



STATE OF HAWAII

DEATH BENEFITS

To obtain certified copies of registered personal documents, contact Vital Records Section, State Department of Health, P. O. Box 3378, Honolulu, HI 96801, phone (808) 548-5819.

STATE DEATH BENEFITS

None Available.

FUNERAL EXPENSE

A one-time funeral expense of **\$100** is paid to the beneficiary of law enforcement officers killed in the line of duty.

MONTHLY PENSION PAID TO SURVIVING FAMILIES

Chapter 88, Sec. 163

Survivors of Public Safety Officers killed in the line of duty will receive a monthly pension. Amount for the widow is **\$50 a month** until the widow(er)'s death or **remarriage** and **\$7.50 a month** to the widow(er) for **each child** so long as the child resides with the surviving spouse.

Upon the death of a spouse, or if the employee leaves no widow but a child or children under the age of eighteen, **\$50 a month shall be distributed equally plus \$7.50 per child** until such time as the child or children reach age eighteen.

If any member of the police force dies not leaving a widow, but leaving a father or mother dependent upon him, the father or mother (not both) shall, upon satisfactory proof of dependency being made to the board of trustees receive from the system a sum **not exceeding \$50 per month**.

If there be no widow and no child and no father or mother, but dependent brothers or sisters, then such pension shall be paid to them and shall not exceed **the aggregate amount of \$30 per month**.



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All pensions shall be **subject to reduction** by the board of trustees whenever, in its judgment, circumstances make it reasonable, fair or necessary. All pensions so reduced may thereafter be restored or further reduced as the board may deem best.

On the remarriage of any widow entitled to the benefits of any sum, or in the event of any father or mother, brothers, or sisters ceasing to be dependents then the payments to them shall cease.

The state retirement system benefits are earned or paid for benefits as are unpaid salaries and accumulated vacation leaves. **Contact the State Retirement System at (808) 586-1679.**

BENEFITS IN LIEU OF OTHER PAYMENTS

The benefits set forth shall be **in lieu** of any or other compensation payable to a member of a police force or any of the member's dependents under or on account of chapter 386, or any other claim or demand against the county by whom the member is employed. However, the member of the police force or the member's dependents may, at the member's or their election, waive the benefit provided for in this part and in lieu thereof claim any compensation or benefits that would otherwise be payable to the member or the member's dependents under chapter 386, or in any manner authorized by law.

EDUCATIONAL BENEFIT

None Available.

HEALTH BENEFIT

The state health fund benefits are earned or paid for benefits. **Benefits are dependent upon the monies paid in by the officer.**

WORKERS' COMPENSATION

DEATH: ENTITLEMENT TO AND RATE OF COMPENSATION

Workers' Compensation coverage is compulsory for employers in Hawaii.

Sec. 386-41.



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- (a) Funeral and burial allowance. Where a work injury causes death, the employer shall pay funeral expenses **not to exceed ten times the maximum weekly benefit rate** to the mortician and burial expenses not to exceed five times the maximum weekly benefit rate to the cemetery selected by the family or next of kin of the deceased or in the absence of such family or next of kin of the deceased or in the absence of such family or next of kin, by the employer. Such payments **shall be made directly to the mortician** and cemetery; provided that when the deceased has a pre-paid funeral and burial plan such payments for funeral and burial expenses, not to exceed the foregoing limits, shall be made directly to the surviving spouse or the decedent's estate if there is no surviving spouse.
- (b) Weekly benefits for dependents. In addition, the employer shall pay **weekly benefits to the deceased's dependents at the percentages of the deceased's average weekly wages specified below**, taking into account not more than the maximum weekly benefit rate prescribed in said section divided by .667.

To the dependent widow or widower, if there be one or more dependent children of the deceased, **sixty-six and two-thirds per cent**. The compensation to the widow or widower shall be for the use and benefit of the widow or widower and of the dependent children, and the director of labor and industrial relations may from time to time apportion the compensation between them in such way as the director deems best.

If there be no dependent widow or widower, but a dependent child, then to dependent parent, then to the parent, if wholly dependent **fifty per cent**, or if partially dependent **twenty-five per cent**; if both parents be dependent, then one half of the foregoing compensation to each of them; if there be no dependent parent, but one of more dependent grandparents, then to each of them in the same compensation as to a parent.

If there be no dependent widow, widower, child, parent or grandparent, but there be a dependent grandchild, brother, or sister, or two or more of them, then to such dependents **thirty-five per cent** for one dependent, increased by fifteen per cent for each additional dependent, to be divided equally among the dependents if more than one.

- (c) Maximum weekly amounts. **The sum of all weekly benefits**



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payable to the dependents of the deceased employee shall not exceed sixty-six and two-thirds per cent of the employee's average weekly wages, computed by observing the limits specified in subsection (b), if necessary, the individual benefits shall be proportionally reduced.

- (d) Liability to special compensation fund in the absence of dependents. **If there be no dependents who are entitled to benefits under this section, the employer shall pay the sum of \$8,775 for any one death into the special compensation fund**, pursuant to an order made by the director. The employer, pursuant to an order made by the director, shall pay any remaining balance into the special compensation fund, if the weekly benefits to which dependents are entitled terminate without totaling the sum of \$8,775.

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 Disability Compensation Division of the Department of Labor and Industrial Relations, 830 Punchbowl Street, Room 211, Honolulu, HI 96813, telephone (808) 586-9161.

PERSONAL LIFE POLICY - INTESTATE

Descent and Distribution - Uniform Probate Code, but not 1975 or 1977 Official Amendments, adopted (c.560), with following modifications: spouse takes entire estate if no surviving issue or parent of deceased; otherwise spouse takes one-half (560:2-102). If no surviving spouse, issue, parent, or issue of parents, to surviving grandparent or grandparents in equal shares. If all grandparents are deceased, estate passes in equal shares to issue of equal degree of grandparents, with no right of representation to shares of issue of grandparents who have died. However, to extent to which estate comes from either set of grandparents of decedent, those grandparents or their issue shall take to exclusion of other set of grandparents or their issue regardless of degree of kinship unless escheat to State would be caused. (560:2-103(4)).

If all grandparents and issue of grandparents deceased, to great-grandparents in equal shares or to surviving great-grandparents; if all great-grandparents deceased, then in equal shares to issue thereof of equal degree, with no right of representation and with proviso re estate from one set of great-grandparents as per above.



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For Rights Accruing Prior to July 1, 1977, the Following is Applicable:

Entire estate, or if there is surviving spouse excess over share of such spouse, descends and is distributed as follows, each class of which member is living taking to exclusion of subsequent classes: (1) Children per capita and issue of deceased children by representation; (2) parents or surviving parent; (3) brothers and sisters per capita and children of deceased brothers and sisters by representation; (4) next of kin equally. (532-4).

Surviving spouse - takes as follows: (1) Where decedent left issue, nothing by inheritance but only dower or curtesy; (2) where decedent left parent, brother, sister, or issue of deceased brother or sister, one-half of estate; (3) where decedent left none of aforementioned, entire estate. Surviving spouse cannot take both by inheritance and under right of dower or curtesy.

ADDITIONAL BENEFITS

CONCERNS OF POLICE SURVIVORS, INC. (COPS)

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.**

OTHER BENEFITS

The **200 Club** is an organization made up of business and professional people who support local law enforcement through various financial support programs.

There are other non-public benefits such as insurance from the **Police Relief Associations**, the police union and credit unions which require membership before benefits are afforded.