



STATE OF CONNECTICUT

DEPARTMENT OF SOCIAL SERVICES
OFFICE OF QUALITY ASSURANCE

December 13, 2018

John P. McHugh, Esq.
Cranmore, FitzGerald & Meaney
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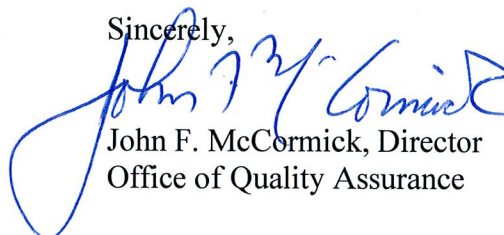
Dear Attorney McHugh:

Recently, the Department of Social Services (DSS) and the Department of Administrative Services (DAS) discovered that some funeral homes are unsure how to handle funds remaining in a pre-need funeral service contract after the cost of funeral services has been paid. This memorandum is intended to clarify what should happen to these funds.

Some pre-need funeral service contracts name the State of Connecticut as a residual beneficiary of excess funds up to the amount of Medicaid and/or other public assistance benefits the State paid to or on behalf of the decedent during his or her lifetime. While there is no requirement under state or federal law that such a provision be included in a pre-need funeral contract, if such language is included, the funeral home may forward the excess funds to DSS for processing. The check should be made payable to the Connecticut Department of Social Services and should include the decedent's name so that the funds may be used to offset any amounts the decedent's estate would otherwise owe to the State. Please also forward a copy of the pre-need funeral service contract that lists the State of Connecticut (or DSS) as a residual beneficiary. Please note that DSS will only be able to accept payment in these instances if the decedent actually received public assistance from the State, and only up to the amount of public assistance paid.

If the pre-need funeral service contract does not include language naming the State of Connecticut as a residual beneficiary, then any excess funds will become part of the decedent's probate estate and will therefore need to be distributed in accordance with state law. Under these circumstances, neither DSS nor DAS have authority to accept the excess funds outside of the probate-court process. Often, an estate will be opened by a family member, friend, or, in some cases where the State has a claim to some or all of the net probate estate, DAS. If a funeral home does not know whether DAS has opened or intends to open an estate for a decedent, it can contact Christopher Roberts, Team Leader – Legal Representative, Collection Services at DAS, for more information. Mr. Roberts can be reached by calling 860-713-5427 or emailing Christopher.Roberts@ct.gov. Once an estate is opened, the excess funds should be paid to the fiduciary of the estate (executor, administrator or DAS as legal representative), or in accordance with a Probate Court decree, PC-264, directing the transfer of the decedent's assets without formal probate proceedings (used for some small estates valued at less than \$40,000).

Sincerely,



John F. McCormick, Director
Office of Quality Assurance

cc: Stephen J. Markowski, Investigations & Recoveries