

SENATE BILL NO. 520

BY SENATOR BROOME

1 AN ACT

2 To amend and reenact R.S. 23:1231(B)(2) and 1253 and to enact R.S. 23:1251(3), relative
3 to workers' compensation benefits; to provide for death benefit awards to dependent
4 children; to provide for payment to adopted or natural children of deceased
5 employee; to restrict payments to certain persons; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 23:1231(B)(2) and 1253 are hereby amended and reenacted and R.S.
8 23:1251(3) is hereby enacted to read as follows:

9 §1231. Death of employee; payment to dependents; surviving parents

10 * * *

11 B.(1) * * *

12 (2) However, if the employee leaves no legal dependents entitled to benefits
13 under any state or federal compensation system, **one lump sum of seventy-five**
14 **thousand dollars shall be paid to the surviving biological and adopted children**
15 **of the employee to be divided equally among them, which shall constitute the**
16 **sole and exclusive compensation in such cases. If the employee leaves no legal**
17 **dependents and no biological or adopted children entitled to benefits under any**
18 **state or federal compensation system**, the sum of seventy-five thousand dollars
19 shall be paid to each surviving parent of the deceased employee, in a lump sum,
20 which shall constitute the sole and exclusive compensation in such cases.

21 * * *

22 §1251. Persons conclusively presumed dependents

23 The following persons shall be conclusively presumed to be wholly and
24 actually dependent upon the deceased employee:

25 * * *

26 **(3) A child under the age of eighteen years, or over eighteen years of age,**
27 **if physically or mentally incapacitated from earning, with a valid child support**

1 order from a court of competent jurisdiction against the deceased parent,
 2 regardless of whether child support is actually being paid, or until the age of
 3 twenty-three if enrolled as a full-time student in any accredited educational
 4 institution.

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§1253. Membership in family or relationship

7 If there is no one wholly dependent and more than one person partially
 8 dependent, so much of the death benefit as each is entitled to shall be divided among
 9 them according to the relative extent of their dependency. No person shall be
 10 considered a dependent, unless he is a member of the family of the deceased
 11 employee, or bearing to him the relation of husband or widow, or lineal descendant
 12 or ascendant, or brother or sister, or child. **Regardless of dependency, no**
 13 **payments shall be made to the concubine of the deceased employee nor the**
 14 **concubine's children, unless those children are related to the deceased employee**
 15 **by blood or adoption.**

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____