



## STATE OF ALABAMA LINE OF DUTY DEATH BENEFITS

To obtain certified copies of registered personal documents, contact the Bureau of Vital Statistics, 434 Monroe Street, Room 215, Montgomery, AL 36130, (205)242-5033

### STATE DEATH BENEFITS

The Alabama State Board of Adjustment determines the amount of this payment.

### ALABAMA STATE BOARD OF ADJUSTMENT

Alabama law provides for a **one-time death benefit payment** of monies ranging between \$1,000 and \$50,000 for the survivors of public safety officers killed in the line of duty. Forms must be filed **by the local agency** and forwarded to the Board of Adjustment. Presentation must be made before the Alabama Board of Adjustment prior to actual receipt of any benefit. **Representation is necessary** at the time of the hearing held in Montgomery in the House of Representatives Chamber. An attorney is **not required** at the hearing and in most cases a representative from the filing agency can capably assume the role of representative for the beneficiary. **Contact: State Board of Adjustment, 205 Alabama State House, Montgomery, AL 36130, (205)242-7175.**

### STATE PENSION BENEFITS

Police pensions are calculated by years and months in service to an Alabama Police Department. This length of service entitles the following pension benefit to an officer's widow(er) **for the remainder of his/her lifetime.**

Pension standards are set forth in:

- A) Employee with \_\_\_\_\_ years service and age \_\_\_\_\_ or above entitles to \_\_\_\_\_% of salary in pension benefits; based on last three (3) years average income.
- B) In the event of employee's death prior to retirement, pension benefits are reduced by 10%.



State of Alabama  
Line of Duty Death Benefits



- C) Beneficiary is then entitled to one-half (1/2) of remaining percentage of pension benefit.

## EDUCATIONAL BENEFITS

Under Alabama Law Act 82-277, payment of tuition and textbooks costs in a state junior college, technical college or university is made for the dependent children under 21 (natural or adopted) **and spouses**, if not remarried, of a law enforcement officer killed in the line of duty. The spouse must utilize the benefit within 5 years of the death. A letter from the agency head, together with a certified copy of the marriage license, death certificate, and a birth certificate(s) of child/children are required. **Contact: Alabama Commission on Higher Education, 3465 Norman Bridge Road, Montgomery, AL 36105-2310, (334) 242-1998**

## STATE PAYROLL

A final check should be issued to the surviving beneficiaries for *all regular salaried earnings up to the time of death, accrued sick time, accrued vacation time, and compensation time.*

## WORKERS' COMPENSATION

Workers' Compensation coverage is compulsory for Alabama employers. Workers' Compensation benefits are payable to the beneficiaries of an officer for a period of **five hundred (500) weeks** following the death of an officer in the line of duty.

Benefits include a **maximum \$3,000 funeral expense** payment as well as **50%** of the employee's wage if survived by a spouse only or **66 2/3%** of the employee's wage if survived by a spouse and child(ren), with a **minimum payment of \$115** per week and a **maximum payment of \$419** per week.

In order to file for Worker's Compensation benefits, the below listed forms/certificates are needed:

- A) Marriage License
- B) Certified copy of Death Certificate.
- C) Certified copy of minor child(ren) Birth Certificates.
- D) Physician's Statement.



State of Alabama  
Line of Duty Death Benefits



To receive workers' compensation benefits the surviving spouse must take the initiative and file a workers' compensation claim through a workers compensation attorney to receive any compensation. The determination as to whether the claim will be paid will be determined by the **Workers' Compensation Appeals Board**.

**Contact the Worker's Compensation Division of the Department of Industrial Relations in the Industrial Relations Building, Montgomery, AL 36130, telephone (205) 242-2868.**

## STATE LIFE INSURANCE - INTESTATE

State life insurance benefits paid to the beneficiaries in this matter are based on double annual salary figures calculated at double indemnity rate.

**Descent and Distribution** - There are many and material variances from Uniform Probate Code.

Distinction between real and personal property has been abolished (43-8-1). Estate of decedent not effectively disposed of by will in excess of share of surviving spouse, or all such property if no surviving spouse, passes as follows, each class of which member is living taking to exclusion of subsequent classes: **(1)** Issue of decedent in equal shares if all issue of same degree of kinship to decedent, but by representation (see infra) if of equal degree; **(2)** parent or parents equally; **(3)** issue of parents or either of them by representation; **(4)** in equal shares to more remote paternal and maternal kindred in following manner (a) grandparent or grandparents equally, (b) issue of grandparents in equal shares if all issue of same degree of kinship to decedent, but by representation if of unequal degree; **(5)** if no paternal or maternal kindred on one side, entire estate to relatives on other side; **(6)** to state.(43-8-42 to 44). Except where estate could pass to state, heir must survive decedent five days. (43-8-43). Issue of person means all lineal descendants of all generations. (43-8-1 (15)).

For representation, estate is divided into **as many shares as there are surviving heirs** in nearest degree of kinship and deceased persons in same degree who left issue surviving decedent, each surviving heir in nearest degree receiving one share and share of each deceased person in same degree being divided among issue of such deceased heir in same manner. (43-8-45).

**Surviving Spouse** takes intestate share as follows: All if no surviving issue or parent of decedent; first \$100,000 plus one-half of balance if decedent is survived by parent or parents and no surviving issue; first \$50,000 plus one-half of balance if decedent is survived by issue of all whom are also issue of surviving spouse. *If estate is located in two or more states*, surviving spouse's share may not exceed in aggregate amounts allowable under Alabama law. (43-8-41). *Person who is divorced* from decedent or whose marriage has been annulled is not



State of Alabama  
Line of Duty Death Benefits



surviving spouse. (43-8- 252). Surviving spouse who feloniously and intentionally kills decedent is not entitled to any intestate share. (43-8-253).

## **ADDITIONAL BENEFITS**

### **ALABAMA PEACE OFFICERS' ANNUITY AND BENEFIT FUND**

Membership in the **Alabama Peace Officers' Annuity and Benefit Fund** entitles death benefits to officers' survivors in the form of a **one-time \$2,500 death benefit** payment for death from any cause plus, in the case of line-of-duty death, the return of all contributions during membership. Forms can be obtained from the **Alabama Peace Officers' Annuity and Benefit Fund, 514 South McDonough Street, Montgomery, AL 36104, (334)242-4079, and should be filed by the local agency.**

### **ALABAMA PEACE OFFICERS' ASSOCIATION**

The **Alabama Peace Officers' Association** offers survivors of deceased active members a **\$500 death benefit** for death from any cause. Survivors of active members killed in the line of duty receive a \$8,500 benefit. **Contact the Alabama Peace Officers' Association, 940 Pelham Street, Montgomery, AL 36104, telephone (334)269-4328.**

**FRATERNAL ORDER OF POLICE** or other labor/fraternal groups may provide a one-time death benefit to family members of a deceased member officer. Contact your **local lodge** for information.

### **100 CLUB**

Located in Mobile, **The 100 Club** is an organization of 100 area businessmen who contribute a **one-time \$1,000 payment** to the surviving family members of personnel of the **Mobile Police Department** killed in the line of duty. (Members of these organizations usually wish to remain anonymous; therefore, *someone in the department* should act as a contact person for the family. It is important that the police department encourage payments to be made to both survivors of felonious and accidental loss.)

### **ALABAMA CRIME VICTIMS COMPENSATION 15-21-1.**

Victims of violent crime are often reduced to bereft and destitute circumstances as a result of the criminal acts perpetrated against them, that the financial or economic resources of such victims and their dependents are in many instances distressed or depleted as a result of injuries inflicted upon them by violent criminals.



State of Alabama  
Line of Duty Death Benefits



The **Alabama Crime Victims Compensation Fund** intends to provide a means whereby victims of violent crime and their dependents may be provided compensation in the amount of actual expenses incurred as a direct result of criminal acts of other persons.

There are many circumstantial variables in each case. **Check with the contact person within your state.** An award shall not be subject to state or municipal taxation 15-23-15.

### **Southern States Police Benevolent Association, Inc.**

The PBA member's beneficiary will receive their base salary for one if year they are killed accidentally or intentionally while performing their law enforcement duties (maximum payout: \$60,000). The beneficiary will receive \$5,000 if it is not an occupational death or if you are a retired or reserve member. Any active Southern States PBA member in good standing and dues current will receive this benefit. **Contact: Southern States Police Benevolent Association, Inc., 1900 Brannan Road, McDonough, GA 30253-4310, telephone 1-800-233-3506, or visit [www.sspba.org](http://www.sspba.org).**

### **PEER SUPPORT ORGANIZATION**

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. **Contact the COPS National Office or visit [www.nationalcops.org/chap.htm](http://www.nationalcops.org/chap.htm) for information on a chapter in your area.**