



STATE OF NEW JERSEY

DEATH BENEFITS

To obtain certified copies of registered personal documents, contact the Bureau of Vital Statistics, CN 370, Trenton, NJ 08625, phone (609) 292-4087.

STATE DEATH BENEFITS

No one-time state death benefit is currently available.

STATE PENSION BENEFITS

Generally, death and disability benefits for law enforcement officers in New Jersey are funded by the **pension system to which the officer belongs**. Most state, county, and municipal law enforcement officers are members of the **Police and Firemen's Retirement System**. Some state, county and municipal law enforcement officers are members of the **Public Employees' Retirement System**. State troopers belong to the **State Police Retirement System**. All three pension systems are administered by the **Division of Pensions in the Department of the Treasury**. The total amount of benefits will depend on the **officer's salary** at the time of death or disability. Health benefits are the subject of **collective bargaining** between the officer and his/her employer.

N.J.S.A. 43:16A-9 and 10 apply to full-time law enforcement officers who are members of the Police and Firemen's Retirement System. Death in service; allowance to beneficiary; death benefits; death within or after 30 days of retirement.

- (1) Upon receipt of proper proof of the death of a member in active service on account of which no accidental death benefit is payable there shall be paid to such member's beneficiary:
 - (a) The member's aggregate contribution at the time of death and
 - (b) An amount equal to 3 times the compensation upon which contributions by the member to the annuity savings fund were based in the last year of creditable service.

43:16A-10. Accidental death benefit; report; benefits payable.

1. Upon the death of a member in active service as a result of an accident met in the actual performance of duty at some definite time and place, and such death was not the result of the member's willful negligence, and accidental death



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benefit shall be payable if a report of the accident is **filed in the office of the retirement system within 60 days next following the accident**, but the board of trustees may waive such time limit, for a reasonable period, if in the judgment of the board the circumstances warrant such action. No such application shall be valid or acted upon unless it is filed in the office of the retirement system within **five years** of the date of such death.

2. Upon the receipt of proper proofs of the death of a member on account of which an accidental death benefit is payable, there shall be paid to his/her widow(er) a pension of **70% of the compensation**, upon which contributions by the member to the annuity savings fund were based in the last year of creditable service, for the use of herself or himself and the children of the deceased member; **if there is no surviving widow or widower** or in case the widow or widower dies, 20% of such compensation will be payable to one surviving child, 35% of such compensation to two surviving children in equal shares and if there be three or more children, 50% of such compensation will be payable to such children in equal shares. Note: the surviving widows and widowers collecting from the *Public Employees' Retirement System* collect their pension until death or **remarriage**.
3. If there is no surviving widow, widower or child, 25% of the compensation upon which contributions by the member to the annuity savings fund were based in the last year of creditable service, will be payable to one surviving dependent parent or 40% of such compensation will be payable to **two surviving parents in equal shares**.
4. In the event of accidental death occurring **in the first year** of creditable service, the benefits, payable pursuant to this subsection, shall be computed at the **annual rate of compensation**.
5. **If there is no surviving widow, widower, child or dependent parent**, there shall be paid to any other beneficiary of the deceased member, his **aggregate contributions** at the time of death.
6. In no case shall the death benefit provided in subsection (2) be less than that provided under subsection (3).
7. In addition to the foregoing benefits payable under subsection (2) or (3), there shall also be paid in one sum to such beneficiary, if living, as the member shall have nominated **by written designation** duly executed and filed with the retirement system, otherwise to the executor or administrator of the member's estate, an amount equal to **3 1/2 times the compensation** upon which



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contribution by the member to the annuity savings fund were based in the last year of creditable service.

8. In addition to the foregoing benefits, the State shall pay to the member's employer-sponsored health insurance program **all health insurance premiums** for the coverage of the member's surviving widow or widower and dependent children.

Death benefits if no accidental death benefit payable.

1. Upon the receipt of proper proofs of the death in active service of a member of the retirement system on account of which no accidental death benefit is payable, there shall be paid to the surviving spouse a pension of **50% of final compensation** for the use of that spouse and children of the deceased, to continue for so long as the person qualifies as a "surviving spouse" for the purposes of this act; if there is no surviving spouse or in case the spouse dies or remarries, **20% of final compensation will be payable to one surviving child, 35% of final compensation to two surviving children in equal shares and if there be three or more children, 50% of final compensation will be payable to such children in equal shares.**
2. In the event of death occurring **in the first year of creditable service**, the benefits, payable pursuant to this subsection, shall be computed at the **annual rate of compensation.**
3. If there is no surviving spouse or child, **25% of final compensation will be payable to one surviving parent or 40% of final compensation will be payable to two surviving parents in equal shares.**
4. If there is no surviving spouse, child or parent, there shall be paid to any other beneficiary of the deceased member his **aggregate contributions** at the time of death.

Line of duty death pensions do not need to be reported as income with annual tax returns; this income is considered tax exempt. Check with your accountant.

EDUCATION BENEFITS

18A:71-77

Any child or surviving spouse of a member or officer of a New Jersey volunteer fire company, volunteer first aid or rescue squad or municipal fire, police, county police, park police department, State Fire Service, or of the Division of State Police, or of a permanent, active and full-time officer employee of the state of New Jersey, upon such child or surviving



spouse being accepted to pursue a course of undergraduate study in any public institution of higher education of this State, as enumerated in N.J.S. 18A:62- 1, shall, while enrolled as an undergraduate student in good standing at such college, **have his tuition paid by the State**; or upon that child or surviving spouse being accepted to pursue a course of undergraduate study at any independent college or university located in the State, shall, while enrolled as an undergraduate student in good standing at that college or university, have that part of his tuition which is not more than the highest tuition charged at the public institutions of higher education of this State, enumerated in N.J.S. 18A:62-1, paid by the state. **Other than natural children must be legally adopted by the officer to qualify for this benefit.**

Eligibility for this program shall be limited to a period of **8 years from the date of death** of the member, officer or worker, in the case of a **surviving spouse**, and **8 years following graduation from high school in the case of a child**, pursuant to Rules and Regulations established by the Student Assistance Board.

Contact the State of New Jersey, Department of Law and Public Safety, Division of Criminal Justice, Richard J. Hughes Justice Complex, 25 Market Street, Trenton, NJ 08625-0085, (609) 984-6500.

HEALTH BENEFITS

Premiums are paid by the State for coverage of the member's surviving spouse and surviving children under the *Police and Firemen's Retirement System* or the *State Police Retirement System*. Actual health benefits depend on the department's health plan. The *Public Employees' Retirement System* offers **NO** health benefits for survivors. Check with your agency's Benefits Assistance Officer.

WORKERS' COMPENSATION

Workers' Compensation coverage is elective for employers in New Jersey, though no employer has elected to be out from under the workers' compensation statute.

The employer is obligated to pay medical expenses and compensation for disability or death. The payment of indemnity is designated to take the place of wages (wage replacement) but, **in no case** will it equal or exceed the amount of wages the claimant received while working. The statute provides for payment of **70%** of the employee's wage for one or more dependents.

Compensation for death - When an injured employee dies as a result of a work related accident, the dependents are entitled to receive a benefit of **(1) \$3,500** towards the cost of burial; **(2) payments of the compensation benefits** set forth in the statute to persons defined



as dependents. Dependent by definition includes any or all of the following: husband, wife, parents, stepparents, grandparents, children, stepchildren, legally adopted children, illegitimate children, brothers, sisters, half brothers, half sisters, nieces and nephews. **Supplemental benefits for death are subject to Social Security, black lung, or disability pension benefit offsets.**

Should the surviving spouse of a deceased employee **remarry** during such period and before the total compensation is paid, the spouse shall be entitled to receive the remainder of the compensation which would have been due the spouse had the spouse not remarried, or **100 times the amount of weekly compensation** paid immediately preceding the remarriage, whichever is the lesser. If the spouse does not remarry, this benefit will **continue until death**. Worker's Compensation benefits are considered non-taxable income. Children receive benefits **until age 18 or beyond age 18 if disabled**.

Contact the Division of Workers' Compensation, New Jersey Department of Labor, CN 381, Trenton, NJ 08625-0381, telephone (609) 292-2414.

PERSONAL LIFE POLICIES

Real and personal estate not effectively disposed of by will **passes to heirs** under certain circumstances. **Debt** owed by heir to decedent charged **only** against intestate share of heir or heir's issue.

Intestate share of surviving spouse is: **(1)** If no surviving issue or parent, entire intestate estate; **(2)** if no surviving issue but surviving parent, first \$50,000 plus 1/2 of intestate estate balance; **(3)** if surviving issue who are all issue of surviving spouse, first \$50,000 plus 1/2 of intestate estate balance; **(4)** if surviving issue who are not all issue of surviving spouse, 1/2 of intestate estate.

Part of intestate estate not passing to surviving spouse or entire intestate estate if no surviving spouse passes: **(1)** To issue of decedent, **(2)** if no surviving issue, to parents equally; **(3)** if no surviving issue, parent or issue of parent, but surviving grandparents; **(a)** one half each to surviving paternal and maternal grandparent and deceased, **(b)** one half to surviving grandparents and one half to surviving issue of deceased grandparents by representation, **(4)** if only maternal or paternal grandparents survive and no issue of deceased grandparents survive, entire intestate estate equally to surviving grandparents; **(5)** if no surviving issue, parent, issue of parent or grandparent, to surviving issue of grandparent (same degree take equally, more remote degree take by representation).

Person must survive decedent by **120 hours** to inherit unless intestate estate would otherwise escheat to State of New Jersey.



Surviving spouse not provided for in **will executed after August 31, 1978**, before marriage receives intestate share unless omission from will was intentional or provision was made outside of will in lieu of testamentary provision.

Surviving child not provided for in **will executed after August 1, 1978**, before marriage receives intestate share unless omission from will was intentional or provision was made outside of will in lieu of testamentary provision.

Surviving child not provided for in **will executed prior to child's birth or adoption** receives intestate share unless: **(1)** Omission from will was intentional; **(2)** other children alive when will executed and estate devised to other parent of omitted child **(3)** provision for child outside will in lieu of testamentary provision. Living child omitted because believed dead receives intestate share.

Surviving spouse takes as indicated above. **Effective May 28, 1990**, dower and curtesy are abolished as to real property acquired subsequent to that date.

ADDITIONAL BENEFITS

Peer Support

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.**

200 Clubs

200 Clubs function in most counties of New Jersey. These groups, composed mostly of business people in the county, provide interim financial aid for the surviving family. Members of these organizations usually wish to remain anonymous, but a representative will be in contact with the family within 48-72 hours of a line-of-duty death. To see if there is a 200 Club in your county, you can contact **Mrs. Madeline Neumann at 5941 Scranton Avenue, Mays Landing, NJ 08330 or (609) 625-1024.**

New Jersey has established a memorial for law enforcement officers killed in the line of duty. This memorial is located at the **Hughes Justice Complex in Trenton, New Jersey.**