

# HOUSE BILL REPORT

## SHB 2874

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*As Passed Legislature*

**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):** By House Committee on Human Services (originally sponsored by 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;  
Passed House, February 14, 1992, 93-0;  
Amended by Senate;  
Passed Legislature.

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**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:** 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 of Bill:** The liability of families of deceased persons is expanded to include the preparation, care, and disposition of the decedent's remains.

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, transportation, or burial services, which will not be deducted from the state's grant standard.

**Fiscal Note:** Not requested.

**Effective Date:** 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).