



STATE OF RHODE ISLAND

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 Department of Vital Statistics, 3 Capitol HI #101, Providence, RI 02908. (401) 222-2812.

STATE DEATH BENEFITS

One time death benefit – Death benefits to family of deceased police officers, correctional officers, and firefighters. – (a) If an active or retired police officer, capitol police officer, correctional officer, firefighter, crash rescue crew person, fire marshal, or deputy fire marshal of any city, town, fire district, or the state of Rhode Island or state sheriff or state deputy sheriff or a correctional officer or member of a volunteer auxiliary fire force or volunteer crash rescue or ambulance corps is killed or dies from injuries received while in the performance of his or her duties, there shall be paid a killed-in-line-of-duty benefit to be administered by the board of police officers and firefighter's relief. **The benefit shall be in the sum of forty percent (40%) of the federal death benefits for law enforcement officers and firefighters killed in the line of duty.** (\$127,244.00 as of Oct. 2010)The benefit shall be paid as follows:

- (1) If there is no surviving child of such officer, to the surviving spouse or domestic partner of such officer;
- (2) If there is a surviving child or children and a surviving spouse or domestic partner, one-half (1/2) to the surviving child or children of such officer in equal shares and one-half (1/2) to the surviving spouse or domestic partner;
- (3) If there is no surviving spouse or domestic partner, to the child or children of said officer in equal shares;
- (4) If there is no surviving spouse, domestic partner, or surviving child, to the individual designated by such officer as beneficiary under such officer's most recently executed life insurance policy; provided, that such individual survived such officer; or
- (5) If none of the above, to the parent or parents of such officer in equal shares.

(b) Domestic partners shall certify by affidavit to the board of police officer's and firefighter's relief that the: (1) partners are at least eighteen (18) years of age and mentally competent to contract; (2) partners are not married to anyone; (3) partners are not related by blood to a degree which would prohibit marriage in the state of Rhode Island; (4) partners reside together and have resided together for at least one year; (5) partners are financially



interdependent as evidenced by at least two (2) of the following: (i) domestic partnership agreement or relationship contract; (ii) joint mortgage or joint ownership of primary residence; (iii) two (2) of: (A) joint ownership of motor vehicle; (B) joint checking account; (C) joint credit account; (D) joint lease; and/or (iv) the domestic partner has been designated as a beneficiary for the deceased's will, retirement contract or life insurance.

STATE PENSION BENEFITS

45-19-4. Annuities to dependents of police officers dying as a result of service and appropriations to non-dependent parents of police officers dying as a result of service.

- (a) If an active or retired member of the police force of a city or town is killed or dies from injuries received while in the performance of his or her duty as a member, there shall be paid out of the Policeman's Relief Fund of Rhode Island to the following dependents of the deceased person, the following sums of money:
- (1) to the widow or widower an annuity **not exceeding three thousand six hundred dollars (\$3,600) a year**, payable in such regular installments as may be determined by the board and continuing as long as he or she **remains unmarried** and
 - (2) beginning at the time of the filing of the petition by the widow or widower for the annuity, an **additional annuity of twelve hundred dollars (\$1,200) a year**, payable in such regular installments as may be determined by the board, for **each child** of the deceased person during such time as the child is under the age of eighteen (18) years, or over the age and physically or mentally incapacitated from earning; and,
 - (3) if there is **any child and no widow or widower** or the widow or widower dies later, such sum and such annuity as would have been payable to the widow or widower had there been one or had he or she lived, to or for the benefit of the child or of the children, in equal shares, during the aforesaid time; and,
 - (4) if there is any child and the widow or widower **remarries**, in lieu of the aforesaid annuity to him or her, an annuity not exceeding **twelve hundred dollars (\$1,200) to or for the**



- (5) **benefit of each child** during the time aforesaid; and, if there is **no widow or widower and no child** the total sum of **ten thousand dollars (\$10,000) payable in a lump sum for the benefit of the father and/or mother** of the deceased, if **not dependent** upon him or her for support at the time of his or her death; and,
 - (6) if there is **no widow or widower and no child** the sum of **three thousand six hundred dollars (\$3,600)** payable in regular installments by the board of policemen's relief to or for the benefit of the **father or mother of the deceased, if dependent** upon him or her for support at the time of his or her death; and
 - (7) beginning at the time of filing of the petition as aforesaid and continuing so long as the beneficiary is unable to support himself or herself and **does not remarry**, an annuity **not exceeding three thousand six hundred dollars (\$3,600)** a year, payable in such regular installments as may be determined by the board. The amount of the annuity shall, from time to time, be determined within the limits aforesaid by the board.
- (b) For the purpose of this section the words "police officer" shall mean and include any active or retired member of the state police or the police of any city or town regularly employed at a **fixed salary or wage**.
 - (c) The provisions of this section shall apply in the case of any dependent receiving benefits in accordance with the provisions of this section **as it was in effect prior to April 25, 1960**.

WORKERS' COMPENSATION

Workers' Compensation coverage is compulsory for employers in Rhode Island.

Benefit is **75%** of employee's wage for surviving spouse only and **80%** for spouse with child(ren) with a **maximum weekly benefit of \$946**. Maximum burial allowance is **\$5,000**.

Spouse loses benefits **upon remarriage**. Children receive benefits until **age 18 or beyond age 18 if disabled, or until age 23 if full-time students**.

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

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any compensation. The determination as to whether the claim will be paid will be determined by the Workers' Compensation Appeals Board.

Contact The Rhode Island Department of Labor and Training, Division of Workers Compensation, 1511 Pontiac AVE BLDG 71-1, PO Box 20190, Cranston, RI 02920. (401) 462-8100.

EDUCATION BENEFITS

Tuition is paid for child(ren) attending any college or university operated by the **State of Rhode Island**. Child shall have entered the institution while between the **ages of 16 and 21**.

HEALTH BENEFITS

Check with your local police department to find out what insurance plan you are eligible to receive health benefits from.

PERSONAL LIFE POLICIES

Descent and Distribution: Subject to **rights of the surviving spouse**, if any real and personal estate not disposed of by will descends and is distributed as follows, each class taking to exclusion of subsequent classes:

- (1) children and/or descendants of deceased children;
- (2) parents equally or all to surviving parent;
- (3) brothers and sisters and/or decedents of deceased brothers and sisters and/or descendants of deceased brothers or sisters;
- (4) in equal moieties to more remote paternal and maternal kindred, each in the following course:
 - (a) grandparents equally or all to surviving grandparent;
 - (b) uncles and aunts and/or descendants of deceased greatuncles or greataunts and/or descendants of deceased uncles or aunts;
 - (c) greatgrandparents equally or all to surviving greatgrandparents;
 - (d) greatuncles and greataunts and/or descendants of deceased greatuncles or greataunts. If there be no maternal or paternal kindred on the one part, the whole goes to the

other part, and if none on either part, the whole goes to his or her kindred in like course as if such husband or wife had survived the intestate and then died entitled to the estate.

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Descendants of persons who would have inherited if living take always per stirpes.

Surviving spouse takes life estate in all realty. If any estate, real or personal, is devised or bequeathed to surviving spouse, such devise or bequest shall bar life estate unless surviving spouse, within six months after date of first publication of qualifications of fiduciary spouse, files in probate court written statement waiving devise and bequest and claiming his or her life estate in real estate of decedent. If intestate left no issue, probate court, on application within six months from date of first publication of notice of qualification of administrator, may also allow or set off in fee to surviving spouse **real estate not exceeding \$75,000** in value. Surviving spouse takes **one-half** of personalty not bequeathed if decedent left issue otherwise **first \$50,000 in value and one half of remainder**.

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 for information on a chapter in your area.**

ADDITIONAL BENEFITS

Check with your **local F.O.P.** to see what benefits may be available to surviving dependents.

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.