



STATE OF ARIZONA

DEATH BENEFITS

To obtain certified copies of registered personal documents, contact the Department of Health Records, Vital Records Section, P. O. Box 3887, Phoenix, AZ 85030, (602) 542-1080 for birth certificates, (602)262-3253 for marriage and death certificates.

In Arizona, line-of-duty death benefits come from basically four sources: statutes relating to the **Peace Officers' Memorial**, statutes relating to the **Public Safety Retirement System**, statutes relating to **Workers' Compensation** and from **private sector sources**. Each of these areas may have a *different definition of "line-of-duty death" and of eligibility for the benefit*.

STATE DEATH BENEFIT PAYMENTS

Section 23-1046.

Death benefits

- A. In case of an injury causing death, the compensation therefore shall be known as a death benefit and shall be payable in the amount, for the period, and to and for the benefit of the following:
1. Burial expenses, not to exceed five thousand dollars, in addition to the compensation.
 2. To the surviving spouse, if there are no children, sixty-six and two-thirds per cent of the average monthly wage of the deceased, to be paid until such spouse's death or remarriage, with two years' compensation in one sum upon remarriage. To the surviving spouse if there are surviving children, thirty-five per cent of the average monthly wage of the deceased, to be paid until such spouse's death or remarriage with two years' compensation in one sum upon remarriage, and to the surviving children, an additional thirty-one and two-thirds per cent of the average monthly wage, to be divided equally among them until the age of eighteen years, until the age of twenty-two years if the child is enrolled as a full-time student in any accredited educational institution, or if over eighteen years and incapable of self-support when the child becomes capable of self-support. When all surviving children are no longer eligible for benefits, the surviving spouse's benefits shall be paid as if there were no children. In the event of the subsequent death or remarriage of the surviving spouse, the surviving child's or children's benefits shall be computed pursuant to paragraph 3.
 3. To a single surviving child, in the case of the subsequent death or remarriage of a surviving husband or wife, or if there is no surviving husband or wife, sixty-six and two-thirds per cent of the average monthly wage of the



deceased, or if there is more than one surviving child, sixty-six and two-thirds per cent to be divided equally among the surviving children. Compensation to any such child shall cease upon death, upon marriage or upon reaching the age of eighteen years, except, if over eighteen years and incapable of self-support, when he becomes capable of self-support, or if over eighteen years of age and enrolled as a full-time student in any accredited educational institution, when the child reaches age twenty-two.

4. To a parent, if there is no surviving husband, wife or child under the age of eighteen years, if wholly dependent for support upon the deceased employee at the time of his death, twenty-five per cent of the average monthly wage of the deceased during dependency, with an added allowance of fifteen per cent if two dependent parents survive, and, if neither parent is wholly dependent, but one or both partly dependent, fifteen per cent divided between them share and share alike.

5. To brothers or sisters under the age of eighteen years, if there is no surviving husband or wife, dependent children under the age of eighteen years or dependent parent, the following shall govern:

(a) If one of the brothers or sisters is wholly dependent upon the deceased employee for support at the time of injury causing death, twenty-five per cent of the average monthly wage until the age of eighteen years.

(b) If more than one brother or sister is wholly dependent, thirty-five per cent of the average monthly wage at the time of injury causing death, divided among such dependents share and share alike.

(c) If none of the brothers or sisters is wholly dependent, but one or more are partly dependent, fifteen per cent divided among such dependents share and share alike.

B. If the deceased employee leaves dependents only partially dependent upon his earnings for support at the time of the injury, the monthly compensation shall be equal to such proportion of the monthly payments for the benefit of persons totally dependent as the amount contributed by the employee to such partial dependents bears to the average wage of the deceased at the time of the injury resulting in his death. The duration of compensation to partial dependents shall be fixed by the commission in accordance with the facts shown, and in accordance with the provisions of section 23-1047, but shall in no case exceed compensation for one hundred months.

C. In the event of death of a dependent before expiration of the time named in the award, the funeral expenses of such person, not to exceed eight hundred dollars, shall be paid.

STATE PENSON BENEFITS



PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM (PSPRS) SUMMARY OF BENEFITS

Survivor Pension (A.R.S. §38-846)

The survivors of members, who die in service, or after retirement, are eligible for benefits as follows: No credited service requirement.

Death benefits

- A. The surviving spouse of a deceased retired member shall be paid a surviving spouse's pension if the spouse was married to the member for a period of at least two consecutive years at the time of the member's death. Payment of a surviving spouse's pension shall commence as of the last day of the month following the retired member's date of death. The last payment shall be made as of the last day of the month in which the surviving spouse's death occurs.
- B. The surviving spouse of a deceased member shall be paid a surviving spouse's pension if the spouse was married to the member on the date of the member's death. Payment of a surviving spouse's pension commences as of the last day of the month following the member's date of death. The last payment shall be made as of the last day of the month in which the surviving spouse's death occurs.
- C. **The surviving spouse of a deceased retired member is entitled to receive a monthly amount equal to four-fifths of the monthly amount of pension that the decedent would have received immediately before death.**
- D. The surviving spouse of a deceased member who was not killed in the line of duty or did not die from injuries suffered in the line of duty is entitled to receive a monthly amount calculated in the same manner as an accidental disability pension is calculated pursuant to section 38-845, subsection B. **The surviving spouse of a deceased member who is killed in the line of duty or dies from injuries suffered in the line of duty is entitled to receive a monthly amount equal to the deceased member's average monthly benefit compensation less any amount payable for an eligible child under this section.** A member who was eligible for or receiving a temporary disability pension at the time of the member's death is not deemed to be retired for the purposes of this subsection. For the purposes of this subsection, "killed in the line of duty" means the decedent's death was the direct and proximate result of the performance of the decedent's public safety duties and does not include suicide.
- E. A surviving spouse shall file a written application with the system in order to receive a survivor benefit.
- F. If at least one eligible child is surviving at the death of a member or retired member, but no surviving spouse's pension then becomes payable, a guardian's or conservator's pension



shall be payable to the person who is serving, or who is deemed by the local board to be serving, as the legally appointed guardian or custodian of the eligible child. If an eligible child of a member or retired member is surviving at the member's or retired member's death, the eligible child is entitled to receive a child's pension payable to the person who is serving or who is deemed by the local board to be serving as the legally appointed guardian or custodian of the eligible child. A child's pension or a guardian's or conservator's pension terminates if the child is adopted. In the case of a disabled child, the child's pension or the guardian's or conservator's pension terminates if the child ceases to be under a disability or ceases to be a dependent of the surviving spouse or guardian. The member may also direct by designation to the local board that the guardian or conservator pension or child's pension be paid to the trustee of a trust created for the benefit of the eligible child. A guardian's or conservator's pension shall also become payable if at least one eligible child is surviving when a surviving spouse's pension terminates. The guardian or conservator shall file a written application with the system in order to receive the guardian's or conservator's pension and child's pension.

- G. The board shall pay a guardian's or conservator's pension during the same period in which a pension is payable to at least one eligible child. The guardian, conservator or designated trustee is entitled to receive the same monthly amount as would have been payable to the decedent's surviving spouse had a surviving spouse's pension become payable on the decedent's death.
- H. **Each eligible child is entitled to a monthly amount equal to one-tenth of the monthly amount of pension that the deceased member or retired member would have received immediately before death.** The pension for a child of a deceased member shall be calculated in the same manner as an accidental disability is calculated pursuant to section 38-845, subsection B. A deceased member shall be assumed to be retired for reasons of accidental disability immediately before the member's death. **If there are three or more children eligible for a child's pension, a maximum of two shares of the child's pension shall be payable, the aggregate of such shares to be apportioned in equal measure to each eligible child.**
- I. **If a member has accumulated contributions remaining in the system at the date of death of the last beneficiary, a lump sum refund of such accumulated contributions shall be payable to the person whom the member has designated as the member's refund beneficiary, or if the member's refund beneficiary is not then surviving, to the designated contingent refund beneficiary, or if the designated contingent refund beneficiary is not then surviving, to such person nearest of kin as selected by the local board.** The amount of the lump sum refund shall be the remaining accumulated contributions. The beneficiary or person who is selected as nearest of kin shall file a written application in order to receive the refund.
- J. In calculating the right to and the amount of the surviving spouse's pension, the law in effect on the date of the death of the member or retired member controls, unless the law under which the member retired provides for a greater benefit amount for a surviving spouse.



STATE TAXATION OF PSPRS BENEFITS (A.R.S. §38-852 and §43-1022)

[38-852. Taxation of benefits; exemption of contributions and securities](#)

The employer contributions and the securities in the several funds provided for in this article shall be exempt from state, county and municipal taxes. Employee and employer contributions that are withdrawn from the system after December 31, 1974 by a public officer or employee from the accounts of the system and not received as benefits there from and benefits, annuities and pensions received by a public officer or employee from the system after December 31, 1988 shall be subject to tax pursuant to title 43.

Contact the Public Safety Personnel Retirement System of the State of Arizona, 3010 E. Camelback Rd, Ste 200, Phoenix, Arizona 85016, Phone: (602) 255-5575, Fax: (602) 255-5572

REMARRIAGE CLAUSE Section 38-846.03

[Reinstatement of surviving spouse's pension](#)

- A. A surviving spouse whose pension was terminated by reason of remarriage is entitled to reinstatement of the surviving spouse's pension if the surviving spouse is otherwise qualified for a surviving spouse's pension and applies for reinstatement with the public safety personnel retirement system and no other person is currently receiving a guardian's or conservator's pension for an eligible child of the member or retired member. The level of pension payments shall be that amount which was received by the surviving spouse at the date the surviving spouse's pension was terminated, adjusted to reflect ad hoc and scheduled increases from the date of termination to the date of reinstatement.
- B. A surviving spouse who is receiving a guardian's or conservator's pension by reason of remarriage and who is otherwise eligible may apply for reinstatement of a surviving spouse's pension. If the surviving spouse's pension becomes payable the guardian's or conservator's pension is terminated.
- C. Reinstated surviving spouse's pensions are not retroactive. Payment of a reinstated surviving spouse's pension shall commence as of the first day of the month following receipt by the public safety personnel retirement system of a properly executed written application for reinstatement from the surviving spouse.

Contact the Public Safety Personnel Retirement System of the State of Arizona, 3010 E. Camelback Rd, Ste 200, Phoenix, Arizona 85016, Phone: (602) 255-5575, Fax: (602) 255-5572.

EDUCATIONAL BENEFITS 15-1808.

[Tuition waiver for child or spouse of peace officer, correctional officer, fire fighter, emergency paramedic, national guard member or member of the United States armed forces killed in the line of duty; disabled national guard member; disabled United States armed forces member; definitions](#)



- A. The board of regents, after verification by the Arizona peace officers memorial board, by the Arizona fire fighters and emergency paramedics memorial board, by the adjutant general of the national guard or by the Arizona department of veterans' services that a person is a child or a spouse of a peace officer, correctional officer, fire fighter, emergency paramedic, national guard member or member of the United States armed forces who was a resident of the state of Arizona or stationed in Arizona and who was killed in the line of duty or who died from injuries suffered in the line of duty while traveling to or from duty, shall provide the person who qualifies under subsection B of this section and who otherwise meets the qualifications for admission with a tuition waiver scholarship at any university under the jurisdiction of the board. A district as defined in section 15-1401, after verification by the Arizona peace officers memorial board, by the Arizona fire fighters and emergency paramedics memorial board, by the adjutant general of the national guard or by the Arizona department of veterans' services that a person is the child or the spouse of a peace officer, correctional officer, fire fighter, emergency paramedic, national guard member or member of the United States armed forces who was a resident of Arizona or stationed in Arizona and who was killed in the line of duty or who died from injuries suffered in the line of duty while traveling to or from duty, shall provide the person who qualifies under subsection B of this section and who otherwise meets the qualifications for admission with a tuition waiver scholarship at any community college under the jurisdiction of the district.
- B. The tuition waiver scholarships shall be limited to children who are thirty years of age or younger or a spouse who has not remarried and shall be limited for a spouse or for any one child to no more than sixty-four credit hours at Arizona community colleges and a total number of credits including any transfer credits from an Arizona community college equal to the number of credits required for a baccalaureate degree at Arizona universities for that student's initially declared course of study.
- C. A member of the Arizona national guard who received a purple heart citation on or after September 11, 2001 or a former member of the Arizona national guard who was medically discharged from the Arizona national guard due to an injury or disability suffered during status under title 10, United States Code, in weekend training status, in annual training status or in response to a state of emergency declared by the governor is eligible for a tuition waiver scholarship provided for in this section.
- D. The board of regents, after verification by the Arizona department of veterans' services that a person is a member or former member of the United States armed forces who received a purple heart citation, who was a resident of the state of Arizona or was stationed in Arizona at the time of the injury that resulted in the purple heart citation and whose disability rating determined by the United States department of veterans affairs is fifty per cent or more, shall provide the person who otherwise meets the qualifications for admission with a tuition waiver scholarship at any university under the jurisdiction of the board. A district as defined in section 15-1401, after verification by the Arizona department of veterans' services that a person is a member or former member of the United States armed forces who received a purple heart citation, who was a resident of the state of Arizona or was stationed in Arizona at the time of the injury that resulted in the purple heart citation and whose disability rating



determined by the United States department of veterans affairs is fifty per cent or more, shall provide the person who otherwise meets the qualifications for admission with a tuition waiver scholarship at any community college under the jurisdiction of the district. A person who is convicted of a felony is ineligible for a tuition waiver scholarship provided for in this subsection.

E. For the purposes of this section:

1. "Correctional officer" means a person, other than an elected official, who is employed by this state or a county, city or town and who is responsible for the supervision, protection, care, custody or control of inmates in a state, county or municipal correctional institution, including counselors but excluding secretarial, clerical and professionally trained personnel.
2. "Emergency paramedic" means a person who has been trained in an emergency paramedic training program certified by the director of the department of health services or in an equivalent training program and who is certified by the director of the department of health services to render services pursuant to section 36-2205.
3. "Fire fighter" means a professional fire fighter who is a member of a state, federal, tribal, city, county, district or private fire department.
4. "Peace officers" means sheriffs of counties, constables, marshals, police officers of cities and towns, commissioned personnel of the department of public safety and police officers appointed by community college district governing boards or the Arizona board of regents who have received a certificate from the Arizona peace officer standards and training board, and other state, federal, tribal, city or county officers vested by law with a duty to maintain public order and make arrests.

Information on Arizona educational benefits for children and spouses may be obtained by contacting Arizona Peace Officers Memorial Board, 1275 West Washington, Phoenix, AZ 85007, (602)542-8410, or (602)542-4266.

HEALTH INSURANCE PREMIUM SUBSIDY (A.R.S. §38-651, §38-857)

38-651. [Expenditure of monies for health and accident insurance; definition](#)

- A. The department of administration may expend public monies appropriated for such purpose to procure health and accident coverage for full-time officers and employees of this state and its departments and agencies. **The department of administration may adopt rules that provide that if an employee dies while the employee's surviving spouse's health insurance is in force, the surviving spouse is entitled to no more than thirty-six months of extended coverage at one hundred two per cent of the group rates by paying the premiums.** Except as provided by section 38-1103, no public monies may be expended to pay all or any part of the premium of health insurance continued in force by the surviving spouse. The department of administration shall seek a variety of plans, including indemnity health insurance, hospital and medical service plans, dental plans and health maintenance organizations.



38-1103. Health insurance payments for spouse or dependents of law enforcement officer killed in the line of duty; definition (also known as the "Harrowle's Law"); effective date retroactive to December 31, 2009.

- A. Notwithstanding any other law, the surviving spouse of a deceased law enforcement officer is entitled to receive payments for health insurance premiums from public monies of the employer of the law enforcement officer for the first year after the death of the law enforcement officer if:
 - 1. The law enforcement officer was killed in the line of duty or died from injuries suffered in the line of duty.
 - 2. The law enforcement officer was enrolled in the employer's health insurance plan at the time of death.
 - 3. The surviving spouse is entitled to continue to participate in the employer's health insurance plan.
- B. This section applies to the dependents of the deceased law enforcement officer if the dependents were enrolled in the employer's health insurance plan at the time of the law enforcement officer's death.
- C. Payments shall be reduced for monies paid for health insurance premiums for the surviving spouse or dependents of the surviving spouse from the retirement plan from which the surviving spouse is receiving benefits.
- D. For the purposes of this section, "law enforcement officer" means:
 - 1. A peace officer who is certified by the Arizona peace officers standards and training board.
 - 2. A detention officer or corrections officer who is employed by this state or a political subdivision of this state.
 - 3. A probation officer or surveillance officer who is employed by this state or a political subdivision of this state.

38-857. Group health and accident coverage for retired members; payment

- A. The board shall pay part of the single coverage premium of any group health and accident insurance for each retired member **or survivor** of the system who receives a pension and who has elected to participate in the coverage provided by section 38-651.01 or 38-782 or any other health and accident insurance coverage provided or administered by a participating employer of the system. The board shall pay up to:
 - 1. One hundred fifty dollars per month for each retired member or survivor of the system who is not eligible for medicare.
 - 2. One hundred dollars per month for each retired member or survivor of the system who is eligible for medicare.
- B. The board shall pay from assets of the fund part of the family coverage premium of any group health and accident insurance each month for a benefit recipient who elects family coverage and otherwise qualifies for payment pursuant to subsection A of this section. The board shall pay up to:

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1. Two hundred sixty dollars per month if the retired member or survivor of the system and one or more dependents are not eligible for medicare.
2. One hundred seventy dollars per month if the retired member or survivor of the system and one or more dependents are eligible for medicare.
3. Two hundred fifteen dollars per month if either:
 - (a) The retired member or survivor of the system is not eligible for medicare and one or more dependents are eligible for medicare.
 - (b) The retired member or survivor of the system is eligible for medicare and one or more dependents are not eligible for medicare.
- C. The board shall not pay from assets of the fund more than the amount prescribed in this section for a benefit recipient as a member or survivor of the system.
- D. This section does not apply to a retired member or survivor of the system who is reemployed by this state or a political subdivision of this state and who participates in coverage provided by this state or a political subdivision of this state as an active employee.
- E. A retired member or survivor of the system may elect to purchase individual health care coverage and receive a payment pursuant to this section through the retired member's employer if that employer assumes the administrative functions associated with the payment, including verification that the payment is used to pay for health insurance coverage if the payment is made to the retired member or survivor of the system.

For PSPRS retirees or survivors who have elected group health and accident insurance coverage provided and administered by this state or another PSPRS employer, the PSPRS will pay up to the following amounts:

The monthly premiums shown in the charts on the preceding page are the full cost for the coverage(s). The Arizona State Retirement System, Public Safety Personnel Retirement System, Elected Officials Retirement Plan, and Corrections Officer Retirement Plan will provide payment toward insurance premiums for eligible members and their dependents. The charts below reflect maximum monthly subsidy amounts available for eligible members and their dependents.

Years of Credited Service	<u>MEMBER ONLY</u>		<u>MEMBER AND DEPENDENT(S)</u>		
	NOT MEDICARE ELIGIBLE	MEDICARE ELIGIBLE	ALL NOT MED. ELIGIBLE	ALL MED. ELIGIBLE	ONE WITH MEDICARE
Public Safety Personnel Retirement System (PSPRS)					
not applicable	\$150.00	\$100.00	\$260.00	\$170.00	\$ 215.00

WORKERS' COMPENSATION:

Workers' compensation is a "no fault" system in which injured workers receive medical and compensation benefits no matter who causes the job-related accident. If an illness or injury is job-related, the injured worker (also known as a claimant or applicant) receives medical benefits

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and may receive temporary compensation, if eligibility requirements are met. In some cases, a claimant may also receive permanent compensation benefits and "job retraining." Workers' Compensation coverage is compulsory for employers in Arizona; however, waivers are permitted.

23-1021.01. Peace officers; fire fighters; employment status

- A. A peace officer or fire fighter as defined in section 1-215 who is injured or killed while traveling directly to or from work as a peace officer shall be considered in the course and scope of employment solely for the purposes of eligibility for workers' compensation benefits, provided that the peace officer or fire fighter is not engaged in criminal activity.
- B. Nothing in this section shall create any liability on the part of the peace officer's or fire fighter's employer for any civil damages occurring through the peace officer's or fire fighter's negligent or intentional conduct while traveling to or from work as a peace officer.

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 Industrial Commission, 800 W. Washington Street, Phoenix, AZ 8500772922, telephone (602) 542-4661. Arizona's State Compensation Fund oversees Workers' Compensation in the State. This office can be reached at (800)231-1363 or (602)631-2300.

For specific information on pension or worker's compensation benefits, the survivor should contact the agency for whom the officer worked at the time of his death. For tuition waiver or Memorial information, the survivors should contact the Attorney General's Office as listed above. For private organizations, they should contact the organizations directly. They might also check with other fraternal or labor organization that is appropriate for further information on benefits.

PERSONAL LIFE POLICY - INTESTATE

Uniform Probate Code (but not 1977 or later amendments) adopted (14-1101 et seq.) with following exceptions:

Surviving Spouse takes the following:

- 1. If intestate left issue, one or more of whom are not issue of surviving spouse also, one-half of intestate separate property and no interest in decedent's one-half of community property;
- 2. If no surviving issue or issue all of whom are issue of surviving spouse also, entire intestate estate (14-21 02).

LINE-OF-DUTY DEATH DETERMINATION:

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The definition of line-of-duty death may be defined a little differently for each type of benefit. Although each type of benefit varies, they are very similar. For instance, the Peace Officer Memorial Board, which oversees the tuition waiver process as well as the placing of the names on the Memorial itself, tend to have a broad view of who should receive worker's compensation. Heart problems are always a difficult area to determine. Each case is decided on its own facts. The heart attack must be shown to be related to the job in some manner.

ADDITIONAL BENEFITS:

PEER SUPPORT ORGANIZATIONS:

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.**

THE 100 CLUB OF ARIZONA

The 100 Club of Arizona provides financial assistance to officers and firefighters killed in the line of duty in the state of Arizona, including city, county, state, federal & tribal agencies. The 100 Club provides a one-time death benefit of \$10,000 and up to \$7,000 for officers or firefighters seriously injured in the line of duty. The 100 Club additionally acts as a support organization and a clearinghouse for helpful information.

Contact your agency's Benefits Assistance Officer for help with these benefits. Or contact Sharon Knutson-Felix, Executive Director, 100 Club of Arizona, 5033 N 19th. Ave. Suite 123 • Phoenix, AZ 85015 • Phone: (602) 485-0100; • Tucson: (520) 248-7626; • info@100club.org

The Arizona State FOP pays \$1,000 to the beneficiary of an FOP member. They also give the family a Bible. The FOP can be reached at (602)881-4244.

There are two programs that are coordinated in the office of the Arizona Criminal Justice Commission. They are The Crime Victim Assistance Program and the Crime Victim Compensation Program. These Programs are established by A.C.J.C. Rules. Survivors should initially contact A.C.J.C. at the State level. They will likely be referred to a county level organization charged with implementing the programs locally. The telephone number is (602) 542-1928.

The Wesley Bolin Memorial Plaza is located at 1700 West Washington, Phoenix, AZ, adjacent to the Arizona State Capitol.