

### **342.075 Determination of dependency.**

- (1) The following persons shall be presumed to be wholly dependent upon a deceased employee:
  - (a) A surviving spouse upon a decedent whom the surviving spouse had not voluntarily abandoned at the time of the accident, or who having been abandoned by the decedent has not engaged in such conduct since his abandonment as would at common law constitute grounds justifying the abandonment of such wife by her husband or such husband by his wife;
  - (b) A child or children under the age of sixteen (16) years, or over sixteen (16) years if incapacitated from wage earning, upon the parent with whom such child or children are living, or by whom actually supported, or from whom support is legally required by judgment of a court, at the time of the accident.
- (2) In all other cases the relation of dependency in whole or in part shall be determined in accordance with the facts of each case existing at the time of the accident.
- (3) No person shall be considered a dependent in any degree unless he is living in the household of the employee at the time of the accident, or unless such person bears to the employee the relation of father, mother, husband, or wife, father-in-law or mother-in-law, grandfather or grandmother, child or grandchild, or brother or sister of the whole or half blood and is actually dependent.

**Effective:** July 15, 1980

**History:** Amended 1980 Ky. Acts ch. 104, sec. 2, effective July 15, 1980. -- Amended 1974 Ky. Acts ch. 386, sec. 60. -- Amended 1952 Ky. Acts ch. 55, sec. 1, effective June 19, 1952; and ch. 182, sec. 3, effective June 30, 1952. -- Amended 1950 Ky. Acts ch. 187, sec. 2. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4894.