

Introduced by

Senators Dever, Oban

Representatives Keiser, Klemin, Kreidt, Longmuir

1 A BILL for an Act to amend and reenact section 14-09-10 of the North Dakota Century Code,
2 relating to familial duty to support for health services; to repeal section 50-01-19 of the North
3 Dakota Century Code, relating to familial duty to support for county welfare; to provide for
4 application; and to declare an emergency.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 14-09-10 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **14-09-10. Reciprocal duty of support for health services - Support of poor.**

9 ~~It is the duty of the father, the mother,~~

10 1. Each parent and every adult child of any person an adult who is unable to support
11 oneself, to shall maintain that person adult to the extent of the ability of each. This
12 liability may be enforced by any person furnishing necessaries to the person. The
13 promise of an adult child to pay for necessaries furnished to the child's parent is
14 binding.

15 2. Except as provided under subsection 3, a creditor may not recover under this duty of
16 support unless the:

17 a. Recovery sought by a creditor is for the furnishing of necessary health services,
18 which may include medical and long-term care services;

19 b. Recovery sought is from a parent or adult child who received a direct benefit from
20 a disqualifying transfer of an asset under section 50-06.2-07 or

21 ~~50-24.1-02.850-24.1-02;~~

22 c. Recovery being sought from this parent or adult child does not exceed the fair
23 market value, including any gain, resulting from the disqualifying transfer; and

- 1 d. Disqualifying transfer occurred within five years of the receipt of the necessary
2 health services or application for medical assistance.
- 3 3. A creditor may recover under this duty to support if the:
- 4 a. Recovery is sought ~~from a parent or adult child who acted in bad faith by~~
5 ~~misappropriating, misusing, or diverting income or assets of the other adult to~~
6 ~~prevent or avoid payment for~~by a creditor for the furnishing of necessary health
7 services, which may include medical and long-term care services; ~~and~~
- 8 b. ~~The bad~~Recovery is sought from a parent or adult child who acted in bad faith by
9 misappropriating, misusing, or diverting income or assets of the other adult to
10 prevent or avoid payment for necessary health services;
- 11 c. Recovery being sought from the parent or adult child does not exceed the fair
12 market value, including any gain, resulting from the disqualifying transfer; and
- 13 d. Bad faith action occurred within five years of the receipt of the necessary health
14 services.

15 **SECTION 2. REPEAL.** Section 50-01-19 of the North Dakota Century Code is repealed.

16 **SECTION 3. APPLICATION.** This Act applies to a collection action to enforce liability for
17 furnishing necessities which ~~occurs~~becomes final on and after the effective date of this Act.

18 **SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure.