



STATE OF IOWA

DEATH BENEFITS

To obtain certified copies of registered documents, contact Vital Records Section, Lucas State Office Building, Des Moines, IA 50319, phone (515) 281-4944.

STATE DEATH BENEFITS

The Iowa Public Employee Retirement System will pay a lump sum of \$100,000 when the death of any member is deemed to be a direct and proximate result of a traumatic personal injury incurred in the line of duty. This payment will not affect pension benefits.

A line of duty death benefit shall not be payable if the death resulted from stress, strain, occupational illness, or a chronic, progressive, or congenital illness, including, but not limited to, a disease of the heart, lungs, or respiratory system, unless a traumatic personal injury was a substantial contributing factor to the member's death; if the death was caused by the intentional misconduct of the member or by the member's intent to cause the member's own death; if the member was voluntarily intoxicated at the time of death; if the member was performing the member's duties in a grossly negligent manner at the time of death; if an individual who would otherwise be entitled to a benefit was, through the individual's actions, a substantial contributing factor to the member's death.

PENSION BENEFITS

Municipal Fire and Police Retirement System of Iowa

Ordinary Death Benefit - Paid to the designated beneficiary, after one year of service, for death from causes **not sustained in the line of duty**, a lump sum equal to **50% of the earnable compensation** during the year preceding death or during the last year of service if the deceased member was terminated vested.

Alternately, in lieu of the lump sum benefit, to the surviving spouse, guardian of children, or dependent parents, **(a)** a pension **equal to 40%** of average final compensation but not less than 20% of the earnable compensation of an active member holding the highest grade in the rank of a police patrol officer, and **(b)** for each child, **6% of the earnable compensation** of the active member holding the highest grade in the rank of a police patrol officer.



State of Iowa
Line of Duty Death Benefits



This pension and each child's benefit are eligible for adjustment (escalation*).

Accidental Death Benefit - For death from causes **sustained in the line of duty**. *Any heart, lung, or respiratory disease is presumed to have been contracted in the line of duty.* The benefit to the surviving spouse, guardian of children, or dependent parents is **(a)** a pension equal to **50% of average** final compensation **plus (b)** for each child, **6% of the earnable compensation** of the active member holding the highest grade in the rank of a police patrol officer.

This pension and each child's benefit are eligible for adjustment (escalation*).

***Escalation** - Adjustments **may be made** each July 1 and January 1. The adjusted pension is directly related to increases in earnable compensation of active individuals in positions which the deceased vacated at retirement.

Application Processing - Upon the death of a member, the member's spouse and/or guardian of the member's dependent children **should contact the System directly** to obtain information concerning eligibility for spousal and dependent benefits. Applications for such benefits may be obtained from the System or from the cities. Applicants must include a copy of their birth certificate, marriage certificate, and member's death certificate with all applications.

Contact the Municipal Fire and Police Retirement System of Iowa, 950 Office Park Road, Suite 321, West Des Moines, IA 50265.

Iowa Department of Public Safety Peace Officers' Retirement, Accident, and Disability System

The Iowa Department of Public Safety Peace Officers' Retirement, Accident, and Disability System was created to provide certain retirement and other benefits for the peace officers of the Iowa Department of Public Safety, or benefits to their dependents, in amounts and under terms and conditions set forth by law.

Accidental Death Benefit - If, upon receipt of evidence and proof that the death of a member in service was the natural and proximate **result of an accident, disease, or exposure occurring or aggravated at some definite time and place while the member was in the actual performance of duty**, the board of trustees shall decide that death was so caused in the performance of duty and there shall be paid, in lieu of the ordinary death benefit, to the member's estate or to such person having an insurable interest in the member's life as the member shall have nominated by written designation duly executed and filed with the board of trustees:



State of Iowa
Line of Duty Death Benefits



- a) To the surviving spouse, children, or dependent parents, a pension equal to **50% of the average final compensation** of such member;
- b) If there is no surviving spouse, child, or dependent parent, the death shall be treated as an ordinary death case and the **benefit shall be paid to the member's estate**;
- c) **In addition** to the benefits for the surviving spouse, there shall also be paid **for each child** of a member a monthly pension equal to **6% of the monthly earnable compensation** payable to an active member having the rank of senior patrol officer of the **Iowa Highway Safety Patrol**.

Pensions Offset by Compensation Benefits - Any amounts which may be paid or payable by the state under the provisions of any workers' compensation or similar law to a member or to the dependents of a member on account of any disability or death, shall be offset against and payable in lieu of any benefits payable out of funds provided by the state under the provisions of this chapter on account of the same disability or death.

Members of the Peace Officer Retirement Board (State Police Officers only) contact: Ms. Rosemary Carreon, Wallace State Office Building, Des Moines, IA 50319; (515) 281-8843 or fax: (515) 242- 6136.

EDUCATION BENEFITS

No educational benefits are available.

HEALTH BENEFITS

All health care benefits cease upon death. Survivors can elect to stay in group health plan until age 65. The premiums would be paid by the surviving family. Check with your **local police department** to find out about specific policy benefits.

WORKERS' COMPENSATION

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



State of Iowa
Line of Duty Death Benefits



Benefit is **80%** of worker's spendable earnings for surviving spouse or surviving spouse and child(ren), with a **minimum weekly benefit of \$139** or actual wage if less than \$139 and a **maximum weekly benefit of \$797**. There is also a **maximum burial allowance of \$5,000**.

Spouse receives two-year lump sum **payable upon remarriage** if no children. Children receive benefits **until age 18** or beyond age 18 if physically or mentally disabled, or until age 25 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 Division of Industrial Services of the Department of Employment Services, 1000 E. Grand Avenue, Des Moines, IA 50319, telephone (515) 281-5934.

PERSONAL LIFE POLICY - INTESTATE

Descent and Distribution - Entire estate of intestate decedent, real and personal, or excess over share of surviving spouse, if any descends and is distributed as follows, each class of which a member is living taking to the exclusion of subsequent classes:

(1) children and/or issue of deceased children; (2) parents equally or all to surviving parent; (3) in case both parents are dead the portion which would have fallen to each of them must be disposed of in the same manner as if he or she had outlived the intestate and died in the possession and ownership of such portion; (4) and so on through ascending ancestors and their heirs; (5) if heirs are not thus found, uninherited portion shall go to spouse of decedent, if living, or to heirs of dead spouse, or spouses.

Distribution among descendants of person primarily entitled to take is always per stirpes, *whether or not any of the persons primarily entitled survive the decedent.*

Share of Surviving Spouse - If decedent dies intestate leaving surviving spouse and leaving no issue all of whom are issue of surviving spouse, surviving spouse shall receive following share: (1) All value of all legal or equitable estates in real property possessed by decedent at any time during marriage, which have not been sold on execution or by other judicial sale, and to which surviving spouse has made no relinquishment of right; (2) all personal property that, at time of death, was, in hands of decedent as head of family, exempt from execution; (3) all other personal property of decedent which is not necessarily for payment of debts and charges. (633.211).

If decedent dies intestate *leaving surviving spouse and leaving issue some of whom are not issue of surviving spouse*, **surviving spouse** shall receive following share: (1) One-half in



State of Iowa
Line of Duty Death Benefits



value of all legal or equitable estates in real property possessed by decedent at any time during marriage, which have not been sold on execution or by other judicial sale, and to which surviving spouse has made no relinquishment of right; (2) all personal property that, at time of death, was in hands of decedent as head of family, exempt from execution; (3) one-half of all other personal property of decedent which is not necessary for payment of debts and charges; (4) if property received by surviving spouse under 1, 2, and 3 of this section is not equal in value to sum of \$50,000, then so much additional of any remaining homestead interest and of remaining real and personal property of decedent that is subject to payment of debts and charges against decedent's estate, after payment of debts and charges even to extent of whole of net estate, as necessary to make amount of \$50,000. (633-212).

Except as provided in sections 633.211 and 633.212, shares of distributes shall abate, for payment of debts and charges, federal and state estate taxes, legacies, shares of children born or adopted after making of will, or share of surviving spouse who elects to take against will, without any preference or priority as between real and personal property, in following order: (1) Property not disposed by will; (2) property devised in residuary devisee, except property to surviving spouse who takes under will; (3) property disposed of by will, but not specifically devised and not devised to residuary devisee, except property devised to surviving spouse who takes will; (4) property specifically devised, except property devised to surviving spouse who takes under will; (5) property devised to surviving spouse who takes under will.

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. **Contact the COPS National Office or visit www.nationalcops.org/chap.htm for information on a chapter in your area.**

910 VICTIM RESTITUTION

Payment of "pecuniary damages" to the extent not paid by an insurer, which a victim could recover against the offender in a civil action arising out of the same facts or event, except punitive damages for pain, suffering, mental anguish, and loss of consortium. **Without limitations "pecuniary damages" includes damages for wrongful death and expenses incurred for psychiatric or psychological services or counseling or other counseling for the victim which became necessary as a direct result of the criminal activity.**



State of Iowa
Line of Duty Death Benefits



Payment of pecuniary damages to a victim in an amount and in the manner provided by the offender's plan of restitution. **Restitution** also includes the payment of crime victim assistance reimbursements, court costs, court appointed attorney's fees or the expense of a public defender, and the performance of a public service by an offender in an amount set by the court when the offender cannot reasonably pay all or part of the court costs, court-appointed attorney's fees or the expense of a public defender.

HOMICIDE VICTIMS

The Survivors of Homicide Victims Program is administered through Family Services. Contact them at 1330 First Avenue NE, Cedar Rapids, IA 52402, telephone 319-398-3574.

TROOPER BENEFITS

The **Iowa Troopers Association** will provide a one-time death benefit of **\$2,500** to the families of their members who were killed in the line of duty.

MEMORIAL

The **Iowa Peace Officers Monument** is located on the State Capitol grounds at East 9th and Grand Streets in **Des Moines, Iowa**.