

Chapter 8. Death Benefits

Death benefits are payments to a spouse, child/children, or any other dependent(s) if an employee dies from a work-related injury or illness. The amount of this benefit depends on the number of total and/or partial dependents at the time of the worker's death.

In the case of one or more totally dependent minors, after payment of amounts specified in the below chart, death benefits will continue until the youngest minor child turns 18 years old (disabled minors receive benefits for life).

Death benefits are paid at the total temporary disability rate, but not less than \$224.00 per week. The period within which to commence proceedings for the collection of death benefits will vary, but cannot be commenced more than 240 weeks from the date of injury/death.

The amount of death benefits depends on the number of total and/or partial dependent(s) at the time of the worker's death. In regards to burial expenses, the employer is liable for the reasonable burial expenses of an employee who has died as a result of a work-related injury. See the chart below for maximum burial expense amounts. For more information, visit the website <https://www.dir.ca.gov/dwc/WorkersCompensationBenefits.htm#DeathBenefits>.

Death Benefit Amounts Based on the Number of Dependent(s) and Date

DATES	1 TOTAL DEPENDENT	2 TOTAL DEPENDENTS	3 OR MORE TOTAL DEPENDENTS	1 TOTAL DEPENDENT PLUS 1 OR MORE PARTIAL DEPENDENT	1 OR MORE PARTIAL DEPENDENTS
7/1/1996- 12/31/2005	\$125,000	\$145,000	\$160,000	\$125,000 plus 4x annual support for partial dependents not to exceed \$145,000	4x annual support for partial dependents, not to exceed \$125,000
On or After 1/1/2006	\$250,000	\$290,000	\$320,000	\$250,000 plus 4x annual support for partial dependents, not to exceed \$290,000	8x annual support for partial dependents, not to exceed \$250,000

Burial Expenses

DATES	Burial Expenses
January 1, 1991- December 31, 2012	\$5,000
On of After January 1, 2013	\$10,000

Per Labor Code 4706.5 (a), if there are no dependents, then payments must be made to the Division of Industrial Relations (DIR). The amount to be paid is equal to the total dependency death benefit that would be payable to a surviving spouse with no dependent minor child/children. For death at the workplace after 1/1/2006, the amount is \$250,000.