

**67A.440 Death of member due to occupational causes -- Benefits to surviving spouse, minor children, and parents.**

- (1) (a) Upon death of a member due to occupational causes, regardless of length of service, the surviving spouse shall be entitled immediately upon cessation of salary to an annuity equal to seventy-five percent (75%) of the member's last rate of salary. This annuity shall be payable until the surviving spouse dies. In addition, if any minor children of the member, under age eighteen (18), survive the member, the surviving spouse or parent or legal guardian shall receive on account of each child, ten percent (10%) of the member's last rate of salary until each child attains age eighteen (18). In the case of a child regularly engaged in full-time educational activities, payments shall continue until age twenty-three (23), but payments shall be made directly to a child between the ages of eighteen (18) and twenty-three (23). The combined payments to a surviving spouse and minor children shall not exceed one hundred percent (100%) of the final rate of salary. When more than one (1) child survives the member, the amount payable by reason of such children shall be divided equally among them.
- (b) Any surviving spouse who is drawing a benefit pursuant to paragraph (a) of this subsection on July 1, 2013, that is less than the amount computed under paragraph (a) of this subsection, shall have the retirement annuity increased to the amount determined under paragraph (a) of this subsection.
- (2) If the member is not survived by a spouse, and there are minor children of the member, the following benefits shall be paid:
  - (a) One (1) minor child, fifty percent (50%) of the final rate of salary;
  - (b) Two (2) minor children, an additional fifteen percent (15%) of final salary;
  - (c) Three (3) or more minor children, an additional ten percent (10%) of final salary, subject to a maximum combined payment of seventy-five percent (75%) of the member's final rate of salary.

These benefits shall be divided in equal amounts for each child and paid to the parent or legal guardian of each child under eighteen (18). In the case of a child regularly engaged in full-time educational activities, payments shall continue until age twenty-three (23), but payments shall be made directly to the child between the ages of eighteen (18) and twenty-three (23). As eligibility of children expires, the total annuity payment shall be reduced by percentage amount in reverse order.

- (3) If neither a surviving spouse nor minor children eligible for benefits survive the member, each dependent parent shall be entitled to an annuity equal to twenty-five percent (25%) of the member's last rate of salary, or fifty percent (50%) to both parents.

**Effective:** July 15, 2020

**History:** Amended 2020 Ky. Acts ch. 103, sec. 1, effective July 15, 2020. -- Amended 2013 Ky. Acts ch. 7, sec. 8, effective March 14, 2013. -- Amended 2002 Ky. Acts ch. 274, sec. 4, effective July 15, 2002. -- Amended 1980 Ky. Acts ch. 81, sec. 1, effective July 15, 1980. -- Created 1974 Ky. Acts ch. 106, sec. 9, effective July 1, 1974.