

# Line of Duty Death and Disability Benefits

## State of Delaware

**State and Federal Death benefits are available for the survivors of emergency and law enforcement personnel killed in the line of duty. The federal government also provides certain disability benefits.**

### **Delaware Code, Title 18, Chapter 66, Line- of -Duty Death Benefits**

“Death in the line of duty” shall mean any death of a covered person under this chapter, arising out of and in the course of that person’s assigned duty, including all normal and special assignments as ordered by his or her superiors or assignments undertaken while acting as a law-enforcement officer under rules, directions or regulations promulgated by the appropriate employing authority, within or outside of normal duty hours; provided, however, that death of a covered person occurring while that person is on active duty shall create a rebuttable presumption that such death was a death in the line of duty and that the burden of proof shall be on the employer to demonstrate by a preponderance of the evidence that such death was not a death in the line of duty.

“Death in the line of duty” with respect to enrolled firefighters, auxiliary members and volunteer ambulance and rescue company members as referred to in paragraph (2)a. of this section shall include in addition to other provisions of this section any death occurring while performing assigned duties, or while traveling to or returning from a fire alarm, rescue operation or any other emergency volunteer fire company action; provided, however, that the phrases “traveling to” and “returning from” shall include the time encompassed by the firefighters’, auxiliary members’ or volunteer ambulance and rescue company members’ entrance into their personal vehicle or company emergency vehicle in response to the alarm or emergency call until their first disembarkation from their personal vehicle at their home, place of employment or other location.

Death in the line of duty shall not include:

1. Death from natural causes, except that death in the line of duty shall include death proximately resulting from a heart attack, stroke, or vascular rupture if the public safety officer, while on duty, engages in a situation involving nonroutine stressful or strenuous physical activity no more than 24 hours before said heart attack, stroke, or vascular rupture; or
2. Accidental death during travel to and from work, except in emergencies and in cases where a covered person is called upon to perform a duty in the course of such travel; or

3. Death as a result of disobedience to or exceeding of orders or instructions from superiors; or

4. Suicide.

“Dependent children” shall include stepchildren, adopted children and children to whom the deceased stood in loco parentis, if members of the decedent’s household at the time of death.

# Payment for Beneficiaries

Upon certification by the Insurance Commissioner that a claim under this chapter has been approved, the State Treasurer shall:

For claims submitted prior to July 1, 1997, pay to the beneficiary or beneficiaries as designated or determined pursuant to § 6603(a) of this title of every covered person who dies in the line of duty an amount totaling \$100,000, payable in annual installments with the maximum amount payable in any 1 calendar year being \$20,000. For claims submitted on July 1, 1997, through June 30, 2017, pay to the beneficiary or beneficiaries as designated or determined pursuant to § 6603(a) of this title of every covered person who dies in the line of duty an amount totaling \$150,000, payable in annual installments with the maximum amount payable in any 1 calendar year being \$30,000. For claims submitted on July 1, 2017, and thereafter, pay to the beneficiary or beneficiaries as designated or determined pursuant to § 6603(a) of this title of every covered person who dies in the line of duty an amount totaling \$200,000, payable in annual installments with the maximum amount payable in any 1 calendar year being \$40,000. Installments shall terminate with the expiration of the beneficiary’s eligibility.

Pay, for no more than 4 years, directly to the institution involved, the amount of the tuition of each dependent child of such covered person who dies in the line of duty so long as such child is enrolled in a degree or certificate program at a college or university. The term “tuition” means any amount required for enrollment or attendance of a student. Such term does not include any amount paid directly or indirectly for meals, lodging, transportation, extracurricular activities, supplies, equipment, clothing or personal or family expenses.

Unless any payment has been made pursuant to paragraph (a)(1) of this section, pay to the beneficiary or beneficiaries as designated or determined pursuant to § 6603(b) hereof of a covered person as defined in § 6601(2)a., b. or f. of this title who dies in the line of duty an amount totaling \$25,000 payable in annual installments with the maximum amount payable in any 1 calendar year being

\$5,000. Installments shall terminate with the death of the last surviving beneficiary as determined pursuant to § 6603(b) of this title.

Pay, if neither paragraph (a)(1) nor (3) of this section apply, to the estate of a covered person, as defined in § 6601(2) a., b. or f. of this title, who dies in the line of duty an amount not to exceed \$5,000 to be used solely for expenses related to burial of such covered person.

Pay for health insurance for dependent children for covered persons who died in the line-of-duty after January 1, 2004, until said dependent children attain the age of 26 years. Should health insurance be provided by the federal government, Tricare or similar program, for any of these dependent children, the dependent children shall only be eligible for state group health coverage in the event of loss of coverage under the federal health insurance plan.

Notwithstanding any law to the contrary, there shall be no limit on the period of time during which a person may submit a claim for benefits under this chapter.

For further information - [Delaware Code Online](#)

## Funeral Expenses

### **Delaware Code, Title 18, Chapter 67A, Volunteer Firefighters, Funeral Expenses**

The reasonable funeral expenses of a deceased member of a volunteer fire company, volunteer fire company ladies auxiliary or volunteer ambulance and rescue company shall be paid in amount not to exceed \$7,000. If the deceased member of such company was a state employee entitled to a funeral benefit, this chapter shall not apply. A member of a volunteer fire company, volunteer fire company ladies auxiliary or volunteer ambulance and rescue company for the purposes of this chapter is one who has served as an active member of such organization in Delaware for at least 10 years.

For further information - [Delaware Code Online](#)

# FEDERAL BENEFITS

## Public Safety Officer's Death and Disability Benefits

The U.S. Department of Justice, Bureau of Justice Assistance, administers death and disability benefits under the Public Safety Officers' Benefits Act.

The Public Safety Officers' Act, (PSOB) enacted in 1976, provides line of duty death benefits for public safety officers (i.e., Law Enforcement, Fire Fighters, Ambulance and Rescue Squad Members, Federal Emergency Management Agency personnel, state, local and Tribal Emergency Management and Civil Defense Agency Employees) This program also provides a benefit to the public safety officers who have been permanently and totally disabled by a catastrophic personal injury sustained in the line of duty, if that injury permanently prevents the officer from performing any gainful work.

## Educational Assistance

The Public Safety Officer's Act, under the Public Safety Officers' Educational Assistance Act, provides higher educational assistance for spouses and children of federal, state, and local public safety officers killed or permanently disabled in the line of duty.

For more information on federal benefits, you may contact Bureau of Justice Assistance, Public Safety Officers' Benefits Program, 810 Seventh Street N.W., Washington D.C., 1-888-744-6513, for further information.

[Law & Regulations](#) | [Bureau of Justice Assistance \(ojp.gov\)](#)