

HOUSE No. 2241

By Mr. Shanley of Boston, petition of Hugh A. Bigelow for increasing the exemption from income of employed children in computing the resources of an aged parent under the laws relating to assistance to aged persons and relative to liens on their real estate for assistance rendered. Pensions and Old Age Assistance.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-One.

AN ACT INCREASING THE EXEMPTION FROM INCOME OF EMPLOYED CHILDREN IN COMPUTING THE RESOURCES OF AN AGED PARENT UNDER THE LAWS RELATING TO ASSISTANCE TO AGED PERSONS AND INCREASING THE AGED RECIPIENTS' EXEMPTION RELATIVE TO LIENS ON THEIR REAL ESTATE FOR ASSISTANCE RENDERED.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 118A of the General Laws is hereby
2 amended by striking out section 2A, as most recently amended
3 by chapter 614 of the acts of 1957, and inserting in place thereof
4 the following section: —

5 *Section 2A.* In determining the resources of an aged person
6 under section two the following schedule relative to the financial
7 ability to support by a child of such person shall be followed: —

8 1. In the case of an employed single child living with his
9 aged parent or parents, income up to twenty-five hundred dollars
10 per annum shall be considered exempt and available to said
11 child for his personal needs and his board and lodging. Of the
12 amount of income in excess of the twenty-five hundred dollars
13 per annum received by said child, one third shall be contributed
14 as support to the parent or parents.

15 2. Board and lodging paid by a child living with his aged
16 parent or parents shall not be considered as a resource unless it
17 exceeds ten dollars per week.

18 3. In the case of an employed single child living apart from
19 his aged parent or parents, income up to twenty-eight hundred
20 and fifty dollars per annum shall be considered exempt and
21 available to said child for his personal needs and his board and
22 lodging. Of the amount of income in excess of the twenty-eight
23 hundred and fifty dollars per annum received by said child, one
24 third shall be contributed as support to the parent or parents.

25 4. In the case of an employed married child living apart from
26 his aged parent or parents, income up to forty-two hundred and
27 fifty dollars per annum shall be considered exempt and available
28 to said child for his personal needs. Of the amount of income
29 in excess of forty-two hundred and fifty dollars per annum re-
30 ceived by said child, one third shall be contributed as support
31 to the parent or parents.

32 5. The amounts of exempted income of any child hereinabove
33 specified shall be increased by the amount of eight hundred
34 dollars for each dependent, other than the spouse, of such child.

35 5A. The amounts of exempted income of any child herein-
36 before specified shall, from and after January first, nineteen hun-
37 dred and sixty-two, have added thereto an amount equivalent
38 to the proportionate increase in the cost of living as indicated
39 by the cost of living index issued by the United States depart-
40 ment of labor for that period of time next preceding the due
41 date for the said child's contribution.

42 6. In any case any unusual circumstances within the im-
43 mediate family shall be considered with a view to determining
44 whether such circumstances justify an exemption from the
45 general rule relative to persons coming within the above classes.

46 7. Said support by children of their parent or parents shall
47 include support by children residing outside the commonwealth
48 as well as those residing therein.

49 8. The word "income" as used in this schedule shall mean
50 income after deducting state and federal income taxes thereon,
51 and any amounts which reduce the child's current income by
52 having been deducted therefrom for retirement purposes by
53 federal, state or municipal retirement systems and which cannot
54 be collected by the child before his retirement. In determining
55 the income of a child of an aged person or persons seeking to
56 receive, or receiving, assistance under this chapter, the state-
57 ment of said child under oath shall be accepted, except as here-
58 inafter provided. No investigation as to the income of such

59 child shall be made by a local board of public welfare unless
60 the child shall have refused to submit such a statement, or
61 unless the board reasonably doubts the accuracy of a statement
62 submitted.

1 SECTION 2. The second paragraph of section 4 of chapter
2 118A, as most recently amended by chapter 304 of the acts of
3 1957, is hereby further amended by striking out the tenth and
4 eleventh sentences and inserting in place thereof the following
5 sentences:—

6 No lien shall be enforced under this section when the com-
7 bined value of the recipient's interest in real estate at the time
8 of his decease, based on fair market value, together with the
9 amount of cash surrender value in life insurance exempted under
10 section five, amounts in the aggregate to two thousand dollars
11 or less. When said aggregate value of real estate and cash sur-
12 render value in life insurance exceeds two thousand dollars, the
13 amount in excess of two thousand dollars shall be recoverable
14 under the lien, but in no event shall said recovery exceed the
15 total amount of assistance paid under this chapter.

