



COMMONWEALTH OF KENTUCKY

DEATH BENEFITS

To obtain certified copies of registered personal documents, contact Vital Records, 275 E. Main Street, Frankfort, KY 40621, phone (502) 564-4212.

Claims for benefits from the Commonwealth of Kentucky should be made to the **Office of the Secretary, Justice Cabinet Death Benefits Claim Adjuster, Commonwealth Credit Union Building, 417 High Street, 3rd Floor, Frankfort, KY 40601.**

STATE DEATH BENEFITS

K.R.S. 61-315

1. **Mandatory** if death is direct result of act **in the line of duty**.
2. Covers all "police officers"
 - a. **"Police Officer"** - Every paid police officer, sheriff, or deputy sheriff, or any auxiliary police officer appointed pursuant to KRS 95.445, elected to office or employed by any county, airport board created pursuant to KRS Chapter 183, or city or by the state.
3. Lump sum payment of **\$25,000** (from State Treasurer).
 - a. To surviving spouse, if no surviving child.
 - b. If no surviving spouse, then to surviving children equally under 18 years old.
 - c. If only surviving children over 18 years old:
 1. \$10,000 to surviving children equally
 2. Hold \$15,000 in trust equally until 18
 - d. If no surviving children, then equally to parents.
4. Payment **in addition** to any retirement/benefit fund benefits.

K.R.S. 346.155

1. **Discretionary payment** if killed in the line of duty.
2. Covers only those officers in cities, counties, and urban counties who are **ineligible for death benefits under pension plan**.



3. Lump sum to family of **\$25,000 (From Crime Victims Comp. Bd.)**
4. For those killed **after 1/1/86.**

95.570 FUNERAL BENEFIT

When an active or retired member of the police or fire department, in cities of the third class, dies under the conditions set out in paragraph (c) of subsection (1) of KRS 95.550, the board of trustees of the pension fund may pay from the fund to the widow, widower or family a sum of not more than **two hundred dollars (\$200) for funeral expenses.**

STATE PENSION BENEFITS

Kentucky cities are classified into **five classes with different statutes affecting them.** There are also **three separate retirement systems in Kentucky:** Kentucky Employees' Retirement System, County Employees Retirement System, and the State Police Retirement System that covers police officers. Contact the Benefits Assistance Officer in your department.

In April 2002, the Governor signed HB438 which amended KRS 61.621 to allow surviving spouses of members killed by a duty-related injury to continue receiving a retirement allowance even if they remarry; and amended KRS 16.601 to allow surviving spouses of hazardous duty members killed in the line of duty to continue receiving a retirement allowance even if they remarry.

61.315. BENEFITS PAYABLE ON DEATH OF CERTAIN PEACE OFFICERS, FIREFIGHTERS, AND MEMBERS OF THE KENTUCKY NATIONAL GUARD - ADMINISTRATIVE REGULATIONS - FUNDS ALLOTTED TO A SELF-INSURING ACCOUNT

- (1) As used in this section, "police officer" means **every paid police officer, sheriff, any auxiliary police officer, appointed pursuant to KRS 95.445, or any citation or safety officer appointed pursuant to KRS 83A.087 and 83A.088,** elected to office, or employed by any county, airport board created pursuant to KRS Chapter 183, city, or by the state.
- (2) The spouse of any police officer, sheriff, deputy sheriff, any auxiliary police officer appointed pursuant to KRS 83A.087 and 83A.088, firefighter or member of the Kentucky National Guard or state active duty pursuant to KRS 38.030, whose death occurs **on or after July 1, 1991,** as a direct result of an act in the line of duty shall receive a



Commonwealth of Kentucky
Line of Duty Death Benefits



lump-sum payment of **fifty thousand dollars (\$50,000)** if there are no surviving children, which sum shall be paid by the State Treasurer from the general expenditure fund of the State Treasury. If there is no surviving spouse, the payment shall be made to the surviving children, eighteen (18) or more years of age. For surviving children **less than 18** years of age, the State Treasurer shall:

- (a) Pay **twenty thousand dollars (\$20,000)** to the surviving children; and
 - (b) **Hold \$30,000 in trust** divided into equal accounts at appropriate interest rates for each surviving child until the child reaches the age of eighteen years. If child dies before reaching the age of eighteen (18) years, his account shall be paid to his estate. **If there are no surviving children, the payment shall be made to any parents of the deceased.**
- (3) The benefits payable under this section shall be **in addition** to any benefits now or hereafter prescribed under any police, sheriff, firefighter's or National Guard retirement or benefit fund established by the federal government or by any state, county or any municipality.

61.705 DEATH BENEFIT - DESIGNATION BENEFICIARY

Upon the death of a retired member of the Kentucky employees retirement system, county employees retirement system, or state police retirement system who had a minimum of **forty-eight (48) months of service**, a death benefit of **two thousand five hundred dollars (\$2,500)** shall be paid. Application for the death benefit made to the Kentucky retirement systems shall include acceptable evidence of death and of the eligibility of the applicant to act on the deceased retired member's behalf.

CITY POLICE AND FIRE DEPARTMENTS

Cities of the first class, cities of the second class, cities of the third class, cities of the fourth class, cities of the fifth class.

The legislative body in a city of the **first class** shall issue the appropriate order, pursuant to KRS 78.530(1), directing participation for policemen in the county employees retirement system. All new employees who would have been granted membership in the local policemen's pension system shall be members of the county employees retirement system. All active members of the local policemen's pension system at the time of transition to members of the local policemen's pension system at the time of transition to the county employees retirement system **may choose membership** in the county employees retirement system or may retain membership in the local system. The city shall elect the alternate participation plan, pursuant to KRS 78.530(3), for policemen who transfer to the county employees retirement system pursuant to this section shall be granted hazardous duty



coverage, and the city may, at its option, purchase accumulated sick leave for each policeman upon retirement pursuant to KRS 78.616.

95.624 PENSIONS - SURVIVOR'S BENEFITS - INCREASE IN BENEFITS

If any member of the police or fire department is killed or dies as the result of an injury received in the performance of duty, or dies of any disease contracted by reason of his occupation, or dies while in service from any cause as a result of his service in the department, or dies in service or while on retired list from any cause **after one (1) year** of service in the department and leaves **a widow or a child under eighteen (18)** years of age, the board of trustees shall order a pension paid to the widow of **one-half (1/2) of salary per month** and for each child until it reaches the age of eighteen (18) years, **twenty-four (\$24) per month**. If the deceased member was unmarried and childless, a pension shall be paid to his **dependent father and mother** of one-fourth (1/4) of salary per month. If one (1) parent is dead, the other shall receive the entire one-fourth (1/4) salary.

In order to adjust retirement benefits to the purchasing power of the dollar, the board may annually order an increase in benefits paid pursuant to this section. The board may order an increase in benefits by any amount up to the increase in the consumer price index calculated pursuant to KRS 64.527, but **in no case shall the annual increase exceed five percent (5%)**.

95.860 DEATH OF MEMBER DUE TO OCCUPATIONAL CAUSES - BENEFITS TO SURVIVING WIDOW, MINOR CHILDREN, PARENTS - REDUCTION OF SURVIVOR BENEFITS - COST-OF-LIVING INCREASES

- (1) Upon the death of a member due to occupational causes, regardless of length of service, his surviving widow shall be entitled immediately upon cessation of salary or annuity, as the case may be, to an annuity equal to **fifty percent (50%) of the member's last rate of salary**. This annuity shall be payable until **he/she dies**. No surviving widow shall receive an annuity of **less than one hundred and fifty dollars (\$150) per month**. When Social Security benefits are increased, the **minimum shall be increased** by a like percentage, provided the increase shall not exceed five percent (5%). **In addition**, if minor children under age 18 survive the member, the widow shall receive twenty-five percent (25%) of the member's last rate of salary until the last child attains the age of 18. The combined payments to a widow and minor children, excluding cost-of-living increases, shall **not exceed seventy-five percent (75%) of his final rate of salary**.



Commonwealth of Kentucky
Line of Duty Death Benefits



- (2) If a widow does not survive the member, and minor children under age eighteen (18) exist, **the children shall be entitled to the benefits provided in KRS 95.861(3).**
- (3) If neither a widow nor minor children eligible for benefits survive the member, **each dependent parent** shall be entitled to an annuity equal to twenty-five percent (25%) of the member's last rate of salary, or 50% to both parents.
- (4) If a widow would receive from a combination of: (a) survivor benefits pursuant to this section, excluding benefits for minor children, and (b) workers' compensation benefits, excluding dependent children's allowances or payments for medical expenses or legal fees related to the workers' compensation claim, **an amount greater than one hundred percent (100%) of the deceased member's last rate of salary, then the pension system survivor benefits shall be reduced to the point that the combined payments equal one hundred percent (100%) of the last rate of salary.** The survivor benefits shall not be reduced, however, below an amount equal to **two and one-half percent (2 1/2%)** of average salary for each year of the deceased member's service. Any reduction in the survivor payment shall be based upon workers' compensation benefits applicable at the time the survivor payment is granted, and not upon subsequent increases in either benefit. **If workers' compensation benefits are reduced at a subsequent time, the surviving spouse shall inform the board, and the board shall increase the survivor's benefit by the amount of reductions, but not by more than an amount which would increase the survivor's benefit to fifty percent (50%) of last rate of salary, excluding cost-of-living increases.** The board of trustees may pay an estimated benefit to a surviving spouse upon qualification for the benefits, based upon an estimate of workers' compensation benefits until such amounts are actually determined at which time a final calculation of the spouse's actual benefits shall be determined and the account compensation benefits are paid in lump sums, **the board shall reduce the survivor benefit on a monthly reduction based upon the life expectancy of the survivor.** The board may request the assistance of the general manager of Kentucky retirement systems to calculate the reduction in survivor benefits when lump-sum payments are involved, and the general manager shall provide such assistance upon request.
- (5) A surviving child or parent receiving benefits pursuant to this section shall receive **the same cost-of-living increase** granted to retirees pursuant



to KRS 95.859(3). A surviving spouse who does not receive an increase pursuant to subsection (1) of this section shall receive the same increase an annuitant receives pursuant to KR 95.859(3).

95.865. DEATH OF MEMBER - NO WIDOW'S OR CHILDREN'S ANNUITIES PAYABLE - BENEFIT TO DESIGNATED BENEFICIARY

- (1) Upon death of a member occurring while in active service, if no widow's annuity or children's annuities are payable, the designated beneficiary of the member or his estate shall be entitled to a **death benefit equal to the total contributions made by the member**, including those employee contributions picked up by the employer pursuant to KRS 65.155, without interest, or three hundred dollars (\$300), **whichever is greater**.

EDUCATION BENEFIT

164.2841. FREE TUITION AT STATE-SUPPORTED SCHOOL FOR SURVIVOR OF POLICE OFFICER, FIRE FIGHTER, OR VOLUNTEER FIREFIGHTER KILLED IN LINE OF DUTY - LIMITATION.

- (1) **Any person whose parent or any non-married widow or widower** whose spouse was a resident of the Commonwealth of Kentucky upon becoming a law enforcement officer, firefighter, or volunteer firefighter and who was killed while in active service or who died as a result of a service-connected disability **shall not be required to pay any matriculation or tuition fee upon admission to any state-supported university, community college, or vocational training institution.** The provisions of this subsection shall apply to any firefighter or volunteer firefighter who is killed or dies under the conditions covered in this subsection on July 1, 1989, or thereafter.
- (2) In order to obtain the benefits conferred by subsection (1) of this section, **the parent-child relationship shall be shown by birth certificate, adoption papers, or other documentary evidence.** The **parent's or spouse's service and the cause of death** shall be evidenced by certification from the records of the Kentucky Justice Cabinet, the appropriate city or county law enforcement agency which employed the deceased, the administrative agency for the fire department or fire protection district recognized for funding under KRS



Commonwealth of Kentucky
Line of Duty Death Benefits



95A.262, or the administrative agency having jurisdiction over any paid firefighters of all counties and cities of all classes.

- (3) If one so admitted to a state-supported university, community college, or vocational training institution under the provisions of this section shall have obtained a cash scholarship paid or payable to the institution, from whatever source, **the amount of the scholarship shall be applied to the credit of the applicant in the payment of incidental expenses of his attendance at the institution, and any balance, if the terms of the scholarship permit, shall be returned to the applicant.**

HEALTH BENEFITS

Varied depending upon police department benefits. Check with your Benefits Assistance Officer.

WORKERS' COMPENSATION (K.R.S. 342.750)

Workers' Compensation coverage is compulsory for employers in Kentucky; however some waivers are allowed.

Mandatory payment if death occurs as direct result of work-related injury.

Payment as follows:

1. Surviving spouse and no surviving children.
 - a) average weekly wage.
 - b) Discontinued upon death or remarriage.
2. Surviving spouse and surviving children.
 - a) Surviving spouse - 45% average weekly wage.
 - b) Additional 15% for each surviving child until 18 (or 22 or quits college, if in college).
 - c) average weekly wage limit.
3. Two years indemnity benefits in one lump sum to surviving spouse if remarries.
4. If no surviving spouse, but surviving children.
 - a) average weekly wage for one surviving child.
 - b) average weekly wage for each additional surviving child (divided equally).
 - c) average weekly wage limit.
5. To each "dependent" parent, 25% average weekly wage until death/independence.
6. To "dependent" brothers, sisters, grandparents, grandchildren - 25% average weekly wage each such dependent.
 - a) If more than one of any of above - split 25% equally.
 - b) Until death/majority/marriage/ or independence.



Commonwealth of Kentucky
Line of Duty Death Benefits



7. If no Statutory Dependents as above:
 - a) Lump sum of \$10,000 to estate.
 - b) Reduced by income benefits received.
8. Mandatory reimbursement of burial expenses not to exceed \$4,000.
9. Be aware of K.R.S. 95.860 for second class city police officers.

Contact the Kentucky Department of Workers' Claims, Perimeter Park West, Building C, 1270 Louisville Road, Frankfort, KY 40601, telephone (502) 564-5550.

PERSONAL LIFE POLICY - INTESTATE

Descent and Distribution - Real Estate - Undevised real estate of decedent descends subject to right of homestead, and subject also to right, if any, of dower or curtesy, to kindred in following order: (1) To children and/or descendants of deceased children; (2) to parents equally or all to surviving parent; (3) to brothers and sisters and/or descendants of deceased brothers and sisters; (4) to surviving spouse; (5) if none aforementioned, one moiety of estate to paternal and other to maternal kindred, in following order: (6) first, to grandfather and grandmother equally if both are living; but if one is dead, entire moiety shall go to survivor; if no grandfather or grandmother; then (7) to uncles and aunts and/or their descendants; if none, then (8) to great-grandfathers and great-grandmothers, in same manner prescribed for grandfather and grandmother above; if none, then (9) to brothers and sisters of grandfathers and grandmothers and their descendants; and so on in other cases without end, passing to nearest lineal ancestors and their descendants; (10) if there is no such kindred of one of parents, whole goes to kindred of other. If there is neither paternal nor maternal kindred, whole goes to kindred of surviving spouse, as if he or she had survived and died entitled to estate. (KRS 391.010). **Special sections govern disposition of real property acquired with proceeds of or income from community property. (KRS 391.210 to 391.260)**

Descendants of a person who if living would be entitled to inherit, take per stirpes the share of such deceased ancestor. (KRS 391.040).

Ancestral Estates - When person dies intestate without issue, owning real estate of inheritance which was gift of either of his parents, such parent, if living, inherits it. (KRS 391.020 1)). If decedent was under 18 and died without issue, having title to real estate derived by gift, devise, or descent from one of his parents, whole descends to that parent, and that kindred, as hereinbefore directed; if none, then in like manner to other parent and his or her kindred; but kindred of one may not be so excluded by kindred of other parent if such kindred are more remote than grandfather, grandmother, uncles and aunts of intestate and their descendants. (KRS 391.020(2)).

Personal Estate - Surplus personality of an intestate, left after the payment of funeral expenses, charges of administration and debts, subject to right, if any, of dower and curtesy,



Commonwealth of Kentucky Line of Duty Death Benefits



to same persons to whom real estate of intestate would descend, with these exceptions: (a) Personal estate of infant is distributed as though he had died after attaining full age; (b) alien may be distributee of personal estate; (c) personal property or money on hand or in bank up to \$7,500 is exempt from distribution upon application, for surviving spouse, or if none, to surviving children. (KRS 391.030). Exemption also applies to surviving spouse of person dying intestate. (KRS391.030(4)). **Special sections govern disposition of property that was created under community property laws of another state. (KRS 391.210).**

Surviving Spouse - Rights of surviving spouse to inherit surplus real estate and surplus personalty are as set forth infra under topic Dower. If decedent left no children, parents, or brothers or sisters or descendants of deceased brothers or sisters surviving, surviving spouse takes all real estate. Conviction of felony in connection with taking life of decedent causes forfeiture of all interest in and to with rights of survivorship or as beneficiary of any insurance policy. (KRS 381.280). **If surviving spouse is alien, certain restrictions apply.**

Additional Benefits

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.**

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.**