



STATE OF IOWA

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

IRS Code 101 (h) (1) In general. Gross income 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 of 1968) killed in the line of duty.

Exceptions (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 Safety Streets Act of 1968

101 (h) (2) (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, the officer was voluntarily intoxicated at the time of death, the officer was performing such officer's duties in a grossly negligent manner at the time of death, or the payment is to an individual whose actions were a substantial contributing factor to the death of the officer.

Learn about line of duty death benefits information for all states and US territories at ODMP.org. Brought to you by Concerns of Police Survivors and the Officer Down Memorial Page.



To obtain certified copies of registered documents (birth certificates, death certificates), contact Vital Records Section:

Lucas State Office Building, 321 E. 12th Street, Des Moines, IA 50319,
Phone (515) 281-4944.

STATE DEATH BENEFITS

The Iowa Public Employee Retirement System will pay a lump sum of \$100,000 when the death of any member is deemed to be a direct and proximate result of a traumatic personal injury incurred in the line of duty. This payment will not affect pension benefits.

A line of duty death benefit shall not be payable if the death resulted from stress, strain, occupational illness, or a chronic, progressive, or congenital illness, including, but not limited to, a disease of the heart, lungs, or respiratory system, unless a traumatic personal injury was a substantial contributing factor to the member's death; if the death was caused by the intentional misconduct of the member or by the member's intent to cause the member's own death; if the member was voluntarily intoxicated at the time of death; if the member was performing the member's duties in a grossly negligent manner at the time of death; if an individual who would otherwise be entitled to a benefit was, through the individual's actions, a substantial contributing factor to the member's death.

PENSION BENEFITS

Municipal Fire and Police Retirement System of Iowa

Ordinary Death Benefit - Paid to the designated beneficiary, after one year of service, for death from causes not sustained in the line of duty, a lump sum equal to 50% of the earnable compensation during the year preceding death or during the last year of service if the deceased member was terminated vested.

Alternately, in lieu of the lump sum benefit, to the surviving spouse, guardian of children, or dependent parents, (a) a pension equal to 40% of average final compensation but not less than 20% of the earnable compensation of an active member holding the highest grade in the rank of a police patrol officer, and (b) for each child, 6% of the earnable compensation of the active member holding the highest grade in the rank of a police patrol officer. This pension and each child's benefit are eligible for adjustment (escalation*).

Accidental Death Benefit - For death from causes sustained in the line of duty. *Any heart, lung, or respiratory disease is presumed to have been contracted in the line of duty.* The benefit to the surviving spouse, guardian of children, or dependent parents is (a) a pension equal to 50% of average final compensation plus (b) for each child, 6% of the earnable compensation of the active member holding the highest grade in the rank of a police patrol officer.

This pension and each child's benefit are eligible for adjustment (escalation*).

*Escalation - Adjustments may be made each July 1 and January 1. The adjusted pension is directly related to increases in earnable compensation of active individuals in positions which the deceased vacated at retirement.

Application Processing - Upon the death of a member, the member's spouse and/or guardian of the member's dependent children should contact the System directly to obtain information concerning eligibility for spousal and dependent benefits. Applications for such benefits may

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be obtained from the System or from the cities. Applicants must include a copy of their birth certificate, marriage certificate, and member's death certificate with all applications.

Contact the Municipal Fire and Police Retirement System of Iowa, 950 Office Park Road, Suite 321, West Des Moines, IA 50265. 515-254-9200

Iowa Department of Public Safety Peace Officers' Retirement, Accident, and Disability System

The Iowa Department of Public Safety Peace Officers' Retirement, Accident, and Disability System was created to provide certain retirement and other benefits for the peace officers of the Iowa Department of Public Safety, or benefits to their dependents, in amounts and under terms and conditions set forth by law.

Accidental Death Benefit - If, upon receipt of evidence and proof that the death of a member in service was the natural and proximate result of an accident, disease, or exposure occurring or aggravated at some definite time and place while the member was in the actual performance of duty, the board of trustees shall decide that death was so caused in the performance of duty and there shall be paid, in lieu of the ordinary death benefit, to the member's estate or to such person having an insurable interest in the member's life as the member shall have nominated by written designation duly executed and filed with the board of trustees:

- a) To the surviving spouse, children, or dependent parents, a pension equal to 50% of the average final compensation of such member;
- b) If there is no surviving spouse, child, or dependent parent, the death shall be treated as an ordinary death case and the benefit shall be paid to the member's estate;
- c) In addition to the benefits for the surviving spouse, there shall also be paid for each child of a member a monthly pension equal to 6% of the monthly earnable compensation payable to an active member having the rank of senior patrol officer of the Iowa Highway Safety Patrol.

Pensions Offset by Compensation Benefits - Any amounts which may be paid or payable by the state under the provisions of any workers' compensation or similar law to a member or to the dependents of a member on account of any disability or death, shall be offset against and payable in lieu of any benefits payable out of funds provided by the state under the provisions of this chapter on account of the same disability or death.

Members of the Peace Officer Retirement Board (State Police Officers only) contact: Mr. Marty Deaton, DPS State Office Building, Des Moines, IA 50319; (515) 725-6252 fax: (515) 725-6264

EDUCATION BENEFITS

No educational benefits are available.

HEALTH BENEFITS

All health care benefits cease upon death. Survivors can elect to stay in group health plan until age 65. The premiums would be paid by the surviving family. Check with your **local police department** to find out about specific policy benefits.



WORKERS' COMPENSATION

Workers' Compensation coverage is compulsory for Iowa employers; however, waivers are permitted. Benefit is 80% of worker's spendable earnings for surviving spouse or surviving spouse and child(ren), with a minimum weekly benefit of \$139 or actual wage if less than \$139 and a maximum weekly benefit of \$797. There is also a maximum burial allowance of \$5,000. Spouse receives two-year lump sum payable upon remarriage if no children. Children receive benefits until age 18 or beyond age 18 if physically or mentally disabled, or until age 25 if full-time students.

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To receive workers' compensation benefits the surviving spouse must take the initiative and file a worker's 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 Division of Industrial Services of the Department of Employment Services, 1000 E. Grand Avenue, Des Moines, IA 50319, telephone (515) 281-5934.

PERSONAL LIFE POLICY - INTESTATE

Descent and Distribution - Entire estate of intestate decedent, real and personal, or excess over share of surviving spouse, if any descends and is distributed as follows, each class of which a member is living taking to the exclusion of subsequent classes:

(1) children and/or issue of deceased children; (2) parents equally or all to surviving parent; (3) in case both parents are dead the portion which would have fallen to each of them must be disposed of in the same manner as if he or she had outlived the intestate and died in the possession and ownership of such portion; (4) and so on through ascending ancestors and their heirs; (5) if heirs are not thus found, uninherited portion shall go to spouse of decedent, if living, or to heirs of dead spouse, or spouses.

Distribution among descendants of person primarily entitled to take is always per stirpes, *whether or not any of the persons primarily entitled survive the decedent.*

Share of Surviving Spouse - If decedent dies intestate leaving surviving spouse and leaving no issue all of whom are issue of surviving spouse, surviving spouse shall receive following share:

(1) All value of all legal or equitable estates in real property possessed by decedent at any time during marriage, which have not been sold on execution or by other judicial sale, and to which surviving spouse has made no relinquishment of right; (2) all personal property that, at time of death, was, in hands of decedent as head of family, exempt from execution; (3) all other personal property of decedent which is not necessarily for payment of debts and charges. (633.211).

If decedent dies intestate *leaving surviving spouse and leaving issue some of whom are not issue of surviving spouse*, **surviving spouse** shall receive following share: (1) One-half in value of all legal or equitable estates in real property possessed by decedent at any time during marriage, which have not been sold on execution or by other judicial sale, and to which surviving spouse has made no relinquishment of right; (2) all personal property that, at time of death, was in hands of decedent as head of family, exempt from execution; (3) one-half of all other personal property of decedent which is not necessary for payment of debts and charges; (4) if property received by surviving spouse under 1, 2, and 3 of this section is not equal in

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value to sum of \$50,000, then so much additional of any remaining homestead interest and of remaining real and personal property of decedent that is subject to payment of debts and charges against decedent's estate, after payment of debts and charges even to extent of whole of net estate, as necessary to make amount of \$50,000. (633-212).

Except as provided in sections 633.211 and 633.212, shares of distributes shall abate, for payment of debts and charges, federal and state estate taxes, legacies, shares of children born or adopted after making of will, or share of surviving spouse who elects to take against will, without any preference or priority as between real and personal property, in following order: (1) Property not disposed by will; (2) property devised in residuary devisee, except property to surviving spouse who takes under will; (3) property disposed of by will, but not specifically devised and not devised to residuary devisee, except property devised to surviving spouse who takes will; (4) property specifically devised, except property devised to surviving spouse who takes under will; (5) property devised to surviving spouse who takes under will.

ADDITIONAL BENEFITS

State Peace Officers Association (Formally Police Chiefs Association)

The Secretary/Treasurer of this corporation, upon authoritative information of the death of any member in good standing, shall pay to such beneficiary as has been named by such member, a sum of money in such an amount as from time to time shall be fixed by the Board of Directors, but not in excess of the amount of five hundred dollars (500.00), as a donation to assist in the defrayment of the expenses of the burial of such deceased member.

Address is: iowapeaceofficers.org

Mailing Address: Iowa Peace Officers Association, P.O. Box 100, Denver, Iowa 50622

Phone: 319-269-4104

Iowa State Trooper Association

ISTA provides benefits for members to \$5000 in the event of an active member being killed in the line of duty or dies of any cause. This is to be paid to a spouse, children or parents. The member must be active in the ISP and ISTA at the time of the death. ISTA also provides to its members a death benefit to the family if an active member's wife or a child dies.

Iowa State Trooper Association, 23181 290th Street, Hubbard, Iowa 50122

www.iowatroopers.com/aboutista.asp

515-875-6008 President Trooper Darin Snedden

Iowa State Sheriffs & Deputies Association

ISSDA was created in 1974 when the Iowa Sheriff's Association and the Iowa Deputy Sheriff's Association merged. The Iowa State Sheriff's & Deputies Association will pay \$3,000 to the beneficiary of any Sheriff or Deputy that is killed in the line of duty. www.issda.org

ISSDA President – Warren County Deputy Brian Vos, P.O. Box 337, Indianola, Iowa 50215

(515) 961-1122

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PEER SUPPORT

Established in 1984, **Concerns of Police Survivors, Inc., (C.O.P.S.)**, 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. C.O.P.S. has become a “lifeline” to police survivors nationwide. **Contact the C.O.P.S. National Office or visit www.nationalC.O.P.S..org/chap.htm for information on a chapter in your area.**

910 VICTIM RESTITUTION

Payment of “pecuniary damages” to the extent not paid by an insurer, which a victim could recover against the offender in a civil action arising out of the same facts or event, except punitive damages for pain, suffering, mental anguish, and loss of consortium. Without limitations “pecuniary damages” includes damages for wrongful death and expenses incurred for psychiatric or psychological services or counseling or other counseling for the victim which became necessary as a direct result of the criminal activity.

Payment of pecuniary damages to a victim in an amount and in the manner provided by the offender’s plan of restitution. Restitution also includes the payment of crime victim assistance reimbursements, court costs, court appointed attorney’s fees or the expense of a public defender, and the performance of a public service by an offender in an amount set by the court when the offender cannot reasonably pay all or part of the court costs, court-appointed attorney’s fees or the expense of a public defender.

HOMICIDE VICTIMS

Crime Victim Compensation Program

If a Peace Officer is a victim of a crime, the Crime Victim Compensation may be able to provide \$6,000 death benefit to survivors, \$5,000 for counseling for survivors, \$7,500 for funeral and Burial, and other potential benefits.

Iowa Attorney General’s Office, Crime Victim Assistance Division

Lucas State Office Building, Des Moines Iowa 50319

Call Victim Advocate Mary Kay Bartine at 515-281-5044 or 800-373-5044

MEMORIAL

The **Iowa Peace Officers Monument** is located on the State Capitol grounds at East 9th and Grand Streets in **Des Moines, Iowa**.

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. Ankeny Funeral Home-Brent Ouellette 1510 W. 1st St. Ankeny, Iowa 50023 (515) 964-4674