

34A-2-414 Benefits in case of death -- Distribution of award to dependents -- Death of dependents -- Remarriage of surviving spouse.

- (1)
 - (a) Subject to the other provisions of this section, benefits in case of death of an employee shall be paid to one or more of the dependents of the decedent employee for the benefit of all the dependents.
 - (b) Unless another apportionment is determined by the commission, benefits in case of death of an employee shall be apportioned among the dependents by:
 - (i) dividing the amount of benefits by the number of dependents; and
 - (ii) allotting each dependent an equal share.
 - (c) If one or more of the dependents described in Subsection (1)(a) is partly dependent, the commission may apportion the benefits in a manner different than Subsection (1)(b).
 - (d) In the case of a minor child who is a dependent, a benefit shall be paid to:
 - (i) the minor child's surviving parent; or
 - (ii) if there is no surviving parent, a court appointed custodian or guardian.
- (2) A dependent or a person to whom a benefit is paid for a dependent, shall apply the benefit to the use of the one or more beneficiaries.
- (3) In all cases of death, if:
 - (a) the dependents are a surviving spouse and one or more minor children, it is sufficient for the surviving spouse to apply for benefits on behalf of the surviving spouse and the minor children; and
 - (b) all of the dependents are minor children, a guardian or next friend of the minor dependents shall apply for the benefits.
- (4)
 - (a) An administrative law judge may, for the purpose of protecting the rights and interests of a minor dependent who does not have a surviving parent or court appointed custodian or guardian, direct that the benefits be deposited into an interest bearing account for the purpose of receiving a payment due the minor dependent.
 - (b) Money deposited into an interest bearing account under Subsection (4)(a) shall be released to:
 - (i) a court appointed custodian or guardian of the minor dependent when the custodian or guardian is appointed; or
 - (ii) a minor dependent when the minor dependent becomes 18 years of age.
 - (c) The commission, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, may make rules related to the requirements of an interest bearing account described in Subsection (4)(a).
- (5) If a dependent of a deceased employee dies during the period covered by weekly payments authorized by this section, the right of the deceased dependent to compensation under this chapter or Chapter 3, Utah Occupational Disease Act, ceases.
- (6)
 - (a) If a surviving spouse, who is a dependent of a deceased employee and who is receiving the benefits of this chapter or Chapter 3, Utah Occupational Disease Act, remarries, the surviving spouse's sole right after the remarriage to further benefits is the right to receive in a lump sum the lesser of:
 - (i) the balance of the weekly compensation payments unpaid:
 - (A) from the day on which the surviving spouse remarries; and
 - (B) to the end of 312 weeks from the date of the injury from which death resulted; or

- (ii) an amount equal to 52 weeks of compensation at the weekly compensation rate the surviving spouse is receiving at the time of the remarriage.
 - (b) If there are other dependents remaining as of the day on which a surviving spouse remarries, benefits payable under this chapter or Chapter 3, Utah Occupational Disease Act, shall be paid for the use and benefit of the other dependents.
- (7) Weekly benefits to be paid under this section shall be paid at intervals of not less than four weeks.

Amended by Chapter 90, 2008 General Session