

30:4-66

LEGISLATIVE FACT SHEET

ON *Necessity support -- Grandparents exempt*

N.J.R.S. 30:4-66

(1975 Amendment)

LAWS OF 1975

CHAPTER 1 *Jan. 14, 1975*

SENATE *675 2nd OCR*

ASSEMBLY

INTRODUCED *Jan. 28, 1974*

BY *Dumont*

STATEMENT

YES

NO SPONSOR'S STATEMENT

AMENDED DURING PASSAGE

YES

NO

HEARING *None discovered*

VETO

*Statement by Senate Institutions, Health & Welfare Committee
3/18/74*

This bill would eliminate all grandparents' legal responsibility to contribute towards support of members of their family who are receiving public welfare assistance. The Division of Public Welfare estimates that the fiscal effect would be insignificant. The division has found that the financial assistance available from the grandparents of welfare recipients is relatively small because many of them have only a low fixed income. However, since the law currently requires that the grandparents be investigated to determine their financial capability, the division expends what it considers an inordinate amount of staff time for very little financial return. This legally responsible relative law was amended in 1968 to exclude from financial responsibility all grandparents over the age of 55. The 1968 amendment also exempted from financial obligation all other family members over 55 except for support of a spouse or a child under 21.

CHAPTER 1 LAWS OF N. J. 1975

APPROVED 1-14-75

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 675

STATE OF NEW JERSEY

INTRODUCED JANUARY 28, 1974

By Senator DUMONT

Referred to Committee on Institutions, Health and Welfare

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

2 44:1-140. a. The father, **[grandfather,]** mother, **[grandmother,]**
3 children, and husband or wife, severally and respectively, of a
4 ****[poor, old, blind, lame or impotent person or other poor person**
5 **or child not able to work]**** ***person who applies for and is eligible*
6 *to receive public assistance***, shall, if of sufficient ability, at his or
7 their charge and expense, relieve and maintain the poor person or
8 child in such manner as shall be ordered, after due notice and
9 opportunity to be heard, by any county or municipal director of
10 welfare, or by any court of competent jurisdiction upon its own
10a initiative or the information of any person.

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

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

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

2 44:4-101. a. The father, **[grandfather,]** mother, **[grandmother,]**
3 children, and husband or wife, severally and respectively, of a
4 ****[poor, old, blind, lame or impotent person or other poor person**

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

5 or child not able to work]** **person who applies for and is eligible
 6 to receive public assistance**, shall, if of sufficient ability, at his or
 7 their charge and expense, relieve and maintain the poor person or
 8 child in such manner as shall be ordered, after due notice and
 9 opportunity to be heard, by any county director of welfare, or by
 10 any court of competent jurisdiction upon its own initiative or the
 10A information of any person.

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

15 c. The provisions of this section shall not apply to any person
 16 55 years of age or over except with regard to his or her spouse,
 17 or his or her natural or adopted child under the age of 21 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*
 2A *institution shall be personally liable for his maintenance and for*
 3 *all necessary expenses incurred by the institution in his behalf and*
 4 *the husband, **wife,** father [and grandfather], mother [and*
 5 *grandmother.], and the children, severally and respectively, being*
 6 *of sufficient ability, **[and the wife, if she has adequate financial*
 7 *ability.]** of every patient so confined, whose estate is not sufficient*
 8 *for his support, shall support, and maintain the patient in the in-*
 9 *stitution in such manner and to such an amount as the court shall*
 10 *direct and as provided in section 30:4-60 of this Title. All*
 11 ***[husbands]** **spouses** living separate and apart from their*
 12 ***[wives]** **spouses** so confined, and all parents of illegitimate*
 13 *children so confined shall also be personally liable for such expense.*

14 *But no payment shall be ordered to be made by a chargeable rela-*
 15 *tive 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 years.**

18 **[3.]* *4.* This act shall take effect immediately.*

ASSEMBLY AMENDMENTS TO
SENATE, No. 675
[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED DECEMBER 17, 1974

Amend page 1, section 1, line 3, omit "poor,".

Amend page 1, section 1, line 4, omit line in entirety.

Amend page 1, section 1, line 5, omit "not able to work", insert
"person who applies for and is eligible to receive public assistance".

Amend page 1, section 2, line 3, omit "poor,".

Amend page 1, section 2, line 4, omit line in entirety.

Amend page 1, section 2, line 5, omit "not able to work", insert
"person who applies for and is eligible to receive public assistance".

Amend page 2, section 3, line 4, after "husband," insert "wife,".

Amend page 2, section 3, line 6, omit "and the wife, if she has
adequate financial ability,".

Amend page 2, section 3, line 10, omit "husbands", insert "spouses".

Amend page 2, section 3, line 11, omit "wives", insert "spouses".

SENATE AMENDMENTS TO
SENATE, No. 675

STATE OF NEW JERSEY

ADOPTED APRIL 22, 1974

Amend page 1, title, line 3, after "Title 44", insert "and section 30:4-66 of Title 30".

Amend page 2, section 2, after line 17, add a new section 3. to read as follows:

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

30:4-66. Every patient supported in a State or county charitable institution shall be personally liable for his maintenance and for all necessary expenses incurred by the institution in his behalf and the husband, father **[and grandfather]**, mother **[and grandmother]**, and the children, severally and respectively, being of sufficient ability, and the wife, if she has adequate financial ability, of every patient so confined, whose estate is not sufficient for his support, shall support, and maintain the patient in the institution in such manner and to such an amount as the court shall direct and as provided in section 30:4-60 of this Title. All husbands living separate and apart from their wives so confined, and all parents of illegitimate children so confined shall also be personally liable for such expense.

But no payment shall be ordered to be made by a chargeable relative 55 years of age or over except with respect to the maintenance of his or her spouse or his or her natural or adopted child under the age of 21 years."

Amend page 2, section 3, line 18, omit "3", insert "4".

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

SENATE INSTITUTIONS, HEALTH AND
WELFARE COMMITTEE

STATEMENT TO
SENATE, No. 675

STATE OF NEW JERSEY

DATED: MARCH 18, 1974

This bill would eliminate all grandparents' legal responsibility to contribute towards support of members of their family who are receiving public welfare assistance. The Division of Public Welfare estimates that the fiscal effect would be insignificant. The division has found that the financial assistance available from the grandparents of welfare recipients is relatively small because many of them have only a low fixed income. However, since the law currently requires that the grandparents be investigated to determine their financial capability, the division expends what it considers an inordinate amount of staff time for very little financial return. This legally responsible relative law was amended in 1968 to exclude from financial responsibility all grandparents over the age of 55. The 1968 amendment also exempted from financial obligation all other family members over 55 except for support of a spouse or a child under 21.

FISCAL NOTE TO
SENATE, No. 675
(OFFICIAL COPY REPRINT)

STATE OF NEW JERSEY

DATED: MAY 28, 1974

The Official Copy Reprint of Senate Bill No. 675 removes grandparents from those charged with responsibility for support payments in State or County charitable institutions.

The Department of Institutions and Agencies states that enactment of this legislation would have no fiscal impact on the finances of the State counties.

In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1962, c. 27.