

Article 88B - State Police

53.

(n) (1) Upon the receipt of proper proofs of the death of a member who was retired under the provisions of subsection (a) or (c) of this section on or after July 1, 1965, there shall be paid child's insurance benefits, surviving spouse's insurance benefits, mother's insurance benefits, parents' insurance benefits and lump-sum death payments and any other benefits which are to be computed and paid in accordance with the provisions of Title II of the federal Social Security Act as in effect at the time the survivor or survivors initially are eligible for payment, provided that the monthly earnings used in the Social Security Act calculation shall be the lesser of one twelfth the member's average final compensation or the maximum Social Security earnings which could be used in the calculation. The amount of benefits payable under this subsection do not include any type of cost-of-living adjustments that the federal government may provide.

(2) UPON THE RECEIPT OF PROPER PROOFS OF THE DEATH OF A MEMBER WHO WAS RETIRED UNDER THE PROVISIONS OF SUBSECTION (E) OF THIS SECTION OR OF A MEMBER IN SERVICE, THERE SHALL BE PAID CHILD'S INSURANCE BENEFITS WHICH ARE TO BE COMPUTED AND PAID IN ACCORDANCE WITH THE PROVISIONS OF TITLE II OF THE FEDERAL SOCIAL SECURITY ACT AS IN EFFECT AT THE TIME THE SURVIVOR INITIALLY IS ELIGIBLE FOR PAYMENT, IF:

(I) THE CHILD IS NOT OTHERWISE ELIGIBLE TO RECEIVE CHILD'S INSURANCE BENEFITS UNDER TITLE II OF THE FEDERAL SOCIAL SECURITY ACT;

(II) THE MONTHLY EARNINGS USED IN THE SOCIAL SECURITY ACT CALCULATION ARE THE LESSER OF:

1. ONE-TWELFTH OF THE MEMBER'S AVERAGE FINAL COMPENSATION; OR

2. THE MAXIMUM SOCIAL SECURITY MONTHLY EARNINGS THAT MAY BE USED IN THE CALCULATION; AND

(III) THE CHILD'S INSURANCE BENEFITS DO NOT INCLUDE ANY TYPE OF COST OF LIVING ADJUSTMENTS THAT THE FEDERAL GOVERNMENT MAY PROVIDE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1989 and shall be applied retroactively to any surviving dependent children who are eligible to receive the child's insurance benefits under the provisions of this Act and who are not currently receiving child's insurance benefits under Title II of the federal Social Security Act.