

Bill as
Introduced

HB 481-FN - AS INTRODUCED

2013 SESSION

13-0763

05/01

HOUSE BILL **481-FN**

AN ACT limiting the state's authority to seek reimbursement for public assistance.

SPONSORS: Rep. Hackel, Hills 29

COMMITTEE: Health, Human Services and Elderly Affairs

ANALYSIS

This bill removes the state's ability under RSA 167:2 to recover public assistance from the recipient's child, stepparent, or parent if the recipient is 18 years of age or older. The bill also revises RSA 546-A, relative to civil liability for support, by removing a child's obligation to support his or her parents and limits a parent's liability to children under the age of 18.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT limiting the state's authority to seek reimbursement for public assistance.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Public Assistance to Blind, Aged, or Disabled Persons, and to Dependent Children; Liability
2 for Support. Amend RSA 167:2 to read as follows:

3 167:2 Liability for Support; Recovery. Assistance rendered under this chapter or RSA 161 to
4 anyone having a father, mother, [~~stepfather, stepmother, son, daughter,~~] husband or wife, whose
5 weekly income or other resources are more than sufficient to provide a reasonable subsistence
6 compatible with decency and health, may be recovered in an appropriate proceeding in the superior
7 court brought by the commissioner of health and human services, in the name of the state, from
8 either a father, mother, [~~stepfather, stepmother, son, daughter,~~] husband, or wife, who are declared
9 jointly and severally liable for such assistance. ***A parent may be liable under this section only***
10 ***for assistance provided to a child under the age of 18.*** Such action shall be brought by the
11 attorney general or the county attorney for the county in which any such relative resides when so
12 requested by the commissioner of health and human services.

13 2 Uniform Civil Liability for Support; Liability. Amend RSA 546-A:2 to read as follows:

14 546-A:2 Liability. Every person whose income or other resources are more than sufficient to
15 provide for his or her reasonable subsistence compatible with decency or health owes a duty to
16 support or contribute to the support of his or her wife, husband, ***or*** child[, ~~father or mother~~] ***less***
17 ***than 18 years of age***, when in need.

18 3 Effective Date. This act shall take effect January 1, 2014.

LBAO
13-0763
01/17/13

HB 481-FN - FISCAL NOTE

AN ACT limiting the state's authority to seek reimbursement for public assistance.

FISCAL IMPACT:

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill, as introduced, at this time. When completed, the fiscal note will be forwarded to the House Clerk's Office.

HB 481 FISCAL NOTE

AN ACT limiting the state's authority to seek reimbursement for public assistance.

FISCAL IMPACT:

The Department of Health and Human Services states this bill, as introduced, will decrease state revenue by \$37,556 in FY 2014, and by \$75,112 in FY 2015 and each year thereafter. There will be no fiscal impact on state, county or local expenditures, or county and local revenue.

METHODOLOGY:

The Department of Health and Human Services states this bill would remove son, daughter, stepfather, and stepmother from the list of relatives that are potentially liable to provide support to an individual requesting or receiving public assistance. In addition, the bill adds provisions which limit the liability of parents to only the assistance provided to children under the age of 18. The Department indicates the bill also removes father and mother from the list of relatives in need that individuals are liable to provide support for. The Department states:

- The Financial Assistance to Needy Families (FANF) program provides financial assistance to eligible dependent children. The dependent child must be under the age of 18 or be under the age of 20 and be a full-time student in high school or a high school equivalency program. Parents are liable to provide support to dependent children, regardless of age, if they are receiving FANF benefits. In December 2012, there were 8 families with older children receiving FANF. There were a total of 4 adults and 12 children. One child was receiving child support of \$258 per month.
- The proposed changes would not impact the recovery of medical assistance costs because there is no recovery from the estates of individuals who were under 55 at the time of assistance.
- The removal of son or daughter from the list of relatives who are liable to provide support may have a very minor impact on the Old Age Assistance (OAA), Aid to Permanently and Totally Disabled (APTD), or Aid to the Needy Blind (ANB) programs since it is quite rare for a son or daughter to be required to support a parent.
- The proposed legislation does not affect how FANF eligibility determinations are made because stepparents are included in as part of the household.
- The Division of Child Support is currently enforcing 27 cases with dependents between the ages of 18 and 20 where the child support obligation is assigned to the state because of current public assistance. The annual amount of support assigned to the

state in these cases is \$75,112. The Department assumes this amount does not vary significantly from year to year and under the proposed legislation would no longer be recovered by the state. Since the bill is effective on January 1, 2014, the Department assumes the decrease in revenue in FY 2014 would equal one-half of the annual amount or \$37,556.

Amendments



Amendment to HB 481-FN

"Not adopted"

1 Amend the bill by replacing sections 1 and 2 with the following:

2

3 1 Public Assistance to Blind, Aged, or Disabled Persons, and to Dependent Children; Liability
4 for Support. Amend RSA 167:2 to read as follows:

5 167:2 Liability for Support; Recovery. Assistance rendered under this chapter or RSA 161 to
6 anyone having a father, mother, [~~stepfather, stepmother, son, daughter,~~] husband or wife, whose
7 weekly income or other resources are more than sufficient to provide a reasonable subsistence
8 compatible with decency and health, may be recovered in an appropriate proceeding in the superior
9 court brought by the commissioner of health and human services, in the name of the state, from
10 either a father, mother, [~~stepfather, stepmother, son, daughter,~~] husband, or wife, who are declared
11 jointly and severally liable for such assistance. ***A parent may be liable under this section only
12 for assistance provided to a child under the age of 18, or a child under the age of 20 who is
13 a full-time student in high school or a high school equivalency program.*** Such action shall
14 be brought by the attorney general or the county attorney for the county in which any such relative
15 resides when so requested by the commissioner of health and human services.

16 2 Uniform Civil Liability for Support; Liability. Amend RSA 546-A:2 to read as follows:

17 546-A:2 Liability. Every person whose income or other resources are more than sufficient to
18 provide for his or her reasonable subsistence compatible with decency or health owes a duty to
19 support or contribute to the support of ***the following persons when in need:*** his or her wife,
20 husband, ***or child*** [~~father or mother when in need~~] ***under the age of 18, or under the age of 20 if
21 the child is a full-time student in high school or a high school equivalency program.***



2013-0573h

AMENDED ANALYSIS

This bill removes the state's ability under RSA 167:2 to recover public assistance from the recipient's child and stepparent and limits parental liability to children under the age of 18 or under the age of 20 if they are full-time high school students. The bill also revises RSA 546-A, relative to civil liability for support, by removing a child's obligation to support his or her parents and limits a parent's liability to children under the age of 18 or under the age of 20 if they are full-time high school students.

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9 court brought by the commissioner of health and human services, in the name of the state, from
10 either a father, mother, [~~stepfather, stepmother, son, daughter,~~] husband, or wife, who are declared
11 jointly and severally liable for such assistance. ***A parent may be liable under this section only
12 for assistance provided to a child under the age of 18, or for so long as the department of
13 health and human services is mandated to recover support under Title IV of the Social
14 Security Act.*** Such action shall be brought by the attorney general or the county attorney for the
15 county in which any such relative resides when so requested by the commissioner of health and
16 human services. ***Nothing in this section shall affect assistance eligibility or the amount of
17 services that an applicant or recipient may be eligible for.***

18 2 Uniform Civil Liability for Support; Liability. Amend RSA 546-A:2 to read as follows:

19 546-A:2 Liability. Every person whose income or other resources are more than sufficient to
20 provide for his or her reasonable subsistence compatible with decency or health owes a duty to
21 support or contribute to the support of ***the following persons when in need:*** his or her wife,
22 husband, ***or child***[~~, father or mother when in need~~] ***under the age of 18 or for so long as the
23 department of health and human services is mandated to recover support for the child
24 under Title IV of the Social Security Act.***

2013-0778h

AMENDED ANALYSIS

This bill removes the state's ability under RSA 167:2 to recover public assistance from the recipient's child and stepparent and limits parental liability to children under the age of 18 or for so long as the department of health and human services is mandated to recover support under Title IV of the Social Security Act. The bill also revises RSA 546-A, relative to civil liability for support, by removing a child's obligation to support his or her parents and limiting a parent's liability to support his or her children.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

PUBLIC HEARING ON HB 481-FN

BILL TITLE: limiting the state's authority to seek reimbursement for public assistance.

DATE: February 19, 2013

LOB ROOM: 205 **Time Public Hearing Called to Order:** 1:45 p.m.

Time Adjourned: 1:50 p.m.

(please circle if present)

Committee Members: Reps. J. MacKay, Harding, Donovan, French, J. Tilton, Sherman, Andrews-
Ahern, Helmstetter, Picehurst, Jane Hunt, DiMartino, McMahon, B. Nelson, S. Schmidt, Emerson,
Meaney, Lebrun, Culbert, Martel and Kotowski.

Bill Sponsors: Rep. Hackell, Hills 29

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Hackell was out.

This bill will be heard at a later date. (February 26, 2013 at 3:45 p.m.)

Respectfully Submitted:



Rep. Lisa DiMartino, Clerk

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

** Reconvened, Recessed from 2/19/13 @*

PUBLIC HEARING ON HB 481-FN

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LOB ROOM: 205 **Time Public Hearing Called to Order:**

Time Adjourned:

(please circle if present)

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Bill Sponsors: Rep. Hackell, Hills 29

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HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS
*RECONVENED, RECESSED FROM FEBRUARY 19, 2013 AT 1:50 P.M.
PUBLIC HEARING ON HB 481-FN

BILL TITLE: limiting the state's authority to seek reimbursement for public assistance.

DATE: February 26, 2013

LOB ROOM: 205 **Time Public Hearing Called to Order:** 3:30 p.m

Time Adjourned: 3:55 p.m

(please circle if present)

Committee Members: Reps. ^{E. MacKay} J. MacKay, Harding, Donovan, French, J. Tilton, Sherman, Andrews-Ahern, Helmstetter, Ticehurst, Jane Hunt, DiMartino, McMahon, B. Nelson, S. Schmidt, Emerson, Meaney, Lebrun, Culbert, Martel and Kotowski.

Bill Sponsors: Rep. Hackell, Hills 29

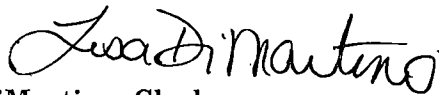
TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Paul Hackell – Prime Sponsor – Introduced the bill. Supports HB 481-FN.

Jennifer Jones from DHHA worked with Rep. Paul Hackell on the fiscal note. The Department does not have the time to investigate who owes the state money for recouping monies under the TANF program. TANF program caps at age 20. This would be a budget neutral amendment.

Respectfully Submitted:



Rep. Lisa DiMartino, Clerk

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS
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Bill Sponsors: Rep. Hackell, Hills 29

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

* Rep Paul Hackel prime sponsor introduced Bill supports HB 481 Jennifer Jones from DHHS worked with Rep Paul Hackel on the Fiscal note.

The Dept does not have the time to investigate who owes the state money for receiving TANF program. TANF program caps at age 20. This would be a budget neutral Amendment.

Testimony

Rep. Paul L Hackel's remarks on HB-481.....Feb 26, 2013

Image you pick up your mail and find a letter from a law firm. Upon opening it you need to pay \$30,000 for your step-father (who you never meet) or from Pennsylvania for your 46 year old alcoholic son who left home some 20 years ago.

I am not a lawyer, and I received none of the letters mention above, but in checking the law it could happen to a citizen on NH—it is called the FILIAL SUPPORT LAWS – RSA167:2.

HB481 changes RSA167:2 & RSA546-A:2 so only spouses & parents of children under the age of 18 are legal required to provide for reasonable subsistence to his or her spouse and adult children, eliminating step-fathers, step-mothers, or adult children. I am working with the Dept of Health and Human Services on an amendment so everyone in the Financial Assistance to Needy Families program are still covered. With this change, according to the Fiscal Note, the bill will have no financial impact on state, county or local expenditures or county & local revenues.

We inherited the Filial Support laws from the British. During the 1950's 45 US states and the federal government had Filial Support laws. Since then the federal government eliminated them as well at 16 other states-- Idaho in 2011 and Connecticut last year—so it now down to 29 states. As we discuss this bill, the Senate in Pa. is also working on a bill to eliminate it in their state. England eliminated them back in 1948.

WHY HAVEN'T WE HEARD OF THE FILIAL SUPPORT LAWS BEFORE?

There has been no significant attempts at enforcement, either on the part of needy elders, families, members or commercial 3rd parties in 15 of these states, which includes NH. It is hard to research lower court ruling in the other states—but research in 27 of the states reveal no official reported appellate decisions affirming an award of filial support against adult children during the last 30 or more years.

IS INTER-STATE ENFORCEMENT POSSIBLE?

Yes, but only if the state that the adult child live in also has a filial law. Consequently, a party in Vermont can make a claim against a NH resident—even if NH doesn't enforce the law.

WHY ISN'T BEING ENFORCED?

- 1) It is difficult to determine if a son or daughter has sufficient income to provide assistance since they still has obligations of providing funding for their own retirement & providing for minor children (including their education).
- 2) The public cost of enforcement is great. When Idaho chose to enforce filial laws in 1984, the state collected only \$30,000 of an expected 1.5 million and no-one reveals the administrative and legal cost of obtaining the \$30,000.

- 3) Probably the most important reason is we now have federal programs to handle the needs of most of our indigent elderly

WHY FILIAL SUPPORT IS LAWS NOW AN ISSUE—SINCE THERE IS LITTLE ENFORCEMENT?

States and institution are critically strapped for cash and are out looking for new sources of income.

MOST IMPORTANT—SHOULD THERE BE A FINIAL SUPPORT LAW?

Most citizens agree we should honor our father and mother and indeed feel a moral obligation to help support family but should it be a legal obligation. I personally feel that when I father children, I automatically accept a legal obligation to support them until they are adult. When I proposed to my wife, which I did 55 years ago, I accepted an obligation to help support her. But when I was born I didn't knowingly accept a burden of parents who might live another 60 years.

AARP reports 66% of older people with disabilities receive long term services and support for all their care exclusively from family caregivers. Another 26% receive some combination of family care and paid help.

I also believe we have enough laws on the books now—we should get rid of laws we do not need, and that we don't enforce but which other states can.

Professor Katherine C. Pearson
The Pennsylvania State University
The Dickinson School of Law

TABLE

FILIAL SUPPORT STATUTES in the UNITED STATES

Updated June 7, 2012

STATE	STATUTE	MOST RECENT CASES RELEVANT TO ISSUE OF ADULT CHILD'S LIABILITY FOR SUPPORT OF PARENT
Alabama	No Current Statute	
Alaska	Alaska Stat. § 25.20.030 (Duty of parent & child when poor) Alaska Stat. § 47.25.230 (Persons liable for support and burial) Alaska Stat. § 11.51.210 (Crime)	
Arizona	No Current Statute	
Arkansas	Ark. Code Ann. § 20-47-106 (Duty limited to mental health services)	<i>Alcorn v Ark. State Hospital</i> , 367 S.W.2d 737 (Ark. Supreme 1963) (decided under prior law, discussing limits on secondary liability of family member (father) for costs of mental health care to family member (adult daughter) in state hospital). <i>Stewart v. Stewart</i> , 1990 WL 48886 (Ark. App. 1990) (dicta, discussing parents' financial liability for mentally disabled adult son)
California	Cal. Fam. Code 4400-4405 (Duty to Support Parents) Cal. Fam. Code 4410-4414 (Relief from Duty to Support Parents) Cal. Welf. & Inst. Code §§ 12350 & 12351 (Including Releases of Obligation to Reimburse State) Cal. Penal Code § 270(c) (Crime)	<i>Swoap v. Superior Ct. of Sacramento Co.</i> , 516 P.2d 840 (Cal. 1973). (decided under prior version of statute, holding statutory duty of children to support needy parents and reimburse state for support is constitutional and does not deny equal protection of laws) <i>People v. Heizman</i> , 886 P.2d 1229 (Cal. 1994) (discussing filial duties in context of criminal case of elder abuse filed against adult daughter)
Colorado	No Current Statute	<i>In re Marriage of Sendinsky</i> , 740 P.2d 521 (Colo. 1987) (discussing impact of voluntary contributions by adult children to mother in divorce)
Connecticut	Conn. Gen. Stat. Ann. § 53-304 (Crime, for refusing reasonable necessary support to parent under age 65)	
Delaware	Del. Code Ann. Tit. 13 § 503 (Duty to support poor person includes spouse, parents & children). Del. Code Ann. Tit. 13 § 506 (Just cause defense to failure to support)	<i>Dutton v. Wolhar</i> , 809 F. Supp. 1130 (D. Del. 1992) (holding debt collectors not entitled to misrepresent effect of statute in attempting to collect deceased parents' debts from adult children)
Florida	No Current Statute	
Georgia	GA. Code Ann. § 36-12-3 (Children of full age shall support paupers)	<i>Davenport v. Davenport</i> , 111 S.E. 2d 57 (Ga. 1959) (declining to permit wife/mother to seek both spousal support and support from children)
Hawaii	No Current Statute	
Idaho	No Current Statute	Idaho Code § 32-1002 was repealed effective July 1, 2011
Illinois	No Current Statute	
Indiana	Ind. Code Ann. §§ 31-16 -17-1 thru 7 (Liability of children for support of parents & contribute to burials) Ind. Code Ann. § 35-46-1-7 (Crime)	<i>Pickett v. Pickett</i> , 251 N.E.2d 684 (Ind. App. 1969) (upholding obligation of son to support mother under prior version of statute) <i>Davis v. State</i> , 240 N.E.2d 54 (Ind. 1968) (holding son's gainful employment did not mean son was able to support mother under prior version of statute)
Iowa	Iowa Code Ann. § 252.1 (Defining "poor" person) Iowa Code Ann. § 252.2 (Liability) Iowa Code Ann. § 252.5 (Remote relatives - Grandparents)	

Kansas	No Current Statute	<i>In re Erikson</i> , 180 P.263 (Kan. 1919) (no statute; no duty)
Kentucky	KY. Rev. Stat. Ann. § 530.050 (Crime)	<i>Wood v. Wheat</i> , 11 S.W. 2d 916 (Ky. Ct. App. 1928) (Child voluntarily providing support cannot compel contribution from other children)
Louisiana	La. C.C. Art. 229 (Reciprocal duties; parents & children) La. C.C. Art. 239 (Reciprocal duties; illegitimate children) La. R.S. 13: 4731 (Alimony from children or grandchildren)	<i>In re Succession of Elie</i> , 50 So. 3d 262 (La. Ct. App. 2010) (denying mother's claims for funds from deceased son's estate under Art. 229)
Maine	No Current Statute	
Maryland	MD. Code Ann. Fam. Law §§ 13-101 thru 13-109 (Support claims by destitute parent or adult children)	<i>Corby v. McCarthy</i> , 840 A.2d 188 (Md. 2003)(recognizing parents' duty to support adult disabled child)
Massachusetts	Mass. Gen. Laws Ann. ch. 273, § 20 (Crime)	
Michigan	No Current Statute	
Minnesota	No Current Statute	
Mississippi	Miss. Code Ann. § 43-31-25 (Liability of parents, grandparents, brothers & sisters)	
Missouri	No Current Statute	<i>Roth v. Roth</i> , 571 S.W.2d 659 (Mo. App. 1978) (no statute; no duty)
Montana	Montana Code Ann. § 40-6-214 (Reciprocal duties of parents & children) Montana Code Ann. § 40-6-301 (Duty to support indigent parents)	<i>In re Marriage of Howard</i> , 840 P.2d 1217 (Mont. 1992)(holding that in calculating father's liability for child support, court did not have to deduct sums voluntarily paid by him to his mother, absent showing mother was indigent)
Nebraska	No Current Statute	
Nevada	Nev. Rev. Stat. Ann. § 428.070 (Child's duty to reimburse for county hospitalization of indigent parents, where child promised to support parent in writing) Nev. Rev. Stat. Ann. §439B.310 (Defining indigent)	
New Hampshire	N.H. Rev. Stat. Ann. § 167:2 (Reimbursement to state or county for public assistance to parent) N.H. Rev. Stat. Ann. § 546-A:2 (Liability of spouses, parent, child for reasonable subsistence)	
New Jersey	N.J. Stat. Ann. §§ 44:4-100 thru 44:4-103 (Liability of parents, spouses and children of poor persons) N.J. Stat. Ann. §§ 44:1-139 thru 44:1-142 (Compelling assistance from relatives including children)	<i>Terenzio v. Nelson</i> , 258 A.2d 20 (N.J. Super. Ct. App. Div. 1969) (permitting cross-border enforcement of prior New York law to recover mother's hospitalizations costs from N.J. son) <i>Pavlick v. Teresinski</i> , 149 A.2d 300 (Juv. & Dom. Rel. 1959) (upholding mother's claim against two sons).
New Mexico	No Current Statute	
New York	No Current Statute	<i>Matter of Will of Surut</i> , 535 N.Y.S. 2d 922 (N.Y. Sur. 1988) (daughter had no duty to support mother) <i>In re Mintz</i> , 280 N.Y.S 2d 1007 (N.Y. Sup. 1967)(declining to enforce out-of-state filial law against in-state child)
North Carolina	N.C. Gen. Stat. § 14-326.1 (Crime)	
North Dakota	N.D. Cent. Code § 14-09-10	<i>Trinity Medical Ctr. v. Rubbelke</i> , 389 N.W. 2d 805 (N.D. 1986) (holding medical center's release of parents also released children of

	(Reciprocal duties of parents and child; promise of adult child to pay for necessities furnished to parent is binding)	any obligation under statute).
Ohio	Ohio Rev. Code Ann. § 2919.21 (Crime)	<i>State v. Flontek</i> , 693 N.E.2d 767 (Ohio 1998) (reversing conviction of daughter for manslaughter & nonsupport of her mother) <i>St. Clare Center, Inc. v. Mueller</i> , 517 N.E.2d 236 (Ohio Ct. App. 1986) (holding statute criminalizing failure to provide support for parent does not create civil liability counterpart)
Oklahoma	No Current Statute	
Oregon	OR. Rev. Stat § 109.010 (Duty of support for children and parents) Or. Rev. Stat. § 163.205 (Crime)	<i>In re Estate of Hines</i> , 573 P.2d 1260 (Or. 1978) (discussing filial support statute in wrongful death claim, finding statute does not make parents dependents of child) <i>State v. Nolen</i> , 260 P.3d 810 (Or. Ct. App. 2011) (holding that in absence of agreement between mother and son, son had no duty to care for mother and therefore no liability for failing to provide her with care)
Pennsylvania	23 Pa. C.S.A. §§ 4601 thru 4606 (Duty of parents to indigent child and child to indigent parents)	<i>Savoy v. Savoy</i> , 641 A.2d 596, 600 (Pa. Super. 1994) (holding son liable for \$150 per month to pay mother's hospital expenses) <i>Presbyterian Med. Ctr. v. Budd</i> , 832 A.2d 1066 (Pa. Super. 2003) (holding statute may be used by nursing home to seek recovery from adult daughter who misused power of attorney and failed to use mother's money to pay for care) <i>Health Care & Retirement Corp. of America v. Pittas</i> , 2012 Pa. Super. 96, ___ A.3d ___, 2012 WL 1571830 (Pa. Super. 2012) (holding son liable to nursing home for \$93,000 for mother's six months of care)
Rhode Island	R.I. Gen. Laws §§ 15-10-1 thru 15-10-7 (Penalty for unreasonable neglect of destitute parents) R.I. Gen. Laws §§ 40-5-13 thru 40-5-21 (Obligation of kindred for support)	<i>Landmark Med.Ctr. v. Gauthier</i> , 635 A.2d 1145 (R.I. 1994) (upholding medical center's claim against wife and children for expenses incurred by wife and husband before his death, and children would be liable under both sets of statutes if mother's assets insufficient to cover debt).
South Carolina	No Current Statute	
South Dakota	S.D. Codified Law § 25-7-27 (Adult child's duty to support parent) S.D. Codified Law § 25-7-28 (Right of contribution from brothers and sisters) S.D. Codified Laws § 28-13-1.1(Defining "indigent or poor person")	<i>Prairie Lakes Health Care Sys. v. Wookey</i> , 583 N.W.2d 405 (S.D. 1998) (holding hospital entitled to make statutory claim against son for father's health care debt, where real estate transfer deemed fraud) <i>Americana Healthcare Ctr. v. Randall</i> , 513 N.W.2d 566 (S.D. 1994) (permitting mother's nursing home to make statutory claim against son to be paid from trust funds inherited from mother) <i>Accounts Management Inc. v. Nelson</i> , 663 N.W. 2d 237 (S.D. 2003) (holding that where hospital's patient (or his estate) was able to provide for himself, the children of the deceased patient were not obliged to pay).
Tennessee	Tenn. Code Ann. § 71-5-103 (Definition of responsible parties includes children) Tenn. Code Ann. § 71-5-115 (Welfare Department may require reimbursement from responsible parties)	
Texas	No Current Statute	<i>Missouri-Kansas-Texas R. Co. v. Fierce</i> , 519 S.W.2d 157 (Tex. Civ. App. 1975)(Son had no legal obligation to parent)
Utah	Utah Code Ann. § 17-14-2 (Support of Poor by Relatives: children; parents, brothers and sisters, grandchildren, grandparents)	
Vermont	VT. Stat. Ann. Tit. 15, §§ 202 & 203 (Penalties for nonsupport)	
Virginia	VA. Code Ann. § 20-88 (Support of parents by children)	<i>Peyton v. Peyton</i> , 8 Va. Cir. 531, 1978 Va. Cir. Lexis 19 (1978) (holding son liable to reimburse brother for mother's past care expenses)

Washington	No Current Statute	
Wisconsin	No Current Statute	
Wyoming	No Current Statute	
West Virginia	W. VA. Code § 9-5-9 (Liability of relatives for support, including children, parents, brothers & sisters)	
Puerto Rico	8 L.P.R.A. § 712 (Duty of descendants to the elderly (translated from Spanish))	<i>Chavez v. Hernandez et al.</i> , Civil Núm. KAL 2005-1188, 2008 WL 5561018 (TCA) (P.R. Cir. 2008) (holding four siblings liable equally to pay for mother's care, totaling \$1,800 per month plus retroactive payments of \$19,000).
District of Columbia	No Current Statute	

Voting Sheets

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

EXECUTIVE SESSION on HB 481-FN

BILL TITLE: limiting the state's authority to seek reimbursement for public assistance.

DATE: February 21, 2013 **RECESSED TO 3/5/13 AT 10:00 a.m.**

LOB ROOM: 205

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.


Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Lisa DiMartino, Clerk

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

EXECUTIVE SESSION on HB 481-FN

BILL TITLE: limiting the state's authority to seek reimbursement for public assistance.

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LOB ROOM: 205

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Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Lisa DiMartino, Clerk

Recessed to 3/5/13 @ 10:00



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/10/2013 8:47:26 AM
Roll Call Committee Registers
Report

2013 SESSION

HEALTH, HUMAN SERVICES & ELDERLY AFFAIRS

Bill #: HB 481-FN Title: limiting the states authority to seek reimbursement for public assistance.

PH Date: 02/19/13

Exec Session Date: 02/21/2013

Motion: _____

Amendment #: _____

MEMBER

YEAS

NAYS

MEMBER	YEAS	NAYS
Mackay, James R, Chairman		
Harding, Laurie , V Chairman		
French, Barbara C		
Denevan, Thomas E Mackay, Maricellen		
Tilton, Joy-K Bouckard		
Andrews-Ahearn, E. Elaine		
DiMartino, Lisa		
Helmstetter, Barbara S		
Hunt, Jane J, Clerk		
Sherman, Thomas M		
Ticehurst, Susan J		
McMahon, Charles E		
Emerson, Susan ,		
Kotowski, Frank R,		
Martel, Andre-A out		
LeBrun, Donald L		
Culbert, Patrick L		
Meaney, Richard E		
Nelson, Bill G		
Schmidt, Stephen J		
TOTAL VOTE:		

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

***Recessed from February 21, 2013 at 1:30 p.m.**

EXECUTIVE SESSION on HB 481-FN

BILL TITLE: limiting the state's authority to seek reimbursement for public assistance.

DATE: March 5, 2013

LOB ROOM: 205

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.) **RECESSED TO 3/7/13**

Moved by Rep. Mariellen MacKay

Seconded by Rep. Thomas Sherman

Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Lisa DiMartino, Clerk



HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

*Recessed from February 21, 2013 at 1:30 p.m.

EXECUTIVE SESSION on HB 481-FN

BILL TITLE: limiting the state's authority to seek reimbursement for public assistance.

DATE: March 5, 2013

LOB ROOM: 205

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *M. M.*

Seconded by Rep. *Sherman*

Vote: (Please attach record of roll call vote.)

Recess

3/7/13

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Lisa DiMartino, Clerk



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

2/21/2013 3:26:37 PM
Roll Call Committee Registers
Report

2013 SESSION

HEALTH, HUMAN SERVICES & ELDERLY AFFAIRS

Bill #: HB481-FN

Title: limiting the state's authority to seek reimbursement for public assistance.

PH Date: 02/26/2013

Exec Session Date: 03/05/2013

Motion: _____

Amendment #: _____

MEMBER

YEAS

NAYS

Mackay, James R, Chairman		
Harding, Laurie , V Chairman		
French, Barbara C		
Tilton, Joy K		
Andrews-Ahearn, E. Elaine		
DiMartino, Lisa , Clerk		
Helmstetter, Barbara S		
Hunt, Jane J,		
Sherman, Thomas M		
Ticehurst, Susan J		
McMahon, Charles E		
Emerson, Susan ,		
Kotowski, Frank R,		
Martel, Andre A		
LeBrun, Donald L		
Culbert, Patrick L		
Meaney, Richard E		
Nelson, Bill G		
Schmidt, Stephen J		
TOTAL VOTE:		

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

***Recessed from March 5, 2013
EXECUTIVE SESSION on HB 481-FN**

BILL TITLE: limiting the state's authority to seek reimbursement for public assistance.

DATE: March 7, 2013

LOB ROOM: 205

Amendments:

Sponsor: Rep. Mariellen MacKay OLS Document #: 2013 0778h

Sponsor: Rep. Susan Emerson OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: 15-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 15-0 YES

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Lisa DiMartino, Clerk



HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

*Recessed from March 5, 2013

EXECUTIVE SESSION on HB 481-FN

BILL TITLE: limiting the state's authority to seek reimbursement for public assistance.

DATE: March 7, 2013

LOB ROOM: 205

Amendments:

Sponsor: Rep. *m. Mackay*

OLS Document #: *2013-0778h*

Sponsor: Rep. *Emerson*

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. *7*

Seconded by Rep. *1*

Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: *15-0* (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: *15-0 yes*

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Lisa DiMartino, Clerk



2013 SESSION

HEALTH, HUMAN SERVICES & ELDERLY AFFAIRS

Bill #: 481 PN Title: Limiting the State's authority to seek reimbursement for public assistance.
PH Date: 2 / 26 / 2013 Exec Session Date: 3 / 7 / 13
Motion: ~~000~~ DTP Amendment #: 2013-0778h

MEMBER	YEAS	NAYS
Mackay, James R, Chairman	✓	
Harding, Laurie, V Chairman	✓	
French, Barbara C	✓	
Hilton, Joy K <i>Mackay</i>	✓	
Andrews-Ahearn, E. Elaine		
DiMartino, Lisa, Clerk	✓	
Helmstetter, Barbara S		
Hunt, Jane J,		
Sherman, Thomas M	✓	
Ticehurst, Susan J	✓	
McMahon, Charles E	✓	
Emerson, Susan,	✓	
Kotowski, Frank R, <i>Rep wanden Mack</i>	✓	
Martel, Andre A		
LeBrun, Donald L	✓	
Culbert, Patrick L	✓	
Meaney, Richard E	✓	
Nelson, Bill G	✓	
Schmidt, Stephen J	✓	
TOTAL VOTE:	15	0

~~Wanden Mack~~ *Mackay*



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

2/21/2013 3:26:37 PM
Roll Call Committee Registers
Report

2013 SESSION

HEALTH, HUMAN SERVICES & ELDERLY AFFAIRS

Bill #: HB 481-FN Title: Limiting the State's authority to seek reimbursement for public assistance.

PH Date: 02/26/2013 Exec Session Date: 03/07/2013

Motion: OTPA Amendment #: _____

(15)

MEMBER	YEAS	NAYS
MacKay, James R, Chairman	✓	
Harding, Laurie, V Chairman	✓	
French, Barbara C	✓	
Tilton, Joy K <i>MacKay</i>	✓	
Andrews-Ahearn, E. Elaine		
DiMartino, Lisa, Clerk.	✓	
Helmstetter, Barbara S		
Hunt, Jane J,		
Sherman, Thomas M	✓	
Ticehurst, Susan J	✓	
McMahon, Charles E	✓	
Emerson, Susan,	✓	
Kotowski, Frank R, <i>Rep Warden Mark</i>	✓	
Martel, Andre A		
LeBrun, Donald L	✓	
Culbert, Patrick L	✓	
Meaney, Richard E	✓	
Nelson, Bill G	✓	
Schmidt, Stephen J	✓	
TOTAL VOTE:	15	0

Marcellen MacKay

Committee Report

CONSENT CALENDAR

March 20, 2013

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on HEALTH, HUMAN SERVICES &
ELDERLY AFFAIRS to which was referred HB481-FN,**

**AN ACT limiting the state's authority to seek
reimbursement for public assistance. Having
considered the same, report the same with the following
amendment, and the recommendation that the bill
OUGHT TO PASS WITH AMENDMENT.**

Rep. Laurie Harding

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	HEALTH, HUMAN SERVICES & ELDERLY AFFAIRS
Bill Number:	HB481-FN
Title:	limiting the state's authority to seek reimbursement for public assistance.
Date:	March 7, 2013
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS WITH AMENDMENT

STATEMENT OF INTENT

This bill as amended will allow NH to join the Federal Government and the 21 states that have already eliminated the Filial Support laws. The Filial Support laws state that children have a duty to provide for parents who cannot do so. RSA 167:2 Liability for Support; Recovery. Assistance rendered under this chapter or RSA to anyone having a father, mother, (stepfather, stepmother, son, daughter) husband or wife, whose weekly income or other resources are more than sufficient to provide a reasonable subsistence compatible with decency and healthy, may be recovered in an appropriate proceeding in the superior court brought by the commissioner of health and human services, in the name of the state, from either a father, mother, (stepfather, stepmother, son, daughter) husband, or wife, who are declared jointly and severally liable for such assistance. We inherited these laws from the British; the Department stated that it has not had the resources to enforce the statute for many years. England did away with these laws in 1948. The bill has been amended to address the ability of the DHHS to still recover funds through FANF with no affect to the amount of services that an applicant or recipient may be eligible for.

Vote 15-0.

Rep. Laurie Harding
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

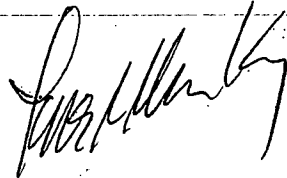
CONSENT CALENDAR

HEALTH, HUMAN SERVICES & ELDERLY AFFAIRS

HB481-FN, limiting the state's authority to seek reimbursement for public assistance. OUGHT TO PASS WITH AMENDMENT.

Rep. Laurie Harding for HEALTH, HUMAN SERVICES & ELDERLY AFFAIRS. This bill as amended will allow NH to join the Federal Government and the 21 states that have already eliminated the Filial Support laws. The Filial Support laws state that children have a duty to provide for parents who cannot do so. RSA 167:2 Liability for Support; Recovery. Assistance rendered under this chapter or RSA to anyone having a father, mother, (stepfather, stepmother, son, daughter) husband or wife, whose weekly income or other resources are more than sufficient to provide a reasonable subsistence compatible with decency and healthy, may be recovered in an appropriate proceeding in the superior court brought by the commissioner of health and human services, in the name of the state, from either a father, mother, (stepfather, stepmother, son, daughter) husband, or wife, who are declared jointly and severally liable for such assistance. We inherited these laws from the British; the Department stated that it has not had the resources to enforce the statute for many years. England did away with these laws in 1948. The bill has been amended to address the ability of the DHHS to still recover funds through FANF with no affect to the amount of services that an applicant or recipient may be eligible for. **Vote 15-0.**

Rep. Mariellen J. MacKay for Health, Human Services and Elderly Affairs: This bill as amended will allow NH to join the Federal Government and the 21 states that have already eliminated the Filial Support laws. The Filial Support laws state that children have a duty to provide for parents who cannot do so. RSA 167:2 Liability for Support; Recovery. Assistance rendered under this chapter or RSA to anyone having a father, mother, (stepfather, stepmother, son, daughter) husband or wife, whose weekly income or other resources are more than sufficient to provide a reasonable subsistence compatible with decency and healthy, may be recovered in an appropriate proceeding in the superior court brought by the commissioner of health and human services, in the name of the state, from either a father, mother, (stepfather, stepmother, son, daughter) husband, or wife, who are declared jointly and severally liable for such assistance. We inherited these laws from the British; the Department stated that it has not had the resources to enforce the statute for many years. England did away with these laws in 1948. The bill has been amended to address the ability of the DHHS to still recover funds through FANF with no affect to the amount of services that an applicant or recipient may be eligible for.



Rep. Mariellen J. MacKay for Health, Human Services and Elderly Affairs: This bill as amended will allow NH to join the Federal Government and the 21 states that have already eliminated the Filial Support laws. The Filial Support laws state that children have a duty to provide for parents who cannot do so. RSA 167:2 Liability for Support; Recovery. Assistance rendered under this chapter or RSA to anyone having a father, mother, (stepfather, stepmother, son, daughter) husband or wife, whose weekly income or other resources are more than sufficient to provide a reasonable subsistence compatible with decency and healthy, may be recovered in an appropriate proceeding in the superior court brought by the commissioner of health and human services, in the name of the state, from either a father, mother, (stepfather, stepmother, son, daughter) husband, or wife, who are declared jointly and severally liable for such assistance. We inherited these laws from the British; the Department stated that it has not had the resources to enforce the statute for many years. England did away with these laws in 1948. The bill has been amended to address the ability of the DHHS to still recover funds through FANF with no affect to the amount of services that an applicant or recipient may be eligible for.

COMMITTEE REPORT

COMMITTEE: Health, Human Services and Elderly

BILL NUMBER: H 13528

TITLE: Relative to support and care costs for children with disabilities.

DATE: March 5, 2013 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.
2013-0778h

STATEMENT OF INTENT:

See Blur

COMMITTEE VOTE: 15-0

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. Mariellen Mackay
For the Committee
Laurie Harding