

SENATE No. 720

By Mr. Boverini, a petition (accompanied by bill, Senate, No. 720) of Walter J. Boverini for legislation to modify the rights of spouses as joint tenants in savings accounts, and to limit liability for medical, hospital, and nursing home costs. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Two.

AN ACT MODIFYING THE RIGHTS OF SPOUSES AS JOINT TENANTS IN SAVINGS ACCOUNTS LIMITING LIABILITY FOR MEDICAL, HOSPITAL, AND NURSING HOME COSTS.

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 209 of the General Laws is hereby
2 amended by inserting after Section 1 the following section: —

3 Section 1A. The interest of a debtor spouse in any bank
4 deposit, including but not limited to savings accounts, checking
5 accounts, certificates of deposit, money market accounts, trust
6 accounts, negotiable orders of withdrawal, held as a joint tenant
7 with the right of survivorship in the other spouse shall be
8 considered as a one-half interest in such bank deposit in the same
9 manner as if such debtor spouse were the sole owner of such one-
10 half interest for the purposes of either determining such debtor
11 spouse's qualification for any medical, hospital, or nursing home
12 costs, as well as related incidental costs to be rendered to such
13 debtor spouse or for the payment of any assistance from any
14 governmental agency, state or federal, or other source for such
15 medical, hospital or nursing home, and incidental costs.

16 Only such one-half interest of a debtor spouse in need of the
17 above-mentioned services shall be subject to seizure or execution
18 by such a creditor of said debtor spouse, as well as any sum in
19 excess of thirty thousand dollars in the aggregate of the one-half
20 interest or interests of the non-debtor spouse in such a joint

21 account of accounts in the aggregate, and any such excess sum
22 shall be counted to determine the qualifications of such debtor
23 spouse for any of the above-mentioned assistance.

24 Nothing in this section shall otherwise alter either the rights of
25 other creditors or the right of survivorship of the other spouse
26 in the interest of the debtor spouse in such bank deposit.

1 SECTION 2. Section 10 of Chapter 118E of the General Laws
2 is hereby amended by adding after clause (9) the following
3 clause: —

4 (10) notwithstanding the other provisions of this section, one-
5 half of the amount of any joint bank account of spouses, including
6 but not limited to savings accounts, checking accounts, negotiable
7 orders of withdrawal and the like held as joint tenants with the
8 right of survivorship or held in any manner creating a right of
9 survivorship between spouses, up to and including the sum of
10 thirty thousand dollars in the aggregate.

1 SECTION 3. This act shall apply to costs incurred after the
2 effective date of this act.