

House Bill 1278 (AS PASSED HOUSE AND SENATE)

By: Representatives Channell of the 77th, Watson of the 60th, Post 2, Teilhet of the 34th, Post 2, Bannister of the 70th, Post 1, Maddox of the 59th, Post 2, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 34-9-226 of the Official Code of Georgia Annotated, relating to the
2 appointment of a guardian for a minor or incompetent claimant entitled to workers'
3 compensation benefits, so as to provide that such a guardian may be appointed by a court
4 other than the probate court; to change a provision relating to the appointment of a temporary
5 guardian; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 34-9-226 of the Official Code of Georgia Annotated, relating to the
9 appointment of a guardian for a minor or incompetent claimant entitled to workers'
10 compensation benefits, is amended by striking said Code section in its entirety and inserting
11 in lieu thereof the following:

12 "34-9-226.

13 (a) Except as provided in this Code section, the only person capable of representing a
14 minor or legally incompetent claimant entitled to workers' compensation benefits shall be
15 a guardian duly appointed and qualified by the probate court of the county of residence of
16 such minor or legally incompetent person or by a court of competent jurisdiction outside
17 the State of Georgia. Said guardian shall be required to file with the board a copy of the
18 guardianship returns filed annually with the probate court or with a court of competent
19 jurisdiction outside the state of Georgia and give notice to all parties within 30 days of any
20 change in status.

21 (b) The board shall have authority in and shall establish procedures for appointing
22 temporary guardians for purposes of administering workers' compensation rights and
23 benefits without such guardian becoming the legally qualified guardian of any other
24 property, without such guardian's actions being approved by a court of record, and without
25 the posting of a bond, in only the following circumstances:

1 (1) The board may, in its discretion, authorize and appoint a temporary guardian of a
2 minor or legally incompetent person to receive and administer weekly income benefits
3 on behalf of and for the benefit of said minor or legally incompetent person for a period
4 not to exceed 52 weeks unless renewed or extended by order of the board;

5 (2) The board may, in its discretion, authorize and appoint a temporary guardian of a
6 minor or legally incompetent person to compromise and terminate any claim and receive
7 any sum paid in settlement for the benefits and use of said minor or legally incompetent
8 person where the net settlement amount approved by the board is less than ~~\$25,000.00~~
9 \$50,000.00; and

10 (3) If a minor or legally incompetent person does not have a duly appointed
11 representative or guardian, the board may, in its discretion, appoint a guardian ad litem
12 to bring or defend an action under this chapter in the name of and for the benefit of said
13 minor or legally incompetent person to serve for a period not to exceed 52 weeks, unless
14 renewed or extended by order of the board. However, no guardian ad litem appointed
15 pursuant to this Code section shall be permitted to receive the proceeds from any such
16 action except as provided in this Code section and the board shall have the authority to
17 determine compensation, if any, for any guardian ad litem appointed pursuant to this
18 Code section."

19 SECTION 2.

20 All laws and parts of laws in conflict with this Act are repealed.