

## Department of Planning and Budget 2002 Fiscal Impact Statement

**1. Bill Number** HB1239

**House of Origin**    ☐ Introduced    ☐ Substitute    ☐ Engrossed

**Second House**    ☐ In Committee    ☐ Substitute    ☒ Enrolled

**2. Patron**        Suit

**3. Committee**    Passed Both Houses

**4. Title**           Workers' compensation; payments to minor.

5. **Summary/Purpose:** This bill clarifies that when periodic        weekly, monthly, quarterly, or lump sum workers' compensation benefit payments are made to a surviving spouse for either his benefit or the benefit of minor children, that spouse is empowered to receive and give receipt for such payments to the same extent as a court -appointed guardian ad litem. This surviving spouse's acknowledgment of receipt shall fully discharge all claims or demand either the spouse or his minor children could lodge against the deceased employee's employer. In addition, the legislation permits the Virginia Workers' Compensation Commission to require annual written certifications from the surviving spouse confirming that any payment made for the benefit of their minor child or children has been used for the benefit of that minor child        dorthose minor children. This legislation includes an emergency clause.

6. **No Fiscal Impact.**

7. **Budget amendment necessary:** No.

8. **Fiscal implications:** None. This legislation is designed to address certain issues that have arisen from the payment of workers' compensation benefits by the Commonwealth to the surviving spouses and children of the National Guardsmen killed in the line of duty during a training mission last year. Although the Virginia Workers' Compensation Commission was responsible for issuing the award amounts, local courts were responsible for ensuring that the benefits paid to these surviving spouses' minor children were used for the benefit of those minor children. Consequently, some local courts required the appointment of        guardians ad litem to oversee these minor children's benefits while others did not, some local courts required these guardians ad litem to be bonded while others did not, and some local courts strictly defined how minor children's benefits could be used while others did not. Consequently, a need arose for some level of uniformity. This legislation would provide that level of uniformity by empowering the Virginia Workers' Compensation Commission to oversee these workers' compensation claims from beginning        to end. However, this legislation does not affect the total workers' compensation payments made by the Commonwealth or increase the operating costs of the Virginia Workers' Compensation Commission.

9. Specific agency or political subdivisions affected : This legislation would affect the Virginia  
Workers' Compensation Commission

10. Technical amendment necessary: No.

11. Other comments: None.

**Date:** 03/08/02/PXV

**Document:** G:\2002 Legislation\House bills\HB1239.Doc

cc: Secretary of Administration