



# Illinois Municipal Retirement Fund

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Member Services Representatives 1-800-ASK-IMRF

[www.imrf.org](http://www.imrf.org)

## GENERAL MEMORANDUM

Number: 613

Date: May 16, 2011

To: All Authorized Agents

Subject: Public Act 96-1513: Illinois Religious Freedom Protection and Civil Union Act

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### Executive Summary

On February 1, 2011, the governor signed Senate Bill 1716 (Public Act 96-1513) into law. Public Act 96-1513 is effective June 1, 2011, and confers the rights of marriage available under Illinois Law to parties to a civil union. Therefore, the partner of a member who enters into a civil union will have the same rights as a spouse of a married member.

P.A. 96-1513 does not change the type or amount of benefits payable under the Pension Code, it merely expands the persons eligible to receive those benefits.

A civil union partner will be eligible to receive an IMRF Surviving Spouse pension if the partner meets the eligibility requirements.

If a member with a civil union dissolves the union, just as in the case of divorce with a married couple, a QILDRO would need to be entered by the court in order for IMRF to divide the member's pension or other benefits.

Members wishing to enter into a civil union should contact their county clerk for more information.

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Effective June 1, 2011, the Illinois Religious Freedom and Civil Union Act (P.A. 96-1513) confers the rights of marriage available under Illinois law to parties to a civil union (which can be entered into by both same sex and opposite sex couples).

P.A. 96-1513 provides that "a party to a civil union is entitled to the same legal obligations, responsibilities, protections and benefits as are afforded or recognized by the law of Illinois to spouses, whether they derive from statute, administrative rule, policy, common law, or any other source of criminal or civil law."

### Civil unions from other states

Under P.A. 96-1513, civil unions are accorded a status equal to marriage in Illinois. Moreover, section 60 of the Act provides that civil unions legally entered into in another jurisdiction shall be recognized in Illinois as a civil union. Thus, parties to civil unions (or a substantially similar legal relationship) from other states are provided the same rights as spouses in Illinois.

### Entering into a civil union in Illinois

P.A. 96-1513 sets forth procedures for the certification and registration of civil unions. Persons entering into a civil union will be issued a certificate of civil union by the county clerk. Members wishing to enter into a civil union should contact their county clerk for more information.

### **Dissolving a civil union**

P.A. 96-1513 adopts the Illinois Marriage and Dissolution of Marriage Act to govern dissolution of civil unions. Thus, just as a marriage may end in divorce, a civil union may also be dissolved. The right to dissolution also involves the right to equitable division of property without regard to title.

### **Impact on IMRF benefits**

What do these recent changes mean for purposes of IMRF?

### **Surviving Spouse Annuity**

Pursuant to the Pension Code, IMRF (Tier I, Tier II, ECO and SLEP) provides a surviving spouse pension to an eligible spouse of a participating member, retired member or an inactive member who on the date of death would have been eligible for an IMRF pension if he or she had applied for such a pension, and who dies at a time when the surviving spouse pension would have been at least five dollars a month. Under P.A. 96-1513, the surviving member of a civil union may be eligible for a surviving spouse pension.

- *Amount of Benefit*  
If part of a civil union, the partner of a member who is eligible to receive surviving spouse benefits is entitled to the same benefits that are available to the surviving spouse of a married member.
- *Length of Marriage or Civil Union*  
Just as with marriage, in order to be eligible to receive a surviving spouse annuity, a couple would need to have been recognized as having a legal civil union for at least one year prior to the time the member ceased participating in IMRF.

### **Divorce/ Dissolution**

Under P.A. 96-1513, civil unions are capable of being dissolved pursuant to the Illinois Marriage and Dissolution of Marriage Act. Because an IMRF pension is considered marital property, it is subject to division in the event of a divorce or dissolution.

- *Qualified Illinois Domestic Order (QILDRO)*  
Just as in the case of divorce with a married couple, when a civil union is dissolved by a court of law a QILDRO would need to be entered by the court in order for IMRF to divide the member's pension or other IMRF benefits.

P.A. 96-1513 does not change the manner in which pensions are divided in the event of a divorce or dissolution, it simply now allows a non-member party to a civil union to now be designated as an alternate payee for purposes of the QILDRO.

If a member is dissolving a civil union, no later than two to three months prior to the member's court date, he or she should contact IMRF at 1-800-ASK-IMRF and ask for the "Divorce Information Packet" and the "Qualified Illinois Domestic Relations Orders-Forms, Instructions and General Information" booklet.

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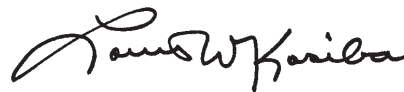
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In summary, P.A. 96-1513 does not change the type or amount of benefits payable under the Pension Code, it merely expands the persons eligible to receive those benefits.

**Questions?**

If you have any questions regarding the information presented in this memorandum, please send us a secure electronic message or call an IMRF Member Services Representative at 1-800-ASK-IMRF (1-800-275-4673), 7:30 a.m. to 5:30 p.m., Monday through Friday.

Sincerely,

A handwritten signature in black ink, appearing to read "Louis W. Kosiba". The signature is fluid and cursive, with a large initial "L" and "W".

Louis W. Kosiba  
Executive Director