

## RCSBP Actions at Divorce

**Soldier's Actions.** If you have spouse RCSBP coverage, a court may award former spouse RCSBP coverage if you divorce. Former spouse RCSBP coverage may also be part of a written agreement not incorporated into a divorce, or you may voluntarily elect former spouse RCSBP coverage. By law, you have one year from the date of the divorce to request the conversion to former spouse RCSBP coverage. Submit your former spouse SBP request on a DD Form 2656-1 (SBP Election Statement for Former Spouse Coverage) with your divorce decree and any subsequent court orders. If neither you nor your former spouse take action within one year of the first court order awarding RCSBP, your RCSBP election will be suspended spouse coverage and cannot be changed to former spouse coverage by law. If the first court order awarding RCSBP is over one year from the date of the divorce, only your former spouse can change your RCSBP election by deeming it.

**Former Spouse Actions.** If the court awarded you former spouse RCSBP coverage, you have one year from the date of the first court order that awarded the former spouse RCSBP to "deem" the election. Deeming the election allows a former spouse to ensure the RCSBP election is changed to former spouse. The Reserve Component Soldier can only change the RCSBP election within one year of the divorce. If the court order awarding former spouse RCSBP coverage is one year or more after the date of the divorce, only the former spouse can change the RCSBP election.

To deem former spouse RCSBP coverage, you must submit a DD Form 2656-10 (SBP/RCSBP Request for Deemed Election) to HRC Reserve Retirements Branch. Attach a copy of the divorce and court order awarding former spouse SBP. If it was incorporated into a written agreement, provide the agreement and the court order incorporating, ratifying, or approving the agreement.

**Former Spouse RCSBP and Option A.** Since RCSBP was declined in Option A, RCSBP could not be awarded by the court. However, since an SBP election must be made at non-regular retirement, the court could award former spouse SBP. The RC Soldier would make the former spouse SBP election at retirement and the former spouse would still have one year from the first court order to deem former spouse SBP.



## RCSBP at Active Duty Retirement

If you retired from active duty either for length of service or disability, your RCSBP election is invalid and will not impact your SBP election. There will be no cost for any RCSBP coverage received.

## Automatic RCSBP Coverage

Since Jan. 1, 2001, if you have dependents (spouse and or children) and fail to make your RCSBP election within 90 days of receiving your NOE for retired pay, you will receive full immediate (Option C) RCSBP coverage for the dependents you have at that time. You are responsible for maintaining your automatic RCSBP election until your non-regular retirement. Your automatic RCSBP election and any updates due to dependent changes will become your SBP election at non-regular retirement.

## How to Change Your RCSBP Election

To change an RCSBP election, USAR and Retired Reserve Soldiers submit requests to the Human Resources Command (HRC) Reserve Retirement Branch. National Guard Soldiers submit requests to their National Guard State Headquarters for enclosure in personnel record systems. RCSBP changes must be submitted with supporting documentation (divorce decree, marriage certificate, death certificate, birth certificate, adoption decree, or guardianship decree). The HRC Reserve Retirements mailing address is: U.S. Army Human Resources Command; ATTN: AHRC-PDP-TR, Dept 480; 1600 Spearhead Division Avenue; Ft. Knox, KY 40122.

This pamphlet was prepared by the Army Retirement Services Office and may be reprinted by Army Retirement Services Officers. It is also posted on the Army Retirement Services website at <http://soldierforlife.army.mil/retirement/sbp>

# MAINTAINING YOUR RESERVE COMPONENT SURVIVOR BENEFIT PLAN ELECTION

## YOU ARE RESPONSIBLE FOR UPDATING YOUR RCSBP ELECTION

after you make your initial RCSBP election when you receive your Notification of Eligibility (NOE) for Retired Pay (20-year letter). You may lose desired SBP coverage or you may receive coverage for a dependent you did not want if you don't maintain your election!



## RCSBP Election Options

If you elected RCSBP Option B (deferred annuity) or Option C (immediate annuity), your RCSBP election will become your SBP election at non-regular retirement and receipt of retired pay. An election of Option A (decline RCSBP) participation means you will have no RCSBP coverage and must make an SBP election at your non-regular retirement. If you were not married, had no eligible children, and did not cover an insurable interest or former spouse when you made your RCSBP election, you can elect RCSBP coverage (option B or C) for your first eligible spouse and or child before you start receiving retired pay. The RCSBP election must be made within one year of acquiring the first eligible dependent or the RCSBP election reverts to Option A and an SBP election will be required at non-regular retirement.

## RCSBP Election Changes

### Remarriage after Retirement

If you previously had spouse RCSBP coverage (Option B or C, which is now suspended) you have one year from the date you remarry to choose one of three options: (1) decline coverage for your new spouse and any future spouse; (2) increase coverage (if the previous RCSBP election was for reduced spouse coverage); or (3) resume your previous spouse RCSBP coverage. You must notify HRC Reserve Retirements Branch or your National Guard State Headquarters within one year of the date of your remarriage. If you take no action within one year, your RCSBP reverts to the original spouse RCSBP election by law.

### No Spouse at Retirement

If you were not married when you made your initial RCSBP election, but elected RCSBP Option B or C for your children, you may add your spouse to your existing coverage within one year, but this is only for the first marriage following your initial RCSBP election. If you take no action within one year of the marriage, RCSBP and SBP at non-regular retirement are closed for that spouse and any future spouse.



### No Dependents at Initial RCSBP Election

If you had no spouse or children when you made your initial RCSBP election and did not elect former spouse or insurable interest RCSBP coverage, you can elect spouse RCSBP for your first spouse if you have not already reverted to Option A because you didn't cover an eligible child. You must request the spouse coverage within one year of the marriage, or you will revert to Option A, and you must make an SBP election at non-regular retirement. If your first dependent is a child, you must make the RCSBP election within one year of gaining the eligible child. Failure to make the election within one year will preclude child RCSBP coverage for that child and any future child or spouse as well as cause your RCSBP election to revert to Option A. You would then be required to make an SBP election at non-regular retirement.

### Married with Insurable Interest RCSBP

If you elected RCSBP for an insurable interest and then marry, you have one year from the date of marriage to cancel the insurable interest RCSBP and elect spouse RCSBP coverage. If you take no action within one year of marrying, you close the spouse RCSBP category for that spouse and any future spouse. After one year of marriage, you cannot elect spouse RCSBP or SBP coverage at non-regular retirement even if your insurable interest RCSBP beneficiary dies or you cancel the insurable interest RCSBP election.

### Exiting Spouse RCSBP Coverage

If you had no eligible children when you made your initial RCSBP election and elected RCSBP Option B or C for your spouse, you can add a child to your existing RCSBP coverage within one year of the date you gained the child. If you do not take action within one year, you close the RCSBP and SBP category for that child and any future child.

### Child with Insurable Interest RCSBP Election

If you elected RCSBP for an insurable interest and then have a child, you have one year from the date of gaining the child to cancel the insurable interest RCSBP and elect child RCSBP. If you take no action within one year of gaining the child, you close the RCSBP and SBP category child for that child and any future child. After one year of gaining the child, you cannot elect child RCSBP or SBP at non-regular retirement even if your insurable interest RCSBP beneficiary dies or you cancel the insurable interest RCSBP election.



### Changing Insurable Interest Beneficiary

Within 180 days of the death of your insurable interest beneficiary, you may elect a new insurable interest beneficiary. You must make the election in writing and live two years past the effective date of the election. If you die before the end of the two years, the election is invalid and no RCSBP annuity will be paid. You can cancel your insurable interest election at any time.