

HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 6 FAMILY AND ADULT SERVICES DIVISION

CHAPTER 605

CASH PAYMENTS FOLLOWING DEATH OF PAYEE AND CLAIM
AGAINST ESTATE OF DECEASED RECIPIENT

(Chapter title amended 12/24/84)

- §17-605-1 Applicable probate provisions
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§17-605-1 Applicable probate provisions. In the event the payee of a warrant dies without leaving a will and before the warrant is cashed, the provisions of the uniform probate code, sections 560:3-1201 through 560:3-1213, HRS, shall apply. [Eff 7/19/82; comp 3/19/93] (Auth: HRS §346-14) (Imp: HRS §346-14; 45 C.F.R. §234.11)

§17-605-2 Payment to successor. Under the provisions of the probate code, the department shall pay the amount owed to the deceased recipient to the decedent's successor upon being presented with a death certificate for the decedent and an affidavit which states:

- (1) The net value of the decedent's estate in the State does not exceed \$1,000;
- (2) No application or petition for the appointment of a personal representative is pending or has been granted in the State;
- (3) The claiming successor, a relative, is entitled to payment or delivery of the property; and

- (4) The relationship of the claiming successor to the decedent. [Eff 7/19/82; comp 3/19/93] (Auth: HRS §346-14) (Imp: HRS §560.3-1201; 45 C.F.R. §234.11)

§17-605-3 Method of payment. In the event that the payment covers payment for the deceased recipient-payee and others in the household:

- (1) Payment shall be adjusted and a new warrant to cover the needs of the eligible survivors shall be issued to the new adult payee with a separate warrant issued in the amount owed to the deceased recipient. Under the provisions of section 17-605-2, the successor may claim the decedent's payment; or
- (2) On presentation of an affidavit and death certificate specified under section 17-605-2, the entire warrant shall be paid to the successor. [Eff 7/19/82; am and comp 3/19/93] (Auth: HRS §346-14) (Imp: HRS §§490:3-208, 560:3-1201; 45 C.F.R. §234.11)

§17-605-4 Payment to probate court. In the event that there is no successor to claim the payment for which the decedent was eligible, the warrant in the decedent's name shall be forwarded to the probate court, as part of the decedent's estate, for disposition. [Eff 7/19/82; comp 3/19/93] (Auth: HRS §346-14) (Imp: HRS §§560:3-1205, 560:3-1213; 45 C.F.R. §234.11)

§17-605-5 Claim against the estate of a deceased recipient. (a) If a recipient dies leaving an estate and does not have a surviving spouse, child, father, mother, grandfather, grandmother, grandchild, stepfather, stepmother, or designated heir, the department may file a claim against the estate for the amount of financial assistance or social service benefits provided the deceased recipient.

(b) If a recipient fraudulently received financial assistance or social service benefits because of the recipient's withholding of information, the department may file a claim against the estate of the deceased recipient, notwithstanding subsection (a), for

the amount of financial assistance or social service benefits overpaid. [Eff 7/19/82; am and comp 3/19/93] (Auth: HRS §§346-14, 346-44) (Imp: HRS §§346-37, 346-44)

Historical Note: §17-605-5 is based substantially upon §17-626-25, Hawaii Administrative Rules. [Eff 7/19/82; R 12/24/84]