Benefits Available to Surviving Families of New Jersey Law Enforcement Officers Killed in the Line of Duty

Information compiled by:

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STATE OF NEW JERSEY

DEATH BENEFITS

To obtain certified copies of registered personal documents, contact the Bureau of Vital Statistics, CN 370, Trenton, NJ 08625, phone (609) 292-4087.

STATE DEATH BENEFITS

No one-time state death benefit is currently available.

STATE PENSION BENEFITS

Generally, death and disability benefits for law enforcement officers in New Jersey are funded by the **pension system to which the officer belongs**. Most state, county, and municipal law enforcement officers are members of the **Police and Firemen's Retirement System**. Some state, county and municipal law enforcement officers are members of **the Public Employees' Retirement System**. State troopers belong to the **State Police Retirement System**. All three pension systems are administered by the **Division of Pensions in the Department of the Treasury.** The total amount of benefits will depend on the **officer's salary** at the time of death or disability. Health benefits are the subject of **collective bargaining** between the officer and his/her employer.

N.J.S.A. 43:16A-9 and 10 apply to full-time law enforcement officers who are members of the Police and Firemen's Retirement System. Death in service; allowance to beneficiary; death benefits; death within or after 30 days of retirement.

(1) Upon receipt of proper proof of the death of a member in active service on account of which no accidental death benefit is payable there shall be paid to such member's beneficiary:
   - (a) The member's aggregate contribution at the time of death and
   - (b) An amount equal to 3 times the compensation upon which contributions by the member to the annuity savings fund were based in the last year of creditable service.

43:16A-10. Accidental death benefit; report; benefits payable.

1. Upon the death of a member in active service as a result of an accident met in the actual performance of duty at some definite time and place, and such death was not the result of the member's willful negligence, and accidental death benefit shall be payable if a report of the accident is **filed in the office of the retirement system within 60 days next following the accident**, but the board of trustees may waive such time limit, for a reasonable period, if in the judgment of the board the circumstances warrant such action. No such application shall be valid or acted upon unless it is filed in the office of the retirement system within **five years** of the date of such death.

2. Upon the receipt of proper proofs of the death of a member on account of which an accidental death benefit is payable, there shall be paid to his/her widow(er) a pension of **70% of the compensation,** upon which contributions by the member to the annuity savings fund were based in the last year of creditable service, for the use of herself or

himself and the children of the deceased member; **if there is no surviving widow or widower** or in case the widow or widower dies, 20% of such compensation will be payable to one surviving child, 35% of such compensation to two surviving children in equal shares and if there be three or more children, 50% of such compensation will be payable to such children in equal shares. Note: the surviving widows and widowers collecting from the *Public Employees' Retirement System* collect their pension until death or **remarriage**.

3. If there is no surviving widow, widower or child, 25% of the compensation upon which contributions by the member to the annuity savings fund were based in the last year of creditable service, will be payable to one surviving dependent parent or 40% of such compensation will be payable to **two surviving parents in equal shares.**

4. In the event of accidental death occurring **in the first year** of creditable service, the benefits, payable pursuant to this subsection, shall be computed at the **annual rate of compensation.**

5. **If there is no surviving widow, widower, child or dependent parent**, there shall be paid to any other beneficiary of the deceased member, his **aggregate contributions** at the time of death.

6. In no case shall the death benefit provided in subsection (2) be less than that provided under subsection (3).

7. In addition to the foregoing benefits payable under subsection (2) or (3), there shall also be paid in one sum to such beneficiary, if living, as the member shall have nominated **by written designation** duly executed and filed with the retirement system, otherwise to the executor or administrator of the member's estate, an amount equal to **3 1/2 times the compensation** upon which contribution by the member to the annuity savings fund were based in the last year of creditable service.

8. In addition to the foregoing benefits, the State shall pay to the member's employer-sponsored health insurance program **all health insurance premiums** for the coverage of the member's surviving widow or widower and dependent children.

Death benefits if no accidental death benefit payable.

1. Upon the receipt of proper proofs of the death in active service of a member of the retirement system on account of which no accidental death benefit is payable, there shall be paid to the surviving spouse a pension of **50% of final compensation** for the use of that spouse and children of the deceased, to continue for so long as the person qualifies as a "surviving spouse" for the purposes of this act; if there is no surviving spouse or in case the spouse dies or remarries, **20% of final compensation will be payable to one surviving child, 35% of final compensation to two surviving children in equal shares and if there be three or more children, 50% of final compensation will be payable to such children in equal shares**.

2. In the event of death occurring **in the first year of creditable service**, the benefits, payable pursuant to this subsection, shall be computed at the **annual rate of compensation.**

3. If there is no surviving spouse or child, **25% of final compensation will be payable to one surviving parent or 40% of final compensation will be payable to two surviving parents in equal shares.**

4. If there is no surviving spouse, child or parent, there shall be paid to any other beneficiary of the deceased member his **aggregate contributions** at the time of death.

Line of duty death pensions do not need to be reported as income with annual tax returns; this income is considered tax exempt. Check with your accountant.

EDUCATION BENEFITS

18A:71-77
Any child or surviving spouse of a member or officer of a New Jersey volunteer fire company, volunteer first aid or rescue squad or municipal fire, police, county police, park police department, State Fire Service, or of the Division of State Police, or of a permanent, active and full-time officer employee of the state of New Jersey, upon such child or surviving spouse being accepted to pursue a course of undergraduate study in any public institution of higher education of this State, as enumerated in N.J.S. 18A:62- 1, shall, while enrolled as an undergraduate student in good standing at such college, **have his tuition paid by the State**; or upon that child or surviving spouse being accepted to pursue a course of undergraduate study at any independent college or university located in the State, shall, while enrolled as an undergraduate student in good standing at that college or university, have that part of his tuition which is not more than the highest tuition charged at the public institutions of higher education of this State, enumerated in N.J.S. 18A:62-1, paid by the state. **Other than natural children must be legally adopted by the officer to qualify for this benefit.**

Eligibility for this program shall be limited to a period of **8 years from the date of death** of the member, officer or worker, in the case of a **surviving spouse**, and **8 years following graduation from high school in the case of a child**, pursuant to Rules and Regulations established by the Student Assistance Board.

Contact the State of New Jersey, Department of Law and Public Safety, Division of Criminal Justice, Richard J. Hughes Justice Complex, 25 Market Street, Trenton, NJ 08625-0085, (609) 984-6500.

HEALTH BENEFITS

Premiums are paid by the State for coverage of the member's surviving spouse and surviving children under the *Police and Firemen's Retirement System or the State Police Retirement System*. Actual health benefits depend on the department's health plan. The *Public Employees' Retirement System* offers **NO** health benefits for survivors. Check with your agency's Benefits Assistance Officer.

WORKERS' COMPENSATION

Workers' Compensation coverage is elective for employers in New Jersey, though no employer has elected to be out from under the workers' compensation statute.

The employer is obligated to pay medical expenses and compensation for disability or death. The payment of indemnity is designated to take the place of wages (wage replacement) but, **in no case** will it equal or exceed the amount of wages the claimant received while working. The statute provides for payment of **70%** of the employee's wage for one or more dependents.

Compensation for death - When an injured employee dies as a result of a work related accident, the dependents are entitled to receive a benefit of **(1) $3,500** towards the cost of burial; **(2) payments of the compensation benefits** set forth in the statute to persons defined as dependents. Dependent by definition includes any or all of the following: husband, wife, parents, stepparents, grandparents, children,

stepchildren, legally adopted children, illegitimate children, brothers, sisters, half brothers, half sisters, nieces and nephews. **Supplemental benefits for death are subject to Social Security, black lung, or disability pension benefit offsets.**

Should the surviving spouse of a deceased employee **remarry** during such period and before the total compensation is paid, the spouse shall be entitled to receive the remainder of the compensation which would have been due the spouse had the spouse not remarried, or **100 times the amount of weekly compensation** paid immediately preceding the remarriage, whichever is the lesser. If the spouse does not remarry, this benefit will **continue until death**. Worker's Compensation benefits are considered non-taxable income. Children receive benefits **until age 18 or beyond age 18 if disabled**.

Contact the Division of Workers' Compensation, New Jersey Department of Labor, CN 381, Trenton, NJ 08625-0381, telephone (609) 292-2414.

PERSONAL LIFE POLICIES

Real and personal estate not effectively disposed of by will **passes to heirs** under certain circumstances. **Debt** owed by heir to decedent charged **only** against intestate share of heir or heir's issue.

Intestate share of surviving spouse is: **(1)** If no surviving issue or parent, entire intestate estate; **(2)** if no surviving issue but surviving parent, first $50,000 plus 1/2 of intestate estate balance; **(3)** if surviving issue who are all issue of surviving spouse, first $50,000 plus 1/2 of intestate estate balance; **(4)** if surviving issue who are not all issue of surviving spouse, 1/2 of intestate estate.

Part of intestate estate not passing to surviving spouse or entire intestate estate if no surviving spouse passes: **(1)** To issue of decedent, **(2)** if no surviving issue, to parents equally; **(3)** if no surviving issue, parent or issue of parent, but surviving grandparents; **(a)** one half each to surviving paternal and maternal grandparent and deceased, **(b)** one half to surviving grandparents and one half to surviving issue of deceased grandparents by representation, **(4)** if only maternal or paternal grandparents survive and no issue of deceased grandparents survive, entire intestate estate equally to surviving grandparents; **(5)** if no surviving issue, parent, issue of parent or grandparent, to surviving issue of grandparent (same degree take equally, more remote degree take by representation.

Person must survive decedent by **120 hours** to inherit unless intestate estate would otherwise escheat to State of New Jersey.

Surviving spouse not provided for in **will executed after August 31, 1978,** before marriage receives intestate share unless omission from will was intentional or provision was made outside of will in lieu of testamentary provision.

Surviving child not provided for in **will executed after August 1, 1978,** before marriage receives intestate share unless omission from will was intentional or provision was made outside of will in lieu of testamentary provision.

Surviving child not provided for in **will executed prior to child's birth or adoption** receives intestate share unless: **(1)** Omission from will was intentional; **(2)** other children alive when will executed and estate devised to other parent of omitted child **(3)** provision for child outside will in lieu of testamentary provision. Living child omitted because believed dead receives intestate share.

Surviving spouse takes as indicated above. **Effective May 28, 1990**, dower and curtesy are abolished as to real property acquired subsequent to that date.

ADDITIONAL BENEFITS

Peer Support

Established in 1984, **Concerns of Police Survivors, Inc. (COPS),** is a national, non-profit organization that works with law enforcement agencies, police organizations, mental health professional, and local peer-support organizations to provide assistance to surviving families of law enforcement officers killed in the line of duty. COPS has become a "lifeline" to police survivors nationwide.

Survivors of New Jersey State Troopers can contact: **Mrs. Michelle Carroll, President, Survivors of the Triangle, 3 Bessie Court, Perrinville, NJ 08535, (732)-446-1642.**

Survivors of county and municipal officers can contact: **Mrs. Madeline Neumann, President, Garden State Survivors, P.O. Box 504, Mays Landing, NJ 08330, (609) 625-1024, email: gssnjcops@gardenstatecops.com, web site: www.GardenStateCOPS.com.**

200 Clubs

200 Clubs function in most counties of New Jersey. These groups, composed mostly of business people in the county, provide interim financial aid for the surviving family . Members of these organizations usually wish to remain anonymous, but a representative will be in contact with the family within 48-72 hours of a line-of-duty death. To see if there is a 200 Club in your county, you can contact **Mrs. Madeline Neumann at 5941 Scranton Avenue, Mays Landing, NJ 08330 or (609) 625-1024.**

New Jersey has established a memorial for law enforcement officers killed in the line of duty. This memorial is located at the **Hughes Justice Complex in Trenton, New Jersey**.

INTRODUCTION

Line-of-duty death is a possibility that police families must prepare for. The ability of survivors to cope with line-of-duty death is directly affected by the department's reaction to the tragedy and the knowledge the family has concerning their rights and benefits.

The purpose of this booklet is to provide police families and agencies with general information about benefits to families in the event of a line-of-duty death. This booklet is not a legal document nor is it intended to serve as a legal interpretation of existing statues. In fact, information on the death benefits listed may have been changed through legislation or contract negotiations without our knowledge. ***This document is for information only.***

Concerns of Police Survivors, Inc. does not warrant that all or any benefits will be awarded to survivors who apply. Survivors may use the information contained herein to verify with local agencies and offices that they are receiving all benefits to which they are entitled or may investigate whether they are entitled to benefits listed in this reference booklet.

The compilation of benefits information for the 50 states, the District of Columbia, and Puerto Rico occurred over a five-year period, utilizing hundreds of reference sources. Concerns of Police Survivors, Inc. would sincerely appreciate knowing of any errors or updates in this document. Send documentation of corrected or most current information to Concerns of Police Survivors, P.O. Box 3199, Camdenton, MO 65020.

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An acknowledgment of appreciation to members of the COPS staff who took part in this tedious compilation process, with special thanks to COPS Staffer Terrie Soper Merritt, and a special thank-you to Mr. Fred Tredy, Los Angeles Police Protective League, for getting this project off on the right foot.

LINE OF DUTY DEATH BENEFITS

This book is the compilation of information about death benefits available to surviving families of law enforcement officers who were killed in the line of duty.

Information within deals with the major death benefits available from the federal and state government levels. Therefore, you are advised to check with your **local government (city and county) agencies**, retirement programs, unions and private organizations and associations (both **local** and **state**) for benefits that may be available to surviving spouses and dependents of law enforcement officers.

General information on benefits is reported in this booklet; some legislation is too detailed to print. Therefore, there may be exceptions or restrictions on payment of these benefits that are not included in the printout. We may also be unaware of recent changes in state statutes. So we ***strongly suggest*** you check with appropriate state agencies for exceptions or changes to the state benefits listed.

Handling your legal and financial affairs is a personal matter. We might, however, suggest the following:

(1) Consult legal assistance.
(2) Consult financial planning assistance.

You may also want to:

(1) Have a current will.
(2) Review the named beneficiary in your life, health, and accident insurance policies on a regular basis.
(3) Keep your insurance papers, your will and other important papers in a secure place, such as a safety deposit box.
(4) Leave specific final instructions for interring your remains.

We cannot "over-stress" the importance of having a **current will**. Our experience in working with surviving families has shown the difficulties encountered when one dies without a will. Further, we encourage you to review the named beneficiary in your life, health, and accident insurance policies on a regular basis. Keep your insurance papers, your will and other important papers in a secure place, ***such as a safety deposit box.***

Concerns of Police Survivors, Inc. would like to express our sincere thanks to everyone who forwarded the necessary information from their state to help make this booklet possible. A special thanks to **Fred Tredy of the Los Angeles Protective League** for his expert advice. We have attempted to put this information together in a readable format.

Information on state laws on wills is reproduced with permission from the *MARTINDALE HUBBELL LEGAL DIRECTORY*, 1993 Reed Elsevier, Inc.

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FEDERAL BENEFITS

PUBLIC SAFETY OFFICERS' BENEFITS ACT (P.S.O.B.)

The PSOB Act provides a benefit to the eligible survivors of a public safety officer whose death is the direct and proximate result of a traumatic injury sustained in the line of duty. The Act also provides the same benefit to a public safety officer who has been **permanently and totally disabled** as the direct result of a catastrophic personal injury sustained in the line of duty. The injury must ***permanently prevent*** the officer from performing **any** gainful work. (Benefit has been approved for quadriplegics and people existing in a comatose state).

The benefit is adjusted at the beginning of each fiscal year. As of October 1, 2002, the benefit is $262,100.

EFFECTIVE DATES

Death Benefits:

State and local law enforcement officers and fire fighters are covered for injuries sustained on or after **September 29, 1976**. Federal law enforcement officers and fire fighters are covered for injuries sustained on or after **October 12, 1984**. Members of public federal, state and local rescue squads and ambulance crews are covered for injuries sustained on or after **October 15, 1986.** Chaplains are covered effective **September 11, 2001.**

Disability Benefits:

Federal, state and local law enforcement officers, fire fighters and members of public rescue squads and ambulance crews are covered for injuries on or after **November 29, 1990.**

ELIGIBLE PUBLIC SAFETY OFFICERS

A public safety officer is a person serving a public agency in an official capacity, **with or without compensation**, as a law enforcement officer, fire fighter or member of a public rescue squad or ambulance crew. Law enforcement officers include but are not limited to **police, corrections, probation, parole, chaplains, and judicial officers**. Volunteer fire fighters and members of volunteer rescue squads and ambulance crews are covered if they are **officially recognized or designated** members of legally organized volunteer fire, rescue or ambulance departments.

A public safety officer's death or total and permanent disability must result from injuries sustained ***in the line of duty.*** "Line of duty" means any action that the public safety officer is authorized or obligated to perform by law, rule, regulation or condition of employment or service. If law enforcement, fire suppression, rescue or ambulance service is not a person's primary function, then, to be covered by the Act, that person must be engaged in his or her authorized law enforcement, fire suppression, rescue or ambulance duties when the fatal or disabling injury is sustained.

PUBLIC AGENCY

"Public agency" means the United States, any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States, or any unit of local government, combination of such states or units, or any department, agency, or instrumentality of any of the foregoing.

ELIGIBLE SURVIVORS

Once the U.S. Department of Justice approves a claim for death benefits, the benefit will be paid in a lump sum as follows:

(1) if there is no surviving child of such officer, to the surviving spouse of such officer;
(2) if there is a surviving child or children and a surviving spouse, one-half to the surviving child or children of such officer in equal shares and one-half to the surviving spouse;
(3) if there is no surviving spouse, to the child or children of such officer in equal shares;
(4) if there is no surviving spouse or surviving child, to the individual designated by such officer as beneficiary under such officer's most recently executed life insurance policy, provided that such individual survived such officer; or**
(5) if none of the above, to the parent or parents of such officer in equal shares.

** Beneficiaries to receive the Public Safety Officers' Benefits death payment for line-of-duty death were changed by the "Mychal Judge Police and Fire Chaplains Public Safety Officer's Benefit Act of 2002", enacted as Public Law No. 107-196 on June 24, 2002. Live-in situations and/or same sex partners will be eligible for the PSOB benefit if the most-recent life insurance policy lists them as beneficiary. Live-ins and same sex partners who are listed as beneficiary on the most-recent life insurance policy will receive the benefit before surviving parents of the officer. If the officer is divorced, has not remarried and has no eligible children, the former spouse could receive the benefit if she is still listed as a beneficiary on paperwork the officer failed to revise. If the officer is divorced, has not remarried but has had a live-in partner for 7 years, the former spouse could receive the benefit if she is still listed as a beneficiary on the most-recent life insurance policy. IT CANNOT BE STRESSED ENOUGH HOW IMPORTANT IT IS TO KEEP YOUR LIFE INSURANCE BENEFICIARY INFORMATION UP-TO-DATE

Public safety officers ***cannot*** name their own beneficiaries under the Act. Under the Act, "child" means any natural, illegitimate, adopted, or posthumous child or stepchild of a deceased public safety officer who is:

- 18 years of age or younger.
- 19 through 22 years of age, who has not completed four years of education beyond high school, and who is pursuing a full time course of study or training.
- 19 years of age or over and incapable of self support because of a physical or mental disability.

LIMITATIONS AND EXCLUSIONS

No benefit can be paid:

(1) If the death or permanent and total disability was caused by the intentional misconduct of the public safety officer or by such officer's intention to bring about his or her own death or permanent and total disability.

(2) If the public safety officer was voluntarily intoxicated at the time of death or permanent and total disability.

(3) If the public safety officer was performing his or her duties in a grossly negligent manner at the time of death or permanent and total disability.

(4) To a claimant whose actions were a substantial contributing factor to the death of the public safety officer.

(5) To military law enforcement officers or to any of their survivors. (See Effective Dates on Page 1 to determine eligibility of fire fighters, rescue squads, ambulance crews,and their survivors.) Deaths or permanent and total disabilities resulting from stress and strain, occupational illness, or chronic, progressive or congenital disease such as heart or pulmonary disease, **are not covered by the Act**, unless there is a traumatic injury which is a substantial factor in the death or permanent and total disability. Medical proof of the traumatic injury, such as a blood test for carbon monoxide, may be essential for coverage in such cases.

REDUCTION OF BENEFITS

State and local benefits *should not* be reduced by benefits received under PSOB statute. The PSOB benefit is not reduced by any benefit that may be received at the state or local level (*Rose vs. Arkansas*). The benefit *is reduced* by certain payments made under the District of Columbia Code and *may reduce* benefits under Section 8191 of the Federal

Employees' Compensation Act.

INTERIM PAYMENT

When the U.S. Department of Justice determines upon showing of need and prior to taking final action that a death benefit will probably be paid, an **interim benefit** payment not exceeding $3,000 may be made to the eligible survivor(s).

ATTACHMENT TAX EXEMPTION

The act ensures that the benefit **will not be subject** to execution or attachment by creditors. The Internal Revenue Service has ruled that the benefit is not subject to federal income tax (Revenue Ruling No. 77-235, IRB 1977-28) or to federal estate tax (Revenue Ruling No.79397).

ATTORNEY FEES

The Public Safety Officer's Benefits Act of 1976, Public Law 94430 (PSOB), authorizes the Department of Justice (DOJ) to prescribe the **maximum fee** that a representative may charge a claimant for services rendered in connection with any claim before the Bureau. Con tracts for a stipulated fee and contingent fee arrangements are especially prohibited by the PSOB regulations, 28 C.F.R. 32.22 (b). DOJ assumes no responsibility for payment.

FILING A CLAIM

Eligible survivors or disability claimants may file claims directly with the U.S. Department of Justice, or may instead file through the public safety agency served. Normally, the public safety agency provides the information that enables the U.S. Department of Justice to determine whether the circumstances of the death or permanent and total disability entitle a claimant to a benefit payment. The public safety agency prepares a **Report of Public Officer's Death or Permanent and Total Disability** to accompany the survivors' or disabled public officer's claims. The U.S. Department of Justice will make the **final determination** on whether and to whom a benefit should be paid. To expedite initiation and payment of a claim, telephone the **PSOB** staff at **(888) 744-6513** or write to: **Public Safety Officers' Benefits Program, Bureau of Justice Assistance, 810 7th Street NW, Washington, DC 20531, Fax: (202) 307-3373**.

PUBLIC SAFETY OFFICERS' EDUCATIONAL ASSISTANCE PROGRAM

The 104th Congress of the United States enacted the Federal Law Enforcement Dependents Assistance (FLEDA) Act in 1996 which sets forth the guidelines for educational assistance to the dependents of Federal law enforcement officials who are killed or disabled in the performance of their duties. Congress and the President amended the Act in 1998 to provide educational assistance to spouses and children of police, fire, and emergency public safety officers killed in the line of duty, thus creating the Public Safety Officers' Educational Assistance (PSOEA) Program. The PSOEA Program also makes assistance available to spouses and children of public safety officers permanently and totally disabled by catastrophic injuries sustained in the line of duty. This program is administered by the **Public Safety Officers' Benefits Program, Bureau of Justice Assistance, 810 7th Street NW, Washington, DC 20531, telephone (888) 744-6513, fax (202) 616-0314, www.ojp.usdoj.gov/BJA.**

Program Benefits

The PSOEA Program provides an educational assistance allowance to eligible survivors of public safety officers whose deaths or permanent and total disabilities are the direct and proximate result of a traumatic injury sustained in the line of duty.

PSOEA benefits may be used solely to defray educational expenses, including tuition, room and board, books, supplies, and education-related fees. The allowance is $485 per month for full-time students, $365 for three-quarter-time students, $242 for half-time students, and $121 for less-than-half-time. The amount of assistance is subject to change consistent with the current computation of educational assistance allowance set forth in the Title IV of the Higher Education Act, Section 3532 of Title 38, United States Code. The PSOEA benefit **will be reduced** by benefits received from Federal, State, and local governmental sources, scholarships and tuition waivers from Federal, State or local governmental institutions, including state school systems. However, deductions will **not** be made for grants, scholarships, or tuition waivers from private educational systems, private organizations, or non-profit groups.

Program Effective Dates

Effective dates were amended in 2000. Under the PSOEA Program, police, fire, and emergency public safety officers are covered for line-of-duty deaths or permanent and totally disabling injuries that occurred on or after January, 1978. The FLEDA Act makes program benefits available retroactively to families of federal law enforcement officers killed in the line of duty on or after January 1978.

Eligibility for Benefits

The PSOEA Program stipulates that PSOEA benefits are to be provided directly to dependents who attend a program of education at an eligible educational institution and are the spouses or children of federal, police, fire, and emergency public safety officers

whose deaths or permanent and total disabilities are covered by the Public Safety Officers' Benefits (PSOB) Program. Public safety officers' children are no longer eligible for assistance, however, after their 27th birthday, absent a finding by the Attorney General of extraordinary circumstances. Assistance under the PSOEA Program is available for 45 months of full-time education or training or for a proportional period of time for a part-time program.

FEDERAL WORKERS' COMPENSATION BENEFITS FOR NON-FEDERAL LAW ENFORCEMENT OFFICERS

Under certain conditions, benefits may be provided to a non-Federal law enforcement officer killed in the line of duty as determined by the U.S. Department of Labor. Essentially, these benefits are provided if a state or local law enforcement officer is killed while engaged in the apprehension or attempted apprehension of a person who has committed a crime against the United States or who is being sought by a law enforcement authority of the United States. The benefit also is extended to those killed while engaged in the lawful prevention or lawful attempt to prevent the commission of a crime against the United States. Further, the program encompasses those engaged in protecting or guarding a person held for the commission of a crime against the United States or as a material witness. The law enforcement agency MUST initiate the claim. Contact (**toll-free**) **866-999-3322** for the district office responsible for your state, or visit **http://www.dol.gov/esa/contacts/owcp/fecacont.htm**.

SOCIAL SECURITY BENEFITS

To locate your nearest Social Security office, look for the address and telephone number in the telephone directory under "**Social Security Administration**" or "**U.S. Government**".

APPLYING FOR BENEFITS

Before you can receive benefits, a **claim must be filed** with a Social Security office. Generally, application can be made by telephone, mail, or in person. The people at Social Security will tell you what documents you will need to provide for the type of benefit you are claiming. A portion of your Social Security benefits will be subject to income tax *if* (**1**) your adjusted gross income plus (**2**) tax-exempt interest plus (**3**) one-half of your Social Security benefits exceeds $25,000*.

The portion of your benefits that is taxable will depend on whether your income exceeds $34,000*.

A. If your income exceeds $25,000* but not $34,000*, the taxable portion of your benefits will be the lesser of:
   - One-half of your benefits, or
   - One-half of the difference between your income and $25,000*.

B. If your income exceeds $34,000*, the taxable portion of your benefits will be the lesser of:
   - 85% of the difference between your income and $34,000*, plus (1) the taxable portion calculated in "A" (above) or (2) one-half the difference between $25,000* and $34,000*, whichever is the lesser; or
   - 85% of your Social Security benefits.

*These were the figures used in calculating taxable income in the tax year ended 12/31/95 and are subject to change each year. Refer to the current-year tax laws.

SURVIVOR BENEFITS

Monthly survivor benefits are available to the following beneficiaries **if you are insured by Social Security** when you die (regardless of your age):

- Surviving spouse at age 60 or over (50 if disabled), or at any age if caring for your child(ren) (under 16 or disabled) who is entitled to benefits;

- Unmarried children under 18 (or 19 if still in high school), and those age 18 and over who became disabled before age 22 and remain disabled;

- Dependent parents age 62 or older;

- Surviving divorced spouse (1) at age 60 or over (50 if disabled) who was married to you for 10 years and who is not eligible for an equal or higher personal benefit, or (2) at any age if caring for a child (under 16 or disabled) who is entitled to benefits on your record.

Each surviving dependent is entitled to **a percentage** of your PIA (Primary Insurance Allowance), subject to the *Family Maximum Benefit.* (Your PIA is the amount you would have received if you had lived to retire at full retirement age or, if you had already retired at that age, the amount you were receiving.) Note that benefits of surviving spouses (including those that are disabled or divorced) *are reduced if begun before full retirement age.* Eligibility for a government pension may also affect their benefits.

If your surviving spouse *remarries* before reaching age 60 (or 50, if disabled), (s)he *will not* be eligible for benefits on your record unless the subsequent marriage ends. After

reaching age 60 (or age 50, if disabled), a surviving spouse or a surviving divorced spouse married to an insured worker for 10 years *may remarry* without losing entitlement to benefits.

Children's benefits **are not** affected by the remarriage of their mother or father, even though their stepparent adopts them and contributes to their support. Nor will adoption of a surviving child by any other person cause the child's benefits to stop.

Children's benefits stop when they marry or reach age 18, or 19 if still in high school. When the last surviving child marries or reaches the age of 16, the mother's or father's benefits also stop, but a surviving spouse or an eligible divorced spouse of a fully insured person can pick up again with a surviving spouse's benefits upon reaching age 60 (50 if disabled). As with retired workers, Social Security payments to a surviving dependent are reduced if the dependent works and earns more than the earnings limit for the year. However, work by a parent **does not** affect the benefits of surviving children under that parent's care.

ONE-TIME DEATH BENEFIT

In addition to the monthly benefits survivors receive, the deceased worker's eligible spouse is entitled to a *one-time death payment of $255*. If there is no such spouse, this payment can be made only to a child entitled to survivors' benefits.

Social Security benefits are based on **earned credits** you or your spouse received while employed. The number of credits you will need will vary with the type of benefit. For more information or to apply for benefits, call or visit Social Security. It's easiest to call **Social Security's toll free telephone number**. The number is **1-800-772-1213**. You can speak to a representative 7 a.m. to 7 p.m. each business day.
The Social Security Administration treats all calls confidentially --- whether they're made to the toll free number or to one of the local offices.

VETERAN'S BENEFITS

Many law enforcement officers are **veterans of the U.S. Armed Forces** and a number of survivor's benefits are available to the spouse and children of a deceased veteran. Included in these benefits are:

DEATH PENSION

Payable to **low-income** widows and children of wartime veterans who have died of causes not related to their military service.

FUNERAL EXPENSES

The VA will pay **up to $300** towards many veterans' funeral expenses, **plus $150** for interment or burial plot. (Additional information on this $150 benefit is listed below). Most funeral directors will assist in filling with the VA for reimbursement of funeral expenses. **File VA Form 21-530.**

NATIONAL SERVICE LIFE INSURANCE

If covered under this program you will need the following papers to file a claim:

1. Certified copy of death certificate
2. Certified copy of widow/widower's birth certificate.
3. Form VA 29-4125 obtainable from the Veterans Administration

SGLI (Servicemen 's Group Life Insurance)
VGLI (Veterans' Group Life Insurance)

SGLI was established in September, 1965, to provide group insurance coverage for members on active duty in the uniformed services. Coverage has been extended to Ready Reservists, Retired Reservists, members of the National Guard, ROTC members while engaged in authorized training and service academy personnel. Initially maximum coverage was for $10,000. Subsequent legislation increased maximum insurance coverage to $200,000, if the maximum coverage was opted for.

VGLI was established in August, 1974, to provide for the conversion of SGLI to 5-year nonrenewable term insurance. The program provides for the replacement SGLI with VGLI in an amount equal to or less than the amount of SGLI the member had in force at separation from service. Application and payment for VGLI must be made to the OSGLI (Office of Servicemen's Group Life Insurance) **within 120 days following separation**. If application is not made within 120 days, you *can submit it within 1 year from the date SGLI coverage terminated but you must be in acceptable health.*

The SGLI-VGLI program is supervised by VA and administered by OSGLI. For more information contact **any VA office** or **OSGLI at 213 Washington Street, Newark, New Jersey 07102**.

INTERMENT OR BURIAL PLOT ALLOWANCE

The VA will pay a **$150** plot or interment allowance if the requirements for the basic allowance are met or the veteran was discharged from active duty because of disability incurred or aggravated in line of duty and is not buried in a cemetery that is under U.S. jurisdiction. The plot allowance is *NOT* payable if the veteran is buried in a national cemetery.

An American Flag is available to drape the casket of a veteran who was discharged under conditions other than dishonorable. After the funeral service, the flag may be given

to the next of kin or a close associate of the deceased. Flags are issued at any VA regional office, VA national cemetery and most local post offices.

Headstones and Markers - The VA provides headstones and markers for unmarked graves of veterans and eligible dependents anywhere in the world. Flat bronze, flat granite and upright marble types are available to mark the grave of a veteran or dependent in the style consistent with existing monuments at the place of burial.

Survivor's benefits **are not paid automatically** and claims must normally be filed with the VA **within two years** of the veteran's death.

Members of **Veterans of Foreign Wars** (V.F.W.) are provided with a $2,500 accidental policy. Take a copy of the death certificate to the office at the **local VFW** and they will assist in filling out the paperwork for payment.

Families in the eastern half of the United States should send their insurance claim to the **VA Center, 5000 Wissahickon Avenue, Philadelphia, PA, 19101.** Families in the western half of the nation should send their insurance claim to the **VA Center, Fort Snelling, St. Paul, MN 55111.**

For information or help in applying for veteran's benefits, write, call, or visit a veteran's benefit counselor at the nearest **VA regional office** or **VA hospital** listed in the telephone directory under **U.S. Government**. If there is no listing in your local area, call the VA nationwide **toll-free number 800-827-1000**. The hearing impaired can call 800-829-4833.

PERSONAL LIFE INSURANCE

Normally life insurance companies require **only two** forms to establish proof of a claim:

1) A Statement of claim, and
2) A death certificate or attending physician's statement.

The claimant's certificate must be completed by the person legally entitled to receive the proceeds who must state in what capacity he or she makes the claim - named beneficiary, assignee, executor, administrator, guardian, or trustee. Claimant will have to supply the company with the following:

1. Policy
2. Full name and address of deceased
3. Decedent's occupation and date last worked.
4. Decedent's date and place of birth.
5. Date, place, and cause of death.
6. Claimant's name, age, address, and Social Security number.

To expedite handling of insurance claims, contact should be made with **your local insurance agent or home office**. If the decedent was a participant in the former **FBI Agents Social Security** insurance program, contact should be made with the office of that **Social Security** in **New York** to obtain benefits due under the program.

If the deceased was a **member of any union, service organization, business association, fraternal organization, automobile club, etc.**, the group should be contacted for information regarding insurance or other benefits available to survivors.

Contact the deceased's place of employment regarding **group life insurance coverage, pension fund contributions, credit union insurance and other benefits**. Check particularly the deceased's ***hospital and surgical coverage to determine if widow and the dependents are still eligible for benefits.***

It is noted that a beneficiary of an insurance policy has **several options** for receiving the payment: lump sum, life annuity or periodic payments. Insurance proceeds are *not generally taxable* nor are they considered income to the beneficiary.

SURVIVOR LEGAL CONCERNS

TAXES

Providing specific and acceptable service in this area is difficult at best. Assistance can be provided by **competent tax attorneys or accountants**.

The Taxpayer Relief Act of 1997 and as amended in 2001 by Public Law 107-15 allows that survivor benefits paid after December 31, 2001, regardless of when the officer was killed, can be excluded from gross income when calculating Federal income taxes. **Again, seek advice from a competent tax attorney or accountant.**

WILLS AND ESTATES

Perhaps it is important to describe several of the provisions that are applicable to Wills and Estates.

(1) **Community Property Laws** - are State laws that provide for the joint ownership of property when acquired during the marriage. It does not matter whether the property was acquired by both parties together or one party singularly, it is still Community Property, unless, of course, one spouse disclaimed an interest in the property by a proper deed.

The effect of this law makes it *impossible for one spouse to will away the other spouse's interest* in any property. The states having Community Property Laws are as follows:

Arizona, Nevada, California, New Mexico, Idaho, Texas, Louisiana, and Washington (state).

(2) **Curtesy Laws** - Curtesy Laws were adopted by certain States to provide the husband with the legal right to use one-third or more of t he deceased wife's real property for as long as he lives, even if the property w as sold to a third party, provided of course that the husband did not sign the deed to the property when it was sold. Not all states have Curtesy Laws, but those that do are listed as follows: **Delaware, District of Columbia, Hawaii, Kentucky, Massachusetts, Ohio, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.**

(3) **Downer Laws** - Downer Laws are adopted by certain States to provide the wife with the legal right to use one-third or more of the deceased husband's real property for as long as she lives. And as held under Curtesy Laws, this right applies even though the property was sold to a third party. This is provided that the wife did not sign the deed when it was sold. Those States having Downer Laws are as follows: **Alabama, Delaware, Florida, Hawaii, Wisconsin, Kentucky, Massachusetts, Michigan, Montana, New Jersey, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia.**

(4) **Estate Taxes** - An Estate is subject to two (2) kinds of taxes, Federal Estate Taxes and State Inheritance Taxes. Generally, State Inheritance Taxes are based upon a fixed percentage of the value of the gross estate after all applicable deductions are made. This percentage of course varies from state to state, but the average is around six percent (6%). The Federal Estate Taxes are based upon a graduated scale that was revised in 1981 under what is called the "*1981 Economic Recovery Tax Act*". The Act revised the maximum Estate Tax Rate effective in each of the years that followed its enactment.

SUPPORT ORGANIZATIONS

CONCERNS OF POLICE SURVIVORS, INC.

Concerns of Police Survivors, Inc. (COPS) was organized in 1984 as a national networking organization to support law enforcement survivors emotionally, financially and legally; assist law enforcement agencies to prepare for the trauma affiliated with sudden loss of a law enforcement officer in the line of duty; and to make the nation aware of the yearly loss of life by the law enforcement profession and the trauma that loss inflicts on the family, the agency, and the nation. The COPS membership is comprised of spouses, parents, children, siblings, significant others, and co-workers who are effected by line-of-duty deaths. The COPS organization has programs that assist surviving families financially. Those programs are:

"C.O.P.S. Kids"

On May 14, 1990, Ronald McDonald Children 's Charities (RMCC) opened the door for a new program to be developed by **Concerns of Police Survivors, Inc. (COPS)**. With that one-time generous financial assistance from RMCC, and yearly support from the Southeast Police Motorcycle Rodeo Committee, the Mid-Atlantic Police Motorcycle Rodeo Committee, and many other wonderful sponsors, COPS is able to financially assist dependent-aged children who seek psychological counseling to help them cope with the trauma inflicted on them through the sudden, often violent, loss of their parent to the law enforcement profession. This program provides services to children whose parent was killed in the line of duty since 1984.

Eligibility:

1) Any dependent child of a law enforcement officer killed since 1984 is eligible. Additionally, any child recommended for counseling through the annual May "**C.O.P.S. Kids**" counseling sessions is eligible for this reimbursement program regardless of the date of the line-of-duty death of the parent.

2) "**C.O.P.S. Kids**" provides financial assistance to dependent children age 21 years and younger. This eligibility ceases with the child's 21st birthday, whichever comes first.

3) The deceased parent must have been a law enforcement officer killed in the line of duty as determined by **Federal Government criteria**.

4) Payments may be made directly to the professional providing the counseling services if the survivor's health care plan does not provide coverage for psychological counseling.

Prior to Filing a Claim:

1) Families will be encouraged to use the services of their law enforcement agency's Psychological Services Unit, if available.

2) Should there be other sources available for payment of counseling fees, families are expected to use those resources **before filing** for reimbursement to the "C.O.P.S. Kids" Program.

3) Counseling bills should be forwarded to the family's health care carrier for payment. Any unpaid portion for this service should be paid by the family and "C.O.P.S. Kids" will reimburse any out-of-pocket expense.

Reimbursement Limitations:

"C.O.P.S. Kids" will reimburse up to **$6,000 per eligible child** for out-of-pocket counseling expense. Checks will be drawn as expenses are submitted to the COPS National Office. Any and all information submitted to Concerns of Police Survivors in conjunction with the "C.O.P.S. Kids" Program will be treated as **confidential, privileged information**. Family surnames and names of children will ***never*** be included in any printed report that leaves the COPS National Office. For additional information on **"C.O.P.S. Kids"**, contact: **Concerns of Police Survivors, Inc., P.O. Box 3199, Camdenton, MO 65020 (573) 346-4911.**

COPS SCHOLARSHIPS

Concerns of Police Survivors, Inc. has authorized granting scholarships to surviving children and surviving spouses of law enforcement officers whose deaths have been determined by **government agencies** to be "in the line of duty". COPS scholarships assist survivors in states and areas ***where educational benefits are not part of the state line-of-duty death benefits package.*** Recipients are limited to $12,000 lifetime benefits. The amount of each award will be determined by available funding.

Based on scholastic achievement and lack of state-funded educational benefits, the COPS Scholarship Committee will determine the recipients of the scholarships. Application forms can be secured by calling **COPS at (573) 346-4911.**

These grants will be made payable to the institution of higher learning. The grant can be used for tuition, registration fees, and/or books. Any unused portions of the grant will be returned to Concerns of Police Survivors, Inc., at the end of the school term.

NATIONAL POLICE SURVIVORS' CONFERENCE

COPS works closely with other police organizations to organize the annual National Police Week activities planned in Washington, DC, around May 15th, National Peace Officers' Memorial Day. COPS sponsors two days of grief seminars for family survivors and co-workers. There is a separate program for surviving children aged 5-18. Contact: **Concerns Of Police Survivors, Inc., P.O. Box 3199, Camdenton, MO 65020, (573) 346- 4911; fax: (573) 346-1414.**

Other programs offered to survivors by COPS include: "C.O.P.S. Kids" Annual Summer Camp for surviving children aged 6-14 and their surviving parent/guardian; annual Outward Bound® Experience for surviving children aged 15-21; annual Parents' Retreat for surviving parents; annual Spouses Getaway Weekend for surviving spouses; an annual Siblings Retreat, and an Adult Children Retreat. Contact the COPS office at the number listed above for more information, or visit www.nationalcops.org.

OTHER SUPPORT GROUPS

PARENTS OF MURDERED CHILDREN (POMC)

Parents of Murdered Children, Inc. (POMC), headquartered in Cincinnati, Ohio, has over 100 Chapters and 200 Contact Persons across the United States. POMC is the only national self-help organization designed solely to offer emotional support and information about surviving the loss of a loved one to murder. Contact: **Parents of Murdered Children, 100 E. 8th Street #B41, Cincinnati, OH 45202, (513) 721-5683.**

THE COMPASSIONATE FRIENDS, INC.

A nationwide support group for bereaved parents and siblings. **National Office: P.O. Box 3696, Oak Brook, IL 60522-3696, (312) 990-0010.**

MOTHERS AGAINST DRUNK DRIVING (MADD)

A nationwide support and advocacy group for victims of drunk drivers. **National Office: P.O. Box 54168, Dallas, TX 75354-1688, (214) 744-6233.**

NATIONAL ORGANIZATION FOR VICTIM ASSISTANCE

A nationwide clearinghouse for all victimization issues. **National Office: 1757 Park Road NW, Washington, DC 20010, (202) 232-6682.**

NATIONAL VICTIM CENTER

A resource center for all victimization issues. **National Office: 2111 Wilson Boulevard, Suite 300, Arlington, VA 22201, (703) 276-2880.**

ASSOCIATION OF DEATH EDUCATION AND COUNSELING

Counseling referrals. **National Office: 638 Prospect Avenue, Hartford, CT 06105-4298, (203) 232-4825.**

THE INTERNATIONAL CRITICAL INCIDENT STRESS FOUNDATION

Public safety officers' de-briefings. **Contact: Dr. Jeffrey Mitchell, 5018 Dorsey Hall Drive, Suite 104, Ellicott City, MD 21042, (410) 730-4311.**

FEDERAL BUREAU OF INVESTIGATION

Law enforcement officer de-briefings. **Contact: Behavioral Sciences Unit, FBI Academy, Quantico, VA 22135, (703) 640-1628.**

AMERICAN ASSOCIATION OF RETIRED PERSONS

Organize widowed persons' support groups. **National Office: 601 E Street NW, Washington, DC 20049, (202) 434-2277.**

THE ON-SITE ACADEMY

Counseling and peer-support training. **Contact: Dan Livingston, 216 Mill Street, P. O. Box 1031, Gardner, MA 01440, (800) 238-3518.**

OTHER ORGANIZATIONS

There are several not-for-profit agencies that have formed for the specific purpose of aiding the families of public safety officers killed in the line of duty. These organizations go by such names as Hundred Clubs; Heroes, Inc.; Bluecoats; Backstoppers. Unfortunately, their assistance is restricted to specific geographical locations.

Contact the Benefits Assistance Officer in your department to see if such an organization is functioning in your area.

SOCIAL AND FRATERNAL ORGANIZATIONS

If your spouse was a member of a social, fraternal or veterans organization, you may be entitled to burial, death, spousal financial assistance, or dependent education assistance such as the following:

The Military Order of the Purple Heart - Membership restricted to "Purple Heart" recipients. Educational benefits for surviving children available. 2.5 GPA required. **National Headquarters: 5413-B Blacklick, Spring field, VA 22151. (703) 642-5360.**

The Knights Of Columbus - Catholic organization. Scholarships to children of members of the Order, who, as a result of criminal violence, lost their lives or became totally and permanently disabled while in the lawful performance of their duties as full-time law enforcement officers. **Contact: Director of Scholarship Aid, Knights of Columbus, P.O. Drawer 1670, New Haven, CT 06507, (203)772-2130.** Also sponsors a Student Loan Program.

Fraternal Order of Eagles - Through their Memorial Foundation, the Eagles provide financial assistance for surviving children of full-time law enforcement officers killed in

the line of duty who were also active members of the Fraternal Order of Eagles at the time of their death. **Contact: Eagles Memorial Foundation, 4710 14th Street West, Bradenton, FL 34207.**

National Guard - Members of the National Guard are provided with $50,000 life insurance policy that covers them on and off military duty. Contact the member's military unit and they will assist in filing the paperwork. The United States Army Reserve may be of help if the deceased was a Reservist.

National Sheriffs Association - The National Sheriffs Association provides $3,000 accidental death or dismemberment for its members. Member need not be on duty at the time of occurrence. Officer may have joined individually or as a covered member of the employing agency. To check membership or begin claim you may call **1-800-424-7827** or write to: **National Sheriffs Association, 1450 Duke Street, Alexandria, Virginia 22314**. You will need a copy of the death certificate and an incident report from the investigating agency.

Check with your member organizations for available benefits.

NRA DEATH BENEFIT

If a police officer, with or without compensation, is feloniously killed in the line of duty (line of duty according to government guidelines) and is a current member of the National Rifle Association, the surviving spouse/family is entitled to a $25,000 death benefit. **Contact NRA Insurance Administration and Claims at (877) 672-3006 with the name of the NRA member and the membership number. The surviving spouse/family must contact the NRA insurance carrier within 90-DAYS of the officer's death.**

CREDIT CARD TRAVELERS INSURANCE

If your spouse **happened to be traveling** at the time he/she died, various credit card companies provide traveler s insurance if the trip was financed through that credit card company and you opted to travel on a major mass transportation carrier such as airlines, buses, ships, or rental cars.

You should check with your credit card companies to ascertain the amounts of coverage and the limits of the policies. Coverage ranges from $50,000 to $500,000 depending on the card company. Here are a few referral numbers:

American Express (800-528-2122)
VISA (800-VISA911)
Mastercard Bank of America (800-MCASSIST)

FEDERAL VICTIM/WITNESS NOTIFICATION PROGRAM

For offenders in Federal custody, the Bureau of Prisons established procedures to be followed in responding to a request from a victim or witness who wishes to be notified regarding a specific inmate's release or release-related activities. The Bureau manages the Victim and Witness Notification Program to meet the needs of qualifying individuals who request information from the US Attorney in the district in which the prosecution occurred. The US Attorney forwards the request to the Warden of the institution where the inmate is confined and will then notify the victim or witness in writing of the inmate's location and of all significant release-related activities. These include release, escape, furlough, transfer to a community corrections center, parole hearings, and death. To obtain information about an offender's status, call 1-800-359-3267.

Occasionally, inmates are transferred between Bureau of Prisons institutions for adjustment purposes, population balance, or other sound correctional reasons. Victims and witnesses are not routinely notified of these internal system transfers. Any victim/witness may learn the location of any confined inmate by calling or writing the Bureau of Prisons Inmate Locator System, c/o US Department of Justice, Federal Bureau of Prisons, 320 1st Street NW, Room 536, Washington, DC 20534, telephone 202-307-3126.