



## STATE OF INDIANA

### 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 Indiana Board of Vital Statistics, 1330 W. Michigan Street, Indianapolis, IN 46206, phone (317) 633-0274.

This outlines your rights and benefits under the **1977 Police Officers' and Firefighters' Pension and Disability Fund**. For additional information, you can refer to the Indiana Codes placed within the parentheses next to each subject heading. For a complete description of the Police Officers' and Firefighters' Pension Fund, please read the following statute: IC 36-8-8-1 et seq.

## STATE DEATH BENEFITS

### SURVIVOR BENEFITS (IC 36-8-8-14.1)

**Death Benefit (IC 36-8-8-16) - Your heirs or estate are entitled to receive a one-time death benefit of \$12,000 upon your death for funeral expenses.**

**Line of Duty Death Benefit (IC 36-8-8-20) - In case you die in the line of duty, a special death benefit of \$150,000 (effective 01/01/98) will be paid to your surviving spouse, or your surviving children.**

#### Survivor Benefit Checklist:

- (1) Properly completed survivor benefit application;
- (2) Copy of marriage certificate;
- (3) Affidavit stating member was actually married to spouse at the time of death;
- (4) Survivor(s) birth certificate(s);
- (5) Death certificate of deceased member.

## STATE PENSION BENEFITS

Beneficiary - If you die **while receiving retirement or disability benefits**:

- (A) Your surviving spouse is entitled to a monthly benefit equal to **60% of your monthly retirement or disability** during the spouse's lifetime. Your spouse may remarry **without the risk** of losing the benefit; and
- (B) Each of your surviving children are entitled to a monthly benefit equal to **20% of your monthly retirement or disability benefit** until the child reaches the age of 18 or during the entire period of the child's physical or mental disability; or

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- (C) If there is no surviving child or spouse, your surviving parent or parents, if **wholly dependent** on you at the time of your death, will singly or jointly receive **50% of your monthly benefit**.

If you die either **while on active duty** or while retired and not receiving benefits:

- (A) Your beneficiary or beneficiaries will receive the previously detailed survivor benefits, which will be calculated as though you were receiving retirement or disability benefits at age 52 with 20 years service. **If you have more than 20 years of service, your benefit will be increased by 1% for each six months of additional service.**

Remember, as a member of the 1977 Fund, **eligible beneficiaries are set by law and ARE NOT subject to personal choice.**

If you die and no legal beneficiaries exist:

- (A) Your contributions plus interest will be **refunded to your estate.**

Several plans are in existence. Contact the **1977 Police and Firefighters Pension Fund, 143 West Market Street, Indianapolis, IN 46204.**

## TAX WITHHOLDING

If you do not make an election regarding tax withholding, PERF **may be required to withhold income taxes that would apply to both the refunds and benefits.** When applying for any of the 1977 Fund benefits, make sure you complete the **tax withholding statement form.**

These rules are complex, so if you need additional information, you should **obtain IRS Publication 575; or, if you need further assistance, you should contact your local IRS office or tax consultant.**

## YOUR 1977 FUND COVERAGE (IC 36-8-8-1 and 36-8-8-7)

Membership in the 1977 Fund is **mandatory** for full-time, fully-paid police officers and firefighters who work for employers in the 1977 Fund and:

- (A) Who are hired or rehired after April 30, 1977;
- (B) Who have not reached age 36 at the time of hire; and
- (C) Who pass the required physical and mental examinations.

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The Fund consists of member and employer contributions, plus the earnings credited. These amounts are used to make benefit payments to fund members and their survivors as specified by Indiana statutes.

The Public Employees' Retirement Fund ("PERF") Board administers the 1977 Fund, and the cost of participation is at the same rate for all employers and employees. An advisory board, which includes among its members two police officers and two firefighters, is appointed by the Governor to advise the PERF Board.

Throughout this document you will see the term "base salary". All benefits within the 1977 Fund are calculated according to this amount. **The base salary is defined as the monthly salary of a first class patrolman or firefighter in the year service ends. This base salary varies among employers.**

## **BENEFICIARIES (IC 36-8-8-14.1)**

**Beneficiaries are defined by Indiana statute.** Therefore, there is no need to update beneficiary designations. Please see "Survivor" under the Benefits section for further clarification.

## **CONTRIBUTIONS (IC 36-8-8-6, 8)**

**Employer** - Employers are required to **contribute an annual amount**, currently 21% of base salary, which is payable on a quarterly basis. This amount is determined by the actuarial firm appointed by the PERF Board.

**Employee** - The employee **also must contribute** during the period of employment or for 32 years, whichever is shorter, an amount equal to 6% of the base salary. However, the employer may elect to pay for all or part of the employee contribution.

## **BENEFITS**

In General:

At the time of retirement, the 1977 Fund will pay a pension funded by the:

- (A) Employer-financed contribution, and the
- (B) Employee mandatory contribution.

The types of 1977 Fund benefits are:

- (1) Retirement
- (2) Disability
- (3) Survivor

IN

- 4 -

Rev.8/2010

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**Contact the 1977 Police and Firefighters Pension Fund, 143 West Market Street, Indianapolis, IN 46204.**

## **HEALTH BENEFITS**

Varied depending upon police department benefits. **Contact the Benefits Assistance Officer.**

## **EDUCATION BENEFITS**

Section 1. 1C 20-12-19.5-1

The **children** of regular paid law enforcement officers, regular paid firefighters, volunteer firefighters, county police reserve officers, and city police reserve officers who have been killed in the line of duty **shall not be required to pay tuition or other required fees** at any state supported college, university, or technical school, so long as the children are **under the age of 23 and are full-time students pursuing a prescribed course of study.**

The **surviving spouse** of the same public safety officials who have been killed in the line of duty may **not be required to pay tuition or other required fees** at any state supported college, university, or technical school, so long as the surviving spouse is pursuing a prescribed course of study at the institution towards an undergraduate degree.

This benefit is available to the surviving spouses and children of public safety officials listed who are killed in the line of duty before, on, or after **July 1, 1993.**

**At the time of enrollment you must tell the appropriate department at the state supported college, university, or technical school that you are the surviving spouse or child as described above.**

## **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](http://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,

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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 Indiana, the death must have occurred since April 1997. 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: Janet Bell at the Criminal Justice Institute, phone 877-824-6948, fax 317-838-8960, email [jbelle@cji.state.in.us](mailto:jbelle@cji.state.in.us), or visit the website at [www.in.gov/cji/policecorps/index.htm](http://www.in.gov/cji/policecorps/index.htm).**

## **WORKERS' COMPENSATION**

Workers' Compensation coverage is compulsory for employers in Indiana.

The benefit is **66 2/3%** of the employee's wage if survived by a spouse or a spouse and child(ren), with a **minimum weekly benefit of \$50 or the worker's average wage if less than \$50 and a maximum weekly benefit of \$394 for a maximum period of 500 weeks.** Total maximum payable in any case is **\$214,000.** There is also a maximum burial allowance of **\$6,000.**

Children receive benefits beyond 21 if physically or mentally disabled. **Two-year lump sum payable upon remarriage in cases where there are no children or the remainder of compensation, whichever is smaller.**

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 Workers' Compensation Board of Indiana, 402 W. Washington Street, Room W196, Indianapolis, IN 46204, telephone (317) 232-3808.**

## **PERSONAL LIFE POLICY - INTESTATE**

**Descent and Distribution** - The share of the net estate not distributable to the surviving spouse, or the entire net estate if there is no surviving spouse, will descend as follows: (a) to the issue of the intestate; if they are all in the same degree of kinship to the intestate, they will





take equally, otherwise, to those of more remote degrees, by representation; (b) if there is surviving spouse but no surviving issue of intestate, then to intestate's surviving parents; (c) if there is no surviving spouse or issue of intestate, then to surviving parents, brothers and sisters and issue of deceased brothers and sisters of intestate, provided that each parent will get no less than one-fourth of net estate and issue of deceased brothers and sisters take by representation; (d) if there is no surviving parent or brother or sister, then to issues of brothers and sisters, equally if all of same degree of kinship to intestate, otherwise, to those of more remote degrees by representation; (e) if no surviving issue, or parent of intestate, or issue of parent, then to surviving grandparents of intestate equally; (f) if there is no surviving issue, or parent or issue of parent, or grandparent, then estate shall be divided into number of shares equal to sum of: (1) number of brothers and sisters of decedent's parents surviving decedent, plus (2) number of deceased brothers and sisters of decedent's parents leaving issue surviving both them and decedent; such shares shall pass per stirpes to each of said brothers and sisters of decedent's parents or their issue per stirpes to interest in real estate go to husband and wife under this section, aggregate interests shall be owned by them as tenants by entireties, while personal property shall be owned as tenants in common; if there is no person mentioned in (a) through (g), then to state. (IC29-1-2- 1).

**Surviving Spouse - Common law dower and curtesy are abolished and a surviving spouse takes as a statutory heir.** (IC29-1-2-11).

If the decedent left a surviving child or children or other descendants **by a prior marriage, and no issue by the surviving spouse**, the surviving spouse will take only a life estate in one-third of real property of decedent with fee vesting in such surviving issue. Surviving spouse will receive regular statutory share in personal property of decedent. (IC29-1-2-1).

Subject to the exceptions above, the **surviving spouse** will receive the following share of the net estate: (1) One-half, if intestate is survived by at least one child or by issue of at least one deceased child; (2) three-fourths, if there is no surviving issue, but intestate is survived by one or both of intestate's parents; (3) all, if there is no surviving issue or parent. (IC29-1-2-1).

**Widow** - Any interest acquired by widow in the decedent's real estate, not exceeding one-third of the real estate, is received by her free from all demands of creditors; provided, that is value of real estate is over \$10,000 widow shall have only one-fourth and if is over \$20,000 she shall have only one-fifth free from creditors. Widow's share is subject to purchase money mortgages, mortgages, executed prior to marriage or in which she was joined. (IC29-1-2-2).

Surviving spouse of decedent domiciled in Indiana at his death is entitled to receive allowance of \$8,500 in personal property from estate. If no surviving spouse, decedent's children who are under 18 years of age at time of decedent's death are entitled to same allowance to be divided equally among them. If less than \$8,500 in personal property in estate, spouse or decedent's children who are under age 18 years of age at time of decedent's death are entitled to any real estate in estate to extent necessary to make up difference. Amount of difference is lien on real estate. Allowance under this section is not chargeable

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against distributive share of either surviving spouse or children, and is deductible from value of property interests transferred by resident decedent under his will or under laws of intestate succession. (IC6-4.1-3 13 (b)10; IC29-1-4-1).

**Circumstances barring participation in Estate of Deceased Spouse.** - Surviving spouse who is living apart in adultery at time of death of other spouse is barred from any participation in estate of deceased spouse. Individual who abandons spouse, without just cause, shall take no part of estate of deceased spouse. (IC29-1-2- 15).

## COMMUNICATING WITH THE 1977 FUND

The 1977 Fund's mailing address and telephone number is as follows:

The 1977 Police and Firefighters Pension Fund  
143 West Market Street, Suite 800  
Indianapolis, IN 46204-2899 (317) 233-4162

When you write to the 1977 Fund, you must furnish your full name, current address, Social Security number and signature. **Office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday, except on state holidays.** Additional PERF numbers are listed below:

Perkins, Carol	Supervisor	(317) 233-4152
Smith, Philip	Director	(317) 233-4138
FAX Number		(317) 232-1614

## 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](http://www.nationalcops.org/chap.htm) for information on a chapter in your area.**

## 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](http://www.dignitymemorial.com) and look under Public Servants for details. You may also call 800-344-6489 and speak with a representative.

IN

- 8 -

Rev.8/2010



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