

STATE OF VIRGINIA

DEATH BENEFITS

To obtain certified copies of registered personal documents, contact the Health Department, Department of Vital Records, P. O. Box 1000, Richmond, VA 23208, phone (804) 786-6228.

STATE DEATH BENEFITS

9.1-402 Effective *October 1, 2001*, the beneficiary of a deceased law-enforcement officer whose death occurred while in the line of duty as the direct or proximate result of the performance of his duty shall be entitled to receive the **sum of \$75,000**, which shall be payable out of the general fund of the state treasury, in gratitude for and in recognition of his sacrifice on behalf of the people of the Commonwealth.

STATE PENSION BENEFITS

51.1-200 Retirement is distributed through the State Police Officers' Retirement System. Benefits shall be administered by the Board of Trustees of the Virginia Retirement System. Except as otherwise provided, the provisions of Chapter 1 of this title shall apply to and govern the operation of the State Police Officer's Retirement System.

51.1-202 Membership in the retirement system shall be compulsory for all state police officers.

51.1-206. Service retirement allowance

(A) A member shall receive an annual retirement allowance, payable for life, as follows:

(1) **Normal retirement.**

The allowance shall equal **1.7 percent** of the average final compensation multiplied by the amount of creditable service.

(2) **Early retirement.**

The allowance shall be determined in the same manner as for normal retirement with creditable service and average final compensation being determined as of the date of actual retirement. If the member has **less than twenty-five years** of service at retirement, the amount of the retirement allowance shall be reduced on an actuarial equivalent basis for the period by which the actual retirement date precedes the earlier of (i) his normal retirement date or (ii) **the first date on or after his fiftieth birthday** on which he would have completed a total of twenty-five years of creditable service.

(3) **50/10 retirement.**

The allowance shall be payable in a monthly stream of payments equal to the greater of (i) the amount the member would receive if he had taken early retirement or (ii) the actuarially calculated present value of the member's accumulated contributions, including accrued interest.

- (B) In addition to the allowance payable under subsection A of this section, a member shall receive an additional allowance equal to **\$8,952 annually from date of retirement until his 65th birthday**. Such allowance shall be reviewed and may be adjusted by the Board biennially to an amount recommended by the actuary of the Virginia Retirement System based upon increases in social security benefits in the interim. This subsection **shall not apply** to the following: (i) any member who qualifies for retirement under subsection C of section 51.1-205 and is credited with less than twenty years' service rendered in a hazardous position or (ii) any member employed initially on or after July 1, 1974, who is credited with less than twenty years' service rendered in a hazardous position.
- (C) If a beneficiary of a service retirement allowance under this chapter is at any time in service **as an employee in a position covered for retirement purposes** under the provision of this or any chapter other than Chapter 7 of this title, his retirement allowance shall cease while so employed.

51.1-207. Death before retirement.

- (A) Each member **shall designate** who is to receive a **refund of accumulated contributions** credited to his account in the event of the death of the member prior to retirement. The designation must be made on a **form** prepared by the Board, signed and acknowledged by the member before a person authorized to take acknowledgements, and filed with the Board. The designation may be changed by the member by written designation of some other person, signed, acknowledged, and filed with the Board. If the death of the designated person occurs prior to the death of the member and another designation has not been made, **payment shall be made to the executors or administrators** of the estate of the member.

If no designation has been made, the proceeds shall be paid to the persons surviving at the death of the member in the following **order of precedence**:

- (1) **to the spouse** of the member;
- (2) **if no surviving spouse**, to the children of the member and descendants of deceased children, per stripes;
- (3) **if none of the above**, to the parents of the member;
- (4) **if none of the above**, to the duly appointed executor or administrator of the estate of the member;
- (5) **if none of the above**, to the other next of kin of the member entitled under the laws of the domicile of the member at the time of his death.

If a member dies at any time before retirement and if **no benefits are payable** under subsection B, the amount of his accumulated contributions shall be paid to the designated

beneficiary or to the persons qualifying in the order of precedence. This amount shall be reduced by the amount of any retirement allowance previously received by the member.

- (B) If a member dies in service and if **no benefits are payable** under subsection C, a retirement allowance shall be paid to the person designated as provided in subsection A of this section if the person is the **(i) surviving spouse, (ii) minor child, (iii) mother, or (iv) father of the member**. The retirement allowance shall be paid to the first person qualifying in the order of precedence set out in this subsection. If **more than one minor child** survives the deceased member, the allowance shall be divided among them in a manner determined by the Board. The retirement allowance shall be continued during the **lifetime of the person** or in the case of a minor child until the **child dies or attains the age of majority**, whichever occurs first. The allowance shall equal **one-half of the retirement allowance** that would have been payable to the member had the member retired for early service retirement on the date of his death and elected to have his allowance payable under the joint and last-survivor option so that one-half thereof would be continued to such person after the member's death. In the case of a member who **had not attained his fiftieth birthday at his date of death** it shall be assumed that the member's age at the date of death is fifty for the purpose of reducing the benefit on an actuarial equivalent basis. If a member dies after attaining his sixtieth birthday, the allowance shall equal the decreased retirement allowance that would have been payable to the member had the member retired at his normal retirement age on the date of his death and elected to have his allowance payable under the joint and last-survivor option so that the same amount would be continued to such person after the member's death. When determining the allowance that would have been payable to the member had the member retired on the date of his death, the provisions of subsection B of section 51.1-206 shall not apply. **If the person elects**, accumulated contributions shall be paid to the person exclusively, in lieu of any other benefits under this section. This amount shall be reduced by the amount of any retirement allowance previously received by the member.
- (C) If a member dies in service from a cause compensable under the **Virginia Worker's Compensation Act**, a retirement allowance shall be paid to the member's surviving **spouse**. If no compensation is finally awarded under the Virginia Workers' Compensation Act due to legal proceedings or otherwise resulting in settlement from the persons causing such death, the Virginia Industrial Commission shall determine whether the member's death was from a cause compensable under the Virginia Workers' Compensation Act. If the member leaves no surviving spouse, or the surviving spouse dies, any minor children of the deceased member shall be paid an allowance until the children die or attain the age of majority, whichever occurs first. If more than one minor child survives the deceased member, the allowance shall be divided in a manner determined by the Board. If the deceased member leaves neither surviving spouse nor minor child, the allowance, divided in a manner determined by the Board, shall be paid to the member's parents during their lives.

As of March 26, 2001, remarriage of the surviving spouse does not end benefits.

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The retirement allowance, payable hereunder to a qualifying survivor, shall be the annual amount which when added to the compensation payable under the Virginia Workers' Compensation Act for the death of the member, shall equal 50% of the member's average final compensation if the survivor does not qualify for death benefits under the provisions of the Social Security Act in effect on the date of the death of the member. If the survivor qualifies for death benefits under the provisions of the Social Security Act, the allowance payable from the retirement system when added to the compensation payable under the Virginia Workers' Compensation Act shall equal 33 1/3% of the member's average final compensation.

EDUCATION BENEFITS

Free tuition and required fees for children and surviving spouses of law enforcement officers.

Any child between the ages of **sixteen and twenty-five** whose parent or any person whose **spouse** has been killed in the line of duty while employed or serving as a law-enforcement officer in the Commonwealth shall be entitled to **free undergraduate tuition and required fees** at any public institution of higher education in Virginia under the following conditions:

The chief administrative officer of the law-enforcement agency or the Superintendent of State Police certifies that the deceased parent or spouse was employed or serving as a law-enforcement officer and was killed in the line of duty while serving or living in the Commonwealth;

The child or spouse shall have been offered admission to a public institution of higher education. Any child or spouse who believes he is eligible shall apply to the public institution of higher education to which he has been admitted. The institution shall determine the eligibility of the applicant for these benefits and shall also ascertain that the recipients are in attendance and are making satisfactory progress. The amounts charged for tuition and required fees for the applicants shall be waived by the institution accepting the students.

User fees, such as room and board charges, **shall not be included** in the authorization to waive tuition and fees. However, all required fees, educational and auxiliary, shall be waived along with tuition.

To **apply** for the tuition waiver, applicants need a copy of the original letter from the State of Virginia awarding line-of-duty death benefits, a copy of the death certificate, and a copy of the marriage license. **These items should be taken to the Office of the Registrar at the public institution where the applicant has been admitted and the Registrar may refer to Virginia State Statute 23-7.1:01.**

POLICE CORPS SCHOLARSHIP FUNDS

The Police Corps is administered by the Office of the Police Corps and Law Enforcement Education (OPCLEE), within the Office of Justice Programs, US Department of Justice, in partnership with participating States that have submitted an approved State Plan. Information can be found at www.ojp.usdoj.gov/opclee.

The Police Corps awards scholarships and reimburses educational expenses to students who agree to work in a State or local police force for at least four years. Students must pursue an undergraduate or graduate degree in a course of study which, in the judgment of the State or local police force to which the participant will be assigned, includes appropriate preparation for police service. Police Corps funds cover education expenses (including tuition, fees, books, supplies, transportation, room and board, and miscellaneous expenses) up to \$7,500 per academic year, with a limit on total payments to any student of \$30,000.

Police Corps scholarship funds are also available to dependent children of law enforcement officers killed in the line of duty if the death occurred within the state after that state was approved to participate in the Police Corps program. In Virginia, the death must have occurred since November 2000. These scholarships may be applied to any course of study, without any service or repayment obligation.

Police Corps participants are selected on a competitive basis by each State under regulations prescribed by OPCLEE.

For more information, contact: Paula Tucker at the Virginia Department of Criminal Justice Services, phone 804-786-4005, fax 804-225-2000, email ptucker@dcjs.state.va.us, or visit <http://info.dcjs.state.va.us/sections/index.cfm?code=11>.

HEALTH BENEFITS

Survivors of **all** Virginia law enforcement officers killed in the line of duty on or after April 8, 1972, are entitled to health insurance coverage. For *wives*, continued health insurance will terminate upon such spouse's *death or coverage by alternate health insurance*. For dependent *children*, coverage will terminate upon the dependent's *death, marriage, coverage by alternate health insurance, or 21st birthday*. Continued health care insurance will be provided **beyond** the dependent's 21st birthday **if** the dependent is a *full-time college student and will continue until such time as the dependent ceases to be a full-time student or reaches his 25th birthday*, whichever occurs first. Continued health care insurance shall also be provided **beyond** the dependent's 21st birthday **if** the dependent is mentally or physically disabled, and such coverage will continue until three months following the cessation of the disability.

The State Comptroller will provide forms to law enforcement agencies so that survivors can make a claim for this benefit, which will be paid by the State. Reference Virginia State Statute 2.1-133.7:1.

WORKERS' COMPENSATION

Workers' Compensation coverage is compulsory for employers in Virginia with 3 or more employees; however, waivers are allowed.

65.1-65. Compensation to dependents of employee killed.

If death results from the accident within nine years, the employer shall pay, or cause to be paid, subject, however, to the provisions of the other sections of this act in one of the methods hereinafter provided, to the dependents of the employee wholly dependent upon his earnings for support at the time of the accident a weekly payment equal to **two-thirds** of his average weekly wages, but **not more than one hundred percent** of the average weekly wage of the Commonwealth as defined in section 65.1-54 (**currently \$451**) nor less than **twenty-five percent** of the average weekly wage as defined therein for a period of **400 weeks**, from the date of the injury.

Except, however, those dependents specified in section 65.1-66 (1), (2) and (3) shall be paid a **weekly payment equal to two-thirds** of the employee's average weekly wages, but not more than one hundred percent of the average weekly wage of the Commonwealth as defined in section 65.1-54 nor **less than twenty-five percent** of the average weekly wage as defined therein for a period of 500 weeks from the date of the injury, and burial expenses not exceeding **\$2,000** and in addition reasonable transportation expenses for the deceased not exceeding **\$500**.

If the employee leaves dependents only partly dependent upon his earnings for support at the time of injury, the weekly compensation to be paid, as aforesaid, shall equal the same proportion of the weekly payments for the benefit of persons wholly dependent as the extent of partial dependency bears to total dependency. When compensation to dependents shall begin from the date of the last of such payments but shall not continue more than 400 weeks from the date of the injury except to those dependents specified in section 65.1-66 (1), (2) and (3) to whom compensation shall **not continue more than 500 weeks** from the date of the injury.

65.1-66. Persons conclusively presumed to be wholly dependent.

The following persons shall be conclusively presumed to be dependents **wholly dependent** for support upon the deceased employee:

- (1) **A wife upon a husband** whom she had not voluntarily deserted or abandoned at the time of the accident or with whom she lived at the time of his accident, if she is then actually dependent upon him.
- (2) **A husband upon a wife** whom he had not voluntarily deserted at the time of the accident or with whom he lived at the time of her accident if he is then actually dependent upon her.

- (3) **A child under the age of eighteen** upon a parent and a child over such age if physically or mentally incapacitated from earning a livelihood or a child under the age of twenty-three if enrolled as a full-time student in any accredited educational institution.
- (4) **Parents in destitute circumstances**, provided there be no total dependents pursuant to other provisions of this section.

As used in this section, the term "child" shall include a **stepchild, a legally adopted child, a posthumous child, and an acknowledged illegitimate child**, but shall not include a married child; and the term "parent" shall include stepparents and parents by adoption.

65.2-517. Termination of dependency.

For the purpose of this title, the dependence of a widow or widower of a deceased employee **shall terminate with death or remarriage**, and the amount to be theretofore received by him or her shall be divided among the children or other dependents in the proportion of which they are receiving compensation, and the dependence of a child or any minor dependent, except a child or minor dependent physically or mentally incapacitated from earning a livelihood, or a full-time student, as defined in 65.2-515, shall terminate with the **attainment of eighteen (18) years of age**.

Contact the Virginia Workers' Compensation Commission, 1000 DMV Drive, Richmond, VA 23220, telephone (804) 367-8600.

PERSONAL LIFE POLICIES

Descent and Distribution: Real property is any, descends as follows, each class of which member is living taking to exclusion of subsequent classes:

- (1) Surviving spouse of intestate, unless one or more of intestate's children are not children and/or descendants of surviving spouse in which case one-third to intestate's spouse and two-thirds to all of intestate's children;
- (2) all children and/or descendants of deceased children;
- (3) parents or surviving parent;
- (4) brothers and sisters and/or descendants of deceased brothers and brothers and sisters;
- (5) one moiety each to paternal and maternal kindred as follows:
 - (a) grandparents or surviving grandparent;
 - (b) uncles and aunts and/or descendants of deceased uncles and aunts;
 - (c) great grandparents or surviving great grandparent;
 - (d) great uncles and great aunts and/or descendants of deceased great uncles and great aunts;
 - (e) in other cases without end, to nearest lineal ancestors or descendants of deceased nearest lineal ancestors;
- (6) on failure of either paternal or maternal kindred, all to kindred on other

- side;
- (7) kindred of spouse as though spouse died entitled to estate.

Surviving spouse - If intestate left descendants who are not descendants of surviving spouse, surviving spouse of intestate is entitled to one-third of surplus of personal estate. If intestate left no descendants who are not descendants of surviving spouse, surviving spouse is entitled to all of surplus of personal estate. Spouse takes intestate share where marriage occurs after execution of will which makes no provision for spouse, unless will shows contrary intent. Until rights in principal residence are determined, spouse may occupy residence without charge for rent, repairs, taxes or insurance.

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 Old Dominion COPS, Mr. Dana Johnson, President, 2413 Pitchfork Way, Virginia Beach, VA 23456, 757-430-1572, bchfuz@aol.com.**

ADDITIONAL BENEFITS

Contact your **local member organizations** to determine if life insurance or death benefit payments are available.

The Virginia Public Safety Foundation - The mission of this organization (formerly the Silver Star Foundation) is to raise and administer funds for the benefit of the surviving spouses and children (natural, adopted, and stepchildren) of public safety personnel who lose their lives in the line of duty. The funds provided may be used for assistance as approved by their Board of Trustees, including financial assistance while the family is processing other benefits claims. **For more details concerning this organization contact Larry Burchett, PO Box 1355, Richmond, VA 23218, telephone (804) 282-0148.**

The Commonwealth of Virginia values its employees and recognizes the importance of their well-being. The **State Employee Assistance Service (SEAS)** is a confidential counseling, assessment, and referral service developed to help state employees cope with a variety of personal problems including grief and loss. Every state employee and his or her immediate family are eligible to use SEAS.

If you are having difficulty dealing with a problem, you may want to seek help through SEAS. **Contact the Central Virginia Office, 700 Centre, Suite 801, 700 East Franklin Street, Richmond, Virginia 23219; 9804) 786-6741.** Additionally, satellite offices are located throughout the state. Call the central SEAS office to inquire about locations near you.

HEROES, Inc. was founded in 1964 as a totally nonprofit volunteer organization incorporated in the District of Columbia under Charitable Registration Certificate No. 6-07-398 to serve the surviving families of all officers within the Metropolitan Washington, DC, area (The District of Columbia, Prince George's County and Montgomery County in Maryland, and Arlington and Fairfax Counties in Virginia).

Within 24 hours of an officer's death, a check in the amount of **\$3,500** is delivered to the family to be used for immediate emergency expenses.

At a later date, usually within two to four weeks, the surviving spouse will meet with the HEROES Executive Committee to identify other personal areas where financial assistance is needed. A comprehensive **scholarship program** is available to ensure that each child can receive an education of his or her choice.

HEROES never forgets or closes the books on a family. They are always available for counseling or assistance. The HEROES, Inc. phone number is (202) 638-2772.

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.**