



STATE OF NORTH CAROLINA

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.



To obtain certified copies of registered personal documents, contact The Department of Vital Records, 1903 Mail Service Center, Cooper Building, Raleigh, NC 27699, phone (919) 733-3000.

STATE DEATH BENEFITS

Law Enforcement Officer's Death Benefit Act (G.S. Chapter 143, Art. 12A)

1. Monetary
 - a) \$50,000 maximum **total** benefit.
 - b) \$20,000 upon death, then \$10,000 annually for three years.
2. Eligibility
 - a) Full-time law enforcement officer.
 - b) Killed in the line of duty.
 - c) Benefits from other sources are not affected by nor interfere with this Act.
3. Benefits Payable to: (listed in order of priority)
 - a) Spouse (Must have been married at least 6 months prior to incident. Contact the NC Industrial Commission regarding possible remarriage penalties)
 - b) Children.
 - c) Parents
4. Benefits are exempt from State and local taxes.
5. To file a claim, contact the **North Carolina Industrial Commission, 4340 Mail Service Center, Raleigh, North Carolina 27699-4340, telephone (919) 807-2501 or fax (919) 715-0280.**

Separate Insurance Benefits Plan for State and Local governmental Law Enforcement Officers (G.S. Chapter 143, Art. 12F).

1. Monetary
 - a) A group life insurance benefit for active duty officers of no more than \$5,000.
 - b) A group life insurance benefit for former officers of no more than \$4,000.
 - c) An accidental line-of-duty death benefit of no more than \$2,100.
2. Eligibility
 - a) All law Enforcement officers employed by State or Local governments.
 - b) Former law enforcement officers previously employed by State or Local governments more years of service or who are receiving a disability retirement allowance or benefits from the Disability Income Plan.
 - c) Is separate and apart from the TSERS and LGERS (membership in either system is not a prerequisite).

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- d) Must have been a member 6 months prior to death, or if an actively employed officer and death results from an accident at any time after employment.
- e) No dues or contributions-funded through costs of court assessed in criminal cases.
3. Benefits Payable to:
 - a) Surviving spouse or estate if no beneficiary is named, or to another person if the officer specifies in writing to the Board of Trustee.
4. Benefits are non-forfeitable and **exempt** from levy, sale, garnishment, or from any State or Local taxes.
6. To file a claim, contact the Member Services Section of the **Retirement Systems Division of the Department of State Treasurer, 325 N. Salisbury Street, Raleigh, NC 27603, and telephone (919) 508-5176.**

STATE PENSION BENEFITS

**Teachers' and State Employees' Retirement System (TSERS)
Local Governmental Employees' Retirement System (LGERS)
(G.S. Chapter 135) and G.S. Chapter 128) Amended 2009**

1. Explanation
 - a) TSERS applies to law enforcement officers employed by the State. (Includes Highway Patrol, SBI, ALE, DMV, etc.)
 - b) LGERS applies to law enforcement officers employed by cities and counties. (Includes Sheriff Departments, City Police, etc.)
2. Monetary
 - a) **MAXIMUM** payment in Lump Sum.
 - b) Specifically, the payment shall be equal to the highest salary during 12 months in a row during the 24 months prior to death.
3. Eligibility
 - a) A law enforcement officer
 - b) Has contributed 6% of the officer's salary for at least one year.
 - c) An officer who has died within 180 days from last day of actual service shall be deemed to be in service at the date of the officer's death.
4. Survivor's Alternate Benefit
 - a) If the officer named only one beneficiary and the officer was 50 with 15 years of service, or was 55 with 5 years of service, or had 30 years of service, then that beneficiary has the option of receiving a refund of the member's accumulated contributions, or
 - b) The principal designated beneficiary may elect to receive in lieu thereof, a monthly life-time benefit, providing the officer had 15 years of service as a law enforcement officer and was killed in the line of duty. For details on the reduced retirement allowance and the calculation of benefits, contact the Member Services Section of the Retirement Systems Division of the Department of State Treasurer.

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5. Benefits Payable to:
 - a) Any named beneficiary.
7. Benefits are exempt from state or city taxes, or from levy and sale, garnishment, attachment or any other process.
8. To file claim, contact the Member Services Section of the **Retirement Systems Division of the Department of State Treasurer, 325 N. Salisbury Street, Raleigh, NC 27603, and telephone (919) 508-5176.**

EDUCATION BENEFITS

North Carolina General Statutes – Chapter 115B.

The constituent institutions of the University of North Carolina and the community colleges as defined in G.S. 115D-2 shall permit **any person who is the survivor of a law enforcement officer**, firefighter, volunteer firefighter, or rescue squad worker **killed on or after October 1, 1997**, as a direct result of a traumatic injury sustained **in the line of duty** to attend classes for credit or noncredit purposes **without the required payment of tuition**. Section 115B-1 defines **survivor** as any person whose **parent or spouse was a law enforcement officer**, a firefighter, a volunteer firefighter, or a rescue squad worker, killed while in active service or training for active service or died as a result of a service-connected disability, and at the time of active service or training was a North Carolina resident. *The term does not include the widow or widower of such person if the widow or widower has remarried.* The financial aid offices of the North Carolina institutions shall waive the tuition when proof of survivor status has been submitted.

ADDITIONAL BENEFIT

The North Carolina Bar Association offers scholarships to **children** of law enforcement officers killed in the line of duty. The scholarship is based on need and merit. The recipient must be **under 27 years old** and must be accepted or enrolled at an accepted vocational school or institute of higher education.

The scholarships are disbursed twice a year to qualifying children. The amount of the scholarship depends on the amount allotted from the North Carolina Bar Foundation Endowment Fund. A child may apply for and receive the scholarship **more than once**.

For more information or for an application, call or write: Scholarship Program, North Carolina Bar Association, 8000 Weston Parkway, Cary, North Carolina 27513, telephone (919) 677-0561 or at contact them via email ncba@ncbar.org.

HEALTH BENEFITS



Health plans vary. Check with your local department to determine benefit packages available.

WORKERS' COMPENSATION

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

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.

Workers' Compensation Act
(G.S. Chapter 97)

1. Monetary
 - a) Weekly compensation payments equal to 66 2/3% of the average weekly wage of the deceased employee at the time of the accident with a minimum weekly benefit of \$30 and a maximum benefit of \$816 per week for a maximum period of 400 weeks.
 - b) The maximum is updated annually and is based on average weekly wages in North Carolina.
 - c) \$3,500 maximum burial expenses are also provided
2. Special Situations
 - a) Spouse unable to support self because of physical or mental disability which existed when employee dies, shall receive compensation for lifetime or until remarriage.
 - b) Dependent child receives compensation beyond the 400-week limit until 18 years old.
3. Eligibility
 - a) Death must be accidental and work related.
 - b) Employee or his representative must give written notice within 30 days of occurrence of accident, including full details.
 - c) Claim must be filled within two years of occurrence of accident which caused death.
4. Filing requirements for those employees who become disabled and then die as a result of this injury differ from the general rule, and can be found in G.S. 97-38.
5. Benefits Payable to: (listed in order of priority)
 - a) Dependents
 - b) Next of kin as defined by G.S. 97-40.
6. All compensation is exempt from creditors' claims and state taxes.



7. To file a claim, contact the North Carolina Industrial Commission, 4340 Mail Service Center, Raleigh, North Carolina 27699-4340, telephone (919) 807-2501.

PERSONAL LIFE POLICIES

Separate Insurance Benefits Plan for State and Local Governmental Law-Enforcement Officers. (G.S. Chapter 143, Art. 12F)

1. Monetary
 - a) A group life insurance benefit for active duty officers of no more than \$5,000.
 - b) A group life insurance benefit for former officers of no more than \$4,000.
 - c) An accidental line-of-duty death benefit of no more than \$2,100.
2. Eligibility
 - a) All law enforcement officers employed by State or local governments.
 - b) Is separate and apart from the TSERS and LGERS (membership in either system is not a prerequisite).
 - c) Must have been a member for 6 months prior to death.
 - d) No dues or contributions - funded through costs of court assessed in criminal cases.
3. Benefits are payable to:
 - a) Surviving Spouse or estate if no beneficiary is named.
4. Benefits are non-forfeitable, and exempt from levy, sale, garnishment, or from any state or local taxes.
5. To file a claim, contact the Retirement Systems Division of the Department of State Treasurer.

PERSONAL LIFE POLICY - INTESTATE

Descent and Distribution: The North Carolina law governing descent and distribution was completely rewritten by the Instate Succession Act (c. 29) effective July 1, 1960, and applicable only to estates of persons dying on or after July 1, 1960.

Shares - When intestate is survived by: **(A) spouse and children or descendants** of deceased children, **(1)** spouse receives first \$15,000 of personal property plus one-third of balance and **(2)** children and descendants of deceased children receive two-thirds of balance; **(B) spouse and one child or its descendants**, **(1)** spouse receives first \$15,000 of personal property plus one-half of balance and **(2)** child or its descendants receive one-half of balance; **(C) lineal descendants but no spouse** - such lineal descendants receive all property; **(D) spouse and mother and father or survivor but no lineal descendants**, **(1)** spouse receives one-half of real estate, **(2)** mother and father, or survivor, receive one-half real estate, **(3)** spouse receives first \$25,000 of personal property plus one-half balance, and **(4)** mother and father,

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or survivor, receive one-half balance of personal property; **(E) mother and father, or survivor, but no spouse nor lineal descendants** - mother and father, or survivor, take all property; **(F) spouse and brother(s) or sister(s) or their descendants but no mother or father** - spouse receives all property; **(G) one or more brothers and sisters or their descendants, but no spouse, lineal descendants, nor parents** - brothers and sisters or their descendants receive all property; **(H) grandparents or their descendants, but no spouse, lineal descendants, parents, nor brothers and sisters or their descendants**, **(1)** maternal grandmother and grandfather, or survivor, receive one-half of all property and **(2)** paternal grandmother and grandfather, or survivor, receive one-half of all property and **(3)** if no maternal grandparent survives, then to their descendants, if no paternal grandparents survives, then to their descendants and if none on one side then all to the other.

Collateral Succession - There is no right of succession by collateral kin who are more than five degrees of kinship removed from an intestate except to prevent escheat. Degrees of kinship are computed by the civil law rule.

Surviving Spouse - The following persons lose among other things all right of intestate succession, and all right to dissent from the will or administer estate of the deceased: **(1)** A spouse from whom or by whom an absolute divorce or marriage annulment has been obtained or from whom a divorce from bed and board has been obtained; or **(2)** a spouse who voluntarily separates from the other spouse and lives in adultery and such has not been condoned; or **(3)** a spouse who willfully and without just cause abandons and refuses to live with the other spouse and is not living with the other spouse at time of such spouse's death; or **(4)** a spouse who obtains a divorce validity of which is not recognized under the laws of this state; or **(5)** a spouse who knowingly contracts a bigamous marriage; or **(6)** any person who is considered a slayer of the deceased.

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.nationalcops.org/chap.htm for information on a chapter in your area.**

ASSOCIATIONS

The North Carolina State Lodge of the **Fraternal Order of Police** provides a life insurance policy for their member which pays a basic benefit of \$3,000 for a death by natural causes. An additional benefit of \$3,000 in the event of an accidental death, and another \$3,000 in the event of line of duty death. i.e.: Natural -\$3,000; Accidental - \$6,000; Line of Duty - \$9,000.

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If a member dies for any reason, the death benefit claims form must be filled out and submitted along with the death certificate (with a raised seal) and sent to the State Office for processing. A copy of the police report if, an accidental or line of duty death, must be attached. (The claim form can be found in the Lodge manual as well as on the NC State FOP Lodge Website at www.ncfop.org).

Contact: North Carolina State Fraternal Order of Police, 1500 Walnut Street, Cary, NC 27511-5927, (919) 461-4939, email ncfop@nc.rr.com.

The **North Carolina Law Enforcement Officers' Association** provides a **\$2,500** benefit for officers killed in the line of duty. Annual membership dues must be current and only active association members are considered eligible for this benefit. Designated beneficiaries may file a claim by contacting the Association.

The **North Carolina State Law Enforcement Officers' Association** provides a **\$1,000** survivor benefit to the beneficiaries of active duty sworn law enforcement officers in good standing with dues paid.

Contact: North Carolina Law Enforcement Officers' Association, PO Box 41368, Raleigh, NC 27629, telephone (919) 876-0687, toll free (800) 889-7118, fax (919) 878-7413, email elaine@execman.net.

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. Effective December 1, 2007, there is also a benefit clause which covers death due to heart or circulatory malfunction.

Contact: Southern States Police Benevolent Association, Inc., 2155 Highway 42 South, McDonough, Georgia 30252, telephone (770) 389-5391 or toll free (800) 233-3506 or visit www.sspba.org.