



STATE OF ARIZONA

DEATH BENEFITS

To obtain certified copies of registered personal documents, contact the Department of Health Records, Vital Records Section, P. O. Box 3887, Phoenix, AZ 85030, (602)542-1080 for birth certificates, (602)262-3253 for marriage and death certificates.

In Arizona, line-of-duty death benefits come from basically four sources: statutes relating to the **Peace Officers' Memorial**, statutes relating to the **Public Safety Retirement System**, statutes relating to **Workers' Compensation** and from **private sector sources**. Each of these areas may have a *different definition of "line-of-duty death" and of eligibility for the benefit.*

STATE DEATH BENEFIT PAYMENTS

Section 23-1046.

In case of an injury causing death, the compensation thereof shall be known as a **death benefit**. These benefits are provided through Workers' Compensation or the State Compensation Fund. Refer to the following section under Worker's Compensation.

STATE PENSION BENEFITS

PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM (PSPRS) SUMMARY OF BENEFITS

Survivor Pension (A.R.S. §38-846)

The survivors of members, who die in service, or after retirement, are eligible for benefits as follows: No credited service requirement.

Spouse's Pension – Four-fifths (80%) of the pension the deceased active member would have been paid for accidental disability retirement, or in the case of retired member, four-fifths (80%) of retired member's pension. Requires two years of marriage for a retired member's spouse. Terminates on death. For a member killed in the line of duty, the spouse's pension is 100% of deceased member's average monthly benefit compensation, less any amount payable for an eligible child. (A.R.S. §38-846.A and B)

Child's Pension - One-tenth of pension deceased active member would have been paid for accidental disability retirement (equal shares of two-tenths if more than two children), or,



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in the case of a retired member, one-tenth of the retired member's pension (equal shares of two-tenths if more than two children). Eligible child must be unmarried, a dependent of the surviving spouse or guardian and either under the age of 18 or a full-time student under the age of 23 or under a disability which began before the age of 23. (A.R.S. §38-842.13 and 38-846.E)

Guardian's Pension - Same amount as spouse's pension. Payable only during periods no spouse is being paid and there is at least one eligible child. (A.R.S. §38-846.C and D)

Death Benefit (A.R.S. §38-846.F)

If a member has accumulated contributions remaining in the System at the date of death of the last pension recipient the remaining accumulated contributions are payable to the beneficiary named by the member.

State Taxation Of PSPRS Benefits (A.R.S. §38-852 and §43-1022)

Effective tax year commencing January 1, 1989, all PSPRS retirement benefits in excess of \$2500 annually will be subject to Arizona state tax.

Contact the Public Safety Personnel Retirement System of the State of Arizona, 3010 E Camelback Rd, Ste 200, Phoenix, Arizona 85016, Phone: (602) 255-5575, Fax: (602) 255-5572

REMARRIAGE CLAUSE

Section 38-846.03 Revised

- A. A surviving spouse whose pension was terminated by reason of **remarriage is entitled to reinstatement of the surviving spouse's pension** if the surviving spouse is otherwise qualified for a surviving spouse's pension and applies form reinstatement with the public safety personnel retirement system and no other person is currently receiving a guardian's or conservator's pension for an eligible child of the member or retired member. The level of pension payments shall be that amount which was received by the surviving **spouse at the date the surviving spouse's pension was terminated**, adjusted to reflect ad hoc and schedule increases from the date of termination to the date of reinstatement.
- B. A surviving spouse who is receiving a guardian's or conservator's pension by reason of remarriage and who is otherwise eligible **may apply for reinstatement** of a surviving spouse's pension. If the surviving spouse's pension becomes payable, the guardian's or conservator's pension is terminated.
- C. **Reinstated surviving spouse's pensions are not retroactive.** Payment of a reinstated surviving spouse's pension shall commence as of the first day of the month following



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receipt by the public safety personnel retirement system of a properly executed written application for reinstatement from the surviving spouse.

Contact the Public Safety Personnel Retirement System of the State of Arizona, 3010 E Camelback Rd, Ste 200, Phoenix, Arizona 85016, Phone: (602) 255-5575, Fax: (602) 255-5572.

EDUCATIONAL BENEFITS

15-1808.

- A. The Board of Regents, after verification by the Arizona Peace Officers Memorial Board that a person is a child or a spouse of a peace officer who was a resident of the state of Arizona and who was killed in the line of duty or who died from injuries suffered in the line of duty, shall provide the person who qualifies under subsection B and otherwise meets the qualifications for admission with a **tuition waiver scholarship** at any university under the jurisdiction of the board.
- B. The state board of directors for community colleges, after verification by the Arizona Peace Officers Memorial Board that a person is a child or a spouse of a peace officer who was a resident of Arizona and who was killed in the line of duty or who died from injuries suffered in the line of duty shall provide the person who qualifies under subsection B and otherwise meets the qualifications for admission with a **tuition waiver scholarship** at any community college under the jurisdiction of the board.
- C. The tuition waiver scholarships shall be limited to children who **are thirty years (30) of age or younger or a spouse who has not remarried** and shall be limited for a spouse or for any one child to no more than sixty-four credit hours at Arizona community colleges and a total number of credits including any transfer credits from an Arizona community college equal to the number of credits required for a baccalaureate degree at Arizona universities for that student's initially declared course of study.
- D. For purposes of this section: "Peace Officer" means sheriffs of counties, constables, marshals, police officers of cities and towns, commissioned personnel of the department of public safety, police officers appointed by community college district governing boards or the Arizona law enforcement officer advisory council, and other state, federal, tribal, city or county officers vested by law with a duty to maintain public order and make arrests.

Information on Arizona educational benefits for children and spouses may be obtained by contacting Arizona Peace Officers Memorial Board, 1275 West Washington, Phoenix, AZ 85007, (602)542-8410, or (602)542-4266.

POLICE CORPS SCHOLARSHIP FUNDS

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The Police Corps is administered by the Office of the Police Corps and Law Enforcement Education (OPCLEE), within the Office of Justice Programs, US Department of Justice, in partnership with participating States that have submitted an approved State Plan. Information can be found at www.ojp.usdoj.gov/opclee.

The Police Corps awards scholarships and reimburses educational expenses to students who agree to work in a State or local police force for at least four years. Students must pursue an undergraduate or graduate degree in a course of study, which, in the judgment of the State or local police force to which the participant will be assigned, includes appropriate preparation for police service. Police Corps funds cover education expenses (including tuition, fees, books, supplies, transportation, room and board, and miscellaneous expenses) up to \$7,500 per academic year, with a limit on total payments to any student of \$30,000.

Police Corps scholarship funds are also available to dependent children of law enforcement officers killed in the line of duty if the death occurred within the state after that state was approved to participate in the Police Corps program. In Arizona, the death must have occurred since October 2000. These scholarships may be applied to any course of study, without any service or repayment obligation.

Police Corps participants are selected on a competitive basis by each State under regulations prescribed by OPCLEE. For more information, contact: Jon Heiden, Arizona Officers Standards and Training Board and Central Arizona College, 1-800-237-9814x1956, fax 520-876-1938, email jon_heiden@centralaz.edu, website www.azpolicecorps.com/

HEALTH BENEFITS

Health Insurance Premium Subsidy (A.R.S. §38-857)

For PSPRS retirees or survivors who have elected group health and accident insurance coverage provided and administered by this state or another PSPRS employer, the PSPRS will pay up to the following amounts:

Single		Family		
Not Medicare Eligible	Medicare Eligible	All Not Medicare Eligible	All Medicare Eligible	One with Medicare
\$150.00	\$100.00	\$260.00	\$170.00	\$215.00

Through June 30, 2007, a retiree or survivor who is eligible for medicare and who lives in a nonservice area receives up to the following amounts in addition to the subsidy listed above after they have paid an out-of-pocket expense as set forth below. A nonservice area is defined as an area in this state where the state retiree group insurance program or employer's retiree health insurance



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program does not provide or administer a health maintenance organization (HMO) for which the member or survivor is eligible. The subsidy consists of up to the following amounts:

Single	Family	
Medicare Eligible	Retired Member and one dependent Medicare Eligible	Only Retired Member Medicare Eligible
\$170.00 <u>after</u> \$100.00 paid out-of-pocket	\$350.00 <u>after</u> \$200.00 paid out-of-pocket	\$470.00 <u>after</u> \$400.00 paid out-of-pocket

WORKERS' COMPENSATION

Workers' Compensation coverage is compulsory for employers in Arizona; however, waivers are permitted.

Spouse receives **35% of the employee's wage** and spouse and child(ren) receive **66 2/3% of the employee's wage**, with a minimum weekly payment payable but not statutorily prescribed as to amount and a maximum weekly payment of \$145.40 to \$277.08. There is also a **maximum burial allowance of \$5,000**.

Spouse receives payments **until remarriage**. Children receive payments until **age 18 or married**. Children receive benefits beyond 18 if physically or mentally disabled, or until age 23 if full-time students.

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 Industrial Commission, 800 W. Washington Street, Phoenix, AZ 85007-2922, telephone (602) 542-4661. Arizona's State Compensation Fund oversees Workers' Compensation in the State. This office can be reached at (800)231-1363 or (602)631-2300.

AGENCY CONTACT

For specific information on **pension or worker's compensation benefits**, the survivor should **contact the agency** for whom the officer worked at the time of his death. For **tuition waiver**



or **Memorial information**, the survivors should contact the **Attorney General's Office** as listed above. For **private organizations**, they should contact the organizations directly. They might also check with other fraternal or labor organization that is appropriate for further information on benefits.

PERSONAL LIFE POLICY - INTESTATE

Uniform Probate Code (but not 1977 or later amendments) adopted (14-1101 et seq.) with following exceptions:

Surviving Spouse takes the following:

1. If intestate left issue, one or more of whom are not issue of surviving spouse also, one-half of intestate separate property and no interest in decedent's one-half of community property;
2. If no surviving issue or issue all of whom are issue of surviving spouse also, entire intestate estate (14-2102).

LINE-OF-DUTY DEATH DETERMINATION

The definition of line-of-duty death may be defined **a little differently** for each type of benefit. Although each type of benefit varies, they are very similar. For instance, the Peace Officer Memorial Board, which oversees the tuition waiver process as well as the placing of the names on the Memorial itself, tend to have a **broad view** of who should receive worker's compensation. Heart problems **are always a difficult area** to determine. Each case is decided on its own facts. The heart attack must be shown to be related to the job in some manner.

ADDITIONAL BENEFITS

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 for information on a chapter in your area.**

100 CLUB OF ARIZONA



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The 100 Club of Arizona provides financial assistance to officers and firefighters killed in the line of duty in the state of Arizona, including city, county, state, federal & tribal agencies. The 100 Club provides a one-time death benefit of \$10,000 and up to \$7,000 for officers or firefighters seriously injured in the line of duty. The 100 Club additionally acts as a support organization and a clearinghouse for helpful information.

Contact your agency's Benefits Assistance Officer for help with these benefits. Or contact Sharon Knutson-Felix, Executive Director, 100 Club of Arizona, 5151 N 19th Ave, Suite 204, Phoenix, AZ 85015, 602-485-0100 or e-mail; info@100club.org.

The Arizona State FOP pays \$1,000 to the beneficiary of an FOP member. They also give the family a Bible. The FOP can be reached at (602)881-4244.

VICTIMS' COMPENSATION

There are two programs that are coordinated in the office of the Arizona Criminal Justice Commission. They are The Crime Victim Assistance Program and the Crime Victim Compensation Program. These Programs are established by A.C.J.C. Rules. Survivors should initially contact A.C.J.C. at the State level. They will likely be referred to a county-level organization charged with implementing the programs locally. The telephone number is (602) 542-1928.

STATE MEMORIAL

The Wesley Bolin Memorial Plaza is located at 1700 West Washington, Phoenix, AZ, adjacent to the Arizona State Capitol.