

MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY

TITLE 31: PUBLIC SAFETY

PART 12: LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS DEATH BENEFITS TRUST FUNDS

ADMINISTRATIVE CODE

Part 12 Chapter 1 Officers and firefighters killed in line of duty; death benefit; trust fund

Rule 1.1 Statutory Authority and Purpose

1. The Department of Public Safety shall be responsible for the management of the trust fund and the disbursement of death benefits and other funeral, and burial expenses authorized under MCA §45-2-1, et seq. The Department of Public Safety shall adopt rules and regulations necessary to implement and standardize the payment of death benefits under this section, to administer the trust fund and to carry out the purposes of this statute.
2. The Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund was established to provide death benefits when a law enforcement officers or fire fighter dies or receives an accidental or intentional fatal bodily injury while performing their official duties.

Source: Miss. Code Ann. § 45-2-1, et seq.

Rule 1.2 Definitions

1. “Covered individual” means a law enforcement officer or firefighter, including volunteer firefighters, as defined in this section when employed by an employer as defined in this section; it does not include employees of independent contractors.
2. “Employer” means a state board, commission, department, division, bureau or agency, or a county, municipality or other political subdivision of the state, which employs, appoints or otherwise engages the services of covered individuals.
3. “Firefighter” means an individual who is trained for the prevention and control of loss of life and property from fire or other emergencies, who is assigned to firefighting activity, and is required to respond to alarms and perform emergency actions at the location of a fire, hazardous materials or other emergency incident.
4. “Law enforcement officer” means any lawfully sworn officer or employee of the state or any political subdivision of the state whose duties require the officer or employee to investigate, pursue, apprehend, arrest, transport or maintain custody of persons who are charged with, suspected of committing, or convicted of a crime, whether the officer is on regular duty on full-time status, an auxiliary or reserve officer, or is serving on a temporary or part-time status.

5. “Cause of death” means any cause of death that would be covered under the Public Safety Officers’ Benefits Act of 1976, the Hometown Heroes Survivors Benefits Act of 2003, generally codified at 42 USC Chapter 46, or the Safeguarding America’s First Responders Act of 2020.

Source: Miss. Code Ann. § 45-2-1, et seq.

Rule 1.3 Death Benefits Trust Claim

1. Pursuant to the provisions of MCA §45-2-1, the Department of Public Safety is responsible for management of the trust fund and disbursement of a death benefit payment.
2. In addition to the payment authorized in subparagraph (1) of this rule, the Department of Public Safety shall make an additional payment as allowed by statute per child of the covered individual.

Source: Miss. Code Ann. § 45-2-1, et seq.

Rule 1.4 Eligibility

1. Benefits are authorized under the statute when a covered individual, while engaged in the performance of the person’s official duties, dies or receives accidental or intentional bodily injury that results in the loss of the covered individual’s life and such death is the result of a covered cause of death.
2. The death cannot be the result of suicide and that the bodily injury is not intentionally self-inflicted.

Source: Miss. Code Ann. § 45-2-1, et seq.

Rule 1.5 Time for filing claim

1. Unless, for good cause shown, the Commissioner extends the time for filling, no claim shall be considered if it is filed within the Department of Public Safety two years after the public safety officer’s death.

Source: Miss. Code Ann. § 45-2-1, et seq.

Rule 1.6 Benefits Payment

1. The payment provided for in this subsection shall be made to the beneficiary who was designated in writing by the covered individual, signed by the covered individual and delivered to the employer during the covered individual’s lifetime.
2. If no such beneficiary designation is made, then the payment shall be made to the surviving child or children and spouse in equal portions, and if there is no surviving child or spouse, then to the parent or parents.

3. A benefit payment made in this subsection is in addition to any workers' compensation or pension benefits and is exempt from the claims and demands of creditors of the covered individual.

Source: Miss. Code Ann. § 45-2-1, et seq.

Rule 1.7 Beneficiaries

1. Mississippi law provides that any death benefits payments "shall be made to the beneficiary who was designated in writing by the covered individual, signed by the covered individual and delivered to the employer during the covered individual's lifetime."
2. If a Beneficiary Designation Form is not on file with the Human Resources Division at the time of the Covered Individual's death, any death benefits payments shall be made in the order of priority, as listed below:
 - a. To the surviving child or children and spouse in equal portions;
 - b. If there is no surviving child or spouse, then to the parent or parents.

Source: Miss. Code Ann. § 45-2-1, et seq.

Rule 1.8 Minor Children or Adult Beneficiaries Incapable of Self Care

1. For the purposes of this policy, a minor child shall be defined as a child who is under twenty-one (21) years of age and not emancipated. An adult dependent beneficiary is defined as a person over twenty-one (21) years who is incapable of self-care by reason of mental or physical disability and was dependent upon the deceased covered individual.
2. To protect the interest of a minor child or an adult dependent, the Department of Public Safety requires an Order Appointing Conservator and the establishment of a conservatorship bank account prior to issuing benefit payment.
3. The terms "conservatorship" and "guardianship" are similar and sometimes used interchangeably. A lawyer can help you understand the rules and processes applicable in your local jurisdiction including those relating to the Mississippi Guardianship and Conservatorship Act, MCA §93-30-101, et seq., and part six of the Mississippi Uniform Chancery Court Rules.

Source: Miss. Code Ann. § 45-2-1, et seq.

Part 12 Chapter 2 Funeral and other related burial expenses

Rule 2.1 Funeral and other related burial expenses

1. The Department of Public Safety shall make a payment, as by statute, to pay funeral and other related burial expenses when a covered individual dies or receives accidental or intentional bodily injury that results in the loss of the covered individual's life.
2. This payment may be made directly to the funeral home chosen by the next of kin and is subject to the availability of funds.

3. Upon receipt of a request for a funeral and burial payment form, the Commissioner or his designee will review the form to determine the amount payable.

Source: Miss. Code Ann. § 45-2-1, et seq.

Part 12 Chapter 3 Death Benefits or Funeral Claims Application Process

Rule 3.1 Forms

1. Mississippi Department of Public Safety requires the following Death Benefits Trust forms to qualify for payment of benefits under the Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund:
 - a. Beneficiary Designation Form (Form DB-010) - To be completed by "Covered Individuals" as defined by the statute, upon employment or during the Covered Individual's lifetime, for purposes of naming a beneficiary or beneficiaries for receiving death benefits payments; and,
 - b. Death Benefits Trust Claim Application (Form DB-020) - To be completed by the "Employer", as defined by the statute, and submitted to the Mississippi Department of Public Safety on behalf of a Covered Individual and his/her beneficiaries.
 - c. Funeral and Burial Payment Application (Form DB-030) - To be completed by both the Next of Kin and the Employer and submitted to the Mississippi Department of Public Safety on behalf of a Covered Individual.

Source: Miss. Code Ann. § 45-2-1, et seq.

Rule 3.2 Beneficiary Designation

1. Beneficiary Designation Form (Form DB-010) should be completed by the covered individual or employee upon employment. This form must be signed, notarized and placed within the covered individual's personnel file at the employer or agency wherein the person is currently employed.
2. If a covered individual or employee did not complete Form DB-010 upon employment or if Form DB-010 is missing from an employee's personnel file, this form should be completed as soon as possible. If the individual does not complete Form DB-010, the alternative statutory provisions of MCA §45-2-1 (2)(b) will apply, which provide for benefit distribution if no such designation is made.
3. The Beneficiary Designation Form (Form DB-010) is not sent to the Mississippi Department of Public Safety for record keeping. This document is to be maintained by the Employer. DPS should only receive a copy when included as an attachment to the submission of the Death Benefits Trust Application (Form DB-020).

Source: Miss. Code Ann. § 45-2-1, et seq.

Rule 3.3 Death Benefits Trust Claim Application Process

1. Death Benefits Trust Claim Application (Form DB-020) must be completed by the chief law enforcement officer or public agency director of the "Employer" when a covered individual is killed while engaged in the performance of the individual's official duties and sent by the Employer to the Mississippi Department of Public Safety along with the original copy of Form DB-010.
2. The following documents must be included with Form DB-020 at the time of submission:
 - a. A certified copy of the original certificate of death;
 - b. If one was completed, the original of the Beneficiary Designation Form (Form DB-010);
 - c. An attested copy of the incident report documenting how death occurred; and
 - d. An attested copy of the covered employer's record showing deceased's date of hire or membership.
3. The submission of Form DB-010 and Form DB-020 does not guarantee payment under MCA §45-2-1. The Mississippi Department of Public Safety makes the final determination of payment under the statute.
4. Submission of the Death Benefits Trust Claim Application should be made by the Employer and filed with the Legal Division of the Mississippi Department of Public Safety at Post Office Box 958 in Jackson, Mississippi 39205. Questions or concerns should be directed to DeathBenefitsTrust@dps.ms.gov.
5. All completed applications for death benefits claims will be presented by the Legal Division and evaluated by the Commissioner and the Executive Committee during the Department's Executive Staff Meeting.

Source: Miss. Code Ann. § 45-2-1, et seq.

Rule 3.4 Funeral and Other Related Burial Expenses Application

1. Application for Payment of Funeral and Other Related Burial Expenses (Form DB-030) should be completed in part by the deceased individual's next of kin and in part by the chief law enforcement officer or public agency director and sent by the Employer to the Mississippi Department of Public Safety along with the requested documents.
2. The following documents must be included with Form DB-020 at the time of submission:
 - a. Copy of a contract for services or invoice for services rendered;
 - b. Completed W-9 for company/funeral home if a direct payment is being issued;
 - c. An attested copy of the covered employer's record showing deceased's date of hire or membership; and
 - d. If a volunteer, proof of the deceased's service as an active part-time or on-call member of the department within the six months prior to death.

3. The submission of Form DB-030 does not guarantee payment under MCA §45-2-1. Payment is subject to the availability of funds, and the Mississippi Department of Public Safety makes the final determination of payment under the statute.
4. The Funeral and Burial Payment Request Form (Form DB-030) should be completed by the chief law enforcement officer or public agency director, as “Employer” for the deceased individual. This form shall be completed upon request of the covered individual’s next of kin and submitted to MDPS, along with (1) a copy of the contract for services or invoice for services rendered and (2) a completed W-9 for the company or funeral home if a direct payment is to be issued.
5. Submission of the Funeral and Other Related Burial Expenses Application should be made by the Employer and filed with the Legal Division of the Mississippi Department of Public Safety at Post Office Box 958 in Jackson, Mississippi 39205. Questions or concerns should be directed to DeathBenefitsTrust@dps.ms.gov.

Source: Miss. Code Ann. § 45-2-1, et seq.

Part 12 Chapter 4 Other Safety Officials Death Benefits Trust Fund

Rule 4.1 Statutory Authority and Purpose

1. The Department of Public Safety shall be responsible for the management of the Other Safety Officials Death Benefits Trust Fund and the disbursement of death benefits authorized under MCA §45-2-31. The Department of Public Safety shall adopt rules and regulations necessary to implement and standardize the payment of death benefits under this section, to administer the trust fund created by this section and to carry out the purposes of this section.
2. As used in this section, the term “covered individual” means the directors and assistant directors of local emergency management organizations established under MCA §33-15-17, and coroners and deputy coroners.
3. The Department of Public Safety shall make a payment, as provided in this section, in the amount provided by MCA §45-2-31 when a covered individual, while engaged in the performance of the person's official duties, is accidentally or intentionally killed, provided that the killing is not the result of suicide, and that the bodily injury is not intentionally self-inflicted.
4. An accidental or intentional killing encompasses any killing of a person by another person or outside force, regardless of intent or circumstances. It is distinguished from death by natural causes.
5. The payment provided for in this subsection shall be made to the beneficiary who was designated in writing by the covered individual during the covered individual's lifetime. If no such designation is made, then the payment shall be made to the surviving child or children and spouse in equal portions, and if there is no surviving child or spouse, then to the parent or

parents. If a beneficiary is not designated and there is no surviving child, spouse or parent, then the payment shall be made to the covered individual's estate.

6. The payment made in this subsection is in addition to any workers' compensation or pension benefits and is exempt from the claims and demands of creditors of the covered individual.

Source: Miss. Code Ann. § 45-2-31

Rule 4.2 Forms

1. Mississippi Department of Public Safety requires the following Benefits Trust forms to qualify for payment of benefits under the Other Safety Officials Death Benefits Trust Fund:
 - a. Beneficiary Designation Form (Form OS-010) - To be completed by "Covered Individuals" as defined by the statute, upon employment or during the Covered Individual's lifetime, for purposes of naming a beneficiary or beneficiaries for receiving death benefits payments; and,
 - b. Other Safety Officials Death Benefits Claim Application (Form OS-020) - To be completed by the "Employer", as defined by the statute, and submitted to the Mississippi Department of Public Safety on behalf of a Covered Individual and his/her beneficiaries.

Source: Miss. Code Ann. § 45-2-31

Rule 4.3 Other Safety Officials Death Benefits Trust Fund Application Process

1. Death Benefits Trust Claim Application (Form OS-020) must be completed by the Employer when a covered individual is killed while engaged in the performance of the individual's official duties and sent by the Employer to the Mississippi Department of Public Safety along with the original copy of Form OS-010.
2. The following documents must be included with Form OS-020 at the time of submission:
 - a. A certified copy of the original certificate of death;
 - b. If one was completed, the original of the Beneficiary Designation Form (Form OS-010);
 - c. An attested copy of the incident report documenting how death occurred; and
 - d. An attested copy of the covered employer's record showing deceased's date of hire.
3. The submission of Form OS-010 and Form OS-020 does not guarantee payment under MCA §45-2-31. The Mississippi Department of Public Safety makes the final determination of payment under the statute.
4. Submission of the Death Benefits Trust Claim Application should be made by the Employer and filed with the Legal Division of the Mississippi Department of Public Safety at Post Office Box 958 in Jackson, Mississippi 39205. Questions or concerns should be directed to DeathBenefitsTrust@dps.ms.gov.

5. All completed applications for death benefits claims will be presented by the Legal Division and evaluated by the Commissioner and the Executive Committee during the Department's Executive Staff Meeting.

Source: Miss. Code Ann. § 45-2-31

Part 12 Chapter 5 Denial and Reconsideration Process

Rule 5.1 Denied Death Benefits Claims

1. If the Executive Committee denies a death benefits claim, a letter from the Commissioner will be mailed to the deceased individual's employer and listed beneficiaries, detailing the Executive Committee's reason for denying the claim.
2. This letter will also notify all listed beneficiaries of DPS's appeal process for denied claims and inform listed beneficiaries of their right to apply for federal death benefits under the Public Safety Officers' Benefits Act of 1976.

Source: Miss. Code Ann. § 45-2-1 and § 45-2-31

Rule 5.2 Reconsideration of Denied Death Benefits Claims

1. If the death benefits claim is denied, the applicant can request for reconsideration through the Legal Division of the Mississippi Department of Public Safety within thirty (30) days of receipt of the letter denying benefits.
2. Reconsideration is an informal resolution of a claim.
3. Upon receipt of a timely request for reconsideration, the Executive Committee will re-evaluate the contested death benefits claim and vote to either uphold or reverse its original decision. A letter from the Commissioner will be sent to the contesting individual(s) and designated beneficiaries notifying these individuals of the Executive Committee's decision.
4. The decision made by the Executive Committee is the final decision of the Mississippi Department of Public Safety.

Source: Miss. Code Ann. § 45-2-1 and § 45-2-31