

DEATH BENEFITS INFORMATION

K-WC 140 (Rev. 03-26)

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% of the state's average weekly wage at the time of the accident. Generally, benefits are payable to a maximum of \$500,000 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.

The wholly dependent children may continue receiving benefit even if they exceed the statutory limit at the time of the accident, if:
The wholly dependent child, who is not enrolled in high school, becomes 18 years of age;
If enrolled in high school, May 30 of the wholly dependent child's senior year in high school or until the child becomes 19 years of age, whichever occurs first; or the wholly dependent child's 23rd birthday, if such child is a student enrolled full-time in an accredited institution of higher education or vocational education.

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/Workers Compensation Consultants** of the Workers Compensation Division as listed at the bottom of the page.

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