

44:10-4

LEGISLATIVE HISTORY CHECKLIST

NJSA: 44:10-4

(Welfare payments to children-repayment-exempt portions of personal injury awards)

LAWS OF: 1985

CHAPTER: 120

Bill No: A1612

Sponsor(s): Flynn and Walker

Date Introduced: March 15, 1984

Committee: Assembly: /////

Senate: Institutions, Health and Welfare

Amended during passage: No

Date of Passage: Assembly: Apr. 30, 1984

Senate: Jan. 31, 1985

Date of Approval: April 9, 1985

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly No

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: ~~No~~ Yes

Following were printed:

Reports: No

Hearings: No

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ASSEMBLY, No. 1612

STATE OF NEW JERSEY

INTRODUCED MARCH 15, 1984

By Assemblyman FLYNN and Assemblywoman WALKER

AN ACT to amend "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).

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

1 1. Section 4 of P. L. 1959, c. 86 (C. 44:10-4) is amended to
2 read as follows:

3 4. (a) Whenever any parent or relative with whom a child is
4 living applies for or is receiving assistance for such child pursuant
5 to this act, and it appears that there is pending entitlement to a
6 payment to the child or to either or both his parents of funds arising
7 from a claim or interest legally or equitably owned by such child
8 or by either or both his parents, *other than that portion of a per-*
9 *sonal injury award which a court specifically awards to a child to*
10 *make him whole as a result of an injury*, the county welfare agency
11 may, as a condition of eligibility or continuation of eligibility for
12 such assistance, require such parent or parents, or relative, to
13 execute a written promise to repay, from the funds anticipated, the
14 amount of assistance to be granted from the date of entitlement to
15 such payment. Upon any refusal to make repayment, including
16 refusal by any person acting for or on behalf of such parent or
17 parents, or relative, in accordance with such promise, the county
18 welfare agency may take all necessary and proper action under the
19 laws of this State to enforce such promise, and the granting or
20 continuing of assistance, as the case may be, shall be deemed due

21 consideration therefor. Any payments from the settlement of such
22 claim or interest legally or equitably owned by such child or by
23 either or both of his parents made by any person acting for or on
24 behalf of such parent or parents, or relative, subsequent to notice
25 of claim of the county welfare agency and prior to express written
26 approval by the county welfare agency shall cause such person to be
27 liable to the county welfare agency in the amount of such payment.

28 (b) Whenever any child with respect to whom assistance has been
29 paid pursuant to this act shall die prior to the attainment of his
30 twenty-first birthday, and shall leave an estate, the total amount of
31 assistance paid with respect to such child pursuant to this act and
32 pursuant to any of the acts hereby repealed, shall be a valid and
33 enforceable claim against such estate, with priority over all other
34 unsecured claims except reasonable funeral expenses and terminal
35 medical and hospital expenses, and the county welfare agency shall
36 take all necessary and proper action under the laws of this State
37 to enforce such claim.

38 (c) The county welfare agency may, with the consent and ap-
39 proval of the Division of Public Welfare, compromise and settle
40 any claim for repayment of assistance granted under this act.

41 (d) The Division of Public Welfare shall determine and cause
42 to be made such financial adjustments as are necessary to maintain
43 a correct proportional participation in such repayments as among
44 the counties. State and federal government, and shall pay to the
45 Treasurer of the United States the determined federal portion.

1 2. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to see that personal injury awards to infants are properly distributed to the infant in situations where the recovery is to make the child whole. For example, if a child loses a leg, or the impairment of another part of his body, the child will be burdened throughout his life with such a problem and having more difficult times competing for the educational and occupational benefits which might get him off welfare. The child's injury should not be considered a fortuitous event which generates a reimbursement to the government of money paid to welfare recipients.

21 consideration therefor. Any payments from the settlement of such
22 claim or interest legally or equitably owned by such child or by
23 either or both of his parents made by any person acting for or on
24 behalf of such parent or parents, or relative, subsequent to notice
25 of claim of the county welfare agency and prior to express written
26 approval by the county welfare agency shall cause such person to be
27 liable to the county welfare agency in the amount of such payment.

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34 unsecured claims except reasonable funeral expenses and terminal
35 medical and hospital expenses, and the county welfare agency shall
36 take all necessary and proper action under the laws of this State
37 to enforce such claim.

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40 any claim for repayment of assistance granted under this act.

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A 1612 (1985)

SENATE INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1612

STATE OF NEW JERSEY

DATED: NOVEMBER 19, 1984

This bill amends the aid to families with dependent children (AFDC) claim statute to exempt from the claim funds which a court specifically awards to a child to make the child whole as a result of a personal injury.

Presently, section 4 of P. L. 1959, c. 86 (C. 44:10-4) provides that whenever it appears there is a pending entitlement of a payment to a child or his parents, a county welfare agency may require as a condition of eligibility or continuation of eligibility for AFDC assistance, that the parent or relative responsible for the child sign a written promise to repay the welfare agency. The repayment shall be out of the funds anticipated from the entitlement and for the amount of the AFDC assistance granted while the entitlement was pending. The statute presently does not specifically authorize the county welfare agency to exempt any portion of the entitlement from the repayment obligation.

BILLS SIGNED
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APRIL 9, 1985

A-1612, sponsored by Assemblyman William E. Flynn, D-Middlesex, which prohibits a county welfare agency from requiring repayment for child assistance from funds arising from certain portions of a personal injury award to a child.

A-1979, sponsored by Assemblyman James Zangari, D-Essex, which amends the Public Employees' Retirement System Act to allow temporary employees with at least one year of service to enroll in the Public Employee Retirement System.

A-2377, sponsored by Assemblyman Thomas W. Long, D-Union, which exempts from the Air Safety and Hazardous Zoning Act, airports owned and operated by a Federal or military authority, the Port Authority of New York and New Jersey and those airports located within the Port of New York District.

A-3299, sponsored by Assemblyman Paul Cuprowski, D-Hudson, which appropriates \$51,000 for the Jersey City-Hoboken joint disaster program, which provides immediate aid to families forced out of their living quarters by fire or other disasters.

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