



STATE OF UTAH

DEATH BENEFITS

To obtain certified copies of registered personal documents, contact the Bureau of Vital Records, P. O. Box 16700, Salt Lake City, UT 84116, phone (801) 538-6105.

STATE DEATH BENEFITS

Public Safety Death Benefit - \$50,000 payable to the beneficiaries of all **Utah State** law enforcement officers killed in the line of duty. This benefit is paid by Beneficial Life.

STATE PENSION BENEFITS

49-4-403. Service credit under both Division A and B - Computation of benefit - benefits for surviving spouse.

If a member has service under both **Division A and B**, the service retirement benefits shall be computed under both divisions, first using B service under the Division B formula and then A service under the Division A formula, limited to **2.5% for the first 20 years and then 2% for service over 20 years**. The surviving spouse of the member, if eligible, shall receive a beneficiary allowance computed under the division which provides the **larger benefit**, but **may not** receive an allowance under both divisions if it would result in duplicate benefits.

49-4-601. Annual cost-of-living adjustment.

- (1) The retirement office shall compute and pay, upon approval by the board, an annual **cost-of-living adjustment** to members. The adjustment shall be equal to the decrease in the purchasing power of the dollar during the preceding year, as measured by the Consumer Price Index, U.S. City Average, prepared by the United States Bureau of Labor Statistics, and shall be limited to a **maximum of 2.5%** of the beneficiary's retirement allowance at the time the benefit first started. Decreased in the purchasing power of the dollar exceeding 2.5% annually shall be accumulated and used in **subsequent allowances** when the cost-of-living adjustment is less than 2.5%.
- (2) The cost-of-living adjustment **shall be reduced** if the index shows a decline of **4% or more** during any period of more than one



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year. These reductions **may not exceed 2% per year** based upon the original pension allowance. Payments made under this section shall be part of the allowance.

49-4-701. Death of active member in Division A - Payment of benefits.

If an active member of the system enrolled in **Division A** under Section 49-4-301 dies, the following benefits are payable according to the conditions stipulated:

- (1) If the death is classified as a **line-of-duty** death, the dependent spouse shall receive a lump sum of **\$1,000 and a monthly allowance equal to 30%** of the deceased member's final average monthly salary.
- (2) If the death **is not classified** as a line-of-duty death, the following benefits are payable:
 - (a) If the member has **less than ten years** service credit at the time of death, the beneficiary shall receive the sum of **\$1,000 or a refund of contributions**, whichever amount is greater.
 - (b) If the member has **ten or more years** of service credit at the time of death, the dependent spouse shall receive the sum of **\$500, plus a monthly allowance equal to 2%** of the deceased member's final average monthly salary, for each year of service credit standing to the member's account, with a **maximum of 30% allowed**.
- (3) No benefits are payable to **minor children** under Division A.

49-4-702. Death of active member in Division B - Payment of benefits.

If an active member of the system enrolled in **Division B** under Section 49-4-301 dies, following benefits are payable according to the conditions stipulated:

- (1) If the death is classified as a **line-of-duty death**, the dependent spouse shall receive a lump sum of **\$1,500 and a monthly allowance equal to 37.5%** of the deceased member's final average monthly salary.
- (2) If the death **is not** classified as line-of-duty death, and the deceased member has **two or more years** of service credit at the time of death, the death **is considered line-of-duty** and the benefit payable is the same as provided under Subsection (1).
- (3) If the deceased member has **two or more years** of service at the time of death, the benefit payable to each of the member's unmarried children to age 18 is a **monthly allowance of \$50**. Payments shall be made to the surviving parent or to a duly appointed guardian, or as otherwise provided under Chapter 1, Title 49.
- (4) If the benefit is not distributed under this section, and there is a



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beneficiary, the vested contribution shall be **paid to the beneficiary.**

- (5) The total monthly payments to be made on behalf of any one deceased member's account **may not exceed 75%** of the member's final average monthly salary.

49-4-703. Death of active member having no spouse or minor children as beneficiary.

The death benefit payable on behalf of an active member who dies and has **no spouse or minor children** as a beneficiary is **100% of the deceased member's contribution or \$500**, whichever amount is larger.

For additional information contact the Utah State Retirement Office, 540 East 200 South, Salt Lake City, Utah 84102; (801) 366- 7770.

EDUCATION BENEFITS

TUITION WAIVED FOR SURVIVORS

53B-8c-103

Beginning in the 1997-98 academic year, a state institution of higher education **shall waive tuition** for each **child and surviving spouse** of a Utah peace officer or Utah firefighter who has been killed or is killed in the line of duty if the individual meets the following requirements.

Tuition will be waived for **not more than nine semesters** or the equivalent number of quarters. Tuition will be waived *only to the extent that the tuition is not covered or paid by any scholarship, trust fund, or statutory benefit, or any other source of tuition coverage available.* Tuition will be waived only for courses that are **applicable toward the degree or certificate requirements** of the program in which the child or surviving spouse is enrolled.

The requirements the survivor must meet are:

1. **Applies, qualifies, and is admitted** as a full-time, part-time, or summer school student in a program of study leading to a degree or certificate;
2. Is a **resident student** of the state as determined under Section 53B-8-102;
3. **Applies to the institution for a waiver of tuition** under this chapter and provides evidence satisfactory to the department that:
 - a) The applicant is the *surviving spouse or child* of a peace officer or firefighter who was killed in the line of duty;
 - b) The *course or courses* for which the applicant is seeking a tuition waiver *meet the requirements*;
 - c) The applicant meets the *other requirements* of this section;
4. For a child of a peace officer or firefighter killed in the line of duty, applies for a waiver **for the first time before the age of 25**;



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5. Is certified by the financial aid officer at the higher education institution as **needing the tuition waiver** in order to meet recognized educational expenses, with the understanding that if the applicant's family income, *excluding any income from death benefits attributable to the peace officer's or firefighter's death*, is below 400% of the poverty level under federal poverty guidelines, income from any death benefits accruing to the applicant as a result of the death may not be counted as family income in determining financial need under this Subsection;
6. Maintains **satisfactory academic progress**, as defined by the institution of higher education, for each term or semester in which the individual is enrolled, which may be measured by the definition used for federal student assistance programs under Title IV of the Higher Education Act of 1965; and
7. Has **not achieved a bachelor's degree and has received tuition reimbursement under this chapter for less than 124 semester credits** or 180 quarter credits at an institution of higher education.

A restricted fund established through a donation to COPS allows COPS to provide **\$250 assistance per semester** for books, fees, and miscellaneous costs to Utah survivors attending college. This assistance is available for *up to four years* of undergraduate work, *not to exceed \$2,000*. Utah survivors must complete a COPS Scholarship Application, following the stated guidelines and deadlines. For an application, contact the COPS National Office, 800-784-2677, cops@nationalcops.org.

HEALTH BENEFITS

Effective May 1, 2000, the survivors of law enforcement officers employed by the **State of Utah** have **health insurance** provided by the State. The surviving spouse is entitled to coverage until remarriage and coverage is provided for unmarried children to the age of 26. This benefit is **retro-active** to all survivors who meet these qualifications regardless of the officer's date of death. County and local agencies *may* provide this benefit but are not required to. Check with your agency.

WORKERS' COMPENSATION

Workers' Compensation coverage is compulsory for employers in Utah.

The employer of the insurance carrier shall pay the **burial expenses** in ordinary cases as established by rule.

Benefit is **66 2/3%** of employee's wage for spouse only or spouse with child(ren) with a **minimum weekly benefit of \$45 to \$70** according to number of dependents and a **maximum weekly benefit of \$351 for a maximum period of 312 weeks**. Benefits may be extended if

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survivors remain wholly dependent. After **312 weeks**, benefits to wholly dependent spouse become **subject to Social Security benefit offsets**.

One-year lump sum or remainder of award, whichever is less, payable to spouse upon **remarriage and weekly benefits cease**.

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 Accidents Division, State Industrial Commission, Heber Wells Building, 160 East 300 South, 3rd Floor, P. O. Box 146610, Salt Lake City, UT 84114-6610, telephone (801) 530-6800.**

PERSONAL LIFE POLICIES

Descent and Distribution: Intestate Succession and Wills.

2-101. Intestate Estate - Any part of the estate of a decedent not effectively disposed of by his will passes to his heirs as prescribed in the following sections of this Code.

2-102. Share of the Spouse - The intestate share of the surviving spouse is:

- (1) if there is no surviving issue or parent of the decedent, the entire intestate estate;
- (2) if there is no surviving issue but the decedent is survived by a parent or parents, the first \$50,000, plus one-half of the balance of the intestate estate;
- (3) if there are surviving issue all of whom are issue of the surviving spouse also, the first \$50,000, plus one-half of the balance of the intestate estate;
- (4) if there are surviving issue one or more of whom are not issue of the surviving spouse, one-half of the intestate estate.

Alternative Provision for Community Property States

2-102A. Share of the Spouse - The intestate share of the surviving spouse is as follows:

- (1) as to separate property
 - (a) if there is no surviving issue or parent of the decedent the entire intestate estate;
 - (b) if there is no surviving issue all of whom are issue of the



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- surviving spouse also, the first \$50,000, plus one-half of the balance of the intestate estate;
- (c) if there are surviving issue one or more of whom are not issue of the surviving spouse, one-half of the intestate estate.
- (2) as to community property
- (a) The one-half of community property which belongs to the decedent passes to the surviving spouse.

2-103. Share of Heirs Other Than Surviving Spouse - The part of the intestate estate if there is no surviving spouse under Section 2-102, or the entire intestate estate if there is not surviving spouse, passes as follows:

- (1) to the issue of the decedent; if they are all of the same degree of kinship to the decedent they take equally, but if of unequal degree, then those of more remote degree take by representation;
- (2) if there is no surviving issue, to parent(s) equally;
- (3) if there is no surviving issue or parent, to the brothers and sisters and the issue of each deceased brother or sister by representation; if there is no surviving brother or sister, the issue of brothers and sisters take equally if they are all of the same degree of kinship to the decedent, but if of unequal degree than those of more remote degree take by representation;
- (4) if there is no surviving issue, parent or issue of a parent, but the decedent is survived by one or more grandparents or issue of grandparents, half of the estate passes to the paternal grandparents if both survive, or to the surviving parental grandparent, or to the issue of the paternal grandparents if both are deceased, the issue taking equally if they are all of the same degree of kinship to the decedent, but if of unequal degree those of more remote degree take by representation; and the other half passes to the maternal relatives in the same manner; but if there be no surviving grandparent or issue of grandparent on either the paternal or the maternal side, the entire estate passes to the relatives on the other side in the same manner as the half.

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



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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.**

