

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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-FN - AS AMENDED BY THE HOUSE

20Mar2013... 0778h

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

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.

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10 for assistance provided to a child under the age of 18, or for so long as the department of
11 health and human services is mandated to recover support under Title IV of the Social
12 Security Act.*** Such action shall be brought by the attorney general or the county attorney for the
13 county in which any such relative resides when so requested by the commissioner of health and
14 human services. ***Nothing in this section shall affect assistance eligibility or the amount of
15 services that an applicant or recipient may be eligible for.***

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 for so long as the
21 department of health and human services is mandated to recover support for the child
22 under Title IV of the Social Security Act.***

23 3 Effective Date. This act shall take effect January 1, 2014.

LBAO
13-0763
Amended 03/21/13

HB 481 FISCAL NOTE

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

FISCAL IMPACT:

The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill, **as amended by the House (Amendment #2013-0778h)**, as it is awaiting information from the Department of Health and Human Services. When completed, the fiscal note will be forwarded to the House Clerk's Office.

CHAPTER 212
HB 481-FN - FINAL VERSION

20Mar2013... 0778h
05/02/13 1344s

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

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 the state's authority to recover public assistance from the recipient's parent. 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.

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CHAPTER 212
HB 481-FN – FINAL VERSION

20Mar2013... 0778h
05/02/13 1344s

13-0763
05/01

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:

1 212:1 Public Assistance to Blind, Aged, or Disabled Persons, and to Dependent Children;
2 Liability 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 shall be liable under this section only
10 for assistance provided to a child under the age of 18, or for as long as the department of
11 health and human services has the authority to recover support under Title IV of the
12 Social Security Act.*** Such action shall be brought by the attorney general or the county attorney
13 for the county in which any such relative resides when so requested by the commissioner of health
14 and human services. ***Nothing in this section shall affect assistance eligibility or the amount
15 of services for which an applicant or recipient may be eligible.***

16 212:2 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 for as long as the
21 department of health and human services has the authority to recover support for the child
22 under Title IV of the Social Security Act.***

23 212:3 Effective Date. This act shall take effect January 1, 2014.

24
25 Approved: July 10, 2013

26 Effective Date: January 1, 2014

Amendments

Amendment to HB 481-FN

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:

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12 *for assistance provided to a child under the age of 18, or for as long as the department of*
13 *health and human services has the authority to recover support under Title IV of the*
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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 as long as the*
23 *department of health and human services has the authority to recover support for the child*
24 *under Title IV of the Social Security Act.*

2013-1284h

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 the state's authority to recover public assistance from the recipient's parent. 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.



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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 as long as the
23 department of health and human services has the authority to recover support for the child
24 under Title IV of the Social Security Act.*

2013-1344s

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 the state's authority to recover public assistance from the recipient's parent. 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.

Committee Minutes

SENATE CALENDAR NOTICE
HEALTH, EDUCATION & HUMAN SERVICES

Senator Nancy Stiles Chairman
Senator John Reagan V Chairman
Senator Peggy Gilmour
Senator Molly Kelly
Senator Andy Sanborn

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/>
	Bill Status

Date: April 10, 2013

HEARINGS

Tuesday

4/16/2013

HEALTH, EDUCATION & HUMAN SERVICES

LOB 103

9:00 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

Comments: Proposed non-germane amendment to HB 636; Amendment #2013-1233s.

- 9:00 AM HB481-FN limiting the state's authority to seek reimbursement for public assistance.
- 9:30 AM HB260-FN (2nd New Title) relative to the children in need of services (CHINS) program.
- 10:00 AM HB636 relative to the waitlist for community mental health services.
- 10:30 AM HB375 requiring certain health care organizations to report to the department of health and human services regarding implementation of New Hampshire's 10-year mental health plan.

Sponsors:

HB481-FN

Rep. Paul Hackel

HB260-FN

Rep. Patricia Lovejoy

Rep. Timothy Copeland

HB636

Rep. Laurie Harding

Rep. Stephen Schmidt

Sen. Bob Odell

Sen. Sharon Carson

Sen. David Pierce

HB375

Rep. James MacKay

**HEALTH, EDUCATION, AND HUMAN SERVICES
COMMITTEE
Hearing Report**

Michael Ciccio, Legislative Aide

HB 481-FN -- limiting the state's authority seek reimbursement for public assistance.

Hearing Date: 04.16.13

Time Opened: 9:00

Time Closed: 9:19

Members of the Committee Present: Senators Stiles, Reagan, Gilmour, and Kelly

Members of the Committee Absent: Sanborn

Bill 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.

Sponsors: Rep. Hackel, Hills 29

Who supports the bill: Rep. Hackel, Rep. and Mary Ellen MacKay

Who opposes the bill: Bob Dunn (NH Health Care Association)

Who is neutral towards the bill: Jennifer Jones (DHHS)

Summary of testimony presented in support:

Rep. Hackel

- The possibility of receiving a letter from a law firm and asking for money for your step father or your son who you have not seen in 20 years is possible in NH with the filial support law under RSA 167:2.
- This bill changes the filial support law so that only spouses and parents of children under 18 are legally required to provide for reasonable subsistence. (eliminating step fathers, step mothers, and adult children)
- He worked with DHHS and Financial Assistance to make sure needy families are still covered.
- In the 1950's, 45 States and the federal government had filial support laws. Currently only 29 states have filial support laws.
- Rep. Hackel introduced an amendment so there would be no cost to the State.

- There have not been significant attempts to enforce filial support laws.
- Research in 27 states reveals no official appellate court decisions affirming an award of filial support against adult children.
- Inter-state enforcement is possible if the State where adult child resides also has a filial law.
- Currently the law is not being enforced because:
 - 1.) It is difficult to determine if a son or daughter has sufficient income to provide assistance.
 - 2.) The public cost of enforcement is large due to administrative and legal costs. Idaho was only able to collect 30,000 dollars of 1.5 million.
 - 3.) We have federal programs to handle the needs of the indigent elderly
- AARP reports 66% of older people with disabilities receive long term services and support for all their care exclusively from family care givers. 26% receive it from family and paid help.
- In response to questions from the committee Rep. Hackel stated:
 - A constituent found out about the law and she has a father who mistreated her when she was young. When she found out that she may be responsible for his care she brought it to Rep. Hackel's attention. The constituent has not received a letter asking for filial support.

Rep. Mary Ellen MacKay

- Protections for special needs were put into the bill.

Summary of testimony presented in opposition:

- None

Summary of testimony presented neutral:

Jennifer Jones: DHHS

- The department is not taking position on the bill.
- The fiscal concern has been addressed by Rep. Hackel's amendment.
- Originally there was 75,000 dollar obligation for the bill. Under rep Hackel amendment there is no fiscal impact.
- The department does not enforce the current law.
- In response to questions from the committee:
 - The department has never used collectors. The AG's office used to have a person who did collections and his salary was paid for by his collections. However, she does not believe that position has been filled since he left. The State's recoveries are all done in house.

Fiscal: See Fiscal Note

Action: The Committee took the bill under advisement

MJC

Date hearing report completed: 4.17.13

Speakers

Testimony

Rep. Paul L Hackel's remarks on HB-481.....April 16, 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 worked with the Dept of Health and Human Services on an amendment so everyone in the Financial Assistance to Needy Families program are still covered.

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 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 § 400-4405 (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 <i>under</i> 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	

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: 04.24.13

THE COMMITTEE ON Health, Education and Human Services

to which was referred House Bill 481-FN

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

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 4-0

AMENDMENT # 1344s

Senator John Reagan
For the Committee

Michael Ciccio 271-3093

New Hampshire General Court - Bill Status System

Docket of HB481

Docket Abbreviations

Bill Title: limiting the state's authority to seek reimbursement for public assistance.**Official Docket of HB481:**

Date	Body	Description
1/3/2013	H	Introduced 1/3/2013 and Referred to Health, Human Services and Elderly Affairs; HJ 12 , PG.197
2/6/2013	H	Public Hearing: 2/19/2013 1:45 PM LOB 205 ==RECESSED==
2/11/2013	H	Executive Session: 2/21/2013 1:30 PM LOB 205 ==RECESSED==
2/20/2013	H	Continued Public Hearing: 2/26/2013 3:45 PM LOB 205
2/26/2013	H	Continued Executive Session: 3/5/2013 10:00 AM LOB 205 ==RECESSED==
3/6/2013	H	Continued Executive Session: 3/7/2013 9:00 AM LOB 207
3/7/2013	H	Committee Report: Ought to Pass with Amendment #0778h for Mar 20 (Vote 15-0; CC); HC 23 PG.578
3/7/2013	H	Proposed Committee Amendment #2013-0778h ; HC 23 PG.616-617
3/20/2013	H	Amendment #0778h: AA VV; HJ 27 , PG.839
3/20/2013	H	Ought to Pass with Amendment #0778h : MA VV; HJ 27 , PG.839
3/21/2013	S	Introduced and Referred to Health, Education & Human Services
4/10/2013	S	Hearing: 4/16/13, Room 103, LOB; 9:00 a.m.; SC16
4/24/2013	S	Committee Report: Ought to Pass with Amendment #2013-1344s , 5/2/13; SC18
5/2/2013	S	Committee Amendment 1344s, AA, VV;
5/2/2013	S	Ought to Pass with Amendment 1344s, MA, VV; Refer to Finance Rule 4-5;
5/23/2013	S	Committee Report: Ought to Pass, 5/30/13; SC22
5/30/2013	S	Ought to Pass, MA, VV; OT3rdg
6/5/2013	H	House Concurs with Senate AM #1344s (Rep J.MacKay): MA VV; HJ49 , PG.1585
6/12/2013	S	Enrolled
6/14/2013	H	Enrolled, Recess of 6/5/13; HJ49 , PG.1654
7/11/2013	H	Signed By Governor 07/10/2013; Effective 01/01/2014; Chapter 0212

NH House

NH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

170481 ORIGINAL REFERRAL _____ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

- DOCKET (Submit only the latest docket found in Bill Status)
- COMMITTEE REPORT
- CALENDAR NOTICE
- HEARING REPORT
- HANDOUTS FROM THE PUBLIC HEARING
- PREPARED TESTIMONY AND OTHER SUBMISSIONS
- SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

- AMENDMENT # 1284h _____ - AMENDMENT # _____
- AMENDMENT # 1344 _____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

- AS INTRODUCED _____ AS AMENDED BY THE HOUSE
- FINAL VERSION _____ AS AMENDED BY THE SENATE

____ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes): _____

DATE DELIVERED TO SENATE CLERK 7/24/13 Michael Elmi
By COMMITTEE AIDE