

30:4-60

August 25, 1970

LEGISLATIVE NOTES ON R.S. 30:4-60
(Indigent patients in state institutions)

L. 1969, Chapter 258 - A1008

May 5 - Introduced by DeKorte and Moraites.

May 15 - Passed in Assembly.

November 17 - Passed in Senate under emergency resolution.

January 7 - Approved, Chapter 258.

Bill had statement (copy enclosed).

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ASSEMBLY, No. 1008

STATE OF NEW JERSEY

INTRODUCED MAY 5, 1969

By Assemblymen DE KORTE and MORAITES

(Without Reference)

AN ACT concerning the payment of the cost of maintaining patients in State and county charitable institutions, providing a method for determining the amount of such payment and amending sections 30:4-60, 30:4-66, 30:4-67, 30:4-70, 30:4-71 and 30:4-75 of the Revised Statutes.

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

1 1. Section 30:4-60 of the Revised Statutes is amended to read
2 as follows:

3 30:4-60. If the court shall determine that the patient is mentally
4 ill and, *basing its determination upon a formula of financial ability*
5 *to pay as promulgated annually by the Department of the Treasury,*
6 *that the patient* has sufficient estate to pay for his **full** main-
7 tenance as fixed by the State Board of Control or board of chosen
8 freeholders, as the case may be, *or is able to pay a sum in excess*
9 *of that chargeable to the county of legal settlement, if any,* or if
10 the person or persons legally liable for his support, as herein
11 provided, *using the same formula,* are able to pay **for his** *such*
12 *amount of* maintenance, fixed as aforesaid, the court, after deter-
13 mining the legal settlement of such patient may, in its discretion,
14 commit or direct the admission or hospitalization of such patient
15 to any State, county, or private mental hospital in this State. In
16 the final judgment of commitment or order directing admission
17 or hospitalization it shall direct that the cost of the care and
18 maintenance of such patient in the institution designated in the
19 judgment, *determined by utilizing the aforesaid formula,* shall be
20 paid out of the estate of the patient or by the person chargeable
21 by law with his support, or by contract, as the case may be, and the
22 judgment shall specify the **per capita cost** *amount of* maintenance

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

23 as fixed from time to time [by] for such institution, which shall
 24 be paid thereunder, and shall, in the discretion of the court, contain
 25 such direction as may seem proper concerning security to be given
 26 for such payment. *As long as the amount contributed by the*
 27 *patient's estate or his legally responsible relatives for the main-*
 28 *tenance of the patient exceeds the amount chargeable as fixed*
 29 *pursuant to section 30:4-78 of this Title, no order shall be entered*
 30 *against the county of legal settlement for any part of such*
 31 *maintenance.*

32 If [a patient] on final hearing *a patient and his chargeable*
 33 *relatives are [is] found unable to pay [the minimum rate fixed*
 34 *at such institution for patients,] an amount for maintenance in*
 35 *excess of the amount chargeable to the county of legal settlement*
 36 [but such patient or his or her wife, husband, parents, grand-
 37 parents, children or grandchildren, or any of them, is or are able
 38 to pay a part of the rate fixed for the maintenance of such patient],
 39 the court shall direct that such patient be committed to the insti-
 40 tution as a patient chargeable to the county of legal settlement, if
 41 any, or to the State, as provided in this article, and on reasonable
 42 notice to the persons to be charged, may further direct that such
 43 patient or his or her [wife or husband, parents, grandparents,
 44 children or grandchildren,] chargeable relatives, or any of them,
 45 pay monthly in advance to [the chief executive officer of] the insti-
 46 tution in which such patient is confined in the case of State patients,
 47 [for the use of such institution,] or to the county treasurer of the
 48 county chargeable in the case of county patients, such part of the
 49 cost of the maintenance of such patient as [to] the court may
 50 direct in the manner provided herein [seem just]. If such county
 51 treasurer shall actually receive from such patient, or his or her
 52 chargeable relatives, as aforesaid any money in excess of that paid
 53 by the county in support of such patient, he shall pay such excess
 54 to [the chief executive officer of] the institution in which such
 55 patient is confined[, for the use of such institution].

1 2. Section 30:4-66 of the Revised Statutes is amended to read
 2 as follows:

3 30:4-66. Every patient supported in a State or county charitable
 4 institution shall be personally liable for his maintenance and for
 5 all necessary expenses incurred by the institution in his behalf
 6 and the husband, father and grandfather, mother and grandmother,
 7 and the children [and grandchildren], severally and respectively,
 8 being of sufficient ability, and the wife, if she [is in sufficiently
 9 comfortable circumstances] has adequate financial ability, of every
 10 patient so confined, whose estate is not sufficient for his support,

11 shall support, and maintain the patient in the institution in such
 12 manner and to such an amount as the court shall direct *and as*
 13 *provided in section 30:4-60 of this Title*. All husbands living sepa-
 14 rate and apart from their wives so confined, and all parents of
 15 illegitimate children so confined shall also be personally liable for
 15A such expense.

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

1 3. Section 30:4-67 of the Revised Statutes is amended to read
 2 as follows:

3 30:4-67. The **minimum** rate of payment for the maintenance
 4 of a **fully contributing** patient shall be fixed by the State Board
 5 of Control or the board of chosen freeholders or committee thereof,
 6 and such rate of maintenance established pursuant hereto shall be
 7 construed to be a reasonable charge for the patient's care and
 8 treatment and for necessities advanced to the patient and the
 9 board or committee aforesaid shall not be limited in the fixing of
 10 such rate, heretofore or hereafter to be assessed, by the per capita
 11 cost of maintenance at the institution.

1 4. Section 30:4-70 of the Revised Statutes is amended to read
 2 as follows:

3 30:4-70. When any patient shall be committed to any State or
 4 county institution with the cost of his maintenance chargeable to
 5 either the State or county, and it shall subsequently appear that
 6 such patient, or some person chargeable with his care and mainte-
 7 nance as provided for in this article, is able to pay all or any part
 8 of his care and maintenance, including arrearages, the Attorney
 9 General, the county counsel, or county adjuster, as the case may
 10 be, shall, as soon as he shall obtain such information, apply to the
 11 judicial officer for the reopening of the matter, and such judicial
 12 officer shall have the power at any time, in his discretion, to re-
 13 open the case, take additional testimony and inquire into the facts,
 14 and may determine if there shall be sufficient moneys to pay **his**
 15 **full** *any part of such* maintenance, as provided in section **30:4-67**
 16 *30:4-60* of this Title, and make such further order requiring the
 17 estate of such patient or the person or persons so chargeable by
 18 law to pay such amount for the care and maintenance of such
 19 patient as shall be specified in such order, and shall make such fur-
 20 ther order as may be necessary.

1 5. Section 30:4-71 of the Revised Statutes is amended to read
2 as follows:

3 30:4-71. When any patient shall be committed to any State or
4 county institution as a **["full paying"]** *contributing* patient and an
5 order has been made directing the payment of *all or part of* the
6 cost of the care and maintenance of such patient out of his estate,
7 or by the person or persons chargeable by law with his care and
8 maintenance, and such estate shall subsequently become exhausted
9 or such person or persons chargeable as aforesaid shall become
10 unable to continue such payments, or if such payments so due
11 cannot be collected by the management of the institution, the guard-
12 ian of such patient, or the person or persons chargeable as afore-
13 said, or the chief executive officer of such institution may apply
14 in writing to the judicial officer for the reopening of the matter,
15 and such judicial officer shall have power, in his discretion, upon
16 notice to the proper parties, to inquire into the facts, if necessary,
17 and change the status of such patient, and make such further order
18 of directions as may be necessary.

19 When any patient shall have been or shall be committed to any
20 State or county institution on an order directing the payment of
21 part of the cost of the care and maintenance of such patient out
22 of his estate or by the person or persons chargeable by law with
23 his care and maintenance, it shall be lawful for the judicial officer,
24 upon application of the management of the institution or the At-
25 torney General or county counsel, as the case may be, upon notice
26 to the representative of the estate or to the person or persons
27 chargeable by law with his care and maintenance, upon proof of
28 the ability of the estate of such patient or such person or persons
29 legally liable, to pay the whole or greater portion of the cost of
30 such care and maintenance, not exceeding the per capita cost of
31 maintenance in such institution, to enter an order directing that
32 such new rate be paid by such estate or by such person or persons
33 chargeable by law with the care and maintenance of such patient.

1 6. Section 30:4-75 of the Revised Statutes is amended to read as
2 follows:

3 30:4-75. In any suit for the recovery of the cost of maintenance
4 of a patient able to pay the full cost of hospitalization in any insti-
5 tution of this State, in the absence of express contract stipulating
6 the amount to be paid, the **["minimum"]** rate as fixed pursuant to
7 section 30:4-67 of this Title shall be construed to be the reasonable
8 and necessary cost advanced for the maintenance of such patient.

1 7. This act shall take effect immediately.

STATEMENT

This bill would conform the law with respect to those responsible for maintenance of indigent relatives in State institutions to changes made in Revised Statutes 44:1-140 and 44:4-101 by P. L. 1968, chapter 446.

It would also establish a procedure whereby county adjusters and courts in the 21 counties will use a uniform formula for determining the amount of maintenance.