

DEATH BENEFITS INFORMATION

K-WC 140 (Rev. 12-18)

The Kansas workers compensation law requires employers or their insurance carriers to pay weekly benefits to surviving dependents of employees whose death results from a work-related accident. Death benefits are equal to 0.6667 of the deceased worker's gross average weekly wage, but cannot exceed the maximum weekly benefit applicable on the date of death. The **minimum** weekly payment is paid at 50 percent of the state's average weekly wage at the time of the accident. Generally, benefits are payable to a maximum of \$300,000 depending on the continued eligibility of the surviving spouse and dependent children; \$60,000 of this amount is payable immediately in a lump sum. All medical and hospital expenses incurred are payable, as well as funeral expenses up to \$10,000. Where required, the employer shall pay the costs of a court-appointed conservator, not to exceed \$2,500.

Children are considered dependent if unmarried and under the age of 18 on the date of the deceased's death. Children between the ages of 18 and 23 are considered dependent children if they are physically or mentally incapacitated, attending college or involved in vocational education. Dependent children can continue to receive compensation until age 18, even if the benefits exceed the statutory limit at the time of the accident.

If the deceased leaves only a surviving spouse, the surviving spouse receives the entire weekly benefit. If the deceased leaves a surviving spouse and dependent children, one half of the weekly benefit is paid to the spouse and one half to the children. If only children survive, the weekly benefit is divided equally among the children. If the deceased is unmarried and leaves no dependent children, then parents, grandparents, brothers or sisters who were wholly or partially dependent upon the deceased can receive compensation. However, spouses or dependent children take priority over all other dependent relatives.

If there is no surviving spouse or dependent, \$100,000 may be divided among legal heirs of the deceased. The \$100,000 is paid in a lump sum, one-time payment.

If you have any questions regarding your rights under the Kansas Workers Compensation Act, contact the **Ombudsman/Claims Advisory Unit** of the Division of Workers Compensation as listed at the bottom of the page.

For additional information on current and historic benefit levels, go to www.dol.ks.gov/WorkComp/current.aspx or see the Table of Maximum Benefits at www.dol.ks.gov/Files/PDF/kwc107.pdf (English) or www.dol.ks.gov/Files/PDF/kwc1070a.pdf (Spanish).