

30:4C-32

LEGISLATIVE HISTORY CHECKLIST

NJSA: 30:4c-32, 44:7-13, 44:157.1

(Funeral expenses--death
benefits for minor
children--increase

LAWS OF: 1985

CHAPTER: 282

Bill No: A2846

Sponsor(s): Ford and others

Date Introduced: December 6, 1984

Committee: Assembly: Corrections, Health and Human Services

Senate: Institutions, Health and Welfare

Amended during passage: Yes Amendments during passage denoted
by asterisks.

Date of Passage: Assembly: February 14, 1985

Senate: June 27, 1985

Date of Approval: August 9, 1985

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

282
8-9-85
85

[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 2846

STATE OF NEW JERSEY

INTRODUCED DECEMBER 6, 1984

By Assemblywoman FORD, Assemblyman DOYLE, Assemblywomen
GARVIN, PERUN and KALIK

AN ACT concerning the burial of certain ***[children and]*** *per-
sons,* amending P. L. 1951, c. 138 *and R. S. 44:7-13 and supple-
menting Title 44 of the Revised Statutes*.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 32 of P. L. 1951, c. 138 (C. 30:4C-32) is amended to
2 read as follows:

3 32. Whenever a child receiving care, custody, or guardianship as
4 provided by this act has died, and an investigation by the **[Bureau**
5 **of Childrens Services]** *Division of Youth and Family Services* dis-
6 closes that there are insufficient funds from any other source to
7 provide proper burial, such **[bureau may]** *division shall* authorize
8 the expenditure of an amount reasonably necessary to provide
9 proper burial for such child, and such amount shall be a proper
10 charge against State and county funds, within the limits of avail-
11 able appropriations, in the same manner and extent as expenditures
12 for maintenance.

13 *The amount reasonably necessary to provide proper burial*
14 *shall be determined by the average cost for a proper burial and*
15 *funeral charged by funeral directors in the locality in which the*
16 *child is buried.*

1 *2. R. S. 44:7-13 is amended to read as follows:

2 44:7-13. If, on the death of a person receiving old-age assistance,
3 it shall appear to the satisfaction of the county welfare agency
4 after investigation that there are insufficient funds to pay his burial

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.**

Matter printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Senate committee amendments adopted June 20, 1985.**

5 and funeral expenses, and that there are no relatives or other
6 persons responsible to pay such expenses, or other persons willing
7 to pay them, the county welfare agency may order the payment of
8 such sum as may be necessary, but not exceeding the sum of
9 \$350.00, pursuant to P. L., c. . . . (C.) (now
10 pending before the Legislature as this bill) to such person as the
11 county welfare agency may direct for the funeral expenses of the
12 deceased aged needy person; provided, however, that said sum
13 of \$350.00 shall not include and an additional sum for the cost of
14 a cemetery plot, the opening or closing of a grave, or other similar
15 burial or interment expenses, all of which shall be included in an
16 additional sum, not to exceed \$200.00 which sum shall be deter-
17 mined pursuant to P. L., . . . (C.) (now
18 pending before the Legislature as this bill) and shall be paid by the
19 county welfare board directly to the cemetery expressly for such
20 purposes. The next of kin or other interested parties may incur
21 additional expenses to be paid by them, but the total cost of such
22 expenses shall not exceed \$250.00 or such higher sum as may be
23 established by regulation of the Department of Human Services,
24 not less than every two years, pursuant to the "Administrative
25 Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.) and in
26 accordance with P. L., c. . . . (C.) (now pending
27 before the Legislature as this bill).

28 Any sum so ordered to be paid for or on account of burial and
29 funeral expenses shall be first paid, so far as possible, from any
30 fund otherwise undistributed received by the county welfare
31 agency from or for the account of the individual recipient, and
32 may thereafter be paid, so far as necessary, from funds appro-
33-34 priated for old-age assistance payments. Any amounts so paid
35 from funds appropriated for old-age assistance payments shall be
36 deemed a part of the assistance granted to the individual recipient
37 for the purpose of claims for reimbursement, and recovery under
38 sections 44:7-14, 44:7-15 and 44:7-19, Revised Statutes, and shall
39 be a proper charge for division of cost between the State and
40 county as referred to in section 44:7-25 of this Title.

41 Payment of burial and funeral expenses as provided above may
42 be authorized with respect to any person who, while lawfully re-
43 ceiving old-age assistance is committed or admitted to any tax-
44 supported institution other than a penal or correctional institution,
45 and who dies while confined at such institution.

46 The county welfare agency shall not be liable to pay costs of
47 burial and funeral expenses for a deceased recipient of old-age

ASSEMBLY, No. 2846

STATE OF NEW JERSEY

INTRODUCED DECEMBER 6, 1984

By Assemblywoman FORD, Assemblyman DOYLE, Assemblywomen
GARVIN, PERUN and KALIK

AN ACT concerning the burial of certain children and amending
P. L. 1951, c. 138.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 32 of P. L. 1951, c. 138 (C. 30:4C-32) is amended to
2 read as follows:

3 32. Whenever a child receiving care, custody, or guardianship as
4 provided by this act has died, and an investigation by the **[Bureau**
5 **of Childrens Services]** *Division of Youth and Family Services* dis-
6 closes that there are insufficient funds from any other source to
7 provide proper burial, such **[bureau may]** *division shall* authorize
8 the expenditure of an amount reasonably necessary to provide
9 proper burial for such child, and such amount shall be a proper
10 charge against State and county funds, within the limits of avail-
11 able appropriations, in the same manner and extent as expenditures
12 for maintenance.

13 *The amount reasonably necessary to provide proper burial*
14 *shall be determined by the average cost for a proper burial and*
15 *funeral charged by funeral directors in the locality in which the*
16 *child is buried.*

1 2. This act shall take effect 30 days following enactment.

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.
Matter printed in italics thus is new matter.**

STATEMENT

Currently the Division of Youth and Family Services (DYFS) of the Department of Human Services pays the maximum of \$550.00 for burial and funeral expenses of children under its care, custody or guardianship. DYFS uses this amount because it is the same amount paid pursuant to R. S. 44:7-13 for burial and funeral expenses of persons who were receiving old-age assistance at the time they died.

The imposition of this amount causes hardship and unnecessary anguish particularly for foster parents who have lost a foster child. This penalizes and discourages foster parents by forcing them to either make an additional financial contribution in order to obtain an inexpensive burial and funeral for the child or accept the nominal amount for a burial.

The purpose of this bill is to raise the amount that DYFS pays for funeral expenses to reflect a realistic amount of the costs. This bill would require DYFS to pay an amount reasonably necessary to provide for a proper burial as determined by the average cost for a proper burial and funeral charged by funeral directors in the locality in which the child is buried.

48 assistance incurred pursuant to a contract or contracts entered
49 into without the knowledge and consent of the board, but may, at its
50 discretion, pay such costs, or a portion thereof, within the limita-
51 tions of this section.

1 3. (New section) Whenever the Division of Public Welfare in
2 the Department of Human Services provides payment for the
3 funeral and burial or cremation of a recipient of aid to families
4 with dependent children pursuant to P. L. 1959, c. 86 (C. 44:10-1
5 et seq.), general public assistance pursuant to P. L. 1947, c. 156
6 (C. 44:8-107 et seq.) or supplemental security income pursuant to
7 P. L. 1973, c. 256 (C. 44:7-85 et seq.), the total allowable payment
8 for funeral and burial or cremation including contributions by
9 others, shall be at least 75% of the average cost for a proper
10 funeral and burial charged by funeral directors in the locality in
11 which the public assistance recipient is buried or cremated.

1 4. The Commissioner of Human Services shall adopt rules and
2 regulations, pursuant to the "Administrative Procedure Act," P. L.
3 1968, c. 410 (C. 52:14B-1 et seq.), to carry out the purposes of this
4 amendatory and supplementary act*.

1 ***[2.]*** *5.* This act shall take effect 30 days following enactment.

ASSEMBLY CORRECTIONS, HEALTH AND
HUMAN SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2846

STATE OF NEW JERSEY

DATED: FEBRUARY 4, 1985

This bill requires the Division of Youth and Family Services (DYFS) of the Department of Human Services to pay an amount reasonably necessary to provide for a proper burial and funeral of a child who has been under its care, custody, or guardianship as determined by the average cost for a proper burial and funeral charged by funeral directors in the locality in which the child is buried. The purpose of this bill is to raise the amount that DYFS pays for funeral expenses to a more realistic level.

The committee reported the bill favorably without amendments.

SENATE INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 2846
with Senate committee amendments

STATE OF NEW JERSEY

DATED: JUNE 20, 1985

As amended by committee, this bill concerns payment for funerals of children under the care, custody or guardianship of the Division of Youth and Family Services (DYFS) and recipients of aid to families with dependent children (AFDC) general public assistance (GA) and supplemental security income (SSI).

The bill provides that DYFS shall pay an amount reasonably necessary to provide proper burial of a child in its custody. The amount shall be determined by the average cost for a proper burial and funeral charged by funeral directors in the locality in which the child is buried. With respect to public assistance recipients, the bill provides that the total allowable payment including contributions from others, for the funeral and burial or cremation shall be least 75% of the average cost of a proper funeral and burial charged by funeral directors in the locality in which the person is buried.

Presently, the amount of the payment made for burial of a child, as well as any recipient of public assistance, is based on the amounts specified in R. S. 44:7-13 governing funerals for recipients of old-age assistance (OAA). The maximum State payment for funeral and burial is \$550.00. That amount was established by statute in 1979 but under the same law the Commissioner of Human Services is authorized to increase the amount by regulation not less than every two years. To date, however, the commissioner has not increased the amounts established in 1979.

Provisions similar to those of this bill for children and public assistance recipients were adopted by the Joint Appropriations Committee in June, 1985 for the FY 86 budget.

The committee amended the bill to include the provisions governing recipients of public assistance and to amend R. S. 44:7-13 so that it is consistent with the payment allowances in the bill.