**Section 1540.110 Marriage Verification**

a) Proof of Marriage

1) Applicants claiming benefits as a surviving spouse must submit proof of marriage. Documents acceptable as proof of marriage are:

A) A copy of the public record of marriage.

B) A copy of the religious record of the marriage.

C) In the case of a common-law marriage if none of the above documents are available, other relevant evidence may be submitted.

2) If no records under subsection (a)(1) exist, the following may be submitted for consideration:

A) A notarized statement from the individual who performed the marriage.

B) Notarized statements from at least two individuals in attendance of the marriage.

C) Certification from the Social Security Administration of acceptance of the marriage and date.

3) Verification that spouse qualifies for survivor's benefits, widow's benefits, or occupational death benefits:

A) For purposes of ensuring that a surviving spouse qualifies as either a survivor annuity beneficiary, a widow's annuity beneficiary, or an occupational death beneficiary, applicants claiming benefits as a surviving spouse must also provide a joint income tax return document that contains the names of the deceased member and the surviving spouse. An acceptable document must not be dated more than 24 months prior to the member's death.

B) If the surviving spouse did not file taxes jointly with the member prior to the member's death, then the surviving spouse shall provide documentation that demonstrates that either the member and surviving spouse had filed separate tax returns for the preceding tax years, or that the surviving spouse had no reportable income for the preceding tax years.

C) In addition to providing the information contained in subsection (a)(3)(B), a surviving spouse shall also provide that necessary documentation under any of the following items:

i) Two billing statements from a service provider that contain the names of the deceased member and the surviving spouse. Acceptable statements must not be dated more than 6 months prior to the member's death.

ii) A financial account statement that identifies such account was co-owned by the deceased member and surviving spouse. An acceptable statement must not be dated more than 6 months prior to the member's death.

iii) Acceptable documentation that supports that the surviving spouse and deceased member co-owned their residential home. An acceptable document must not be dated more than 6 months prior to the member's death.

b) Proof of Dissolution or Invalidity of Marriage.

The only document acceptable as proof of dissolution or invalidity of marriage is a certified copy of the declaration of decree from a court of law.

(Source: Amended at 46 Ill. Reg. 19224, effective November 18, 2022)