



New Hampshire

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 Records and Health, Health and Welfare Building, 71 South Fruit Street, Concord, New Hampshire 03301, (603) 271-4651.

STATE DEATH BENEFITS

The state treasurer shall pay a **\$100,000 death benefit** to the family of a police officer or firefighter killed in the line of duty. Payment to a dependent child shall be made to the child's trustee for the benefit of the child. The governor, with the consent of the executive council, is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

STATE PENSION BENEFITS

Members of the New Hampshire Retirement System (NHRS) receive the following benefits in the case of **job-related death**. Members must be in *active service* in order for a death benefit to be payable. Active service means one must be contributing to NHRS on earnings received.

If the death is job-related, an accidental death benefit would be payable. *In cases where death is the result of repeated trauma, gradual degeneration, or occupational disease, the death must first be found compensable by the Commissioner of Labor.*

The surviving spouse receives an annual pension *until his or her remarriage* or death equal to **50% of the member's annual compensation**. If there is no spouse, or if the surviving spouse remarries or dies, then the pension is paid to all surviving **dependent children** under age 18. If there are no surviving dependent children, the pension is paid for life to a surviving **parent who was dependent** upon the officer.

In addition to the pension, a **refund** of the member's contributions with earned interest is payable to the designated beneficiary(ies). If there are no survivors eligible to receive a pension, the designated beneficiary(ies) receive a **lump sum payment** equal to the member's annual compensation and a refund of the member's contributions to NHRS with earned interest.

Contact the New Hampshire Retirement System, 54 Regional Drive, Concord, New Hampshire 03301, (603) 410-3500.

EDUCATION BENEFITS

None are available.

HEALTH BENEFITS

Health plans vary. Check with your local department to determine benefit packages available.

WORKERS' COMPENSATION

Workers' Compensation coverage is compulsory for employers in New Hampshire.

Benefit is **66 2/3%** of employee's wage for a spouse only or for a spouse with child(ren) with a **minimum weekly benefit of \$189.20 and a maximum weekly benefit of \$709.50**. A one-time maximum burial expense of **\$5,000** is paid by the state workers' compensation program.

Spouse benefits **cease upon remarriage**. Children receive benefits **until age 18 or beyond age 18 if disabled, or until age 25 if full-time students**.

The employer shall pay burial expenses not to exceed \$5,000.00.

Contact the Workers' Compensation Division of the New Hampshire Department of Labor, 95 Pleasant Street, Concord, NH 03301, telephone (603) 271-3176.

PERSONAL LIFE POLICIES

Real Estate and Personalty - Real estate and personal estate of every person deceased, not devised or bequeathed, subject to any homestead right, and liable to be sold by license from court of probate in cases provided by law, and personalty remaining in hands of administrator on settlement of his account, shall descend or be distributed by decree of probate court:

1. If deceased is survived by a spouse, spouse shall receive: **(a)** if there is no surviving issue or parent of decedent, entire intestate estate, **(b)** if there is no surviving issue but decedent is survived by a parent or parents, first \$50,000, plus one-half of balance of intestate estate, **(c)** if there are surviving issue all of whom are issue of surviving spouse also first \$50,000, plus one-half of balance of intestate estate, **(d)** if there are surviving issue one or more of whom are not issue or surviving spouse, one-half of intestate estate;
2. Part of intestate estate not passing to surviving spouse or entire intestate estate if there is no surviving spouse, passes as follows: **(a)** to issue of decedent, if they are all of same degree of kinship to decedent they take equally, but if of unequal degree, then those of more remote degree take by representation, **(b)** if there is no surviving issue, to his parent or parents equally, **(c)** if there is no surviving issue or parent, to brothers and sisters and issue of each deceased brother or sister by representation; if there is no surviving brother or sister, issue of brothers and sisters take equally if they are all of same degree of kinship to decedent, but if of unequal degree then those of more remote degree take by representation, **(d)** if there is no surviving issue, parent or issue of parent, but decedent is survived by one or more grandparents or issue of grandparents, half of estate passes to paternal grandparents if both are deceased, issue taking equally if they are all of same degree of kinship to decedent, but is of unequal degree those of more remote degree take by representation: and other half passes to maternal relatives in same manner; but if there be no surviving grandparent or issue of grandparent on either paternal or maternal side, entire estate passes to relatives on other side in same manner as the half.

No representation is allowed among collaterals beyond fourth degree of relationship to decedent. **If any person dies under age and unmarried**, his estate, derived by decedent or devise from his father or mother, descends to his brothers and sisters, or their legal representatives, if any, to exclusion of other parent.

Rights of Surviving Spouse - Upon death of either husband or wife, testate, if surviving spouse has elected to waive homestead right, if any, and provisions of will in his or her favor, if any, such surviving spouse shall be vested with following portion of estate remaining after payment of debts and expenses of administration: **(1)** If there are children, one third part of real estate; **(2)** if decedent leaves no children or issue of any deceased children, one third part of personalty and one third part of real estate; **(3)** if decedent leaves no children or issue of any deceased children, but does leave mother or father or sister or brother surviving, \$10,000 in value thereof a personalty and \$10,000 in value of real estate, and also one half of remainder above \$10,000 in each, real estate to be assigned to surviving spouse in same manner as dower heretofore has been assigned. Where inventory value of the real estate does not exceed \$10,000 surviving spouse is entitled to whole of said remainder and no assignment of same is required unless some party in interest petitions to probate court therefore; **(4)** if decedent leaves no children or issue of any deceased children, nor mother or father, nor sister or brother surviving, \$10,000 of value thereof, plus \$2,000 for each full year from date of marriage to decease of spouse, and also one half in value of remainder and no assignment of same is required unless some party in interest petitions probate court therefore. The part of estate not passing to surviving spouse per paragraphs 1 through 3 shall pass via terms of will, provided that surviving spouse shall take nothing under will. Deceased spouse's inter vivos transfer of property to trust defeats rights of surviving spouse even if decedent exercised complete control over property during lifetime, unless transfer was for purpose of depriving survivor of those rights.

Bar of Right to Inherit - Surviving spouse is entitled to nothing, except such as may be given to him or her by the will: **(1)** where surviving husband willfully neglected to support her, or has not been heard from, in consequence of his own neglect, for three years next preceding her death or **(2)** where, at time of decedent's death, decedent was justifiably living apart from surviving spouse because the latter was, or had been, guilty of conduct constituting cause for divorce.

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.**

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.