

The information below applies to surviving dependent children of members who had credited service in the plan on or after January 1, 1990.

Introduction

Dependent children may be eligible for a survivor pension when:

- the member doesn't have a spouse who is entitled to a survivor pension, or
- the spouse of a deceased member dies while he or she is entitled to a survivor pension.

Who is eligible?

Surviving children of deceased members are eligible to receive a dependent child survivor pension as long as they were dependent on the member for support at the time of the member's death. He or she must be:

- under age 18; or
- age 18 to 24 and attending full-time, continuous education since age 18 or since the member died, whichever occurred later; or
- disabled, having been disabled without interruption since the member died.

Dependent on the member for support

We consider the child dependent on the member for support if the member regularly and consistently contributes to the necessary maintenance, or the necessities of life, of the child.

Necessities of life include food, clothing, shelter, medical care and/or transportation. A member could contribute to a child's necessary maintenance by paying for certain items directly or by providing personal care and assistance that the child would otherwise need to purchase from a third party.

It isn't necessary for the child to be entirely dependent on the member. For example, the child may live in a different home from the member and receive support from several sources. However, the availability and the amount of other forms of support are relevant in determining whether a child relies on the member's support for his or her basic needs.

Disabled

A child is disabled if he or she has a "severe and prolonged mental or physical disability." The disability is considered to be *severe* if the person is incapable of regularly pursuing any substantially gainful occupation, and *prolonged* if it is likely to be long, continued, and of indefinite duration or likely to result in death.

Amount of survivor pension

If members die before their pension is put into pay, the amount of a dependent child survivor pension would be 50% of the pension that was or would have been paid to the member after age 65.

Amount of survivor pension, cont'd.

If, however, members die on or after their pension is put into pay, the amount of a dependent child survivor pension would be:

- 50% of the pension that was or would have been paid to the member after age 65, if the member didn't have a spouse entitled to a survivor pension; or
- equal to the amount of the survivor pension that the member's spouse was or would have been entitled to after the death of the member.

The survivor pension is shared equally among dependent children.

A dependent child survivor pension is shared equally among all of the deceased member's dependent children. When a child is no longer dependent, his/her share of the dependent child survivor pension would be redistributed, equally, between the children who continue to be dependent.

Terminating a survivor pension

A dependent child survivor pension remains in pay for as long as there is at least one child who continues to be dependent. When the last eligible child ceases to be dependent, we must terminate the dependent child survivor pension.

A disabled child is considered dependent only for as long as he or she continues to be disabled. We must terminate the survivor pension for disabled, dependent children if they:

- become gainfully employed; and/or
- recover from their disability to the point that it is no longer prolonged.

In both of these situations, the child would no longer meet the requirement of being "disabled without interruption since the member died."

Please note that we may require a child, who is receiving a disabled dependent child survivor pension, to submit medical evidence confirming that he or she continues to meet the definition of "disabled."

Repayment of survivor pension

When a child is no longer dependent, they must notify us to stop payment of their survivor pension. If they don't notify us and continue to receive survivor pension payments to which they aren't entitled, they must repay these payments, with interest.

Minor children and legal guardians

We can't pay survivor pensions to children under age 18. Instead, we must issue the monthly pension payment to the Accountant of the Superior Court of Justice, who receives it on behalf of the child until age 18. If a guardian wants to receive the benefit payment directly, he or she must be granted a court order for guardianship of the minor's property.

In addition, we can't take payment instructions from a child who is 18 years of age or older but isn't capable of managing his or her own property. In these cases, we'll seek direction from the person with legal authority to deal with the child's property. This includes a person whom the courts have appointed to be the guardian of the property of the child or someone with Power of Attorney for Property.

Required documents

To review entitlements for surviving dependent children, we may require the following:

- a copy of the deceased member's death certificate or a funeral director's statement
- a copy of the deceased member's birth certificate or other proof of date of birth
- a copy of the deceased members' will
- a copy of the Canada Pension Plan (CPP) Disability Notice of Entitlement, if the deceased member was in receipt of a CPP Disability pension
- a copy of the deceased spouse's death certificate, if applicable
- a copy of the divorce certificate or separation agreement, if applicable
- a copy of each dependent child's birth certificate
- the *Declaration of Attendance at School or University* form (for each child)
- the *Application for a Survivor's Benefit* form (for each child, signed by the guardian for children under age 18, including a Social Insurance Number for each child)
- a letter from each child over the age of 18 who is not considered dependent, confirming he or she was not enrolled in full-time, continuous education at the date of death
- the *Application for Death Benefits* form completed and signed by all estate trustees

Disabled, dependent children

We must also receive the following documents for each disabled child:

- the *Medical Report: Survivor Pension for Disabled, Dependent Children* form (to be completed by both the child or guardian and the child's physician)

OR

a copy of the letter you received from the Canada Revenue Agency if you've been approved to permanently receive the Disability Tax Credit

- the *Financial Report: Survivor Pension for Dependent Children* form (to be completed by the child or guardian)
- a copy of the Power of Attorney for property, or the court order confirming the appointment of the guardian for the child's property, if the child is unable to manage his or her own property