



STATE OF COLORADO

DEATH BENEFITS

IMPORTANT NOTICE: Both Federal and State death benefits **MAY** be tax exempt.

The IRS Code of the United States states that:

Survivor benefits attributable to service by a public safety officer who is killed in the line of duty:

(1) In General

Gross incomes shall not include any amount paid as a survivor annuity on account of the death of a public safety officer (as such term is defined in section 1204 of the Omnibus Crime Control and Safe Streets Act 1968) killed in the line of duty—

- (A) If such annuity is provided, under a governmental plan which meets the requirements of section 401(a), to the spouse (or a former spouse) of the public safety officer or to a child of such officer; and
- (B) To the extent such annuity is attributable to such officer's service as a public safety officer.

(2) Exceptions

Paragraph (1) shall not apply with respect to the death of any public safety officer if, as determined in accordance with the provisions of the Omnibus Crime Control and Safe Streets Act of 1968—

- (A) The death was caused by the intentional misconduct of the officer or by such officer's intention to bring about such officer's death;
- (B) The officer was voluntarily intoxicated at the time of death;
- (C) The officer was performing such officer's duties in a grossly negligent manner at the time of the death
- (D) The payment is to an individual whose actions were substantial contributing factor to the death of the officer



To obtain certified copies of registered personal documents, contact the Bureau of Vital Records, 4300 Cherry Creek Drive South, Denver, CO 80246. (303) 692-2160.

STATE DEATH BENEFITS

Benefits are paid to the eligible survivors of Colorado police officers and firefighters who have died while in active service. Death **need not be** service related for survivors to receive benefits.

The few limitations that apply to the award of survivor benefits are:

1. Benefits will not be awarded if the member was eligible to retire normally at the time of death. In this case, normal retirement benefits would be paid.
2. Benefits also will not be awarded if the member died because of a medical condition that existed at the time he was hired, and he either signed a benefit waiver or knowingly failed to disclose the condition.

SPOUSE'S BENEFITS

The term "surviving spouse," as used in section 31-30-1008(1), Colorado Revised Statutes, as amended, may include a spouse by common law marriage, if such spouse can prove to the FPPA board cohabitation comparable to marriage.

Generally, an active member's spouse and/or dependent children are eligible to receive survivor benefits from the Fire and Police Pension Association (FPPA). The death does not have to be duty-related to qualify for benefits. Survivor benefits to a spouse are payable for life regardless of future marital status. Benefits to dependent children are payable until the age of 23 as long as the child remains a dependent. The definition of dependent child, pursuant to 31-31-805(2), C.R.S. means an unmarried child under the age of 23 and includes, if the FPPA so determines, any child, regardless of age or marital status, who is so mentally or physically incapacitated that the child cannot provide for the child's own care. The term also includes a child who is conceived but unborn at the date of the Member's death or the date of disability, whichever applies. Any applicable increase in benefits will occur upon birth.

The amount of the benefit may vary based on a variety of factors. For specific details and information regarding spousal benefits, please contact FPPA at (303) 770-3772 or online at <http://www.fppaco.org>.



You may also reference Part 8, Article 31, Title 31 of Colorado Revised Statutes, as amended and the FPPA Member Handbook for more information.

Basic Benefit Amount Examples:

Survivor Benefits On-Duty Death

- Spouse only – 70% of base salary
- Spouse & Dependent child(ren) living in the member's household – 70% of base salary
- No Spouse, Dependent children living in the household – 70% of base salary
- No Spouse, Dependent children not living in the household – 40% of base salary for 1st child, 15% for each additional child, not to exceed 70% total benefit

Survivor Benefits Off-Duty Death

- Spouse only – 40% of base salary
- Spouse and 1 dependent child – 40% of base salary
- Spouse and 2 or more dependent children – 50% of base salary
- No Spouse, 1 or 2 dependent child(ren) – 40% of base salary
- No Spouse, 3 or more dependent children – 50% of base salary

BENEFITS PAYMENTS AND COST-OF-LIVING ADJUSTMENTS

Survivor benefits are paid monthly. Each year, the FPPA Board of Directors determines whether or not to award a cost-of-living adjustment (COLA). Benefits may be increased by an annual COLA of up to 3% effective October 1st. COLA's may begin after receiving benefits for at least 12 calendar months prior to October 1st.

HOW TO APPLY

A surviving spouse, dependent children, or the custodian of dependent children may apply for survivor benefits by completing the FPPA Application for Survivor Benefits. This application is available on the FPPA website or can also be obtained by contacting FPPA at 303-770-3772. Please also contact FPPA for assistance with completing this application or for more detailed information.

EDUCATION BENEFITS Dependent's tuition assistance is available through the Colorado Commission on Higher Education. Any dependent of a person who died or was killed while acting to preserve the public peace, health, and safety in the capacity of police officer, sheriff, or

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other law enforcement officer, upon being accepted for enrollment into any state institution, shall be permitted to pursue studies leading toward his or her first bachelor's degree or certificate of completion, free of tuition and free of room and board charges of the institution, for so long as said dependent achieves and maintains a cumulative grade point average of 2.5 or above based upon a 4.0 scale, but said benefits shall not be extended beyond six years from the date of enrollment. Such dependents pursuing studies at a nonpublic institution of higher education within the state of Colorado shall be eligible for assistance not to exceed the average cost of undergraduate instruction calculated for a full-time equivalent student at a comparable state institution for the previous year, and the average cost of room and board calculated for a full-time equivalent student at all state institutions for the previous year. Such dependents pursuing studies at an out-of-state institution of higher education shall be eligible for assistance not to exceed the average cost of undergraduate instruction calculated for a full-time equivalent student at a comparable state institution for the previous year. The commission shall provide tuition and, if appropriate, room and board assistance to such qualified students from appropriated student financial assistance funds.

Contact: Colorado Commission on Higher Education, 1560 Broadway, STE 1600, Denver, CO 80202, (303)866-2723.

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 Colorado, the death must have occurred since September 1998. 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.

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For more information, contact: Colorado Department of Public Safety, 700 Kipling ST #1000, Denver, CO 80215. (303) 239-4400.

HEALTH BENEFITS

Varies depending upon police department benefits and health insurance plans or policies. **Contact your agency's Benefits Assistance Officer.**

WORKERS' COMPENSATION

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

The dependents of the deceased are entitled shall receive compensation or death benefits sixty-six and two thirds percent of the deceased employee's average weekly wages, not to exceed a maximum of ninety-one percent of the state average weekly wage per week for accidents occurring on or after July 1, 1989, and not less than a minimum of twenty-five percent of the applicable maximum per week.

Burial Expenses: Not to exceed \$7,000.

Spouse receives a **two-year lump sum payable upon remarriage** if there are no dependent children. Children are compensated **until age 18**, or beyond age 18 if physically or mentally disabled, or **until age 21 if full-time students**.

Or contact the Division of Workers' Compensation of the Department of Labor and Employment, 633 17th ST, STE 400, Denver, CO 80202. (303) 318-8700.

PERSONAL LIFE POLICY - INTESTATE

Descent and Distribution - Intestate and Succession - Rules apply to any part of decedent's estate not effectively disposed of by will or otherwise. (15-11-101).

Portion not passing to surviving spouse passes to: **(1)** Issue equally if all of the same degree of kinship to decedent or if not by representation to those of more remote degree; **(2)** if no surviving issue, to parents equally; **(3)** if no surviving issue or parents, to issue of parents or either of them, equally if all are of same degree of kinship to decedent or if not by representation to those of more remote degree of kinship to decedent; **(4)** if no surviving issue, parent, or issue of parents to grandparents or issue of grandparents, half to maternal side, half to paternal side if there is no surviving grandparent or issue of grandparent on both sides (issue of grandparents taking equally if of equal degree to decedent or by representation if of more remote degree), all to one side if grandparents or issue of grandparents on only one side survive; **(5)** if none of the above relatives survive, to nearest lineal ancestors and their



issue (issue taking equally if all of same degree to decedent or if not by representation). (15-11-103).

One related to decedent through two lines is entitled to only single share based on relationship entitling him to larger share. (15-11-114). Debts owed to decedent are not charged against intestate share of any person except debtor. If debtor predeceases decedent, debt does not affect intestate share of debtor's issue. (15-11-111). *One who kills decedent and is convicted of, or pleads guilty to, murder or manslaughter may not inherit or receive devises and estate of decedent and property appointed by will of decedent and other property interest of decedent pass as if killer had predeceased decedent.* (15-11-803).

Surviving Spouse - Surviving spouse's share of intestate estate is: All if no surviving issue; first \$25,000 plus half of balance if all surviving issue not issue of surviving spouse, (15-11-102). Surviving spouse has right to elect to take up one-half of augmented estate as defined in 15-11-102 if decedent domiciled in Colorado. (15-11-120(1)). Surviving spouse is entitled to exempt property and family allowance whether or not elective share taken. (15-11-206). If decedent is not domiciled in Colorado, spouse's right to elective share of property in Colorado governed by law of decedent's domicile at death. (15-11-201(2)). One divorced from decedent or whose marriage to decedent has been annulled is not surviving spouse unless remarriage allowance and homestead exemption may be waived, before or after marriage, by writing signed and waiving spouse after fair disclosure. (15-11-204).

ABOUT FPPA

Fire & Police Pension Association of Colorado (FPPA) is governed by a nine-member Board of Directors. FPPA is an independent public body created in 1980 by the Colorado State Legislature to administer the State Fire and Police Pension Plan. Contact: Fire & Police Pension Association of Colorado (FPPA), 5290 DTC Parkway, Suite 100, Greenwood Village, CO 80111 (303) 770-3772, or toll free nationwide (800) 332-3772.

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.**

ADDITIONAL BENEFITS

Established in 1922, the **Colorado Police Protective Association** addresses the concerns of the law enforcement community, including the concerns of the survivors of line-of-duty death. The Association provides survivors with a death benefit as well as financial grants to

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the family of association members killed in the line of duty. The purpose of these grants is to cover some of the expense of attending the National Peace Officers' Memorial Service when the officer's name is on the Roll Call of Heroes. The CPPA also administers income produced by the **William C. Mutter Memorial Trust** in Memory of Arthur D. Mutter. This trust was established to provide educational, job training, financial counseling, and emergency subsistence for the families of a Colorado Peace Officer, other than a Colorado State Patrol Officer, whose death is determined by the trustees to be duty related.

For more information about the William C. Mutter Memorial Trust in Memory of Arthur D. Mutter and other benefits available to CPPA members, please contact the CPPA, 1485 Kelly Johnson BLVD, STE 230, Colorado Springs, CO 80920. (800) 320-2772.

FUNERAL AND CREMATION BENEFITS

Dignity Memorial funeral, cremation and cemetery providers created the Public Servants Program for emergency service personnel. This program provides dignified and honorable tributes, at no cost, for career and volunteer law enforcement officers who fall in the line of duty. Visit their website for complete information @ www.dignitymemorial.com and look under Public Servants for details. You may also call 800-344-6489 and speak with a representative.