees' Retirement System, as established by A.C.A. 24-4-103, anytime after being elected as a circuit judge, chancery judge, or justice of the Arkansas Supreme Court, is authorized to transfer his credited service in the Arkansas Judicial Retirement System by:

- (1) Notifying in writing, the administrative body of each of the retirement plans of his/her intention to so transfer his tenure;
- (2) Authorizing the Board of Trustees of the Arkansas Public Employees Retirement System to transfer to the Arkansas Judicial Retirement System any sums of money paid for his/her retirement to the Arkansas Public Employees' Retirement System by the elected prosecuting attorney; and
- (3) Paying into the Arkansas Judicial Retirement System an amount of money he/she would have paid into the system for an equal amount of tenure as a judge of the court to which he/she has been elected, less the amount of money transferred from the Arkansas Public Employees' Retirement System as authorized in this section. Upon transferring the credited service from the Arkansas Public Employees' Retirement System, the person shall be given credited service in the Arkansas Judicial Retirement System for an equal number of years of credited service for which he/she has qualified under the Arkansas Public Employees' Retirement System as an elected prosecuting attorney.

**Juvenile Judge (A.C.A. 24-8-222)**

Any member of the Arkansas Judicial Retirement System who has credit in the Arkansas Public Employees Retirement System for service as a juvenile judge is authorized to transfer that credit to the Arkansas Judicial Retirement System by:

- (1) Identifying in writing the administrative body of each of the retirement systems of the intention to transfer his/her tenure; and
- (2) Authorizing the Arkansas Public Employees’ Retirement System Board of Trustees to transfer to the Arkansas Judicial Retirement System all contributions paid by on behalf of the former juvenile judge, together with six percent (6%) interest compounded from date of payment; and
- (3) Paying into the Arkansas Judicial Retirement System the total contributions, which would have been paid, based on the member’s current salary, for an equal amount of money transferred from the Arkansas Public Employees’ Retirement System.

Upon transferring his/her credited service, the member shall be credited in the Arkansas Judicial Retirement System with the same amount of time with which he/she had been previously credited in the Arkansas Public Employees’ Retirement System for service as a juvenile judge.

**Q. How may I obtain credit for military service?**

A. There are two provisions for military service credit:

**Free Credit (A.C.A. 24-2-501)**

Members of the Arkansas Judicial Retirement System are entitled to receive FREE credited service in the system for a period not to exceed two years for service rendered in the armed forces of the United States during World War I, World War II, the Korean Conflict or the Vietnam Conflict.

To receive such credit, you must make application with the Arkansas Judicial Retirement System and provide satisfactory proof of the military service.

**Purchasable Credit**

You may purchase from one month to five years of active duty military time if you:

- (1) Have 5 years of actual service credited in the Retirement System; and
- (2) Have received an honorable discharge.

To purchase the time, you must pay into your account the amount you and your employer would have contributed plus interest, had you been a member during your military service. The amount you would pay is based on: (1) your first full month’s earnings as reported to the System; (2) the member contribution rate in effect during that first month, (3) the employer contribution rate in effect during that first month for purchases of one month up to three years (for purchasing any or all of the fourth and fifth year of credited service, the employer rate shall be that in effect on the date the member first became eligible to make the purchase); and (4) 6% interest. Interest will begin six months after eligibility. In other words, if you purchase your military time within six months after having obtained 5 years of credited service, you will not be charged any interest on your purchase.

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# Tier Two

**Q. Who must participate in Tier II?**

**A.** Membership includes all chancery, circuit, circuit-chancery, and Appeals Court judges and Supreme Court Justices elected or appointed after the effective date of Act 399 of 1999 (August 1, 1999), active members on the effective date of the Act who elect to participate in Tier II, and former members who were active on December 31, 1998 and elected to participate.

**Q. What is a member required to contribute to the Plan?**

**A.** The contribution of each member of the System shall be 5% of each member's annual salary (A.C.A. 24-8-706).

When a Judge or Justice has sufficient service (25 years) to receive the maximum benefit under A.C.A. 24-8-712(a), no further contribution shall be required.

In the event a person ceases to be a member prior to qualifying for benefits, the person is entitled to a refund of all contributions paid into the system (A.C.A. 24-8-706(b)).

Act 236 of 1997 provides for the employer pick-up of member contributions, retroactive to February 21, 1997, i.e., state and federal taxes will be deferred on these contributions.

**Q. Can I purchase service under Tier II?**

**A.** The only eligible service in Tier II is actual judicial bench service. You can't have military service in Tier II (free or purchased). In addition, you can't have Municipal Judge, Prosecuting Attorney and/or Juvenile Judge service in Tier II.

**Q. When am I eligible for retirement?**

**A.** Any **active** member with a minimum of eight (8) years of service may voluntarily retire upon reaching sixty-five (65) years of age or thereafter upon filing a written application with the board (A.C.A. 24-8-710 (a)).

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Any other member who has a minimum of twenty (20) years of credited service may retire regardless of age. (A.C.A. 24-8-710 (a)).

**Q. Is there an early retirement provision?**

A. Any member of the Tier Two Actual Judicial Service Benefit Plan for the Arkansas Judicial Retirement System who has eight (8) years or more of actual service in the Arkansas Judicial Retirement System may elect to retire and receive retirement benefits at any time after reaching age sixty-two (62) and before reaching age sixty-five (65) years.

The retirement benefits of a member electing to retire before age sixty-five (65) years with less than twenty (20) years of actual service shall be reduced six percent (6%) for each full year and proportionately for any part of a year that the judge or justice retires before reaching age sixty-five (65) years.

**Q. Is there a compulsory age at which I must retire?**

A. Any judge or justice who becomes seventy (70) years of age during a term of office to which he/she has been elected may complete the term without forfeiting his/her rights to retirement benefits under this section (A.C.A. 24-8-710(b)(1)).

Any judge or justice who is not eligible to retire at age (70) may continue to serve as judge until the completion of the term of office in which he/she receives sufficient credited service to retire without losing his/her retirement benefits. The judge or justice shall lose all retirement benefits if he/she serves beyond the end of the term needed to get sufficient credited service to retire.

Otherwise, judges, or justices must retire by their seventieth birthday or lose their retirement benefits. However, any active judge or justice who was serving prior to July 1, 1965, may continue to serve until any age and shall, upon retirement, be eligible to receive retirement benefits (A.C.A. 24-8-710(b)(3)(B)).

**Q. How is my retirement benefit determined?**

A. Upon retiring, a Judge receives an amount equal to three and two tenths percent (3.2%) of the annual salary payable to the last judicial office held multiplied by the number of years of actual service but not to exceed an amount equal to eighty percent (80%) of salary.

**Q. What are the survivors' benefits provided by the System?**

A. For a retiree, Survivor's benefits shall be sixty-seven percent (67%) of the amount of the retirement benefits. Upon the death of an active judge who has served at least three (3) years, or any other judge who has met or could have met the qualifications for retirement benefits, the judge's survivors shall receive a sum equal to sixty-seven percent (67%) of the retirement benefits the judge would otherwise have received.

**Survivor's benefits shall be payable as follows:**

If the decedent is survived by a spouse to whom he/she has been married for not less than one (1) year and with whom he/she is living at the time of death and if he/she is not survived by any minor child or children, then the spouse shall draw for life, or until remarriage, a sum equal to sixty-seven percent (67%) of the benefits the judge would otherwise have received.

If the decedent is survived by both an eligible spouse and minor children, then one-half (1/2) of the survivors' benefits shall be paid to the spouse for life, or until remarriage. The other one-half (1/2) of the survivors' benefits shall be paid the guardian of the minor children during the period of minority. When all of the children cease to be minors, then the survivors' benefits paid to the minor children shall be paid to the spouse;

If the decedent is not survived by an eligible spouse but is survived by minor children, then the survivors' benefits, i.e., sixty-seven (67%) of the benefits the judge would otherwise have received, shall be payable to the guardian of the minor children during the period of minority.

If a surviving spouse who is receiving survivor's benefits remarries and the benefits are discontinued, and the surviving spouse again becomes unmarried, benefits provided for the spouse shall be resumed (A.C.A. 24-8-713(b)).

In accordance with Act 1067 of 1999, the annual minimum survivors benefit shall be an amount equal to twelve percent (12%) of the annual salary of the judge or justice.

**Q. Will my monthly benefits ever increase?**

A. For all judges or justices who have received retirement benefits from the system for at least twelve (12) full calendar months, the retirement benefits shall be increased each July 1<sup>st</sup> by 3% (A.C.A. 24-8-715(b)).

**Q. If I become disabled, may I receive benefits from the System?**

A. Any member of the System who has served a minimum of three (3) consecutive years shall receive retirement benefits if any incapacitating disability, as determined by the Arkansas Judicial Retirement Board, shall occur during any term for which the judge has been elected (A.C.A. 24-8-712(a)).

**Q. If I am disabled, how would my benefits be calculated?**

A. The annual disability benefit will be equal to a percentage of your final salary determined by multiplying the number of years of service by 3.2%. However, the annual minimum disability benefit shall not be less than twenty-five and six tenths percent (25.6%) of the annual salary of the judge or justice.

**Q. What are the survivor benefits if I am disabled?**

A. The annual survivor benefit will be equal to 67% of the members' disability benefit. However, the annual minimum survivors' disability benefit shall not be less than seventeen and one hundred fifty-two thousandths percent (17.152%) of the annual salary of the judge or justice.



**Arkansas Judicial Retirement System  
Election to Participate in Act 744 of 2009**

I, \_\_\_\_\_, Social Security number \_\_\_\_\_, do hereby elect to participate in the Arkansas Judicial Retirement System under the provisions created by Act 744 of 2009.

My effective date of participation will be the first day of \_\_\_\_\_, \_\_\_\_\_. I understand that this election, as provided under ACA 24-8-218, is irrevocable.

In accordance with ACA 24-8-218, I also understand that the provision is prospective and that if I had discontinued paying employee contributions into the System, that these contributions will recommence on the effective date of participation. I further understand that I am eligible for the additional benefit for each month/year of additional service after twenty (20) years of actual judicial service.

\_\_\_\_\_  
Signature of Member Date

Subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ in the State of  
Arkansas, County of \_\_\_\_\_.

My Commission Expires \_\_\_\_\_

Seal

\_\_\_\_\_  
Signature of Notary

Submit this form to: Arkansas Judicial Retirement System  
Attn: Member Services/Counseling  
124 West Capitol Avenue, Suite 400  
Little Rock, AR 72201

CSMISC

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# NOTES