

44:1-140

LEGISLATIVE HISTORY CHECKLIST

(Public assistance--minor children--
establish financial responsibility of
both parents)

HJSA 44:1-140; 44:4-101; 30:4-66

LAIS OF 1979

CHAPTER 401

Bill No. S1451

Sponsor(s) Dumont

Date Introduced Nov. 20, 1978

Committee: Assembly Institutions, Health and Welfare

Senate Institutions, Health and Welfare

Amended during passage Yes

Amendments during passage
denoted by asterisks

Date of Passage: Assembly Jan. 3, 1980

Senate April 5, 1979

Date of approval Feb. 8, 1980

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

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SENATE, No. 1451

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 20, 1978

By Senator DUMONT

Referred to Committee on Institutions, Health and Welfare

[A SUPPLEMENT** to “An act concerning assistance for dependent children, supplementing Title 44 of the Revised Statutes and repealing certain statutes relating thereto,” approved June 11, 1959 (P. L. 1959, c. 86; C. 44:10-1 et seq.).**] **An act concerning responsibility of relatives for the support of needy persons, and amending sections 44:1-140 and 44:4-101 of Title 44 and section 30:4-66 of Title 30 of the Revised Statutes.**

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

1 ***[1.** No grandparent of dependent children shall be liable for any
2 public assistance or service extended to or on behalf of such chil-
3 dren or to the parents or relatives with whom they are living pur-
4 suant to the act to which this act is a supplement.**]***

1 *1. R. S. 44:1-140 is amended to read as follows:

2 44:1-140. a. The father**[,]** and mother**[,]** of a person under 18
3 years of age who applies for and is eligible to receive public assist-
4 ance, and the children, and husband or wife, severally and respec-
5 tively, of a person who applies for and is eligible to receive public
6 assistance, shall, if of sufficient ability, at his or their charge and
7 expense, relieve and maintain the poor person or child in such
8 manner as shall be ordered, after due notice and opportunity to
9 be heard, by any county or municipal director of welfare, or by any
10 court of competent jurisdiction upon its own initiative or the in-
11 formation of any person.

12 b. The provisions of this section shall apply to the minor children
13 of a mother whose husband shall fail properly to support and
14 maintain such children when by reason thereof they are likely to
15 become a public charge.

16 c. The provisions of this section shall not apply to any person
17 55 years of age or over except with regard to his or her spouse,

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

18 or his or her natural or adopted child under the age of **[21]** 18
19 years.

1 2. R. S. 44:4-101 is amended to read as follows:

2 44:4-101. a. The father~~[,]~~ and mother~~[,]~~ of a person under 18
3 years of age who applies for and is eligible to receive public assist-
4 ance, and the children, and husband or wife, severally and respec-
5 tively, of a person who applies for and is eligible to receive public
6 assistance, shall, if of sufficient ability, at his or their charge and
7 expense, relieve and maintain the poor person or child in such
8 manner as shall be ordered, after due notice and opportunity to
9 be heard, by any county director of welfare, or by any court of
10 competent jurisdiction upon its own initiative or the information
11 of any person.

12 b. The provisions of this section shall apply to the minor children
13 of a mother whose husband shall fail properly to support and
14 maintain such minor children when by reason thereof they are
15 likely to become a public charge.

16 c. The provisions of this section shall not apply to any person
17 55 years of age or over except with regard to his or her spouse, or
18 his or her natural or adopted child under the age of **[21]** 18 years.

1 3. R. S. 30:4-66 is amended to read as follows:

2 30:4-66. Every patient supported in a State or county charitable
3 institution shall be personally liable for his maintenance and for
4 all necessary expenses incurred by the institution in his behalf and
5 the husband, wife, father~~[,]~~ or mother of a child under 18 years
6 of age, and the children, severally and respectively, being of suffi-
7 cient ability, of every patient so confined, whose estate is not suf-
8 ficient for his support, shall support, and maintain the patient in
9 the institution in such manner and to such an amount as the court
10 shall direct and as provided in section 30:4-60 of this Title. All
11 spouses living separate and apart from their spouses so confined,
12 and all parents of illegitimate children so confined shall also be
13 personally liable for such expense.

14 But no payment shall be ordered to be made by a chargeable
15 relative 55 years of age or over except with respect to the mainte-
16 nance of his or her spouse or his or her natural or adopted child
17 under the age of **[21]** 18 years.*

1 ***[2.]*** *4.* This act shall take effect immediately.

SENATE, No. 1451

STATE OF NEW JERSEY

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A SUPPLEMENT to "An act concerning assistance for dependent children, supplementing Title 44 of the Revised Statutes and repealing certain statutes relating thereto," approved June 11, 1959 (P. L. 1959, c. 86; C. 44:10-1 et seq.).

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

1 1. No grandparent of dependent children shall be liable for any
2 public assistance or service extended to or on behalf of such chil-
3 dren or to the parents or relatives with whom they are living pur-
4 suant to the act to which this act is a supplement.

1 2. This act shall take effect immediately.

STATEMENT

P. L. 1975, c. 1 amended R. S. 44:1-140, R. S. 44:4-101 and R. S. 30:4-66 to eliminate the legal obligation of grandparents to contribute to the support of their grandchildren receiving public welfare assistance. However, with respect to the program for assistance to dependent children (now referred to as the program of aid to families with dependent children), welfare boards are taking the position that the parent or parents of the dependent children are the recipients and are seeking reimbursement from the grandparents as "parents" of a recipient and not as "grandparents" of a dependent child. This bill clarifies the intent and purpose of the P. L. 1975, c. 1 amendments, by eliminating any legal obligation of grandparents to contribute with respect to any program of aid to families with dependent children.

ASSEMBLY INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO
SENATE, No. 1451

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STATE OF NEW JERSEY

DATED: DECEMBER 10, 1979

This bill clarifies the legal obligation of parents towards the support of their children under 18 years of age who receive welfare assistance through the Aid to Families with Dependent Children (AFDC) program. This legislation amends statutes pertaining to the legal responsibility of relatives.

The committee agreed with the purpose of this legislation and released the bill without amendment.

SENATE INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO

SENATE, No. 1451

with Senate committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 22, 1979

The purpose of this bill is to clarify the legal obligation of parents towards the support of their children who receive welfare assistance through the Aid to Families with Dependent Children (AFDC) program.

The bill originally provided that parents shall have no obligation towards the support of their child who receives AFDC, regardless of the child's age. An effect of this bill, therefore, would have been that parents would not be responsible for the support of their adolescent daughter (under 18 years of age) who receives AFDC on behalf of her own child. The committee, however, felt that parents should be responsible for the support of their child until he or she reaches age 18, and amended the bill to provide for the termination of parental responsibility at the age of 18. Also, in order to achieve the sponsor's purpose and to keep public assistance laws consistent, the committee amended the bill to amend all three laws which pertain to legal responsibility of relatives rather than supplement P. L. 1959, c. 89 (AFDC law) as the bill had originally proposed. The sponsor concurred with the committee's amendments.
