NEBRASKA ADMINISTRATIVE CODE

TITLE 303, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 5

RETIREMENT SYSTEMS, PUBLIC EMPLOYEES
PUBLIC EMPLOYEES RETIREMENT BOARD

RULES AND REGULATIONS FOR
EVIDENCE TO DETERMINE AGE AND STATUS

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NEBRASKA ADMINISTRATIVE CODE

TITLE 303 – PUBLIC EMPLOYEES RETIREMENT BOARD

CHAPTER 5 – EVIDENCE TO DETERMINE AGE AND STATUS

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TITLE 303 – PUBLIC EMPLOYEES RETIREMENT BOARD

CHAPTER 5 – ~~TYPES OF~~ EVIDENCE TO DETERMINE AGE AND STATUS

001 Scope of the Rule

001.01 This rule governs the types of proof acceptable to determine age, death, marital relationship~~s~~, and parental relationship~~s~~ for members and beneficiaries in the retirement systems under the administration of the Nebraska Public Employees Retirement Systems (NPERS). The systems to which this rule applies include: the Retirement System for Nebraska Counties, the Judges Retirement System, the School Employees Retirement System, the State Patrol Retirement System, the State Employees Retirement System, and the Deferred Compensation Plan.

001.02 If, under the respective retirement systems, proof of age, proof of death, proof of marital status or proof of parental relationship is required in order to properly distribute benefits to a member or the beneficiary of a member, this rule shall govern the types of proof necessary to establish such factual determinations.

002 Proof of Age

002.01 Preferred Evidence of Age:

002.01(a) A birth certificate recorded before age 5;
002.01(b) A religious record of birth or baptism recorded before age 5;
002.01(c) Notification of registration of birth made before age 5; or
002.01(d) A delayed birth certificate.

002.02 Other evidence of age: if an individual cannot obtain preferred evidence of age, he or she may submit other convincing evidence of age. The other evidence may be one ~~two~~ or more of the following records:

002.02(a) Hospital birth record or certificate.
002.02(b) Physician's or midwife's birth records.
002.02(c) Bible or other family record.
002.02(d) Naturalization record.
002.02(e) Military record.
002.02(f) Immigration record.
002.02(g) Passport.
002.02(h) Selective service registration record.
002.02(i) Employer's record.
002.02(j) Marriage record.
002.02(k) A certified death certificate.
002.02(l) A beneficiary form.

002.02(m) A statement signed by the individual giving the reason why he or she cannot obtain other convincing evidence of age and the sworn statements of two other persons who have personal knowledge of the age of the individual.

003 Proof of Death

003.01 Preferred Evidence of Death

003.01(a) A ~~certified~~ copy of or extract from the public record of death, or verdict of the coroner's jury of the state or community where the death occurred; or a certificate or statement of death issued by a local registrar or public health official;

003.01(b) A signed statement of the funeral director, attending physician, or official of an institution where death occurred;

003.01(c) A ~~certified~~ copy of, or extract from, an official report or finding of death made by an agency or department of the United States or any state; or

003.01(d) If death occurred outside the United States, an official report of death by a United States Consul or other authorized employee of the United States Department of State, or a certified copy of the public record of death in a foreign country.

003.02 Other Evidence of Death

If the preferred evidence of death cannot be obtained, the individual who must furnish evidence of death will be asked to explain the reason thereof and to submit other convincing evidence, such as sworn statements of at least two persons who have personal knowledge of the death. These persons must be able to swear to the date, time, place, and cause of death.

004 Proof of Valid Marriage

004.01 Preferred Evidence of Marriage

004.01(a) A copy of the public record of the marriage, certified by the custodian of the record or by an NPERS employee;

004.01(b) A copy of a religious record of the marriage certified by the custodian of the record or by an NPERS employee; or

004.01(c) The original certificate of marriage.

004.02 Other evidence of a marriage. If preferred evidence of a marriage cannot be obtained, the applicant must state the reason therefore ~~in writing~~ on forms prescribed by NPERS, and submit:

004.02(a) A sworn statement of the clergy or official who performed the marriage ceremony; or

004.02(b) Other convincing evidence, such as the sworn statements or at least two persons who have direct knowledge of the marriage, preferably eyewitnesses to the marriage ceremony.

005 Proof that Marriage Has Ended

005.01 Preferred evidence

005.01(a) A certified copy of the decree of divorce or annulment; or

005.01(b) Evidence of the death (see subsection 003 of this section) of a party to the marriage.

005.02 Other evidence that a marriage has ended. If the preferred evidence that a marriage has ended cannot be obtained, the member or beneficiary must explain the reason therefore and submit other convincing evidence that the marriage has ended.

006 Proof of Parental Relationship

006.01 Evidence of a natural parent-child relationship~~s~~

006.01(a) Preferred evidence. If a member or beneficiary is the natural parent or child of a member, preferred evidence of the relationship is a copy of the member's or child's public or religious birth record made before the child was five (5) years of age.

006.01(b) Other evidence. When the preferred evidence of a parent-child relationship cannot be obtained, NPERS may ask the applicant for evidence of one of the following:

006.01(b)(i) Evidence of the member's marriage or of the marriage of the member's parents, if needed to remove any reasonable doubt of the relationship;

006.01(b)(ii) Evidence that the person claiming to be a child of the presumed parent would be able to inherit under intestate succession laws of the state where the death occurred (or in which the presumed parent had a permanent home); or

006.01(b)(iii) A signed statement from the presumed parent that the person in question is his or her natural child

006.01(b)(iv) A copy of a court order showing that the person in question has been declared to be the child of the presumed parent, or a copy of a court order requiring the presumed parent in question to contribute to the support of the person in question because such person is his or her child,

006.01(b)(v). Or other such supporting evidence as may be required in order to establish the parent/child relationship.

006.02 Evidence of a stepparent/stepchild relationship: NPERS may require evidence by means of the measures as specified in 005.01 or 005.02 of this rule to show a child's relationship (natural or adoptive) with the spouse of the presumed stepparent and that a valid marriage existed between the presumed stepparent and the spouse.

006.03 Evidence of a parent-child relationship by legal adoption:

006.03(a) Preferred evidence of legal adoption includes:

006.03(a)(i) A copy of the decree or order of adoption, certified by the custodian of the record;

006.03(a)(ii) A photocopy of the decree or order of adoption; or

006.03(a)(iii) Evidence that the spouse of a decedent adopted the children of the decedent after the decedent's death, as specified in the above two subsections.

006.03(b) Other evidence of legal adoption: In the event that the record of adoption is sealed by court order or by law, NPERS will accept as proof of adoption an official notice received by the adopting parents at the time of adoption that the adoption has been completed or a birth certificate issued as a result of the adoption proceeding.

ENABLING LEGISLATION:

NEB. REV. STAT. §§ 23-2305, 24-704, 79-904, 81-2019, 84-1305, and 84-1503.