



STATE OF ILLINOIS

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

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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 Division of Vital Statistics, 605 W. Jefferson Street, Springfield, IL 62702-5097, phone (217) 782-6553.

SURVIVOR COMPENSATION

\$320,165.72 award benefit pursuant to the Law Enforcement Officers, Civil Defense Workers, Civil Air Patrol Members, Paramedics and Firemen Compensation Act as amended in 1995. Pursuant to Illinois Pension Code, *municipalities may provide* an allowance **not to exceed \$15,000** to officer's beneficiaries. This benefit is adjusted for cost of living on January 1 of each year. The current figure is valid as of 1/1/2011. Allow 4-8 weeks for the benefit to be processed.

The surviving beneficiary of any State or local governmental law enforcement or public safety officer who is killed in the line of duty may, within one year, **make a claim to the Illinois Court of Claims for the Survivor Compensation.**

The benefit is payable to a designated beneficiary, or if none has been designated to survivors in the following order: (1) spouse, (2) children, (3) parents, (4) siblings or children of siblings. **If there are no such persons, no compensation is payable.**

Additionally, a **burial benefit** of up to a maximum of **\$10,000** is payable to the surviving spouse or estate of a law enforcement officer who is killed in the line of duty on or after January 1, 1999. This benefit is only paid when the family pays for the funeral/burial expenses. It is not paid to municipalities as reimbursement for expenses.

An Application for benefits and a Statement of Supervising Officer must be filed with the Court of Claims, 630 South College Street, Springfield, IL 62756, within one year of the date of death. Forms for both the application and statement are available from the Court of Claims Administrative Office (877) 411-2570.

Documentation accompanying the claim should include the officer's signed Designated Beneficiary form, or if none, proof of the claimant's relationship, such as a marriage certificate or birth certificate.

POLICE AND FIREFIGHTERS PENSION



Police officers are covered by **several different pension plans**, depending upon the nature of the governmental entity which employs them. The following information will cover **most of the plans in Illinois**.

- (1) The **State Employees' Retirement System (SERS)** covers all State employees. The Pension and Death Section can be contacted at **(217) 782-7444**. Upon being provided with the name and Social Security number of the deceased member, the System will provide the survivor with all necessary forms and information. Documentation needed will include the marriage license, birth certificates of minor children, and the death certificate.

The member's accumulated contributions plus accrued interest are payable to the designated beneficiary or the estate of the deceased member as a lump sum. A basic pension benefit of **50% of the member's salary is payable to the surviving spouse for life, plus 15% of the salary for each minor child, until age 18, to a maximum total benefit of 75% of the member's salary**.

The pension benefit payable, however, **will be offset** by any Workers' Compensation payable, so that a surviving spouse may receive only Worker's Compensation during the **20 year period** for which it is paid. In this event, the SERS will pay a **minimum \$10 monthly benefit** and **will continue to provide insurance benefits**.

- (2) The **Illinois Municipal Retirement Fund** covers many sheriff's deputies and municipal police officers. Upon death resulting from injuries connected with a member's duties, the fund will pay the amount of the member's accumulated credits, plus interest thereon, plus an amount **equal to the member's annual rate of earnings**.

The surviving spouse or child may elect to receive this amount as a **lump sum or in the form of an annuity for life**, if the death benefit will provide an annuity provided by the death benefit will be determined by actuarial tables. **Alternatively**, if the member was entitled to a pension at the time of his death, the survivor may elect a regular survivor's pension.

Any annuity **will be offset** by Workers' Compensation for so long as such compensation is paid. *The lump sum payable, however, will not be offset.* Documentation necessary to make a claim will include:

- A. Marriage Certificate;
- B. Birth certificate of surviving spouse or other beneficiary;
- C. Death certificate;
- D. Notice of termination of employment (to certify employment at the



- time of death); and
- E. Application for benefit.

The application and Notice of Termination of Employment will be available **from the employer**. Additional information may be obtained from the **IMRF Benefits Department**.

- (3) Police Pension Funds and Firefighters Pension Funds are established by municipalities having **at least 5,000, but fewer than 500,000 inhabitants** and in any fire protection district having any full-time paid firefighters. Each such fund is administered by a board of trustees appointed within the municipality or fire protection district, so benefits and claims information should be readily available from the employing police or fire department.

The pension of the surviving spouse of a police officer who dies on or after January 1, 2001, without having begun to receive either a retirement pension payable under Section 3-111 or a disability pension payable under Section 3-114.1, 3-114.2, 3-114.3, or 3-114.6, and (iii) as a result of sickness, accident, or injury incurred in or resulting from the performance of an act of duty shall not be less than 100% of the salary attached to the rank held by the deceased police officer on the last day of service, notwithstanding any provision in this Article to the contrary. However, pension benefits **will be offset** by amounts paid by Workers' Compensation. *In lieu of a pension*, the officer's contributions may be refunded to the surviving spouse or other beneficiary in a lump sum.

- (4) A **Policemen's Annuity and Benefit Fund** and a Firefighter's Annuity and Benefit Fund is established in each city **with more than 500,000 inhabitants (currently, only the city of Chicago)**. The funds are administered by locally appointed Boards, and any benefits or claims information should be available from the city police and fire departments. **Contact: James Waters, Jr., 221 North LaSalle, Suite 701, Chicago, Illinois 60601 (312) 726-5823.**

State statutes require that the Funds provide a **\$12,000 death benefit for an officer who dies in the line of duty, in addition to a monthly pension amounting to 75% of the officer's salary at the time of death, but no less than \$400 per month**. The amounts may vary based on individual circumstances.

Under certain circumstances, a *refund of contributions* to the Fund is available.

- (5) A **County Employees' and Officers' Annuity and Benefit Fund** is established in each county having **more than 500,000 inhabitants**

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(currently, only Cook County qualifies). Deputy sheriffs under the County Police Merit Board are covered by this fund. The fund is administered by a board selected within the county. **Benefits and claims information will be available from the County Police Department. Contact John Fitzgerald, 118 N. Clark, Room 1072, Chicago, IL 60602 (312) 443-6535.**

Pension benefits payable to the surviving spouse or child of an officer killed in the line of duty *are based upon age and length of service*. If the amount so calculated is less than 60% of the officer's salary at the time of the injury, an additional compensation annuity is payable, so that the total annuity will equal **60% of the officer's salary**.

- (6) **City Provided Benefits** - Municipalities are authorized to provide a death benefit of **up to \$15,000** to the survivors of police officers or firefighters killed in the line of duty. Whether any municipality elects to do so *will be determined by ordinance or resolution of its corporate authorities*.

In addition, some cities or counties *may provide life insurance* for their employees, including police officers and firefighters. Some cities may also provide continuing health insurance benefits.

To learn whether such benefits are provided, inquiry should be made to the **employee benefits administrator** or other officers of the employing governmental entity.

- (7) **State Employees Group Life Insurance** - The State of Illinois provides basic life insurance for all employees, with optional additional coverage available. Basic coverage is in a principal amount **equal to the employee's annual salary**.

The policy principal will be payable to a **named beneficiary**, or if no beneficiary has been named, according to legal survivorship in the following order: (1) surviving spouse, (2) children, (3) parents, (4) siblings, (5) and the estate of the decedent.

Claims must be submitted through the employing agency or the retirement system in which the member is enrolled. A notarized copy of the death certificate must be submitted with the claim.

EDUCATIONAL BENEFITS

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The **children, under age 25, and the surviving spouse** of any police officer or firefighter killed in the line of duty while serving the State or any local public entity in Illinois are eligible to receive **a waiver of tuition and matriculation and registration fees for a total of 120 credit hours.**

This benefit is provided for attendance at state vocational-technical schools, public community colleges, and State universities, and may be either full-time or part-time.

Applications for benefits and additional information are available from the Illinois Student Assistance Commission at: 1755 Lake Crook Road, Deerfield, IL, 60015 (847) 948-8500 or 500 W. Monroe St., Springfield, IL 62704, (217) 782-6767. Authority: 110 ILCS 947/55.

HEALTH BENEFIT

The 1997 Regular Session of the Illinois Legislature enacted Public Act 90-535 also known as the Public Safety Employee Benefits Act.

Section 10. Required health coverage benefits.

- a) An employer who employs a full-time law enforcement, correctional, or correctional probation officer, or firefighter, who, on or after the effective date of this Act suffers a catastrophic injury or is killed in the line of duty shall pay the entire premium of the employer's health insurance plan for the injured employee, the injured employee's spouse, and for each dependent child of the injured employee until the child reaches the age of majority or until the end of the calendar year in which the child reaches the age of 25 if the child continues to be dependent for support or the child is a full-time or part-time student and is dependent for support. If the injured employee subsequently dies, the employer shall continue to pay the entire health insurance premium for the surviving spouse until remarried and for the dependent children under the conditions established in this section. However:
 - 1) Health insurance benefits payable from any other source shall reduce benefits payable under this section.
- b) In order for the law enforcement, correctional or correctional probation officer, firefighter, spouse, or dependent children to be eligible for insurance coverage under this Act, the injury or death must have occurred as the result of the officer's response to fresh pursuit, the officer or firefighter's response to what is reasonably believed to be an emergency, an unlawful act perpetrated by another, or during the investigation of a criminal act.



WORKERS' COMPENSATION

Workers' Compensation coverage is compulsory for employers in Illinois.

Workers' Compensation benefits are payable to the surviving spouse and dependents of any officer or firefighter who is killed in the line of duty. **Additional information may be obtained from the Illinois Industrial Commission, 100 W. Randolph Street, 8th Floor, Chicago, Illinois 60601, with which claims are to be filed. The Chairman's office can be reached at (312) 814-6555.**

Benefits available include:

- A. **\$4,200** funeral expense benefit;
- B. **All first aid, medical and hospital expenses** connected with the fatal injury;
- C. **66 2/3% of the deceased's average weekly wage** continuing weekly until:
 - *the surviving spouse is compensated for **20 years**.
 - *minor children **attain age 18** and leave school.
 - *minor children **attain age 23 while attending an accredited educational institution.**
 - *dependency of any **other dependent** (parent, collateral, grandchild) ends.

In order to file for benefits, the following documents will be needed:

- A. Marriage certificate;
- B. Certified copy of death certificate;
- C. Certified copy of minor child's birth certificate; and
- D. For other dependents, copies of tax returns showing claimed dependency.

Contact the State Industrial Commission, 100 W. Randolph Street, Room 8-200, Chicago, IL 60601, telephone (312) 814-6500.

PERSONAL LIFE INSURANCE BENEFITS

The existence of personal life insurance policies must be ascertained and claims filed by the family or named beneficiaries. **The policies themselves, the agents who sold them, or the insurance companies involved should provide information on the claims procedure.**

FRATERNAL ORGANIZATIONS

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The **Fraternal Order of Police, Illinois State Lodge** provides an accidental death and dismemberment insurance policy for all members with benefits for line of duty deaths. Members must be in good standing with the lodge to qualify for the benefit. The Illinois State Lodge can be contacted at: **4341 Acer Grove, Suite B, Springfield, IL 62711 or call 800-522-2677 (in Illinois) or 217-726-8880.**

The **Illinois Police Association** provides a **\$600 death benefit** for anyone who was an active member at the time of his or her death. **The Association can be contacted at 7508 North Avenue, Elmwood Park, IL 60635 (708) 452-8332.**

There are other fraternal or professional organizations serving law enforcement and public safety officers in different areas of the State and the nation. Any such organization of which the deceased officer was a member **should be contacted** and advised of the death, and inquiry should be made regarding any benefits which are available.

PERSONAL INSURANCE POLICY - INTESTATE

Descent and Distribution - Entire estate, both real and personal, of deceased resident, and real estate of deceased nonresident, where there is no surviving spouse (See subhead surviving spouse below), descends and is distributed as follows, each class of which a member is living taking to exclusion of subsequent classes: (1) descendants per stirpes; (2) parents, brothers and sisters equally, descendants of deceased brothers and sisters taking by representation and, if one parent be dead, surviving parent taking a double portion; (3) one-half to paternal grandparents or to survivor of them or to their descendants; (4) one-half to paternal great grandparents or to survivor of them or to their descendants per stirpes and one-half to maternal great grandparents in like fashion or, if only one set of great grandparents or descendants survive, entire estate to those great grandparents or descendants; and (5) nearest kindred of equal degree according to civil law rules, without representation. (110 1/2-2-1).

Surviving Spouse - For surviving spouse to renounce will, see 110 1/2-2-8; topic Wills, subhead Renunciation of Will. Surviving spouse takes one-half of entire estate if decedent left descendent and entire estate if no descendent. (110 1/2 -2-1).

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

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survivors nationwide. **Contact the COPS National Office or visit www.nationalcops.org/chap.htm for information on a chapter in your area.**

OTHER BENEFITS

Hundred Clubs (100 Clubs) - The business communities in the **counties of Cook, Will, Kankakee, Lake and Dupage** have organized Hundred Clubs to provide financial support to the survivors of law enforcement officers killed in the line of duty within their respective counties. Each organization is separately organized and operated pursuant to its own by-laws with respect to the level of benefits available. They can be contacted as follows:

The Hundred Club of Cook County
Mr. Ralph G. Scheu, President
20 Clark Street, Suite 2300
Chicago, IL 60602 (312) 346-3838

The Hundred Club of Will County, Inc.
Mr. Robert D. Shutts, President
58 North Chicago Street
Joliet, IL 60431 (815) 726-4741

The Hundred Club of Kankakee County
Mr. Donald Turner, President
970 E. Court Street
Kankakee, IL 60901 (815) 933-5529

The Hundred Club of Lake County
Mr. Dennis Mudd, Sr., President
P.O. Box 163
Libertyville, IL (708) 681-1700

The Hundred Club of Dupage County Inc.
Mr. Leonard P. Ponte, President
c/o LaSalle Bank of Lisle
4733 Main Street
Lisle, IL 60532 (708) 969-8100

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VETERANS ADMINISTRATION CONTACT:

In the event that the deceased officer was a veteran of the United States armed forces contact: **The Illinois Department of Veterans' Affairs, P.O. Box 19432, 833 South Spring Street, Springfield, IL 62794.**

For members in good standing of the PB&PA of IL

The death benefit is \$1,000.00 if the officer is 70 years of age or younger (\$500.00 if older). With an Accidental Death Claim, \$1,000.00 is added and if the death is line-of-duty, another \$1,000.00 is added. There is an additional clause that adds \$1,000.00 if the officer is killed in a car accident and it is verified that he/she had their seatbelt on. A certified death certificate and police report(if line-of-duty) is needed to begin the claim process. To file a claim, please contact: The PB&PA of IL, Attn: DianneGrey, 435 W. WashingtonStreet, Springfield, IL 62702, telephone (800) 303-4531x206.

STATE POLICE MEMORIAL

The **Illinois State Police Memorial** is located on the **southwest corner of the State Capitol lawn in Springfield, Illinois.**

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.