



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

House: COM DP 10-0-0-0

HB 2198: claimant; guardian ad litem; procedure

Sponsor: Representative Wilmeth, LD 2

Caucus & COW

Overview

Removes a trustee from being appointed to represent a minor or incapacitated person relating to workers' compensation claims.

History

The Industrial Commission of Arizona (ICA) is responsible for overseeing various labor-related issues in Arizona including processing and adjudicating workers' compensation claims. A claim for compensation is valid or enforceable only if it has been filed with the ICA by the employee within one year after the injury occurred. The employer, within ten days of receiving a notice of an accident, must inform the employer's insurance carrier and the ICA. Upon receiving notification of the injury, the ICA sends a claim form to the employee. However, if an insurance carrier or self-insured employer receives written notice from the injured employee who intends to file a claim compensation, the insurance carrier or self-insured employer has seven days to forward the notice to the ICA and inform the employee of the requirement to file with the ICA ([A.R.S. § 23-1061](#)).

If the claimant for compensation or death benefits is a minor or an incompetent person, the ICA may appoint a trustee or guardian ad litem to appear for and represent the person. The ICA sets the terms and conditions as it deems proper for the representation of the person ([A.R.S. § 23-1066](#)).

A *guardian ad litem* is a person appointed to protect the interest of a minor or an incompetent in a particular case.

Provisions

1. Removes a trustee as a person who may be appointed to represent a minor or incapacitated person in a claim for compensation or death benefits. (Sec. 1)
2. Specifies the guardian ad litem's representation of the minor or incapacitated person must be *in accordance with the terms, conditions and rules of the ICA*, rather than in *such terms and conditions as the ICA deems to be proper*. (Sec. 1)
3. Clarifies that the guardian ad litem's representation must be in the *best interests* of the minor or *incapacitated* person. (Sec. 1)
4. Changes the reference of *incompetent* person to *incapacitated* person. (Sec. 1)
5. Makes clarifying changes. (Sec. 1)

Prop 105 (45 votes)

Prop 108 (40 votes)

Emergency (40 votes)

Fiscal Note