



COMMONWEALTH OF MASSACHUSETTS

DEATH BENEFITS

To obtain certified copies of registered personal documents, contact the Division of Vital Records, 150 Tremont Street, Room B-3, Boston, MA 02111, phone (617) 727-0036.

Law Enforcement consists of **several police organizations and departments**, all of which would be governed by Massachusetts General Laws. To provide some conceptual framework, please understand that the main breakdown of Police Organizations within the Commonwealth are as follows:

1. Massachusetts State Police (M.S.P.)
2. Metropolitan District Commission (M.D.C.)
3. Capitol Police (C.P.)
4. Municipal City and Town Police (Locals)

Benefits for MSP, MDC, and CP would be **provided directly by the State and their separate, respective unions** which represent them. Local police department benefits are provided through the **City or Town and upon votes of their governing body** such as the Mayor, City Council, or by registered voters.

STATE DEATH BENEFITS

C32 Sec. 100A - STATE DEATH PAYMENT

A **\$100,000** killed-in-line-of-duty benefit shall be a one-time award payable to the family of a firefighter, public prosecutor, police officer, or corrections officer who, while in the performance of his duties and as a result of incident, accident, or violence, is killed or sustains injuries which are the direct and proximate cause of his death.

This benefit shall be **in addition** to amounts payable under Sec. 100 and shall be payable to the family of the deceased public safety employee in a manner determined by the state board of retirement. As used in this section, the word family shall mean the surviving spouse or, if there is no surviving spouse, the child or children, or, if there is no surviving child, the parent or parents. The board, at its discretion, may purchase life insurance for the purpose of paying said benefit.

This benefit **shall not be taxable** by the commonwealth.



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This act shall apply in the case of a death occurring **on or after January 1, 1993**.

Contact the State Board of Retirement or your Benefits Assistance Officer.

Payment of Funeral and Burial Expenses - M.G.L. 41 Sec.100G

For Municipal Police whose governing body has adopted this section of the M.G.L.

Governing Body **has the option** of adopting this section or section 100G 1/4 or they may elect either.

Reasonable expenses **not exceeding \$2,000** of funeral and burial of any police officer killed in performance of duty. This is paid to those presenting expenses for funeral and burial cost.

M.G.L. 41 Sec. 100G 1/4. Reasonable expenses are paid for funeral and burial of any police officers killed in performance of duty, **not exceeding \$5,000**.

STATE PENSION BENEFITS

M.G.L. 32 sec. 100

For **all State and Municipal** Law Enforcement Officers killed in the line of duty. An annual amount of pension shall be paid to the surviving spouse **equal to the amount of salary which would have been paid to such police officer at time of death**; however the amount of pension immediately payable shall be equal to the **maximum salary set for the position** whether or not such police officer had reached the maximum at the time of death.

Contact: State Board of Retirement for all MSP, MDC, CP. Appropriate Board of Retirement or Board of Selectmen for Municipalities.

If no surviving spouse, or if spouse has remarried, pensions are **paid to surviving children** or their legal guardian. Each child should be paid the sum of **\$312 per annum** in addition to a payment equal to 72% of the pension which said surviving spouse was receiving at the time of such surviving spouse's death or remarriage.

Such payment to be made in proportionate shares to the legal guardian for the benefit of each child until such time as all children have **attained age 18 or have attained age 21** if full time students, such payment shall continue of such children who are **over age 18 and physically or mentally incapacitated from earning**.

REAL ESTATE TAX EXEMPTION

M.G.L. 59 Sec.5, cl (42) & (43)

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For **MSP, MDC, CP, and all Municipal officers**; killed in line of duty. Payable to surviving spouse, **exemption of real estate taxes**, *providing real estate if owned and occupied by such surviving spouse as a domicile.*

Payable to **surviving minor children including adopted children**, exemption of real estate taxes, providing real estate is owned and occupied by such children as their domicile.

EDUCATION BENEFITS

M.G.L. 69 Sec. 7E

Scholarships are available for children of police officers who have died in the performance of duty. **All M.S.P., M.D.C., C.P., and all Municipal Police**, who are permanent members of said department, and who die in the performance of duty.

Amount of benefit is equal to the **amount of tuition** charged by the institution attended.

The child must have graduated from a high school **within the Commonwealth**. Child must qualify for entrance and benefit only applicable to: **Lowell Technological Institute, SE Massachusetts Technical Institute, University of Massachusetts, and any state college and any regional community college**. As long as recipient remains a student in good standing at such institute, but in no event shall any student receive such scholarship aid for **more than 4 years**.

HEALTH BENEFITS

M.G.L. 32B Sec. 9G

Group Health and Dental Insurance - **All M.S.P., M.D.C., C.P., and all Municipal Officers in which their Governing Body has adopted this section of the M.G.L.** For the benefit of **surviving spouse and any dependents under age 19**.

To continue Group Health and Dental Insurance, surviving spouse must **pay 50% of the premium**, the Governmental unit shall contribute the remaining 50% of said premium. MSP and some Municipalities Dental benefits are covered by the union and **not** State coverage.

Benefits will continue until the **remarriage or death** of the surviving spouse.

GROUP ACCIDENTAL & DEATH INSURANCE

M.G.L. 32B Sec. 11, 11A, 11D



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Provided for all **Municipal Officers in which their Governing Body has adopted this section of the M.G.L.** This benefit is payable upon the death of a police officer in the performance of duties to named beneficiaries or the estate.

Group Accidental Death Insurance is provided **for twice the maximum amount** provided under M.G.L. 32B Sec. 11A, whether or not said employee is insured for such maximum amount under said 32B Sec. 11A.

Employee to pay **50%** of premium, Governing unit to pay remaining 50% of said premium.

Upon retirement of police officer benefit shall terminate.

M.G.L. 32B Sec. 4, 5, 7.

MSP, MDC, CP Payable upon the death of police officer to named beneficiary or to the estate.

Amount of benefit shall not be less than **\$2,000**, both accidental and Group Life Insurance. Currently policies are for **\$5,000** for Accidental Death and Group Life Insurance.

Employee to pay **50%** of premium, Governing Body to pay remaining 50% of said premium.

OPTIONAL ADDITIONAL GROUP LIFE AND ACCIDENTAL DEATH INSURANCE

M.G.L. 32B Sec. 11A

All MSP, MDC, CP and all Municipal Police whose Governing Body has adopted this section of the M.G.L.

Payable upon the death of the Police officer to the **named beneficiary** or to the estate.

Amount of benefit is based on gross annual salary, wages or compensation, rule of thumb: generally at least **\$1,000 less than salary maximum.**

Employee bears cost of **all premium.**

WORKERS' COMPENSATION

Workers' Compensation coverage is compulsory for employers in Massachusetts.

Benefit is **66 2/3%** of employee's wage for a spouse or a spouse with child(ren) with a **minimum weekly benefit of \$110 and a maximum weekly benefit of \$565.94.** Dependent surviving spouses receive benefits during periods when they are not fully self-supporting and benefits **cease upon remarriage.** Total maximum payable may not exceed **250 times the**

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State's Average Weekly Wage in effect at time of injury. There is also a maximum burial allowance of **\$4,000**.

Children receive benefits until **age 18 or beyond age 18 if disabled, or regardless of age if full-time students**. Additional \$6 will be added per child if weekly benefits are **below \$150**.

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 Department of Industrial Accidents, 600 Washington, Boston, MA 02111, telephone (617) 727-4900.

PERSONAL LIFE POLICY - INTESTATE

Real estate and personal property not disposed of by will, **subject to rights of spouse of deceased (See infra, subhead Surviving Spouse) and to rights of homestead**, go to children and to issue of any deceased child by right of representation; **if no surviving child** of intestate, then to all his other lineal descendants, in equal shares if of same degree, otherwise by right of representation; **if no issue**, then equally to father and mother or survivor of them; **if no issue, father or mother**, then to brothers and sisters and to issue of any deceased brother or sister by right of representation; **if no surviving brother or sister** of intestate, then to all issue of his deceased brothers and sisters, in equal shares if of same degree, otherwise by right of representation; **if no issue, father or mother, or issue of father or mother**, then to next of kin in equal degree, through nearest ancestor. Degrees of kindred are computed according to rules of civil law; kindred of half blood inherit equally with whole blood in same degree. **Illegitimate child is heir of mother** and of any maternal ancestor and is deemed legitimate if parents intermarry and father acknowledges him as his child. As to inheritance by and from adopted persons.

In case of intestacy, title to Massachusetts real estate **vests in heirs** at law on death of decedent, whether resident or nonresident, subject to right of administrator to sell or mortgage for payment of debts, taxes, administration expenses, etc., if applicable personal property of estate is insufficient.

Surviving Spouse - Election of dower must be filed in probate registry **within six months** after approval of bond of executor or administrator. If surviving spouse fails to elect, he or she takes following shares of property not disposed of by will: if deceased leaves kindred but no issue and estate does not exceed \$200,000, surviving spouse takes **all**; otherwise survivor takes **\$200,000 and one-half of remaining personal and real property** (if personal property is insufficient to pay \$200,000, interested party may petition to have survivor paid from sale



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or mortgage); if deceased leaves issue, survivor receives **one-half** of personal and of real property; if deceased leaves neither kindred nor issue, survivor takes all.

ADDITIONAL BENEFITS

Various unions and benevolent societies usually make contributions to surviving families so it is wise to check those sources also.

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.**

