COLORADO

DEATH BENEFITS AVAILABLE TO THE SURVIVING FAMILIES
OF LAW ENFORCEMENT OFFICERS WHO HAVE DIED IN THE LINE OF DUTY

STATE DEATH BENEFITS
Currently, there is no one time state death benefit.

EDUCATION BENEFITS
The legislation authorizing the Colorado Dependent Tuition Assistance Program (DTAP) is designed to support dependents studying at Colorado’s public institutions of higher education. While limited benefits are available at private institutions and out-of-state institutions, students must attend a Colorado public institution in order to receive full tuition and room and board benefits.

Under current law, dependent’s benefits are determined by the type of qualifying institution attended.

1. Colorado public institution: If the dependent attends a Colorado public residential institution, the dependent is eligible for tuition and the actual cost of on-campus, double-occupancy room and board. If dependent elects to live off-campus there is no reimbursement for room and board. If the dependent attends a Colorado public, non-residential institution and does not live at home, dependent is eligible for tuition plus a $1,000 per semester stipend.

2. Eligible Colorado non-public institution: If the dependent attends a Colorado non-public institution, the dependent is eligible for tuition not to exceed the average tuition charged at a comparable Colorado public institution and room and board charges which are not to exceed the average cost of room and board of a comparable Colorado public institution. If dependent attends an eligible Colorado non-public, non-residential institution and does not live at home, dependent is eligible for tuition (as described above) plus a $1,000 per semester stipend.

3. Out-of-state, 4-year institution: dependents are eligible for tuition benefits only, which are not to exceed the cost of tuition at a comparable Colorado public institution calculated for a full-time equivalent student for the previous year, or the actual costs, whichever is less.

Eligible dependents must enroll before the age of 22, maintain a minimum cumulative 2.5 GPA, and complete the Free Application for Federal Student Aid (FAFSA) application and yearly renewal process to receive benefits. Newly enrolled dependents have one year to achieve a minimum cumulative GPA of 2.5. Benefits will not be paid beyond 8 semesters or

CONCERNS OF POLICE SURVIVORS (C.O.P.S.)
(573) 346-4911
COPS@NATIONALCOPS.ORG
CONCERNSOFPOLICESURVIVORS.ORG
This information is compiled by National C.O.P.S.

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12 quarters, however, dependents have up to 6 years from the date of initial enrollment to complete their degree or receive a certificate of completion.

For more information contact the Colorado Commission on Higher Education, 1600 Broadway, STE 2200, Denver, CO 80202 Office: (303) 862-3001.
https://highered.colorado.gov/

CONCERNS OF POLICE SURVIVORS – provides financial assistance of up to $1,500 per semester to surviving children and surviving spouses of law enforcement officers killed in the line of duty, according to C.O.P.S. criteria, who wish to pursue a course of study beyond high school. Since there is a tuition-free education benefit available in your state, you must first apply for and be denied by the state or the institution to be eligible for the C.O.P.S. scholarship.

How to Apply: https://www.concernsofpolicesurvivors.org/scholarship

The PUBLIC SAFETY OFFICERS’ EDUCATION ASSISTANCE (PSOEA) Program provides financial assistance, for the purpose of seeking higher education, to the spouses and eligible children of local police, fire, and emergency public safety officers who have been killed or permanently disabled in the line of duty.

Educational assistance through the PSOEA Program is available after the Public Safety Officers’ Benefit (PSOB) death or disability claim process has been completed and benefits have been awarded.

Visit https://psob.bja.ojp.gov/ for more information and the application or call the PSOB Office toll-free at 1-888-744-6513 to discuss the requirements for receiving PSOEA benefits.

PINNACOL FOUNDATION provides scholarships to a natural child, adopted child, stepchild or full dependent of a worker who was injured or killed in a compensable work-related accident during the course and scope of employment with a Colorado-based employer and was entitled to receive benefits under the Colorado Workers’ Compensation Act. It doesn’t matter which insurance company covered your parent’s claim. Applicants must be between the ages of 16 and 25 at the time of the application deadline.

For more information or to apply, visit https://www.pinnacol.com/foundation/pinnacol-foundation

HEALTH INSURANCE BENEFITS

Colorado Senate Bill 148 provides the families of fallen officers and other state employees with health benefits for up to 12 months from the end of the month in which the loss occurred, so long as the dependents had health benefits at the time of the death.
WORKERS’ COMPENSATION

Workers’ Compensation coverage is compulsory for employers in Colorado and is paid for any injury or death which occurred within the course and scope of employment. The dependents of the deceased shall receive compensation or death benefits in the amount of two thirds of the deceased employee’s average weekly wages, not to exceed a maximum of ninety-one percent of the state average weekly wage per week for accidents occurring on or after July 1, 1989, and not less than a minimum of twenty five percent of the applicable maximum per week. Burial Expenses: Not to exceed $7,000.

Spouses will receive compensation for their life or until remarriage. Upon remarriage, spouses receive a two-year lump sum if there are no dependent children. Children are compensated until age 18, or beyond age 18 if physically or mentally disabled, or until age 21 if full-time students.


STATE LIFE INSURANCE - RETIREMENT

Universal Citation: Colorado Revised Statute § 31-31-807.5 (2017)

(1) (a) If a member dies while in active service as the direct and proximate result of a personal injury sustained while performing official duties or as a result of an occupational disease arising out of and in the course of the member’s employment, and if such member qualifies for line-of-duty status under section 101 (h) of the federal “Internal Revenue Code of 1986”, as amended, and leaves a surviving spouse or dependent children, or both, one of the survivor benefits described in either paragraph (b) or (c) of this subsection (1) shall be paid if the member:

(I) Is not eligible for a normal retirement pension under an old hire pension established pursuant to article 30.5 of this title that provides for postretirement survivor benefits to a spouse and dependent children in the event the member dies in active service while eligible for normal retirement; and

(II) (A) Is not eligible for the normal retirement pension from a plan that is part of the defined benefit system pursuant to section 31-31-204; or

(B) Has not reached age fifty-five with twenty-five years of accumulated service as a member and is a participant under the statewide money purchase plan pursuant to part 5 of this article or under a local money purchase plan.

(b) Except as otherwise provided in paragraph (c) of this subsection (1), one of the following survivor benefits shall be paid if the requirements of paragraph (a) of this subsection (1) are satisfied:

(I) When there is a surviving spouse and no dependent children, the monthly benefit shall be forty percent of the monthly base salary paid to such member immediately preceding death.
(II) When there is a surviving spouse and one dependent child, the monthly benefit shall be forty percent of the monthly base salary paid to such member immediately preceding death.

(III) When there is a surviving spouse and two or more dependent children, the monthly benefit shall be fifty percent of the monthly base salary paid to such member immediately preceding death.

(IV) When there is no surviving spouse and three or more dependent children, the monthly benefit shall be fifty percent of the monthly base salary paid to each member immediately preceding death.

(V) When there is no surviving spouse and two dependent children, the monthly benefit shall be forty percent of the monthly base salary paid to such member immediately preceding death.

(VI) When there is no surviving spouse and one dependent child, the monthly benefit shall be forty percent of the monthly base salary paid to such member immediately preceding death.

(c) For survivors who become eligible for survivor benefits on or after October 15, 2002, one of the following survivor benefits shall be paid if the requirements of paragraph (a) of this subsection (1) are satisfied:

(I) The monthly benefit when there is a surviving spouse, either with or without children, shall be seventy percent of the monthly base salary being paid to such member immediately preceding death.

(II) The monthly benefit when there is no surviving spouse but a surviving child or children shall be:

(A) Seventy percent of the monthly base salary being paid to such member immediately prior to death if the child or children were living in the member’s home at the time of the member’s death; or

(B) Forty percent of the monthly base salary being paid to such member immediately prior to death for one child and fifteen percent for each additional child; except that the total benefit received shall not be greater than seventy percent of the monthly base salary if the child or children were not living in the member’s home at the time of the member’s death.

(1.5) (a) On or after October 1, 2001, if a member dies while in active service as the direct and proximate result of a personal injury sustained while performing official duties or as a result of an occupational disease arising out of and in the course of the member’s employment, and if such member qualifies for line-of-duty status under section 101 (h) of the federal “Internal Revenue Code of 1986”, as amended, and leaves a surviving spouse or dependent children, or both, one of the survivor benefits described in paragraph (b) of this subsection (1.5) shall be paid if the member:

(I) Is eligible for a normal retirement pension under an old hire pension established pursuant to article 30.5 of this title that provides for postretirement survivor benefits to a spouse and dependent children in the event the member dies in active service while eligible for normal retirement;

(II) Is eligible for the normal retirement pension from a plan that is part of the defined benefit system pursuant to section 31-31-204; or
(III) Has reached age fifty-five with twenty-five years of accumulated service as a member and is a participant under the statewide money purchase plan pursuant to part 5 of this article or under a local money purchase plan.

(b) One of the following survivor benefits shall be paid if the requirements of paragraph (a) of this subsection (1.5) are satisfied and if the survivor benefit currently received pursuant to subparagraph (I), (II), or (III) of paragraph (a) of this subsection (1.5) is less than seventy percent of the monthly base salary being paid to the member immediately preceding death:

(I) The monthly benefit to be paid in addition to the monthly retirement benefit otherwise payable when there is a surviving spouse, either with or without children, shall be the difference between seventy percent of the monthly base salary paid to such member immediately preceding death and the amount payable pursuant to benefits received under the plan identified in subparagraph (I), (II), or (III) of paragraph (a) of this subsection (1.5).

(II) The monthly benefit to be paid in addition to the monthly retirement benefit otherwise payable when there is no surviving spouse but there is a surviving child or children shall be:

(A) If the child or children were living in the member's home at the time of the member's death, the difference between seventy percent of the monthly base salary being paid to such member immediately preceding death and the amount payable pursuant to benefits received under the plan identified in subparagraph (I), (II), or (III) of paragraph (a) of this subsection (1.5); or

(B) If the child or children were not living in the member's home at the time of the member's death, the sum of forty percent of the monthly base salary being paid to such member immediately prior to death for the first child plus fifteen percent for each additional child, the total of which shall not be greater than seventy percent of the monthly base salary less the amount payable pursuant to benefits received under the plan identified in subparagraph (I), (II), or (III) of paragraph (a) of this subsection (1.5).

(2) The board shall promulgate rules that specify standards and establish procedures for determining whether a member's death is the direct and proximate result of a personal injury sustained while performing official duties or an occupational disease arising out of and in the course of a member's employment and, in the case of a line-of-duty death, whether any of the exceptions specified in section 101 (h)(2) of the federal "Internal Revenue Code of 1986", as amended, are applicable. The procedures established by the board may include the appointment of hearing officers to conduct hearings and make findings and recommendations to the board on any issue. The board may adopt rules to establish a process for the administrative approval of a death benefit application, including standards of review of applications, without board review. The board shall take any final action that constitutes a denial of a disability application or a reduction of a benefit.

(3) (a) The board shall promulgate rules that specify the method of reviewing existing survivor benefit awards to:

(I) Determine whether a member's death was the direct and proximate result of a personal injury sustained while performing official duties or as a result of an occupational disease arising out of and in the course of the member's employment;
(II) Determine, in the case of line-of-duty deaths occurring after December 31, 1996, whether any of the exceptions specified in section 101 (h)(2) of the federal "Internal Revenue Code of 1986", as amended, are applicable;

(III) Establish procedures for making such determinations, including the appointment of hearing officers to conduct hearings.

(b) The determinations made by the board pursuant to this subsection (3) shall be made on the basis of the medical evidence that was previously submitted in connection with the application for survivor benefits and other relevant nontestimonial evidence.

(c) Any decision made by the board to change an existing survivor benefit award to an on-duty survivor benefit under this subsection (3) shall operate on a prospective basis from the date of the board's decision.

(4) Any benefit provided in accordance with this section to the surviving spouse or dependent child of a member who dies while in active service shall terminate upon the death of the surviving spouse or upon the death or termination of dependency of the dependent child, as defined in section 31-31-801 (2), as applicable.

(5) (a) When there is a surviving spouse and one dependent child residing in a separate household from the surviving spouse, the surviving spouse shall receive two-thirds of the benefit and the child shall receive the balance of the benefit pursuant to subsection (1) or (1.5) of this section.

(b) When there is a surviving spouse and two or more dependent children residing in a separate household from the surviving spouse, the surviving spouse shall receive fifty percent of the benefit and the children shall receive the balance of the benefit pursuant to subsection (1) or (1.5) of this section.

(c) Upon the termination of the benefit payable to the child or children pursuant to paragraph (a) or (b) of this subsection (5), the surviving spouse shall receive the entire benefit pursuant to subsection (1) or (1.5) of this section.

(6) In the event that a survivor benefit is payable for the benefit of more than one dependent child of the member pursuant to subsection (1) or (1.5) of this section and the dependent children reside in separate households from each other, the children's benefit shall be divided equally among the children.

(7) [Deleted by amendment, L. 2002, p. 183, § 12, effective October 1, 2002.]

(8) If a member dies while in active service as the direct and proximate result of a personal injury sustained while performing official duties or as a result of an occupational disease arising out of and in the course of the member's employment and otherwise qualifies for benefits under subsection (1.5) of this section, but falls within one or more of the exceptions specified in section 101 (h)(2) of the federal "Internal Revenue Code of 1986", as amended, and leaves a surviving spouse or dependent children, or both, said survivors shall:

(a) Receive benefits as allowed under section 31-31-807; or

(b) Receive benefits as allowed under the member's normal retirement plan.
FPPA Statewide Death & Disability Plan

1. Eligibility
   The SWD&D Plan benefits are available for members not eligible for normal retirement under a defined benefit plan, or members who have not met 25 years of accumulated service and age 55 under a money purchase plan. However, no benefits are payable from the SWD&D Plan if:
   - The member becomes disabled or dies after termination of employment and, consequently, membership in the SWD&D Plan.
   - A member becomes disabled or dies while they are on an unauthorized Leave of Absence.
   - The member is eligible for normal retirement under a defined benefit or hybrid plan, or 25 years of service and age 55 under a money purchase plan and becomes disabled on or off-duty or dies off-duty.
   - The member dies and leaves no surviving spouse or dependent children. In this case, refer to the specific provisions of the member’s retirement plan regarding payments to a beneficiary or estate.

2. Coverage
   The Statewide Death & Disability Plan provides 24-hour coverage for members, both on and off duty.
   - Full-Time Employees - (Employees who work at least 1600 hours in any calendar year)
     Most police officers and firefighters employed full-time in Colorado are covered by the SWD&D Plan. Clerical staff is not covered by the SWD&D Plan.
   - Part-Time Employees - (Employees who work less than 1600 hours in any calendar year)
     If the employer has elected, part-time police officers and firefighters may also be covered under the SWD&D Plan. Coverage of part-time employees only includes permanent, regularly scheduled employees and does not include temporary or seasonal employees.

The amount of the benefit may vary based on a variety of factors. For information regarding spousal benefits, please contact FPPA. Office: (303) 770-3772. You may also reference Part 8, Article 31, Title 31 of Colorado Revised Statutes, as amended and the FPPA Rules and Regulations on their website, www.fppaco.org.

PUBLIC SAFETY OFFICERS’ BENEFITS (PSOB) PROGRAM

A unique effort of the U.S. Department of Justice; local, state, tribal, and federal public safety agencies; and national organizations, the Public Safety Officers’ Benefits (PSOB) Program provides death and education benefits to survivors of fallen law enforcement officers, firefighters, and other first responders, and disability benefits to officers catastrophically injured in the line of duty.
The claim has two parts (A&B) that require the agency and family to fill out online. Visit https://psob.bja.ojp.gov/ for additional filing information. If you need assistance filing this claim, contact the National C.O.P.S. office at (573) 346-4911 or cops@nationalcops.org

**FUNERAL BENEFITS**

**Workers’ Compensation** provides a maximum $7,000 burial expense payment. See Workers’ Compensation section above.

**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 at https://www.dignitymemorial.com/ and look under Public Servants for details. You may also call 800-344-6489 and speak with a representative.

**WILBERT FUNERAL SERVICES, INC.** provides complimentary burial vaults and related services for fallen law enforcement officers. For more information visit https://www.wilbert.com/ or call (888) WILBERT.

**ADDITIONAL BENEFITS**

**PEER SUPPORT ORGANIZATION**

**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 professionals, and local peer-support organizations to provide assistance to surviving families of law enforcement officers who have died in the line of duty. C.O.P.S. provides Hands-On Programs, training for law enforcement, National Police Week registration/accommodations, scholarships, counseling and so much more to surviving families and co-workers.

Contact the C.O.P.S. National Office (800) 784-2611, email cops@nationalcops.org or visit https://www.concernsofpolicesurvivors.org/local-chapters for information on a chapter in your area. Office hours are Monday-Friday 8:00 a.m. – 5:00 p.m. CST.

**SOCIAL SECURITY BENEFIT**

Spouses, children, or parents may be eligible for Social Security Benefits. To apply for benefits, call (800) 772-1213 to speak to a Social Security representative or visit your local Social Security Office. You cannot report a death or apply for survivors benefits online. Visit https://www.ssa.gov/benefits/survivors/ifyou.html#h6 for more information.

**COLORADO VICTIM COMPENSATION**

You may be eligible to receive compensation for financial losses if the line of duty death resulted from a crime. For more information or directions for the application, visit the Colorado Division of Criminal Justice website at https://www.colorado.gov/pacific/dcj/Vic_Comp

**CONCERNS OF POLICE SURVIVORS (C.O.P.S.)**

(573) 346-4911
COPS@NATIONALCOPS.ORG
CONCERNSOFPOLICESURVIVORS.ORG
This information is compiled by National C.O.P.S.
COLORADO POLICE OFFICERS FOUNDATION
The primary focus of the Police Officers Foundation is to foster community-wide support for law enforcement by providing supplemental resources for traumatically injured officers and their families, giving needed financial assistance to survivors of law enforcement officers killed in the line of duty, and building meaningful and positive officer-community partnerships.

Visit https://www.coloradopolicefoundation.org/ or call 303-426-1733 for more information.

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.


The 100 Club https://the100club.org/

First Responders Children’s Foundation provides financial support to children who have lost a parent in the line of duty as well as families enduring significant financial hardships due to tragic circumstances. They also provide annual education scholarships to children of fallen heroes. For more information, call (646) 822-4236 or visit https://1strcf.org.

OTHER BENEFITS TO ASK YOUR AGENCY ABOUT:
City life insurance?
Private life insurance?
County & Local Jurisdiction Benefits?
Retirement Benefits?
Real estate tax relief?