

SENATE BILL REPORT

SHB 2874

AS REPORTED BY COMMITTEE ON WAYS & MEANS, FEBRUARY 26, 1992

**Brief Description:** Modifying the department of social and health services financial responsibility for funeral expenses of eligible persons.

**SPONSORS:** House Committee on Human Services (originally sponsored by Representatives Winsley, Grant, Tate, Ogden, Neher, Leonard, Padden, Paris, Brough, Basich and Mitchell)

**HOUSE COMMITTEE ON HUMAN SERVICES**

**SENATE COMMITTEE ON WAYS & MEANS**

**Majority Report:** Do pass as amended.

Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bluechel, Cantu, Gaspard, Hayner, M. Kreidler, Metcalf, Murray, Newhouse, Owen, Saling, Talmadge, and West.

**Staff:** Mary Poole (786-7715)

**Hearing Dates:** February 25, 1992; February 26, 1992

**BACKGROUND:**

The right and responsibility for the disposition of the remains of a deceased person belongs to the decedent's family, unless the decedent has left other instructions. The liability for burial devolves upon the family of the decedent in the following order: surviving spouse, surviving children, and surviving parents. A decedent's family is liable only for interment--burial or cremation--and is not liable for preparation and care of the remains, and other related services.

The state may assume responsibility for the preparation, care and disposition of the remains of a decedent whose assets do not include sufficient resources to pay for a minimum standard funeral and interment. In determining the state's liability, the Department of Social and Health Services may consider the assets of a surviving spouse or parent; the department is not authorized to consider the assets of surviving children, or of parents, unless the decedent is a minor child.

The current state grant standard for disposition is \$657. The standard provides for costs related to the preparation, care and transportation of a decedent's remains, memorial services, and burial or cremation. Any contribution made by family and friends for the cost of the funeral or interment is deducted from the state's grant.

**SUMMARY:**

The department may consider the assets of surviving children and parents of adult decedents when determining whether a decedent is eligible for state burial assistance.

The department shall establish a maximum level for contributions from family, friends and others for funeral expenses including flowers, ministerial services and music, which will not be deducted from the state's grant standard.

The department shall establish a maximum level for contributions from family, friends and others for costs incurred in the transportation of a deceased person to mortuary and place of disposition which will not be deducted from the state's grant standard.

The liability of families of deceased persons is expanded to include the preparation, care, and disposition of the decedents' remains.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** requested

**SUMMARY OF PROPOSED SENATE AMENDMENT:**

The requirement is deleted that the department establish a separate donation limit for contributions made by family, friends and others for the transportation of a deceased person. A separate section is created, rather than amending the existing statute, to require the financial responsibility of children of indigent decedents.

**TESTIMONY FOR:**

Funerals are conducted primarily for the survivors so they should contribute to expenses if they are able. The savings estimate in the department's fiscal note is underestimated. The department's estimation of the need for increased staff is excessive, because many families of decedents will not apply for state assistance if they know that their assets will be considered. The system is being abused.

**TESTIMONY AGAINST:**

Some children of decedents misuse the system, but they are few in number. Families may not be eligible for public assistance, but are still too poor to pay the full cost of funeral interment.

**TESTIFIED:** PRO: Representative Shirley Winsley; Dave Daly, Chair, Washington Funeral Directors' Association; Jim Noel, Washington Interment Association; Paul Elvig, Washington Interment Association; CON: Bernice Moorehead, Income Assistance Division, Department of Social and Health Services

