

TESTIMONY SUBMITTED BY ATTORNEY JACK REARDON, PAST PRESIDENT,
BOARD MEMBER, AND PUBLIC POLICY COMMITTEE MEMBER OF THE
CONNECTICUT CHAPTER OF THE NATIONAL ACADEMY OF ELDER LAW
ATTORNEYS
TUESDAY FEBRUARY 23, 2016
BEFORE THE HUMAN SERVICES COMMITTEE
IN OPPOSITION OF
RAISED BILL SB-105 AN ACT CONCERNING THE PAYMENT OF FUNERAL AND
BURIAL EXPENSES BY THE DEPARTMENT OF SOCIAL SERVICES

Good Morning. I am Attorney Jack Reardon. I am a practicing elder law attorney in New London. I am also the Past President of the Connecticut Chapter of the National Academy of Elder Law Attorneys (commonly referred to as "CT NAELA"). I am also a member of the Elder Law section of the Connecticut Bar Association. I am speaking to you today on behalf of CT NAELA.

CT NAELA opposes proposed bill SB 105 because this bill would have a negative impact on the vulnerable population of indigent elderly citizens in Connecticut.

This proposal deals with state assistance in the payment of funeral and burial expenses by the Department of Social Services pursuant to two statutes: Section 17b-84 and Section 17b-131. In short, the proposal is looking to reduce and, in many cases, effectively eliminate an already meager burial benefit for indigent persons dying in Connecticut.

Section 17b-84 provides for the payment of funeral and burial expenses up to a maximum of \$1,400, for poor people who died while beneficiaries under the state supplement or the temporary family assistance program. One beneficiary group under the state supplement program is persons over age 65 with asset limits of no more than \$1,600 per individual and \$2,400 per married couple, and gross income limits, with certain disregards, under \$2,094 per month.

In its current form, Section 17b-84 allows any person to contribute toward the cost of the funeral and burial expenses, without effecting the \$1,400 burial benefit. However, SB 105 proposes to change this by reducing the benefit by the amount of any contributions in excess of \$3,200. This change would put surviving spouses and other family members in the anguishing position of deciding whether to have no more than a \$4,600 funeral (1400 +3200) in order to get the DSS benefit or to pay the full cost of the funeral by themselves.

For example, if the funeral cost were \$5,400, a family who wanted to contribute to the cost would end up having to pay for it all because their contribution to reach this cost would fully eliminate the \$1,400 benefit. In many instances the family is of meager means and unable to pay the full cost of the funeral.

Moreover, SB 105 proposes to count contributions from “all other sources, including friends, relatives, and all other persons, organizations, agencies, veteran’s programs and other benefit programs.” Again, these sources must choose to pay for all of the funeral or not contribute. Does the state really want to discourage the community’s assistance in properly honoring elderly persons going to their final resting places?

Additionally, SB 105 would give the commissioner discretion to adopt regulations to implement this statute, including specifying what items may be paid for under this benefit and capping the cost for each type of service. Capping the cost by item would just be another tool for the Department to further reduce this already minimal benefit for the poor of our state.

Finally, SB 105 proposes to also reduce the burial benefit by the net value of all liquid assets in the decedent’s estate. SB 105 also proposes this same change to Section 17b-131, which provides for the payment of funeral and burial expenses up to \$1,400, for persons who were indigent with no legally liable relative able to pay, or for beneficiaries under the state-administered general assistance program. This change in itself would effectively eliminate this \$1,400 burial benefit in most instances, leaving the poor with inadequate means to take care of their funeral and burial.

For the above reasons, CT NAELA respectfully opposes Raised Bill SB 105.