

**85.43 Payment to spouse.**

1. If the deceased employee leaves a surviving spouse qualified under the provisions of [section 85.42](#), the full compensation shall be paid to the surviving spouse, as provided in [section 85.31](#); provided that where a deceased employee leaves a surviving spouse and a dependent child or children the workers' compensation commissioner may make an order of record for an equitable apportionment of the compensation payments.

2. If the spouse dies, the benefits shall be paid to the person or persons wholly dependent on deceased, if any, share and share alike. If there are none wholly dependent, then such benefits shall be paid to partial dependents, if any, in proportion to their dependency for the periods provided in [section 85.31](#).

3. If the deceased leaves a dependent child or children who was or were such at the time of the injury, and the surviving spouse remarries, then and in such case, the payments shall be paid to the proper compensation trustee for the use and benefit of such dependent child or children for the period provided in [section 85.31](#).

[S13, §2477-m16; C24, 27, 31, 35, 39, §1403; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §85.43]

[98 Acts, ch 1061, §11](#); [2017 Acts, ch 54, §76](#); [2018 Acts, ch 1041, §29](#)

Subsections 1 and 3 amended