# Chapter 2.10 RCW
# JUDICIAL RETIREMENT SYSTEM

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**RCW 2.10.010 Short title.** This chapter shall be known and cited as the Washington Judicial Retirement System Act. [1971 ex.s. c 267 s 1.]

**RCW 2.10.020 Purpose.** The purpose of this chapter is to effect a system of retirement from active service. [1971 ex.s. c 267 s 2.]

**RCW 2.10.030 Definitions.** (1) "Accumulated contributions" means the total amount deducted from the judge's monthly salary pursuant to RCW 2.10.090, together with the regular interest thereon from July 1, 1988, as determined by the director of the department of retirement systems.

(2) "Beneficiary" means any person in receipt of a retirement allowance, disability allowance or any other benefit described herein.

(3) "Final average salary" means (a) for a judge in service in the same court for a minimum of twelve consecutive months preceding

the date of retirement, the salary attached to the position held by the judge immediately prior to retirement; (b) for any other judge, the average monthly salary paid over the highest twenty-four month period in the last ten years of service.

(4) "Index" means for any calendar year, that year's annual average consumer price index for urban wage earners and clerical workers, all items (1957-1959 equal one hundred) — compiled by the bureau of labor statistics, United States department of labor.

(5) "Judge" means a person elected or appointed to serve as judge of a court of record as provided in chapters 2.04, 2.06, and 2.08 RCW. "Judge" does not include a person serving as a judge pro tempore except for a judge pro tempore appointed under RCW 2.04.240(2) or 2.06.150(2).

(6) "Monthly salary" means the monthly salary of the position held by the judge.

(7) "Retirement allowance" for the purpose of applying cost-of-living increases or decreases includes retirement allowances, disability allowances and survivorship benefit.

(8) "Retirement board" means the "Washington judicial retirement board" established herein.

(9) "Retirement fund" means the "Washington judicial retirement fund" established herein.

(10) "Retirement system" means the "Washington judicial retirement system" provided herein.

(11) "Service" means all periods of time served as a judge, as herein defined. Any calendar month at the beginning or end of a term in which ten or more days are served shall be counted as a full month of service: PROVIDED, That no more than one month's service may be granted for any one calendar month. Only months of service will be counted in the computation of any retirement allowance or other benefit provided for in this chapter. Years of service shall be determined by dividing the total months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefit.

(12) "Surviving spouse" means the surviving widow or widower or surviving state registered domestic partner of a judge. "Surviving spouse" does not include the divorced spouse of a judge or an individual whose state registered domestic partnership with the judge has been terminated, dissolved, or invalidated. [2009 c 521 s 6; 1997 c 88 s 5; 1988 c 109 s 1; 1971 ex.s. c 267 s 3.]

**Reviser's note:** The definitions in this section have been alphabetized pursuant to RCW 1.08.015(2)(k).

**Effective dates—2009 c 521 ss 5-8, 79, 87-103, 107, 151, 165, 166, 173-175, and 190-192:** See note following RCW 2.10.900.

**Effective date—1988 c 109:** "This act shall take effect July 1, 1988." [1988 c 109 s 27.]

**RCW 2.10.040 System created—Coverage—Exclusions.** The Washington judicial retirement system is hereby created for judges appointed or elected under the provisions of chapters 2.04, 2.06, and 2.08 RCW. All judges first appointed or elected to the courts covered by these chapters on or after August 9, 1971, and prior to July 1, 1988, shall be members of this system: PROVIDED, That following

February 23, 1984, and until July 1, 1988, any newly elected or appointed judge holding credit toward retirement benefits under chapter 41.40 RCW shall be allowed thirty days from the effective date of election or appointment to such judgeship to make an irrevocable choice filed in writing with the department of retirement systems to continue coverage under that chapter and to be permanently excluded from coverage under this chapter for the current or any future term as a judge. All judges first appointed or elected to the courts covered by these chapters on or after July 1, 1988, shall not be members of this system, but may become members of the public employees' retirement system under chapter 41.40 RCW on the same basis as other elected officials as provided in RCW 41.40.023(3).

Any member of the retirement system who is serving as a judge as of July 1, 1988, has the option on or before December 31, 1989, of becoming a member of the retirement system created in chapter 41.40 RCW, subject to the conditions imposed by RCW 41.40.095. The option may be exercised by making an irrevocable choice filed in writing with the department of retirement systems to be permanently excluded from this system for all service as a judge. In the case of a former member of the retirement system who is not serving as a judge on July 1, 1988, the written election must be filed within one year after reentering service as a judge. [1988 c 109 s 2; 1984 c 37 s 1; 1971 ex.s. c 267 s 4.]

**Effective date—1988 c 109:** See note following RCW 2.10.030.

*Transfers to system, prior service credit: RCW 2.10.220.*

**RCW 2.10.052 Retirement board abolished—Transfer of powers, duties, and functions.** The Washington judicial retirement board established by this chapter is abolished. All powers, duties, and functions of the board are transferred to the director of retirement systems. [1982 c 163 s 1.]

**Severability—1982 c 163:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1982 c 163 s 24.]

**Effective date—1982 c 163:** "This act shall take effect June 30, 1982." [1982 c 163 s 25.]

**RCW 2.10.070 Retirement board—Duties.** The retirement board shall perform the following duties:

(1) Keep in convenient form such data as shall be deemed necessary for actuarial evaluation purposes;

(2) As of July 1st of every even-numbered year have an actuarial evaluation made as to the mortality and service experience of the beneficiaries under this chapter and the various accounts created for the purpose of showing the financial status of the retirement fund;

(3) Adopt for the retirement system the mortality tables and such other tables as shall be deemed necessary;

(4) Keep a record of its proceedings, which shall be open to inspection by the public;

(5) Serve without compensation but shall be reimbursed for expense incident to service as individual members thereof;

(6) From time to time adopt such rules and regulations not inconsistent with this chapter for the administration of this chapter and for the transaction of the business of the board.

No member of the board shall be liable for the negligence, default, or failure of any employee or of any member of the board to perform the duties of his or her office and no member of the board shall be considered or held to be an insurer of the funds or assets of the retirement system, but shall be liable only for his or her own personal default or individual failure to perform his or her duties as such member and to exercise reasonable diligence in providing for safeguarding of the funds and assets of the system. [2011 c 336 s 22; 1971 ex.s. c 267 s 7.]

**RCW 2.10.080 Funds and securities.** (1) The state treasurer shall be the custodian of all funds and securities of the retirement system. Disbursements from this fund shall be made by the state treasurer upon receipt of duly authorized vouchers.

(2) The state treasurer is hereby authorized and directed to deposit any portion of the funds of the retirement system not needed for immediate use in the same manner and subject to all the provisions of law with respect to the deposit of state funds by such treasurer. All investment income earned by such portion of the retirement system's funds as may be deposited by the state treasurer in pursuance of authority herewith given shall be collected by him or her and placed to the credit of the retirement fund, less the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(3) For the purpose of providing amounts to be used to defray the cost of administration, the judicial retirement board shall ascertain at the beginning of each biennium and request from the legislature an appropriation sufficient to cover estimated expenses for the said biennium. [2012 c 187 s 16; 1991 sp.s. c 13 s 114; 1981 c 3 s 22; 1973 1st ex.s. c 103 s 1; 1971 ex.s. c 267 s 8.]

**Effective dates—1991 sp.s. c 13:** See notes following RCW 18.04.105.

**Intent of amendment—1981 c 3:** "The amendment of RCW 2.10.080, 2.12.070, 41.26.060, 41.26.070, and 41.40.080 by this 1980 act is intended solely to provide for the investment of state funds and is not intended to alter the administration of the affected retirement systems by the department of retirement systems under chapter 41.50 RCW." [1981 c 3 s 44.]

**Effective dates—Severability—1981 c 3:** See notes following RCW 43.33A.010.

**Severability—1973 1st ex.s. c 103:** "If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1973 1st ex.s. c 103 s 20.]

**RCW 2.10.090 Funding.** The total liability, as determined by the actuary, of this system shall be funded as follows:

(1) Every judge shall have deducted from his or her monthly salary an amount equal to seven and one-half percent of said salary.

(2) The state as employer shall contribute an equal amount on a quarterly basis.

(3) The state shall in addition guarantee the solvency of said fund and the legislature shall make biennial appropriations from the general fund of amounts sufficient to guarantee the making of retirement payments as herein provided for if the money in the judicial retirement fund shall become insufficient for that purpose, but such biennial appropriation may be conditioned that sums appropriated may not be expended unless the money in the judicial retirement fund shall become insufficient to meet the retirement payments. [2011 c 336 s 23; 1971 ex.s. c 267 s 9.]

*Members' retirement contributions—Pick up by employer: RCW 41.04.445.*

**RCW 2.10.100 Retirement for service or age.** Retirement of a member for service shall be made by the retirement board as follows:

(1) Any judge who, on August 9, 1971 or within one year thereafter, shall have completed as a judge the years of actual service required under chapter 2.12 RCW and who shall elect to become a member of this system, shall in all respects be deemed qualified to retire under this retirement system upon the member's written request.

(2) Any member who has completed fifteen or more years of service may be retired upon the member's written request but shall not be eligible to receive a retirement allowance until the member attains the age of sixty years.

(3) Any member who attains the age of seventy-five years shall be retired at the end of the calendar year in which the member attains such age.

(4) Any judge who involuntarily leaves service or who is appointed to a position as a federal judge or federal magistrate at any time after having served an aggregate of twelve years shall be eligible to a partial retirement allowance computed according to RCW 2.10.110 and shall receive this allowance upon the attainment of the age of sixty years and fifteen years after the beginning of the member's judicial service. [1995 c 305 s 1; 1988 c 109 s 3; 1971 ex.s. c 267 s 10.]

**Retroactive application—1995 c 305:** "Section 1 of this act shall apply retroactively to October 1, 1994." [1995 c 305 s 2.]

**Effective date—1988 c 109:** See note following RCW 2.10.030.

**RCW 2.10.110 Service retirement allowance.** A member upon retirement for service shall receive a monthly retirement allowance computed according to his or her completed years of service, as follows: Ten years, but less than fifteen years, three percent of his or her final average salary for each year of service; fifteen years and over, three and one-half percent of his or her final average salary for each year of service: PROVIDED, That in no case shall any retired member receive more than seventy-five percent of his or her

final salary except as increased as a result of the cost-of-living increases as provided by this chapter. [2011 c 336 s 24; 1971 ex.s. c 267 s 11.]

**RCW 2.10.120 Retirement for disability—Procedure.** (1) Any judge who has served as a judge for a period of ten or more years, and who shall believe he or she has become physically or otherwise permanently incapacitated for the full and efficient performance of the duties of his or her office, may file with the retirement board an application in writing, asking for retirement. Upon receipt of such application the retirement board shall appoint one or more physicians of skill and repute, duly licensed to practice their professions in the state of Washington, who shall, within fifteen days thereafter, for such compensation as may be fixed by the board, to be paid out of the fund herein created, examine said judge and report in writing to the board their findings in the matter. If the physicians appointed by the board find the judge to be so disabled and the retirement board concurs in this finding the judge shall be retired.

(2) The retirement for disability of a judge, who has served as a judge for a period of ten or more years, by the supreme court under Article IV, section 31 of the Constitution of the state of Washington (House Joint Resolution No. 37, approved by the voters November 4, 1980), with the concurrence of the retirement board, shall be considered a retirement under subsection (1) of this section. [2011 c 336 s 25; 1982 c 18 s 1; 1971 ex.s. c 267 s 12.]

**Reviser's note:** House Joint Resolution No. 37, approved by the voters November 4, 1980, became Amendment 71 to the state Constitution.

**RCW 2.10.130 Retirement for disability allowance.** Upon a judge being retired for disability as provided in RCW 2.10.120, he or she shall receive from the fund an amount equal to one-half of his or her final average salary. [2011 c 336 s 26; 1971 ex.s. c 267 s 13.]

**RCW 2.10.140 Survivor's benefits.** (1) A surviving spouse of any judge holding such office, or if he or she dies after having retired and who, at the time of his or her death, has served ten or more years in the aggregate, shall receive a monthly allowance equal to fifty percent of the retirement allowance the retired judge was receiving, or fifty percent of the retirement allowance the active judge would have received had he or she been retired on the date of his or her death, but in no event less than twenty-five percent of the final average salary that the deceased judge was receiving: PROVIDED, That said surviving spouse had been married to the judge for a minimum of two years at time of death.

(2) A judge holding office on July 1, 1988, may make an irrevocable choice to relinquish the survivor benefits provided by this section in exchange for the survivor benefits provided by RCW 2.10.144 and 2.10.146 by indicating the choice in a written declaration submitted to the department of retirement systems by December 31, 1988.

(3) The surviving spouse of any judge who died in office after January 1, 1986, but before July 1, 1988, may elect to receive the

survivor benefit provided in RCW 2.10.144(1). [2011 c 336 s 27; 1988 c 109 s 7; 1984 c 37 s 2; 1971 ex.s. c 267 s 14.]

**Application—1988 c 109 s 7(1):** "The amendment to RCW 2.10.140(1) in section 7(1), chapter 109, Laws of 1988 shall apply on a retroactive basis to the surviving spouse of any judge who retired before July 1, 1988, if the surviving spouse had not remarried before July 1, 1988." [1989 c 139 s 1.]

**Effective date—1988 c 109:** See note following RCW 2.10.030.

**Application—1984 c 37 s 2:** "Section 2 of this 1984 act applies in respect to each surviving spouse who first applies for benefits under RCW 2.10.140 after January 1, 1984." [1984 c 37 s 3.]

**RCW 2.10.144 Payment of accumulated contributions or retirement allowance upon death—Election.** (1) If a judge dies before the date of retirement, the amount of the accumulated contributions standing to the judge's credit at the time of death shall be paid to the member's estate, or such person or persons, trust, or organization as the judge has nominated by written designation duly executed and filed with the department of retirement systems. If there is no such designated person or persons still living at the time of the judge's death, or if the judge fails to file a new beneficiary designation subsequent to marriage, remarriage, dissolution of marriage, divorce, or reestablishment of membership following termination by withdrawal or retirement, the judge's credited accumulated contributions shall be paid to the surviving spouse as if in fact the spouse had been nominated by written designation or, if there is no such surviving spouse, then to the judge's legal representatives.

(2) Upon the death in service of any judge who is qualified but has not applied for a service retirement allowance or has completed ten years of service at the time of death, the designated beneficiary, or the surviving spouse as provided in subsection (1) of this section, may elect to waive the payment provided by subsection (1) of this section. Upon such an election, a joint and one hundred percent survivor option under RCW 2.10.146 shall automatically be given effect as if selected for the benefit of the surviving spouse or dependent who is the designated beneficiary, except that if the judge is not then qualified for a service retirement allowance, the option II benefit shall be based upon the actuarial equivalent of the sum necessary to pay the accrued regular retirement allowance commencing when the deceased judge would have first qualified for a service retirement allowance. However, subsection (1) of this section, unless elected, shall not apply to any judge who has applied for a service retirement and thereafter dies between the date of separation from service and the judge's effective retirement date, where the judge has selected a survivorship option under RCW 2.10.146(1)(b). In those cases, the beneficiary named in the judge's final application for service retirement may elect to receive either a cash refund or monthly payments according to the option selected by the judge. [1995 c 144 s 20; 1990 c 249 s 13; 1988 c 109 s 8.]

**Findings—1990 c 249:** See note following RCW 2.10.146.

**Effective date—1988 c 109:** See note following RCW 2.10.030.

**RCW 2.10.146 Election of option for payment of retirement or disability allowance—Retirement allowance adjustment.** (1) Upon making application for a service retirement allowance under RCW 2.10.100 or a disability allowance under RCW 2.10.120, a judge who is eligible therefor shall make an election as to the manner in which such service retirement shall be paid from among the following designated options, calculated so as to be actuarially equivalent to each other:

(a) Standard allowance. A member selecting this option shall receive a retirement allowance, which shall be computed as provided in RCW 2.10.110. The retirement allowance shall be payable throughout the judge's life. However, if the judge dies before the total of the retirement allowance paid to the judge equals the amount of the judge's accumulated contributions at the time of retirement, then the balance shall be paid to the member's estate, or such person or persons, trust, or organization as the judge has nominated by written designation duly executed and filed with the department of retirement systems or, if there is no such designated person or persons still living at the time of the judge's death, then to the surviving spouse or, if there is neither such designated person or persons still living at the time of death nor a surviving spouse, then to the judge's legal representative.

(b) The department shall adopt rules that allow a judge to select a retirement option that pays the judge a reduced retirement allowance and upon death, such portion of the judge's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a designated person. Such person shall be nominated by the judge by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(2)(a) A judge, if married, must provide the written consent of his or her spouse to the option selected under this section, except as provided in (b) of this subsection. If a judge is married and both the judge and the judge's spouse do not give written consent to an option under this section, the department will pay the judge a joint and fifty percent survivor benefit and record the judge's spouse as the beneficiary. Such benefit shall be calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section unless spousal consent is not required as provided in (b) of this subsection.

(b) If a copy of a dissolution order designating a survivor beneficiary under RCW 41.50.790 has been filed with the department at least thirty days prior to a member's retirement:

(i) The department shall honor the designation as if made by the member under subsection (1) of this section; and

(ii) The spousal consent provisions of (a) of this subsection do not apply.

(3)(a) Any member who retired before January 1, 1996, and who elected to receive a reduced retirement allowance under subsection (1)(b) or (2) of this section is entitled to receive a retirement

allowance adjusted in accordance with (b) of this subsection, if they meet the following conditions:

(i) The retiree's designated beneficiary predeceases or has predeceased the retiree; and

(ii) The retiree provides to the department proper proof of the designated beneficiary's death.

(b) The retirement allowance payable to the retiree, as of July 1, 1998, or the date of the designated beneficiary's death, whichever comes last, shall be increased by the percentage derived in (c) of this subsection.

(c) The percentage increase shall be derived by the following:

(i) One hundred percent multiplied by the result of (c)(ii) of this subsection converted to a percent;

(ii) Subtract one from the reciprocal of the appropriate joint and survivor option factor;

(iii) The joint and survivor option factor shall be from the table in effect as of July 1, 1998.

(d) The adjustment under (b) of this subsection shall accrue from the beginning of the month following the date of the designated beneficiary's death or from July 1, 1998, whichever comes last. [1998 c 340 s 4; 1996 c 175 s 2; 1995 c 144 s 21; 1990 c 249 s 2; 1988 c 109 s 9.]

**Effective date—1998 c 340:** "Except for section 13 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 3, 1998]." [1998 c 340 s 14.]

**Findings—1990 c 249:** "The legislature finds that:

(1) It would be advantageous for some retirees to have survivorship options available other than the options currently listed in statute. Allowing the department of retirement systems to adopt several different survivor options will assist retirees in their financial planning; and

(2) Disabled members of the retirement systems listed in RCW 41.50.030, except for members of the law enforcement officers' and firefighters' retirement system plan 1, must forfeit any right to leave a benefit to their survivors if they wish to go on disability retirement. This results in some disabled workers holding onto their jobs in order to provide for their dependents. The provisions of this act allow members to go on disability retirement while still providing for their survivors." [1990 c 249 s 1.]

**Effective date—1988 c 109:** See note following RCW 2.10.030.

**RCW 2.10.155 Suspension of retirement allowance upon employment—Exceptions—Reinstatement—Pro tempore service.** ***(Effective until June 30, 2029.)*** (1) No judge shall be eligible to receive the judge's monthly service or disability retirement allowance if the retired judge is employed:

(a) For more than eight hundred ten hours in a calendar year as a pro tempore judge; or

(b) In an eligible position as defined in RCW 41.40.010 or 41.32.010, or as a law enforcement officer or firefighter as defined in RCW 41.26.030.

(2) Subsection (1) of this section notwithstanding, a previously elected judge of the superior court who retired before June 7, 1990, leaving a pending case in which the judge had made discretionary rulings may hear the pending case as a judge pro tempore without having his or her retirement allowance suspended.

(3) If a retired judge's benefits have been suspended under this section, his or her benefits shall be reinstated when the retiree terminates the employment that caused his or her benefits to be suspended. Upon reinstatement, the retired judge's benefits shall be actuarially recomputed pursuant to the rules adopted by the department.

(4) The department shall adopt rules implementing this section. [1990 c 274 s 14; 1988 c 109 s 10.]

**Findings—Construction—1990 c 274:** See notes following RCW 41.32.010.

**Application—Reservation—1990 c 274 ss 11, 12, 14, and 15:** See note following RCW 41.40.690.

**Effective date—1988 c 109:** See note following RCW 2.10.030.

**RCW 2.10.155 Suspension of retirement allowance upon employment —Exceptions—Reinstatement—Pro tempore service.** ***(Effective June 30, 2029.)*** (1) No judge shall be eligible to receive the judge's monthly service or disability retirement allowance if the retired judge is employed:

(a) For more than eight hundred ten hours in a calendar year as a pro tempore judge; or

(b) In an eligible position as defined in RCW 41.40.010 or 41.32.010, or as a law enforcement officer or firefighter as defined in RCW 41.26.030 or 41.26A.030.

(2) Subsection (1) of this section notwithstanding, a previously elected judge of the superior court who retired before June 7, 1990, leaving a pending case in which the judge had made discretionary rulings may hear the pending case as a judge pro tempore without having his or her retirement allowance suspended.

(3) If a retired judge's benefits have been suspended under this section, his or her benefits shall be reinstated when the retiree terminates the employment that caused his or her benefits to be suspended. Upon reinstatement, the retired judge's benefits shall be actuarially recomputed pursuant to the rules adopted by the department.

(4) The department shall adopt rules implementing this section. [2026 c 261 s 401; 1990 c 274 s 14; 1988 c 109 s 10.]

**Effective date—2026 c 261:** See note following RCW 41.26A.505.

**Findings—Construction—1990 c 274:** See notes following RCW 41.32.010.

**Application—Reservation—1990 c 274 ss 11, 12, 14, and 15:** See note following RCW 41.40.690.

**Effective date—1988 c 109:** See note following RCW 2.10.030.

**RCW 2.10.165 Refund of certain contributions.** If a judge who was a member of this system left the system before July 1, 1988, and neither the judge nor the judge's surviving spouse: (1) Was eligible at that time to receive a benefit under this chapter; or (2) has received an amount under a sundry claims appropriation from the state legislature intended as a refund of the judge's contributions paid under RCW 2.10.090(1); then the judge or the judge's surviving spouse may apply to the department for and receive a refund of such contributions. [1991 c 159 s 1.]

**RCW 2.10.170 Cost-of-living adjustment.** Effective July 1, 1972, and of each succeeding year, every retirement allowance which has been in effect for one year or more shall be adjusted to that dollar amount which bears the ratio to its original dollar amount which the retirement board finds to exist between the index for the previous calendar year and the index for the calendar year prior to the date the retirement allowance became payable: PROVIDED, That the amount of increase or decrease in any one year shall not exceed three percent of the then payable retirement allowance: AND PROVIDED FURTHER, That this cost-of-living adjustment shall not reduce any pension below that amount which was payable at time of retirement. [1971 ex.s. c 267 s 17.]

**RCW 2.10.180 Benefits exempt from taxation and judicial process—Exceptions—Deductions for group insurance premiums.** (1) Except as provided in subsections (2), (3), (4), and (5) of this section, the right of a person to a retirement allowance, disability allowance, or death benefit, the retirement, disability or death allowance itself, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, and the moneys in the fund created under this chapter, are hereby exempt from any state, county, municipal, or other local tax and shall not be subject to execution, garnishment, or any other process of law whatsoever whether the same be in actual possession of the person or be deposited or loaned.

(2) Subsection (1) of this section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of premiums due on any group insurance policy or plan issued for the benefit of a group comprised of public employees of the state of Washington.

(3) Deductions made in the past from retirement benefits are hereby expressly recognized, ratified, and affirmed. Future deductions may only be made in accordance with this section.

(4) Subsection (1) of this section shall not prohibit the department of retirement systems from complying with (a) a wage assignment order for child support issued pursuant to chapter 26.18 RCW, (b) a notice of payroll deduction issued under chapter 26.23 RCW, (c) an order to withhold and deliver issued pursuant to chapter 74.20A

RCW, (d) a mandatory benefits assignment order issued pursuant to chapter 41.50 RCW, (e) a court order directing the department of retirement systems to pay benefits directly to an obligee under a dissolution order as defined in RCW 41.50.500(3) which fully complies with RCW 41.50.670 and 41.50.700, or (f) any administrative or court order expressly authorized by federal law.

(5) Subsection (1) of this section does not exempt any pension or other benefit received under this chapter from tax under Title 82A RCW. [2026 c 238 s 801; 2012 c 159 s 17; 1991 c 365 s 18; 1989 c 360 s 22; 1987 c 326 s 17; 1982 1st ex.s. c 52 s 1; 1979 ex.s. c 205 s 1; 1971 ex.s. c 267 s 18.]

**Findings—Intent—Effect of invalidation of 2026 c 238 s 201—Automatic expiration date and tax preference performance statement exemption—Necessity of act—Intent—Implementation by department of revenue—2026 c 238:** See notes following RCW 82A.04.030.

**Severability—1991 c 365:** See note following RCW 41.50.500.

**Effective date—1987 c 326:** See RCW 41.50.901.

**Effective dates—1982 1st ex.s. c 52:** "(1) Sections 9 and 34 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

(2) The remainder of this act shall take effect July 1, 1982." [1982 1st ex.s. c 52 s 37.]

**RCW 2.10.190 Hearing prior to judicial review—Required—Notice.** Any person aggrieved by any final decision of the retirement board must, before petitioning for judicial review, file with the director of the retirement system by mail or personally within sixty days from the day such decision was communicated to such person, a notice for a hearing before the retirement board. The notice of hearing shall set forth in full detail the grounds upon which such person considers such decision unjust or unlawful and shall include every issue to be considered by the retirement board, and it must contain a detailed statement of facts upon which such person relies in support thereof. Such persons shall be deemed to have waived all objections or irregularities concerning the matter on which such appeal is taken other than those records of the retirement system. [1971 ex.s. c 267 s 19.]

**RCW 2.10.200 Hearing prior to judicial review—Conduct.** A hearing shall be held by the department of retirement systems, or an authorized representative, in the county of the residence of the claimant at a time and place designated by the director. Such hearings shall be de novo and shall conform to the provisions of chapter 34.05 RCW. The retirement system may appear in all such proceedings and introduce testimony in support of the decision. Judicial review of any final decision by the director is governed by the provisions of chapter 34.05 RCW. [1989 c 175 s 37; 1971 ex.s. c 267 s 20.]

**Effective date—1989 c 175:** See note following RCW 34.05.010.

**RCW 2.10.210 Hearing prior to judicial review—No bond required.** No bond of any kind shall be required of a claimant appealing to the superior court, the court of appeals, or the supreme court from a finding of the retirement board affecting such claimant's right to retirement or disability benefits. [1971 ex.s. c 267 s 21.]

**RCW 2.10.220 Transfer to system—Prior service credit.** (1) Any member of the Washington public employees' retirement system who is eligible to participate in the judicial retirement system may, by written request filed with the retirement boards of the two systems respectively, transfer such membership to the judicial retirement system. Upon the receipt of such request, the board of the Washington public employees' retirement system shall transfer to the board of the Washington judicial retirement system (a) all employee's contributions and interest thereon belonging to such member in the employees' savings fund and all employer's contributions credited or attributed to such member in the benefit account fund and (b) a record of service credited to such member. One-half of such service shall be computed and not more than nine years shall be credited to such member as though such service was performed as a member of the judicial retirement system. Upon such transfer being made the state treasurer shall deposit such moneys in the judicial retirement fund. In the event that any such member should terminate judicial service prior to his or her entitlement to retirement benefits under any of the provisions of this chapter, he or she shall upon request therefor be repaid from the judicial retirement fund an amount equal to the amount of his or her employee's contributions to the Washington public employees' retirement system and interest plus interest thereon from the date of the transfer of such moneys.

(2) Any member of the judicial retirement system who was formerly a member of the Washington public employees' retirement system with membership service credit of not less than six years but who has terminated his or her membership therein under the provisions of chapter 41.40 RCW, may reinstate his or her membership in the Washington public employees' retirement system, for the sole purpose of qualifying for a transfer of membership in the judicial retirement system in accordance with subsection (1) of this section by making full restoration of all withdrawn funds to the employees' savings fund prior to July 1, 1980. Upon reinstatement in accordance with this subsection, the provisions of subsection (1) of this section and the provisions of RCW 41.40.023(3) shall then be applicable to the reinstated member in the same manner and to the same extent as they are to the present members of the Washington public employees' retirement system who are eligible to participate in the judicial retirement system.

(3) Any member of the judicial retirement system who has served as a judge for one or more years and who has rendered service for the state of Washington, or any political subdivision thereof, prior to October 1, 1947, or the time of the admission of the employer into the Washington public employees' retirement system, may—upon his or her payment into the judicial retirement fund of a sum equal to five percent of his or her compensation earned for such prior public service—request and shall be entitled to have one-half of such service computed and not more than six years immediately credited to such member as though such service had been performed as a member of

the judicial retirement system, provided that any such prior service so credited shall not be claimed for any pension system other than a judicial retirement system. [2011 c 336 s 28; 1980 c 7 s 1; 1971 ex.s. c 267 s 22.]

*Transfers to system by those covered under chapter 2.12 RCW: RCW 2.10.040.*

**RCW 2.10.230 Cessation of benefits upon appointment or election to court.** Any person receiving retirement benefits from this system who is appointed or elected to a court under chapter 2.04, 2.06, or 2.08 RCW shall upon the first day of entering such office become a member of this system and his or her retirement benefits shall cease. Pro tempore service as a judge of a court of record shall not constitute appointment as that term is used in this section. Upon leaving such office, a person shall have his or her benefits recomputed or restored, as determined in this chapter: PROVIDED, That no such person shall receive a benefit less than that which was being paid at the time his or her benefit ceased. [1988 c 109 s 4.]

**Effective date—1988 c 109:** See note following RCW 2.10.030.

**RCW 2.10.900 Construction—Domestic relations terms—2009 c 521.** For the purposes of this chapter, the terms spouse, marriage, marital, husband, wife, widow, widower, next of kin, and family shall be interpreted as applying equally to state registered domestic partnerships or individuals in state registered domestic partnerships as well as to marital relationships and married persons, and references to dissolution of marriage shall apply equally to state registered domestic partnerships that have been terminated, dissolved, or invalidated, to the extent that such interpretation does not conflict with federal law. Where necessary to implement chapter 521, Laws of 2009, gender-specific terms such as husband and wife used in any statute, rule, or other law shall be construed to be gender neutral, and applicable to individuals in state registered domestic partnerships. [2009 c 521 s 5.]

**Effective dates—2009 c 521 ss 5-8, 79, 87-103, 107, 151, 165, 166, 173-175, and 190-192:** "(1) Sections 5 through 8, 79, 87 through 103, 107, 151, 173 through 175, and 190 through 192 of this act take effect January 1, 2014.

(2) Sections 165 and 166 of this act take effect August 1, 2009." [2009 c 521 s 201.]