

2417.

RELIEF, POOR—MONEYS RECEIVED FOR AID:—TO AGED, TO DEPENDENT CHILDREN, TO BLIND—CONSTITUTE RELIEF OF POOR UNDER SECTION 3477 G. C. AS TO LEGAL SETTLEMENT.

SYLLABUS:

Moneys received as aid for the aged under authority of Sections 1359-2 to 1359-15b, both inclusive, General Code, moneys received as aid to dependent children under authority of Sections 1359-31 to 1359-45, both inclusive, General Code, and moneys received as aid to the blind under authority of Sections 2965-1 to 2968-3, both inclusive, General Code, constitute relief to the poor within the meaning of that term as used in Section 3477, General Code.

Columbus, Ohio, June 17, 1940.

Hon. Charles L. Sherwood, Director,
Department of Public Welfare, Columbus, Ohio.

Dear Sir:

I am in receipt of your request for my opinion which reads:

“In determining ‘legal settlement’ as defined in Section 3477 G. C. the question arises as to whether or not money granted under Aid for the Aged, Aid to Dependent Children, and Aid to the Blind, constitutes relief as it is referred to in this section—

‘without relief under the provisions of law for the relief of the poor, or relief from any charitable organization or other benevolent association which investigates and keeps a record of facts relating to persons who receive or apply for relief.’ ”

Section 3477, General Code, referred to in your inquiry, reads:

“Each person shall be considered to have obtained a legal settlement in any county in this state in which he or she has continuously resided and supported himself or herself for twelve consecutive months, without relief under the provisions of law for the relief of the poor, or relief from any charitable organization or other benevolent association which investigates and keeps

a record of facts relating to persons who receive or apply for relief. No adult person coming into this state and having dependents residing in another state, shall obtain a legal settlement in this state so long as such dependents are receiving public relief, care or support at the expense of the state, or any of its civil divisions, in which such dependents reside."

In the Opinions of the Attorney General for 1933, Vol. I, page 414, one of my predecessors had occasion to answer an inquiry as to whether soldiers' relief constituted "relief of the poor" within the meaning of the section quoted above. He ruled, as stated in the syllabus, that:

"Soldiers' relief granted under sections 2930, et seq., of the General Code, is relief of the poor within the contemplation of sections 3477 and 3479 defining legal settlement."

In the Opinions of the Attorney General for 1919, Vol. I, page 53, a predecessor in office ruled that blind relief received under then existing Sections 2962 to 2970, General Code, was relief of the poor within the meaning of that term as used in Section 3477, General Code.

In the Opinions of the Attorney General for 1928, Vol. III, page 2227, it was held that the receipt of mothers' pension constituted relief of the poor within the meaning of that term as contained in Section 3477, General Code.

In an opinion rendered by me under date of February 21, 1940, bearing number 1902, I held that the receipt of aid for the aged under authority of Sections 1359-2 to 1359-15b, both inclusive, General Code, constituted relief for the poor within the meaning of that phrase in Section 3477, General Code. I have reexamined such opinions and have found no reason to depart from their holdings. The reasoning of such opinions would impel the conclusion that your inquiry should be answered in the affirmative.

Specifically answering your inquiry, it is my opinion that moneys received as aid for the aged under authority of Sections 1359-2 to 1359-15b, both inclusive, General Code, moneys received as aid to dependent children under authority of Sections 1359-31 to 1359-45, both inclusive, General Code, and moneys received as aid to the blind under authority of Sections 2965-1

to 2968-3, both inclusive, General Code, constitute relief to the poor within the meaning of that term as used in Section 3477, General Code.

Respectfully,

THOMAS J. HERBERT,
Attorney General.