



Proof of Marriage

Retirement benefit options that provide a “continuance” benefit (a continuing benefit payable to a beneficiary for their lifetime upon your death) require certain documentation. Before SDCERS can process your retirement, you will be required to provide the necessary documents. If you select a benefit naming your spouse as a continuance, you must submit proof of marriage. There are no exceptions to this rule.

Why does SDCERS need proof that I am married before processing my retirement?

If you retire and select the “Maximum (Married)” retirement benefit option, your spouse will receive a 50% continuance benefit upon your death *without* reducing your monthly pension benefit. In order to select this benefit option, you must provide proof that the person you designate as your continuance beneficiary is your legal spouse. The reason behind this requirement is twofold: 1) Your retirement plan only allows a spouse to receive the 50% continuance benefit under the Maximum (Married) benefit option; and 2) the continuance benefit often amounts to more than \$1,000 per month for the beneficiary’s lifetime, which can easily add up to over \$100,000 in total. SDCERS needs to be sure the person named for this benefit is legally married to you in order to prevent fraud and enforce the terms of your retirement plan. For these reasons, you will also be required to provide proof of marriage if you select retirement benefit option 2, 3, or 4 and name your spouse as your continuance.

How do I prove I am married to my spouse?

The most common proof of marriage is a copy of your valid government-issued marriage certificate. If you have lost your marriage certificate, it may be possible to order a new one by contacting the clerk of court where your certificate was originally filed. However, SDCERS understands that there are circumstances where it is impossible for you to retrieve a copy of your marriage certificate or where a marriage certificate does not exist even for a valid marriage. Board Rule 5.10(b) describes alternative documentation to prove your marriage in lieu of a marriage certificate. (You can find all of the Board Rules [here](#).)

If you are unable to provide a copy of your marriage certificate, SDCERS will require multiple types of alternative documentation, which may be approved depending on the circumstances and at the discretion of SDCERS’ Chief Executive Officer. Possible alternatives include:

- Church-issued marriage certificate;
- Immigration papers listing marital status and identifiable information of the spouse;
- Jointly filed tax returns;
- Birth certificates naming both spouses as parents of their children;
- Documents showing that one spouse assumed the surname of the other spouse;
- Notarized affidavit(s) from family members describing details of the marriage; and/or
- Notarized affidavit signed by both spouses swearing to details surrounding the marriage.

Note: The term “marriage” as used in this fact sheet also includes registered domestic partnerships.