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AID FOR DEPENDENT CHILDREN—CHILD ENTITLED TO AID AND RECEIVED AID FROM COUNTY—MOVED TO ANOTHER COUNTY FOR PERIOD LESS THAN ONE YEAR, THEN MOVED INTO THIRD COUNTY—OBLIGATION OF COUNTY OF ORIGINAL RESIDENCE TO FURNISH AID CONTINUED FOR TWELVE MONTHS AFTER CHILD REMOVED FROM COUNTY—OBLIGATION TO ADMINISTER AID AT THE END OF TWELVE MONTHS FALLS UPON COUNTY IN WHICH CHILD THEN RESIDED—SECTION 1359-31 ET SEQ., G. C.

SYLLABUS:

Where a child was entitled to aid and was receiving aid from any county under the provisions of the law relating to aid for dependent children (Section 1359-31 et seq.) and such child moves from said county to another county for a period of less than one year, and then moves to a third county, the obligation of the county of original residence to furnish such aid to such child continues for twelve months after its removal from that county, and the obligation to administer such aid falls, at the end of said twelve months, upon the county in which such child then resides.

Columbus, Ohio, September 27, 1944

Hon. Paul J. Reagen, Prosecuting Attorney
Warren, Ohio

Dear Sir:

Your request for my opinion reads as follows:

"A certain B. family moved into Ashtabula County sometime in 1937. On July 18, 1942, Mr. B. died, and his wife, Maude B. and children received aid through the Aid to Dependent Children Agency in Ashtabula County, beginning October 1, 1942.

On July 9, 1943, the B.'s moved to Middlefield, Ohio, in Geauga County, where they remained until April 8, 1944, at which time they moved to Bloomfield, Trumbull County, Ohio.

On July 7, 1944, Mrs. B. applied for aid through the Aid to Dependent Children at the Trumbull County Welfare Department, stating that the Ashtabula County Agency had informed them that a grant would be immediately forthcoming in Trumbull County upon application.

In connection with the above, I am submitting the following inquiries:

1. When does Ashtabula County discontinue assistance to the B. family, and when does Trumbull County assume financial responsibility for this case under the A.D.C. program?

2. If Ashtabula County should discontinue aid twelve months after July 9, 1943, who is responsible for the support of this family until twelve months after April 8, 1944, at which time they would have been in Trumbull County one year?

An interpretation of Section 1359-32 is involved in this situation. Said section provides in part, as follows:

* * * Subject to the rules and regulations of the state department of public welfare, aid may be continued by the county administration heretofore responsible for the care of the said child to a recipient who is temporarily outside of the state and aid shall be continued for a period of twelve months to a recipient who moves to another county within the state provided eligibility for assistance continues.* * *

In this connection, the rules and regulations of the State Department Manual of Procedure, Volume 1, Section 4, page 20, covers inter-county movement of cases, and said rules provide in substance, that as soon as the family moves, the first county

must notify the second county, and must send a summary of the case. A report of the services rendered must be sent to the first county, including a budget sheet filled out on the agency standard cost in the second county.

These rules were of course, not complied with because the movement in this case involved Geauga County as well as Trumbull County.

It is evident that the above quoted section of law does not make adequate provision for cases of the type herein involved, because it does not contemplate inter-county movement in more than one county.

We respectfully request your opinion covering the above situation."

The system known as Aid for Dependent Children is governed by the provisions of Sections 1359-31 to 1359-45, inclusive, of the General Code. Section 1359-32 sets out the conditions under which aid may be granted. This section provides in part as follows:

"Subject to the provisions of this act and to the availability of revenues for the purposes thereof, a needy child residing in the state of Ohio shall be entitled to aid if and when the following conditions are fulfilled, and not otherwise; * * *

(d) He shall have resided in the state of Ohio for at least one year immediately preceding the application for such aid or his parent or relative with whom he lives or is to live shall have resided in the state for one year immediately preceding application; or if born within a year immediately preceding application shall have been born within the state or shall have resided in the state substantially from the time of birth. Subject to the rules and regulations of the state department of public welfare, aid may be continued by the county administration heretofore responsible for the care of the said child to a recipient who is temporarily outside of the state *and aid shall be continued for a period of twelve months, to a recipient who moves to another county within the state* provided eligibility for assistance continues."

(Emphasis added.)

It will be observed that the only residence qualification mentioned is that of having resided in the State of Ohio for one year. Nothing in the statutes relating to this agency makes a legal settlement in any county a condition to the furnishing by such county of the aid provided.

Prior to the latest amendment of this section (119 O. L. 663), the

provision above quoted relative to the removal of a recipient from one county to another was not in the law, and as the statute then stood it was held by my immediate predecessor in 1938 Opinions, Attorney General, p. 1770, as follows:

“In the act providing for aid for dependent children, where a child moves from one county to another, the county to which he or she moves must immediately assume the obligation of paying the grant of aid to which the child is entitled, and the county from which such child moves should not continue to pay such grant.”

I am informed by the Director of Public Welfare that considerable hardship was found to result where a child was removed from a county which was furnishing aid, to another county, owing to the delay in getting such aid started in the county to which he had been taken and that this was the reason for the amendment of the statute to its present form.

The statute makes it clear that where one county has become responsible for aid to the child and he removes to another county, the responsibility of the original county continues for a period of twelve months, and it follows that the county to which he is removed does not assume responsibility until the end of that period.

Section 1359-35 gives the Department of Public Welfare responsibility for the administration of the provisions of the act. Among other powers and duties conferred upon that department is the following:

“(e) to provide, by rules and regulations or otherwise, for putting into effect such methods of administration and procedure, in accordance with this act, as are found by the said board or the said department to be necessary to the efficient operation of said plan in the respective counties;”

Pursuant to this authority the Director of Public Welfare has established certain rules. The rule governing the handling of the case of the removal of a recipient from one county to another is found in Volume I, Section 4, page 20, of the Ohio Manual of Procedure, adopted by the Department of Public Welfare, the pertinent portion of which reads as follows:

“INTER-COUNTY MOVEMENT OF CASES

When a recipient of aid to blind or aid to dependent children plans to move into another county, the worker in the first county should discuss arrangements with the worker in the second county. * * *

As soon as the family moves, the first county must notify the second county and must send a summary of the case. The worker in the second county is required to provide necessary services and to establish continuing eligibility. A report of the services rendered must be sent to the first county, including a budget sheet filled out on the agency standard costs in the second county.

The first county is responsible for continuing assistance for twelve months after the family moves. * * * If the family becomes ineligible on the basis of need before the twelve months' period expires, the case should not be closed, but should be suspended. This will make it possible to reinstate the family quickly in the event that circumstances change.

When the payment for the twelfth month is sent, the recipient should be advised by letter that the award is being terminated and that he should make application to the second county agency. * * * If the second county has been supervising the family for the first county, no additional investigation is necessary, * * *

(Emphasis added.)

It will be seen that this rule does not specifically cover the case which you present, where the child in question having been under the care of the county administration of Ashtabula County removed first to Geauga County for a period of nine months and then removed to Trumbull County. It is evident that under the rule to which I have called attention it would have been the duty of Ashtabula County to call attention of the Geauga County officials to the removal of the child, and the liability of Ashtabula County would have continued until one year from the time it had removed from Ashtabula County, at which time the child had become a resident of Trumbull County. The effect of the statute and of the rule quoted in the particular case is that while Geauga County had certain duties of cooperation with Ashtabula County it did not become the duty of Geauga County to assume the burden of financial assistance because that rested on Ashtabula County for one year.

It might be argued that it is unfair to relieve Geauga County of any financial responsibility in this case, but since the statute goes no further

than to hold the original county responsible for one year after removal, and makes no specific provision as to the assumption of responsibility by another county, it would appear to be within the authority of the Department of Public Welfare to make such rules "as are found by the said department to be necessary to the efficient operation of said plan in the respective counties," including the rule quoted. Furthermore, it is quite apparent from a study of the whole plan that the funds which furnish the aid come principally from the federal government and from appropriations of state funds.

At the end of the year, to wit, on July 9, 1944, the child became a charge upon Trumbull County for the administration of the aid in question. The fact that the child has not resided for twelve months in Trumbull County does not affect the responsibility of Trumbull County since the only residence requirement, as heretofore stated, is residence in the State of Ohio for one year.

Accordingly, and in specific answer to your inquiry it is my opinion that where a child was entitled to aid and was receiving aid from any county under the provisions of the law relating to aid for dependent children (Section 1359-31 et seq.) and such child moves from said county to another county for a period of less than one year and then moves to a third county, the obligation of the county of original residence to furnish such aid to such child continues for twelve months after its removal from that county, and the obligation to administer such aid falls at the end of said twelve months upon the county in which such child then resides.

Respectfully,

THOMAS J. HERBERT

Attorney General