

HOUSE BILL REPORT

HB 2874

*As Reported By House Committee on:
Human Services*

Title: An act relating to funeral expenses of a deceased person.

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

Sponsor(s): Representatives Winsley, Grant, Tate, Ogden, Neher, Leonard, Padden, Paris, Brough, Basich and Mitchell.

Brief History:

Reported by House Committee on:
Human Services, February 6, 1992, DPS.

**HOUSE COMMITTEE ON
HUMAN SERVICES**

Majority Report: *The substitute bill be substituted therefor and the substitute bill do pass.* Signed by 11 members: Representatives Leonard, Chair; Riley, Vice Chair; Winsley, Ranking Minority Member; Tate, Assistant Ranking Minority Member; Anderson; Beck; Brekke; Hargrove; Hochstatter; R. King; and H. Myers.

Staff: Melissa Pailthorp (786-7118).

Background: Unless other instructions have been given by the decedent, it is the right and the responsibility of a decedent's family to control disposition of the decedent's remains. Specifically, the family is responsible and liable for the cost of interring the body. However, the statute does not address the responsibility or liability for preparing and caring for the remains. Liability for interring the remains devolves in the following order: surviving spouse, surviving children, and surviving parents. The Department of Social and Health Services (DSHS) is authorized to assume financial responsibility for the funeral and burial of deceased public assistance recipients without assets sufficient to cover costs of a minimum standard funeral. The standard for the funeral is determined by the department, and includes the preparation, transportation of the remains within the local area defined by the department, and care of the decedent's remains.

Currently, the standard for total funeral cost is \$657. Any payment made for funeral services by the family, friends, or others is deducted from the department's contribution.

In determining whether or not the department will assume responsibility for the decedent's funeral, the department may consider the assets of the surviving spouse and parents of the decedent. However, the statute does not authorize the department to consider the assets of surviving children in making this determination. This omission conflicts with RCW 68.50.160, which establishes the surviving children's liability for interring a family member's remains.

Summary of Substitute Bill: Preparation and care of the decedent's remains are added to the family's specific responsibilities.

The department may consider the assets of surviving children in determining whether or not the department will assume responsibility for a public assistance recipient's funeral. The definition of the minimum standard funeral is changed so that "funeral" does not include transportation of the decedent's remains, but transportation continues to be a departmental responsibility.

The department will set a transportation cost standard separate from the funeral cost standard. "Transportation" is more specifically defined as transport of a body from place of death to the mortuary and transportation to the place of disposition, within the department's defined service area.

The department will establish a standard donation level of payment for funeral services, including items such as flowers, ministerial services contributed by family members, friends, or third parties. Payment made above this level for any funeral or burial service is subtracted from the department's contribution to funeral services.

The department will also set a donation level of payment for transportation, separate from the donation level for funeral services. The department may subtract from its contribution toward transportation costs any payment made above the donation level by family members, friends, or third parties for transportation.

Substitute Bill Compared to Original Bill: Word changes make the language more precise and consistent throughout the bill.

The substitute bill adds the requirement that the department establish a donation level for transportation, separate and

in addition to the donation level established for funeral services.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: This legislation revises the funeral assistance program so that it is consistent with the Family Financial Responsibility Act. It will allow the department to better assist those individuals who really need help with funeral costs, and will reduce the possibility that a decedent's children may use the system to avoid responsibility for their parents' funeral costs if those children have assets sufficient to cover expenses. The program will cost less with these revisions and allow the department to reimburse funeral directors for an amount that more accurately reflects their costs.

Testimony Against: The provision authorizing the department to consider children's assets in determining financial liability for funeral costs sets an unfortunate precedent that may be extended to all public services.

Witnesses: T.K. Bentler and Dave Daley, Washington State Funeral Director's Association (pro); Paul Elvig, Washington Internment Association (pro); and Bernice Morehead, Department of Social and Health Services (con).