

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 8.01-53 of the Code of Virginia, relating to wrongful death*  
3 *beneficiaries; parents of the decedent.*

4 [H 1767]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 8.01-53 of the Code of Virginia is amended and reenacted as follows:**8 **§ 8.01-53. Class and beneficiaries; when determined.**

9 A. The damages awarded pursuant to § 8.01-52 shall be distributed as specified under § 8.01-54 to (i)  
10 the surviving spouse, children of the deceased and children of any deceased child of the deceased, *and*  
11 *the parents of the decedent if any of such parents, within 12 months prior to the decedent's death,*  
12 *regularly received support or regularly received services from the decedent for necessities, including*  
13 *living expenses, food, shelter, health care expenses, or in-home assistance or care,* or (ii) if there be  
14 none such, then to the parents, brothers and sisters of the deceased, and to any other relative who is  
15 primarily dependent on the decedent for support or services and is also a member of the same household  
16 as the decedent or (iii) if the decedent has left both surviving spouse and parent or parents, but no child  
17 or grandchild, the award shall be distributed to the surviving spouse and such parent or parents or (iv) if  
18 there are survivors under clause (i) or clause (iii), the award shall be distributed to those beneficiaries  
19 and to any other relative who is primarily dependent on the decedent for support or services and is also  
20 a member of the same household as the decedent or (v) if no survivors exist under clause (i), (ii), (iii),  
21 or (iv), the award shall be distributed in the course of descents as provided for in § 64.2-200. Provided,  
22 however, no parent whose parental rights and responsibilities have been terminated by a court of  
23 competent jurisdiction or pursuant to a permanent entrustment agreement with a child welfare agency  
24 shall be eligible as a beneficiary under this section. For purposes of this section, a relative is any person  
25 related to the decedent by blood, marriage, or adoption and also includes a stepchild of the decedent.

26 B. The class and beneficiaries thereof eligible to receive such distribution shall be fixed (i) at the  
27 time the verdict is entered if the jury makes the specification, or (ii) at the time the judgment is  
28 rendered if the court specifies the distribution.

29 C. A beneficiary may renounce his interest in any claim brought pursuant to § 8.01-50 and, in such  
30 event, the damages shall be distributed to the beneficiaries in the same class as the renouncing  
31 beneficiary or, if there are none, to the beneficiaries in any subsequent class in the order of priority set  
32 forth in subsection A.

33 **2. That the provisions of this act shall apply only to causes of action arising on or after July 1,**  
34 **2019.**

ENROLLED

HB1767ER