

To: New Jersey Law Revision Commission
From: Jayne Johnson
Re: New Jersey Filial Responsibility Statutes
Date: June 8, 2015

MEMORANDUM

Executive Summary

This Memorandum discusses the New Jersey statutes that govern filial responsibility and support under Title 44, and examines the issues involving the statutory duty to care for an indigent relative.¹

The Office of the Ombudsman for the Institutionalized Elderly asked the Commission to review the existing Title 44 provisions concerning filial responsibility to recommend revising or repealing the statutes.

The Commission first considered the provisions in September 2012 and requested that Staff revisit the issue after further consideration was given to the comments received from elder law attorneys, recent court decisions, and legislative developments in other jurisdictions. Staff is providing the following update as work toward the conclusion of this project resumes.

Background

The term “filial” means “of or due from a son or daughter.”² Many filial responsibility statutes require reciprocal responsibility of a parent to care for and financially support an indigent adult child, and likewise, a child for the care and support of an indigent parent.³

The legal duty to care for one’s parents traces back to early Greek and Roman law, which reflected the predominant belief, still espoused by most religious faiths, that children have a moral duty to care for their parents.⁴ Aristotle presented the principle in these terms:

[A] debtor should return what he owes, and since, no matter what a son has done, he has not made a worthy return for what his father has done for him, he is always the debtor.⁵

¹ N.J. STAT. ANN. §§ 44:4-100 to 44:4-103 (West 2014) (finding the identical language in N.J. STAT. ANN. §§44:1-139 to 44:1-142 - to be adopted by county referendum; “The provisions of this chapter shall be and remain inoperative as to a particular county until the chapter has been adopted upon referendum as provided in article 17 of this chapter.)

² Merriam-Webster’s Dictionary Online (2015), available at <http://www.merriam-webster.com/dictionary/filial>.

³ Jeffery Marshall, Attorney Group Seeks Repeal of PA Filial Support Law (October 2013), available at <http://www.paelderlaw.com/attorney-group-seeks-repeal-of-pa-filial-support-law/>.

⁴ Seymour Moskowitz, 9 J.L. & Pol’y 709, 710-11 (2001).

⁵ *Id.* (citing Aristotle, Nicomachean Ethics §1163b, 244 (Martin Oswald ed., trans. 1962)).

American colonists extended this principle, by establishing, under the colonial welfare laws, a legal duty to care for indigent and poor family members.⁶ These laws were modeled after the 1601 Elizabethan Poor Relief Act, which required that “the father and grandfather and the mother and the grandmother, and the children of every poor, old, blind, lame, and impotent person” must support their indigent relative to extent they are best able.⁷

Historically, a person was considered indigent if support was provided at public expense.⁸ For purposes of filial responsibility statutes, indigence no longer means that a person is “necessarily helpless, destitute,” or a recipient of a public assistance, instead indigence refers to persons with limited income, whose means are not adequate to provide for their “basic maintenance and care.”⁹

Today, generally, the financial need of an indigent parent triggers the obligation to support.¹⁰ Under most existing state statutes, the adult child is obligated to bear the financial costs of food, clothing, shelter, and medical care for an indigent parent.¹¹

Other Jurisdictions

Forty-five states enacted filial responsibility statutes based on the early colonial provisions; and today, twenty-nine jurisdictions, including New Jersey, still maintain filial responsibility statutes.¹² Of these jurisdictions, eleven states have not enforced their filial responsibility statutes.¹³ Eight states impose criminal penalty for failure to support an indigent relative, four states enacted both civil and criminal statutes to enforce filial responsibility, and in states where an individual may be civilly responsible, a judgment may be entered to garnish wages or to levy liens against real property.¹⁴

Establishing who has standing to bring an action for support varies from state to state, some states with civil statutes identify that various interested parties may bring a claim on behalf of an indigent person.¹⁵ Other states only permit the indigent person to bring the action, while still other states allow third parties to bring an action against the relative of an indigent person. The right to bring a claim is often the responsibility of the organization or entity providing services to

⁶ Seymour, 9 J.L. & Pol’y 711.

⁷ *Id.*

⁸ Allison E. Ross, Taking Care of Our Caretakers: Using Filial Responsibility Laws to Support the Elderly Beyond the Government’s Assistance, 16 Elder L.J. 167, 170 (2008).

⁹ *Id.* at 173.

¹⁰ *Id.*

¹¹ *Id.* at 174.

¹² *Id.* at 173-74; *see also See Appendix*, pgs. 10-11 (noting that twenty-eight states and Puerto Rico currently have filial responsibility statutes).

¹³ *Id.* (finding no record of enforcement of filial responsibility statutes in the following states: Alaska, Delaware, Idaho, Mississippi, Montana, Nevada, New Hampshire, North Carolina, Tennessee, Utah and Vermont); *see Appendix*, pgs. 10-11, 50 State Survey – Filial Responsibility.

¹⁴ *Id.* (finding Kentucky, Maryland, Massachusetts, North Carolina, Ohio, Rhode Island, Vermont and Virginia with only criminal filial responsibility statutes; California, Connecticut, Indiana, and Montana with both civil and criminal filial responsibility statutes); *see Appendix*, pgs. 10-11, 50 State Survey – Filial Responsibility.

¹⁵ *Id.*

the indigent person, when the statute does not specify what parties have standing to bring a claim.¹⁶

Defenses

The unclean hands doctrine is often a defense in filial responsibility claims.¹⁷ The past acts of a parent, particularly abandonment, may absolve an adult child from the responsibility to support an indigent parent.¹⁸

The party seeking enforcement must demonstrate that the relative, generally an adult child, has the financial ability to support the indigent parent.¹⁹ Courts hesitate to encumber an adult child with the financial responsibility of supporting an indigent parent, when doing so would deprive the child of resources necessary to provide for the basic maintenance and care of the child's household.²⁰

In families with multiple adult children, siblings may be obligated to contribute to the support of an indigent parent, but state statutes vary on how contributions from siblings are determined.²¹ Some states require the child for whom support was required to file a claim to join the other siblings to the action.²²

Recent Developments

Repeal of filial responsibility statutes began in many states in the years following the creation of federal programs to provide basic medical care for seniors through Medicaid, and basic insurance coverage for seniors with financial need through Medicare.²³

More recently, two states, Idaho in 2011 and New Hampshire in 2013, repealed provisions requiring children to bear the costs of their parents' care.²⁴

Federal law prohibits states from considering the financial responsibility of any individual, other than the spouse, in determining the eligibility of an applicant or recipient of Medicaid or other assistance programs.²⁵ Federal law also prohibits third-party guarantee of payment to a long-term care facility, as a condition of admission or residence in the facility, with

¹⁶ *Id.* (finding under N.C. Gen. Stat. § 14-326.1 creditors are permitted to bring an action against the relatives of a person in need of financial support)

¹⁷ *Id.*

¹⁸ Seymour, 9 J.L. & Pol'y 715-16.

¹⁹ *Id.*

²⁰ Ross, 16 Elder L.J. 170.

²¹ *Id.*

²² *Id.*; see 26 Pa. C.S.A. §§ 4601 to 4605 (West 2014).

²³ *Who Will Pay For Mom's or Dad's Nursing Home Bill? Filial Support Laws and Long-Term Care*, Forbes (Feb. 2, 2014), available at <http://www.forbes.com/sites/northwesternmutual/2014/02/03/who-will-pay-for-moms-or-dads-nursing-home-bill-filial-support-laws-and-long-term-care/>; e.g. New York repealed its filial responsibility statute in 1966.

²⁴ *Id.*

²⁵ Seymour, 9 J.L. & Pol'y 714-15; 42 U.S.C. § 1396(a)(17)(D).

the exception of an individual exercising durable power of attorney, an order of guardianship, or other valid authorization.²⁶

The Montana federal district court found, in 2013, that Montana’s filial responsibility statute conflicted with the federal provision prohibiting nursing homes from requiring a third-party to guaranty payment for the costs of care.²⁷ The Court held that the nursing home facility could not collect payment from a son for his mother’s outstanding medical expenses.²⁸

In Pennsylvania, the filial responsibility statutes were included in the state’s public welfare code, until 2005 when the statutes were recodified under the domestic relations code.²⁹ The statutory changes followed the ruling in *Presbyterian Medical Center v. Budd*, that under Pennsylvania’s filial responsibility statute, the plaintiff, a long term nursing facility, was a person “having an interest in the care, maintenance or assistance” of the parent, and thus the daughter could be held responsible, under the filial support law, for the costs to the nursing home of her mother’s care.³⁰

More recently, in the Pennsylvania decision, *Health Care & Retirement Corp. of America v. Pittas*, a judgment in the amount of \$92,943.41 was entered against an adult son for the care provided his mother during her seven-month stay in a long-term nursing facility, before she relocated to Greece.³¹ The appellate court acknowledged that it was the burden of the nursing home facility to establish the son’s financial ability to support his mother, but found that the facility presented sufficient evidence to support the lower court’s ruling.³² The appellate court also ruled that the state filial responsibility statute does not require that the facility consider alternative sources - including the parent’s spouse or other adult children – before bringing a claim.³³ The decision alarmed the Pennsylvania Association of Elder Law Attorneys (PAELA) who is concerned that the ruling may encourage the filial responsibility statute to be used as debt collection tool.³⁴ The PAELA is advocating for passage of PA HB 242 that is pending in the Pennsylvania legislature to repeal the state’s filial responsibility statute.³⁵

With the rise of long-term health care costs and federal funding shortages, nursing home facilities and other “health care providers have increasing incentives to seek to use the courts to

²⁶ 42 U.S.C. §1395i-3(c)(5)(A)(ii); William P. Isele, 209 N.J.L.J. 373, 374 (July 30, 2012).

²⁷ *Heritage Place, Inc. v. Jerry A. Jarrell*, Mont. Dist. Ct., 11th Dist., No. DV-11-430(D) (July 2, 2013) (citing 42 U.S.C. §1395i-3(c)(5)(A)(ii)).

²⁸ *Id.*

²⁹ 26 Pa. C.S.A. §§ 4601 to 4605 (West 2014).

³⁰ *Presbyterian Medical Center v. Budd*, 832 A.2d 1066, 1073 (Pa. Super. 2003).

³¹ *Health Care & Retirement Corp. of America v. Pittas*, 2010 WL 8749722, (Pa.Com.Pl., Aug. 31, 2010), *aff’d* by *Health Care & Retirement Corp. of America v. Pittas*, 2012 Pa. Super. 96 (2012)

³² *Id.*

³³ *Id.*

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³⁵ Jeffery Marshall, Attorney Group Seeks Repeal of PA Filial Support Law (October 2013), available at <http://www.paelderlaw.com/attorney-group-seeks-repeal-of-pa-filial-support-law>

compel” adult children to assist their parents financially or “be at risk for covering the costs” of their parents’ care.”³⁶

New Jersey Statutes

The New Jersey Law Journal reported in an article following the *Pittas* decision that “New Jersey’s filial responsibility statute has rarely been enforced,” but acknowledged that, “[i]n this era of ‘runway’ Medicaid long-term care spending, it is certainly possible that the right facts could awaken this slumbering giant.”³⁷

These dormant filial responsibility provisions, under Title 44, require that relatives who are between the ages of 18 and 55 must provide for the financial costs of care and support of a “poor” family member.

Under N.J.S. 44:1-1 a “poor person” is defined as “one who is unable to maintain himself or those dependent upon him.”³⁸ N.J.S. 44:1-139 provides that:

Upon application for the relief of a poor person an overseer shall ascertain if possible the relatives chargeable by law for his support and proceed to obtain their assistance or compel them to render such assistance as is provided by law.³⁹

Under section 44:1-140, a relative chargeable is defined as:

- a. The father and mother of a person under 18 years of age who applies for and is eligible to receive public assistance, and the children, and husband or wife, severally and respectively, of a person who applies for and is eligible to receive public assistance, shall, if of sufficient ability, at his or their charge and expense, relieve and maintain the poor person or child in such manner as shall be ordered, after due notice and opportunity to be heard, by any county director of welfare, or by any court of competent jurisdiction upon its own initiative or the information of any person.
- b. The provisions of this section shall apply to the minor children of a mother whose husband shall fail properly to support and maintain such minor children when by reason thereof they are likely to become a public charge.
- c. The provisions of this section shall not apply to any person 55 years of age or over except with regard to his or her spouse, or his or her natural or adopted child under the age of 18 years.⁴⁰

³⁶ Isele, 209 N.J.L.J. 373.

³⁷ *Id.*

³⁸ N.J. STAT. ANN. § 44:4-1 (West 2014).

³⁹ N.J. STAT. ANN. § 44:4-139 (West 2014) (finding archaic term “overseer” is no longer applicable, the responsibility now lies with a county public assistance worker to process the application).

⁴⁰ N.J. STAT. ANN. § 44:4-140 (West 2014).

Only a handful of cases provide guidance on New Jersey's filial responsibility statutes. One of the earliest cases to discuss the "Poor Act" is *Ackerman v. Ackerman*, decided in 1893, where the New Jersey Supreme Court -- stated that:

These provisions were not designed to establish any personal or private right to relief and maintenance from the relatives named therein, but were intended for the indemnity of the public against the maintenance of paupers.⁴¹

The *Ackerman* court further concluded that although the law did not provide the manner in which the action shall be invoked, the court's jurisdiction "most properly" is to be invoked by a complaint or petition of the overseer of the poor of the municipality "liable to support the pauper."⁴² The court found, however, that it had jurisdiction to act under the statute if the application was commenced by the poor person, so long as the application appeared to be "designed for the protection of the public." The court stated that its jurisdiction did not depend upon the:

mode in which the facts essential to jurisdiction are presented. The court might decline to act if the application appeared not to be designed for the protection of the public. But if it acts upon a petition showing jurisdiction, its action will not be invalidated because the petition was presented by the pauper.⁴³

The most recent cases interpreting the filial responsibility statutes date back several decades. In *Pavlick v. Teresinski*, the court assumed a private right of action, having determined that the mother, despite owning her own home, due to her advanced age and physical condition, could proceed in an action for support from her two adult sons.⁴⁴ The court held that the plaintiff could not be "expected to prove" her sons' earnings or expenses "since these are matters peculiarly within the knowledge of [the] defendants."⁴⁵ Arguably, the plaintiff would have to "make a prima facie showing of ability, which the adult child could present evidence to rebut."⁴⁶

Later, the New Jersey Supreme Court, in *Jersey Shore Medical Ctr., Fitkin Hosp. v. Estate of Baum*, found that a nursing home facility had standing to bring an action against a

⁴¹ *Ackerman v. Ackerman*, 55 N.J.L. 422 (1893) (referring to § 17 of the "Act for the settlement and relief of the poor", passed on March 11th, 1774 (Paterson Laws, p. 31), and upon which the predecessor statutes to N.J. STAT. ANN. § 44:4-100, et seq. and N.J. STAT. ANN. § 44:1-139, et seq. derive; subsequent legislative history continues to support this view. Indeed, the law may in fact have been revised as a result of the *Ackerman* decision. The 1924 revised Assembly Bill states that the purpose of the law is to:

revise the laws concerning the poor that within reasonable and proper limits due economy and better supervision of the situation may be obtained for the benefit of the State and its various subdivisions, with the hope that so far as possible the causes of dependency may be eliminated.

The Bill Statement also states that the law "has features for relieving the public of the care of 'natural dependents' wherever there are relatives able to support them.

⁴² *Ackerman*, 55 N.J.L. at 422.

⁴³ *Id.*

⁴⁴ *Pavlick v. Teresinski*, 54 N.J. Super. 478 (J.D. R.Ct. 1959).

⁴⁵ *Id.*

⁴⁶ *Isele*, 209 N.J.L.J. 373.

decedent's widow for payment of medical expenses incurred in connection with the decedent's final illness.⁴⁷ The Court held that the widow was not liable to the facility for the outstanding debts of the spouse, and in the absence of a written agreement, income and property of one spouse should not satisfy debts incurred by the other spouse, unless assets of the spouse who incurred the debt are insufficient to satisfy the debt.⁴⁸

N.J.S. 30:13-3.1a., enacted in 1997, now provides a blanket prohibition against even voluntary third party guarantees. It provides the following:

a. A nursing home shall not, with respect to an applicant for admission or a resident of the facility:

(1) require that the applicant or resident waive any rights to benefits to which he may be entitled under the Medicare program established pursuant to Title XVIII of the federal Social Security Act, Pub.L.89-97 (42 U.S.C. § 1395 et seq.) or the Medicaid program established pursuant to P.L.1968, c. 413 (C.30:4D-1 et seq.); or

(2) require a third party guarantee of payment to the facility as a condition of admission or expedited admission to, or continued residence in, that facility; except that when an individual has legal access to a resident's income or resources available to pay for facility care pursuant to a durable power of attorney, order of guardianship or other valid document, the facility may require the individual to sign a contract to provide payment to the facility from the resident's income or resources without incurring personal financial liability.

b. A nursing home shall prominently display in that facility, and provide to an applicant for admission or a resident of the facility, written information about how to apply for benefits under the Medicare or Medicaid program, and how to receive a refund of previous payments to the facility which may be covered by those benefits.

c. The provisions of subsections a. and b. of this section shall only apply to those distinct parts of a nursing home certified to participate in the Medicare or Medicaid program.

As described in N.J.S. 30:13-3.1a., federal law limits enforcement of the state's filial responsibility provisions by, prohibiting: (1) an individual from waiving any rights or benefits under the Medicare program; and (2) third party guarantee of the payment to a long-term care facility, as a condition of admission or continued residence.⁴⁹

⁴⁷ *Jersey Shore Medical Ct.r, Fitkin Hosp.v. Estate of Baum*, 84 N.J. 137, 141 (1980)

⁴⁸ *Id.* at 145.

⁴⁹ N.J. STAT. ANN. § 30:13-3.1a. (West 2014).

Under rare circumstances where a person who is indigent, “meets the financial criteria for Medicaid, but is ineligible for Medicaid for some other reason, e.g. lack of citizenship or resident [sic] status” a county agency worker may be “permitted to look to other individuals under state law.”⁵⁰

N.J.S. 44:1-141 provides that:

If any of the relatives mentioned in section 44:1-140 of this Title shall fail to perform the order or directions of the county director of welfare with regard to the support of the poor person, or if the poor person is supported at public expense, the Superior Court, upon the complaint of the director of welfare or two residents of the county may summon the persons chargeable as in other actions and summon witnesses, and may order and adjudge the able relatives to pay such sum as the circumstances may require in the discretion of the court for each poor person, as will maintain and relieve him or them, and as will relieve the public of the burden of such care and maintenance. However, where it shall appear that the person or persons sought to be held were the child or children of the poor person and were abandoned and deserted by the poor person who failed to support and maintain them during minority, the Superior Court may revoke the order of the director of welfare or reduce the amount of said order against such child or children, in proportion to the actual support and maintenance rendered by said poor person to the child or children sought to be held. Any child now under an order to support a poor person may apply to the Superior Court which issued said order for the revocation or reduction of said order in accordance with the terms of this proviso. Violations of any such order of the Superior Court shall constitute a contempt of court.

The county through its governing body may also bring an appropriate action to recover any sum of money due for the relief, support and maintenance of any poor person against any person chargeable by law therefor.⁵¹

Staff will conduct further outreach to determine the scope of the recommendations, whether to narrowly limit the proposal to remove archaic language and references, or to broaden the scope of the project to determine how to best balance the legislative intent of the statute with modern health care demands and costs, along with the changes in family dynamics and compositions since the period when the New Jersey filial responsibility statutes were enacted.

⁵⁰ Isele, 209 N.J.L.J. 373

⁵¹ N.J. STAT. ANN. § 44-141 (West 2014).

Conclusion

The Commission may wish to consider one of the following approaches in advancing this project:

(1) Continue work on the issues concerning New Jersey's filial responsibility statutes, as a stand-alone project, preparing draft language for consideration by commenters;

(2) Incorporate consideration of the issues concerning New Jersey's filial responsibility statutes with the ongoing Title 44 project – which seeks to clarify the Title by restructuring operative sections, revising archaic provisions, and removing anachronistic statutes;

(3) Prepare draft language for commenters' consideration, independent of the Title 44 project, and later include the final recommendations concerning the filial responsibility provisions in the Title 44 Report.

Staff seeks the Commission's input regarding any preference for one of the approaches outlined above.

APPENDIX

50 State Survey – Filial Responsibility Statutes⁵²

(See following pages)

⁵² Katherine C. Pearson, *Filial Support Laws in the Modern Era: Domestic and International Comparison of Enforcement Practices for Laws Requiring Adult Children to Support Indigent Parents*, The Pennsylvania State University, The Dickinson School of Law (June 8, 2012).

STATE	CIVIL STATUTE	CRIMINAL/PENAL STATUTE	NOTES
ALABAMA	No Existing Statute		
ALASKA	Ak. Stat. § 25.20.030 Ak. Sec. 47-25-230		
ARIZONA	No Existing Statute		
ARKANSAS	Ark. Code Ann. § 20-47-106		
CALIFORNIA	Cal. Fam. Code 4400-4405 Cal. Fam. Code 4410-4414 Cal. Welf. & Inst. Code § 12350	Cal. Penal Code § 270(c)	
COLORADO	No Existing Statute		
CONNECTICUT	Conn. Gen. Stat. Ann §§ 46b-215, 53-304	(Under § 53-304, it is a criminal offense to refuse reasonable necessary support to a parent under age 65.)	
DELAWARE	Del. Code Ann. Title 13 § 503		
FLORIDA	No Existing Statute		
GEORGIA	Ga. Code Ann. § 36-12-3		
HAWAII	No Existing Statute		
IDAHO	No Existing Statute		Statute Provided for Reciprocal duty of support between parents and children Repealed July 1, 2011 - Idaho Code § 32-1002
ILLINOIS	No Existing Statute		
INDIANA	Ind. Code Ann. §§31-16-17-1 to -7	Ind. Code Ann. § 35-46-2-7	
IOWA	Iowa Code Ann. § 252.1 Iowa Code Ann. § 252.2 Iowa Code Ann. § 252.5		
KANSAS	No Existing Statute		
KENTUCKY		KY Rev. Stat. Ann. § 530.050	
LOUISIANA	La. R.S. 13:4731		
MAINE	No Existing Statute		

MARYLAND	MD. Code Ann. Fam. Law §§ 13-101 to 13-109	Under 13-102(c) - A person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year, or both	
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STATE	CIVIL STATUTE	CRIMINAL/PENAL STATUTE	NOTES
MASSACHUSETTS		Mass. Gen. Laws Ann. ch. 273, § 20	
MICHIGAN	No Existing Statute		
MINNESOTA	No Existing Statute		
MISSISSIPPI	Miss. Code Ann. § 43-31-25		
MISSOURI	No Existing Statute		
MONTANA	Mont. Code Ann. § 40-6-214	Mont. Code Ann. § 45-5-621	
NEBRASKA	No Existing Statute		
NEVADA	Nev. Rev. Stat. Ann § 428.070 Nev. Rev. Stat. Ann. § 439B.310		
NEW HAMPSHIRE	N.H. Rev. Stat. Ann. § 546-2:2		Statute Repealed December 2013 - N.H. Rev. Stat. Ann. § 167:2 December 2013 - Revised N.H. Rev. Stat. Ann. § 546-A - removed a child's obligation to support his or her parents, and limited a parent's liability to only support his or her children.
NEW JERSEY	N.J. Stat. Ann. §§44:4-100 to § 44:4-103; N.J. Stat. Ann. §§44:1-139 to § 44:1-142		
NEW MEXICO	No Existing Statute		
NEW YORK	No Existing Statute		Statute Repealed in 1966
NORTH CAROLINA		N.C. Gen. Stat. § 14-326.1	
NORTH DAKOTA	N.D. Cent. Code § 14-09-10		
OHIO		Ohio Rev. Code Ann. § 2919.21	

OKLAHOMA	No Existing Statute		
OREGON		OR. Rev. Stat. § 109.010	
PENNSYLVANIA	23 Pa. C.S.A. §§ 4601 to 4606		PA HB 242 (2015) is currently pending to repeal the existing statute.

STATE	CIVIL STATUTE	CRIMINAL/PENAL STATUTE	NOTES
RHODE ISLAND	R.I. Gen. Laws §§ 15-10-1 to 15-10-7 R.I. Gen. Laws §§ 40-5-13 to 40-5-21		
SOUTH CAROLINA	No Existing Statute		
SOUTH DAKOTA	S.D. Codified Laws § 25-7-28 S.D. Codified Laws § 28-13-1.1		
TENNESSEE	Tenn. Code Ann. § 71-5-103 Tenn. Code Ann. § 71-5-115		
TEXAS	No Existing Statute		
UTAH	Utah Code Ann. § 17-14-2		
VERMONT	VT. Stat. Ann. Tit. 15, §§ 202-03		
VIRGINIA	VA. Code Ann. § 20-88		
WASHINGTON	No Existing Statute		
WISCONSIN	No Existing Statute		
WYOMING	No Existing Statute		
WEST VIRGINIA	W. VA. Code § 9-5-9		
DISTRICT OF COLUMBIA	No Existing Statute		
PUERTO RICO	8 L.P.R.A. § 712		