

4381

2009-2010 Regular Sessions

I N A S S E M B L Y

February 3, 2009

Introduced by M. of A. V. LOPEZ -- Multi-Sponsored by -- M. of A.
BROOK-KRASNY, CLARK, GLICK, GREENE, HOOPER, MAYERSOHN -- read once and
referred to the Committee on Social Services

AN ACT to amend the social services law, in relation to burial of the
dead

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Paragraph (b) of subdivision 1 of section 141 of the social
2 services law, as amended by chapter 772 of the laws of 1958, is amended
3 to read as follows:
4 (b) Except as otherwise provided the [public welfare] SOCIAL SERVICES
5 district, town or city which was or would have been responsible for
6 furnishing public assistance or care to the person while alive shall
7 provide for the care, removal and burial of the body of a recipient of
8 public assistance or care who shall die, or of a person found dead in
9 the [public welfare] SOCIAL SERVICES district. NOTWITHSTANDING ANY
10 INCONSISTENT PROVISION OF LAW, THE LOCAL SOCIAL SERVICES DISTRICT SHALL
11 MAKE PAYMENT TO PROVIDE FOR THE CARE, REMOVAL, AND BURIAL OF A RECIPIENT
12 OF PUBLIC ASSISTANCE AND CARE WHO DIES, OR OF A PERSON FOUND DEAD IN THE
13 SOCIAL SERVICES DISTRICT, IN AN AMOUNT WHICH SHALL EQUAL THE ACTUAL COST
14 OF SUCH CARE, REMOVAL, AND BURIAL, PROVIDED HOWEVER, THAT THE LOCAL
15 SOCIAL SERVICES DISTRICT SHALL NOT BE REQUIRED TO MAKE PAYMENT IN
16 AMOUNTS APPROVED BY THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE
17 WHICH EXCEED THE AMOUNT SET FORTH IN SUBDIVISION FIVE OF THIS SECTION.
18 S 2. Subdivision 1 of section 141 of the social services law is
19 amended by adding a new paragraph (c) to read as follows:
20 (C) IN NO CASE SHALL SUCH SOCIAL SERVICES DISTRICT PAY MORE THAN THE
21 BALANCE REMAINING TO BE PAID AFTER THE TOTAL OF THE AMOUNTS PAID OR TO
22 BE PAID BY ALL OTHER SOURCES, INCLUDING PAYMENTS MADE OR TO BE MADE BY
23 SUCH LEGALLY RESPONSIBLE RELATIVES OF THE DECEASED AS ARE IN THE JUDG-

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD05022-01-9

1 MENT OF SUCH OFFICIAL ABLE TO BEAR THE SAME, IS CREDITED TO AND DEDUCTED
2 FROM SUCH EXPENSE.

3 S 3. Paragraph (a) of subdivision 3 of section 141 of the social
4 services law, as added by chapter 772 of the laws of 1958 and subpara-
5 graphs 1 and 2 as amended by chapter 110 of the laws of 1971, is amended
6 to read as follows:

7 (a) When burial arrangements for a recipient of public assistance or
8 care are made by relatives or friends of the deceased [and the expense
9 of such burial does not exceed the amount fixed by the appropriate
10 public welfare official or the local appropriating body for similar
11 burials in similar circumstances], such [public welfare] SOCIAL SERVICES
12 official may[:

13 (1)] if such relatives or friends were required to pay the expense of
14 such burial in order to arrange the same, wholly or partly reimburse
15 them, from assets transferred or assigned to such social services offi-
16 cial by or on behalf of the deceased recipient; but he OR SHE shall not
17 reimburse a legally responsible relative of the deceased for any part of
18 the amount paid by him OR HER which in the judgment of such social
19 services official such relative is able to bear; nor shall such official
20 expend from such assets for such purpose more than is permitted by or
21 pursuant to this section, other provisions of this chapter and regu-
22 lations of the department OF FAMILY ASSISTANCE.

23 [(2) pay part of the expense of such burial, if, and to the extent
24 and under the circumstances, permitted by his local policy, which shall
25 not be inconsistent with this chapter, and the regulations of the
26 department; but in no case shall such social services official pay more
27 than the balance remaining to be paid after the total of the amounts
28 paid or to be paid by all other sources, including payments made or to
29 be made by such legally responsible relatives of the deceased as are in
30 the judgment of such official able to bear the same, is credited to and
31 deducted from such expense.]

32 S 4. This act shall take effect immediately.