NEW JERSEY
Death Benefits Available to the Surviving Families of Law Enforcement Officers Killed in the Line of Duty

To obtain certified copies of registered personal documents, contact the Bureau of Vital Statistics: Submit written request to PO Box 370, Trenton, NJ 08625. Office: (866) 649-8726. www.state.nj.us/health/vital.

STATE DEATH BENEFITS
No one-time benefit is available. S512: Authorizes payment of funeral expenses for certain public safety employees killed in the line of duty.

On May 18th, 2015, the New Jersey Senate amended what is designated as “Patrolman Joseph Wargo’s Law” (S-1567/A-410) sponsored by Senator Anthony Bucco (R-Morris) to create of a roadside memorial program honoring New Jersey emergency personnel and law enforcement officers killed in the line of duty. Patrolman Wargo was a Mount Arlington policeman killed when his patrol car was hit head-on by a drunk driver on I-80 in October 2011. The law directs the Department of Transportation to establish a roadside memorial program honoring fallen police officers, sheriffs, EMS workers and firefighters. At no cost to taxpayers, the program allows municipal and law enforcement officials, or the next of kin to request that the department sponsor a memorial sign by submitting an application to the DOT.

EDUCATIONAL BENEFITS
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.


**KNIGHTS OF COLUMBUS**, Scholarships may also be awarded to children of members in good standing who are full-time law enforcement officers or full-time firefighters who, while in the lawful performance of their duties, died as a result of criminal violence directed at them. Applications must be filed within two years of the date of death of the member. For more information contact the NJ Knights of Columbus, Department of Scholarships, PO Box 1670, New Haven, CT 06507. Office: (203) 752-4332.

**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.

Dependents of a worker who dies because of a work related injury or illness may be eligible to receive death benefits. The weekly benefits payments are 70% of the weekly wage of the deceased worker, not to exceed the maximum benefit amount established annually by the Commissioner of Labor. The benefit amount is divided by the surviving dependents as determined by a judge after a hearing on extent of dependency.

A surviving spouse and natural children who were a part of decedent’s household at the time of death are conclusively presumed to be dependents. A surviving spouse and natural children who were not a part of the decedent's household at the time of death and all other alleged dependents (parents, grandparents, grandchildren, brothers, sisters, etc.) must prove actual dependency.

Children who are deemed to be dependents remain so until the age of 18 years or if a full-time student, until the age of 23 years. If a child is physically or mentally disabled, he/she may be eligible for further benefits.

The employer or its insurance carrier is responsible to pay up to $3,500 in funeral expenses for a job-related death. These funds are payable to whomever is liable for the funeral bill, be it the estate or an individual.
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.

RETIREMENT/PENSION

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.

Statutes:
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 (PFRS).

N.J.S.A. 53:A-10 and 14 apply to full-time law enforcement officers who are members of the State Police Retirement System (SPRS).

N.J.S.A. 43:15-49 apply to full-time law enforcement officers who are members of the Public Employee’s Retirement System (PERS).

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 3½ 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 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 for members from PFRS & SPRS, and 50% of the compensation for members from PERS, 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. PFRS & SPRS spouses collect benefit until their death.

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 3½ times the compensation upon which 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 (SPRS and PFRS only).

9. In addition to the foregoing benefits, the State shall pay the contracted union increases until such time that the Trooper would have reached 25 years of service (SPRS only).

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.

**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.

PEER SUPPORT ORGANIZATION
Established in 1984, 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 professional, and local peer-support organizations to provide assistance to surviving families of law enforcement officers killed in the line of duty. C.O.P.S. has become a “lifeline” to police survivors nationwide. Contact the C.O.P.S. National Office at (573) 346-4911 or visit https://www.nationalcops.org/localchapters.html for information on a chapter in your area.

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.

Wilbert Funeral Services, Inc. provides complimentary burial vaults and related services for fallen law enforcement officers. For more information visit www.wilbert.com or call (888) WILBERT.