WEST VIRGINIA
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 350 Capitol ST, Charleston, WV 25301. Office: (304) 558-2931. www.wvdhhr.org

STATE DEATH BENEFITS
The West Virginia Fire, EMS and Law Enforcement Officer Survivor Benefit Act provides a $50,000 benefit in the name of the beneficiary.

- (b) It is the intent of the Legislature to provide for the payment of death benefits to the surviving spouse, designated beneficiary, children or parents of firefighters, EMS and law-enforcement personnel killed in the performance of their duties. §5H-1-2. Death benefit for survivors.
- In the event a firefighter, EMS or law-enforcement provider is killed in the performance of his or her duties, the department chief, within thirty days from the date of death shall submit certification of the death to the Governor's office.
- This act includes both paid and volunteer fire, EMS and law-enforcement personnel acting in the performance of his or her duties of any fire, EMS or law-enforcement department certified by the State of West Virginia.
- A firefighter, EMS or law-enforcement provider is considered to be acting in the performance of his or her duties for the purposes of this act when he or she is participating in any role of a fire, EMS or law-enforcement department function. This includes training, administration meetings, fire, EMS or law-enforcement incidents, service calls, apparatus, equipment or station maintenance, fundraisers and travel to or from such functions.
- Travel includes riding upon or in any apparatus or vehicle which is owned or used by the fire, EMS or law-enforcement department, or any other vehicle going to or directly returning from a firefighter’s home, place of business or other place where he or she shall have been prior to participating in a fire, EMS or law-enforcement department function or upon the authorization of the chief of the department, agency head or other person in charge.
- Certification shall include the name of the certified fire, EMS or law-enforcement program, the name of the deceased firefighter, EMS or law-enforcement provider, the name and address of the beneficiary, any documentation designating a beneficiary or beneficiaries and setting forth the circumstances that qualify the deceased individual for death benefits under this act. Upon receipt of the certification from the certified fire, EMS or law-enforcement program, the
state shall, from moneys from the State Treasury, General Fund, pay to the certified fire, EMS or law-enforcement program the sum of $50,000 in the name of the beneficiary of the death benefit. Within five days of receipt of this sum from the state, the fire, EMS or law-enforcement program certified by the state shall pay the sum as a benefit to the surviving spouse or designated beneficiary. If there is no surviving spouse or designated beneficiary, then to the minor children of the firefighter, EMS or law-enforcement provider killed in the performance of duty. When no spouse, designated beneficiary, or minor children survive, the benefit shall be paid to the parent or parents of the firefighter, EMS or law-enforcement provider. It is the responsibility of the certified fire or EMS program to document the surviving spouse or beneficiary for purposes of reporting to the Governor's office.

- Any death ruled by a physician to be a result of an injury sustained during any of the above mentioned performance of fire department, EMS or law-enforcement duties will be eligible for this benefit, even if this death occurs at a later time.
- Those individuals who are covered by this article are eligible for only one death benefit payment.
- Every department or agency head employing persons to which this article applies shall provide notice of the benefit provided hereby to such employees and encourage covered employees to provide a written designation of beneficiary to be maintained in the employee's personnel file. §5H-1-3. Effective date.
- The effective date for this act is January 1, 2007. The operation of the amendments to this article enacted during the year 2012 shall be effective retroactively to January 1, 2012.

**EDUCATIONAL BENEFITS**

Children and Spouses of law enforcement officers killed in the line of duty are eligible to attend West Virginia colleges. For specific details contact the Board of Regents of the appropriate institution.

**WORKERS' COMPENSATION**

Benefit is 70% of employee's wage for a spouse only or a spouse with child(ren). Benefits for spouse cease upon remarriage. Children receive benefits until age 18 or beyond age 18 if disabled, or until age 25 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 any compensation. The determination as to whether the claim will be paid will be determined by the Workers' Compensation Appeals Board.
For more information contact The Public Safety Retirement Board or the Consolidated Retirement Board, 4101 MacCorkle AVE SE, Charleston, WV 25304. Office: (304) 558-3570. www.wvretirement.com

**HEALTH BENEFITS**
Health benefits vary depending upon police department benefits. Spouses of state and county officers may elect to continue to participate in the same benefit program in effect at the time of the officer's death. Contact the Benefits Coordinator at your agency.

**RETIREMENT/PENSION**
Individual cities and municipalities are responsible for providing retirement and pension plans for law enforcement officers. Contact your local agency’s Benefits Assistance Officer.

**ADDITIONAL BENEFITS**
**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 professionals, 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 (800) 784-2611 or visit www.nationalcops.org/chap.htm for information on a chapter in your area.

The Crime Victims Compensation Act will make a payment for felonious deaths, and a payment will be made for serious injury for criminal acts.

Victim Suffers INJURY
• Up to $35,000.00
• Medical/Dental
• Wage/Income Loss (victim only)
• Mileage to and from medical treatment facility
• Replacement Services

Victim Suffers DEATH
• Up to $50,000.00 (effective 7/1/2008)
• Medical
• Dependents economic loss
• Funeral/Burial Expenses up to $7,000.00 (effective 7/1/2008)
For additional information contact the Crime Victims Compensation Fund, 1900 Kanawha BLVD E #W334, Charleston, WV 25305. Office: (304) 347-4850. www.legis.state.wv.us

A West Virginia Police Memorial is located on the State Capitol Complex in Charleston, West Virginia. Name submission forms may be obtained by calling or writing to West Virginia Court of Claims, State Capitol Building, Charleston, WV 25305. Office: (304) 348-3471.

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.