CHAPTER 982

An Act for the relief of certain individuals.

[H 1719]

Approved April 7, 1999

Whereas, Cyrus McCormick is the father of Steven A. McCormick, who was born on March 8, 1959; and

Whereas, the McCormick family has resided in Lexington, Virginia, since that time; and

Whereas, Steven A. McCormick was diagnosed with muscular dystrophy when he was seven years old; and

Whereas, the parents of Steven A. McCormick have cared for him at home since the diagnosis; and

Whereas, Steven A. McCormick is covered by a health insurance policy with Connecticut General Life Insurance Company which was initially obtained through Cyrus McCormick's employer, Burlington Industries; and

Whereas, in March of 1995, the McCormicks became responsible for the payment of premiums under the policy when Cyrus McCormick retired from Burlington Industries; and

Whereas, in July of 1995, the Health Insurance Premium Payment Program (HIP program), which provides assistance to qualified state residents, became available on a statewide basis; and

Whereas, the Department of Social Services did not inform Cyrus McCormick of the HIP program despite being aware of information demonstrating that he met the criteria for the program; and

Whereas, in November of 1997, Cyrus McCormick applied for the HIP program; and

Whereas, on November 21, 1997, Cyrus McCormick was notified that he had been approved for participation in the HIP program and that reimbursements would begin effective November of 1997; and

Whereas, on February 2, 1998, Cyrus McCormick appealed the decision and requested reimbursement for $10,944.14 in premiums paid from July of 1995 through November of 1997, the period of time between when the program was first available statewide and his acceptance into the program; and

Whereas, on April 6, 1998, a hearing was held on the appeal; and

Whereas, on April 30, 1998, the hearing officer denied the appeal; and

Whereas, in denying the appeal, the hearing officer included a specific finding that the medical condition of Steven A. McCormick and the availability of medical insurance demonstrated that he met the criteria for making a referral and that it would have been appropriate for the local office of the Department of Social Services to have referred the case to the HIP program; and

Whereas, Cyrus McCormick has no other means to obtain reimbursement for the premium payments paid during this period except by action of this body; and

Whereas, Jeffrey L. Galston is an attorney with the law firm of Hyder, Lowe & Galston; and

Whereas, on February 9, 1996, Jeffrey L. Galston was appointed guardian ad litem for a minor child by the Circuit Court for the City of Richmond; and

Whereas, in November 1993 prior to Galston's appointment as guardian ad litem, the court had transferred custody of the minor child from the parents to the County of Henrico and placed the minor child in a foster home with supervised visitation for the parents; and

Whereas, during a stay granted by the court, the Henrico County Child Protective Services discovered that the mother had taken the minor child and had left the state without notice; and

Whereas, the mother and minor child were eventually located in the State of Washington living with the uncle of the minor child; and

Whereas, after a hearing was conducted in May 1995, a superior court in Washington authorized the minor child's return to the Commonwealth; and

Whereas, the mother, father and uncle of the minor child subsequently filed individual custody petitions with the Circuit Court for the City of Richmond; and

Whereas, after being appointed as the guardian ad litem for the minor child, Galston received information from an investigator with the Henrico County Child Protective Services that the child's uncle made certain statements at the hearing held in Washington that were relevant to his fitness to act as the parent of the minor child; and

Whereas, Galston unsuccessfully attempted to obtain a transcript from the hearing; and

Whereas, the uncle of the minor child learned of Galston's attempts to obtain the transcript and threatened Galston on at least two occasions with a libel action; and

Whereas, in February 1998 the uncle of the minor child filed a lawsuit against Galston and Hyder, Lowe & Galston alleging defamation of character and malicious interference with his relationship with the minor child; and

Whereas, Galston and Hyder, Lowe & Galston were forced to hire an attorney in the State of

Washington to defend their interests; and

Whereas, the lawsuit was dismissed for lack of jurisdiction, improper venue and insufficient process; and

Whereas, Galston's litigation expenses were reimbursed by the Division of Risk Management; and

Whereas, the litigation expenses of the law firm in the amount of $2,015.90 were not reimbursed; and

Whereas, attempts by Galston and the law firm to have the expenses reimbursed have been unsuccessful; and

Whereas, Hyder, Lowe & Galston has no other means to obtain relief except by action of this body; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That there is hereby appropriated from the general fund appropriation to the Department of Social Services the sum of $10,944.14 for the relief of Cyrus McCormick to be paid by check issued by the State Treasurer on warrant of the Comptroller to Cyrus McCormick upon execution by him of a release of all claims he may have against the Commonwealth or any agency, instrumentality, officer, employee or political subdivision thereof, in connection with the aforesaid occurrence.*

§ 2. That there is hereby appropriated from the general fund of the state treasury the sum of $2,015.90 to be paid by check issued by the State Treasurer on warrant of the Comptroller to Hyder, Lowe & Galston upon the execution by each partner of Hyder, Lowe & Galston of a release of all claims they may have against the Commonwealth or any agency, instrumentality, officer, employee or political subdivision in connection with the aforesaid occurrence.