

1871

1. HOSPITAL BILL—GIRL OR WOMAN—PAYMENT—MAY OR MAY NOT BE “SOCIAL SERVICE”—FACTS AND CIRCUMSTANCES OF PARTICULAR CASE INVOLVED—SECTION 3070-17 SUBSECTION (e) G. C.
2. LANGUAGE OF STATUTE—WORDS “GIRL OR WOMAN”—REFER TO ANY FEMALE PERSON REGARDLESS OF AGE.

SYLLABUS:

1. Paying the hospital bill of a girl or woman may or may not be a “social service” within the purview of Section 3070-17, subsection (e), of the General Code, depending upon the facts and circumstances of the particular case involved.

2. The language “girl or woman” as used in Section 3070-17, subsection (e), of the General Code, refers to any female person regardless of age.

Columbus, Ohio, June 9, 1950

Hon. Joseph T. Molitoris, Prosecuting Attorney
Trumbull County, Warren, Ohio

Dear Sir:

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

“The Trumbull County Child Welfare Board has had several cases of the following sort:

“An unmarried woman enters the hospital for the purpose of being delivered of an illegitimate child. The Child Welfare Board is called by the hospital and asked to assume the financial responsibility for the hospital bill. After the child is born both mother and child leave the hospital and the Child Welfare Board is billed for the hospital expense. The only connection with the case which the Child Welfare Board has is in respect to the payment of this bill.

“Section 3070-17 of the General Code defines the duties and powers of a Child Welfare Board and among them is the following: ‘(e) To provide social service to any girl or woman who is pregnant with or who has been delivered of an illegitimate child.’

“The Board is confronted with the question as to whether the payment of the hospital bill, under the circumstances above

described, constitutes 'social services' within the meaning of this statute and whether it has any legal duty or authority to spend public money under such circumstances.

"I request an opinion on the following questions:

"1. Does the Child Welfare Board have the authority under the Ohio statutes to pay the hospital expense arising out of the delivery of an illegitimate child where no social services, other than the payment of the bill, are provided by it to the child's mother either before or after the delivery?"

"2. Under the above circumstances, would it make any difference if the girl or woman was under the age of twenty-one, being a child as defined in Section 3070-2?"

"3. If the child is under twenty-one would the Child Welfare Board be permitted to provide the above services under Section 3070-17g?"

Referring to your first question, the answer must be found through an interpretation of the term "social service" as used in Section 3070-17, subsection (e), General Code, which you recite in your communication, as follows:

"To provide social services to any girl or woman who is pregnant with or who has been delivered of an illegitimate child."

The term "social services" is not defined for purposes of the statute in question, but the ordinary use of the term as defined in Webster's New International Dictionary, Second Edition, is as follows:

"Any activity designed to promote social welfare; specif., organized philanthropic assistance of the sick, destitute or unfortunate by a hospital, church or charitable agency; welfare work."

In the light of this definition, it becomes more apparent that yours is essentially a question of fact depending to a large extent upon whether the particular individual referred to in your communication is in such a financial status that the "social service" of the Child Welfare Board might be justified. Obviously, the legislature did not intend to provide for those financially able to bear the expense of hospitalization themselves. In your particular case, it necessarily follows that an investigation would have to be made to determine if the party receiving hospitalization as the result of the pregnancy or birth of an illegitimate child is in such a financial condition that the payment of expenses incurred from such hospitalization by the Child Welfare Board could be considered a "social service."

Accordingly, I am of the opinion, in specific answer to your first question, that what constitutes a "social service" within the purview of Section 3070-17, subsection (e), General Code, depends upon the facts and circumstances of the particular case involved.

Relative to your second question, it should be noted from Section 3070-17, subsection (e), that the language "girl or woman" is used. Obviously, such language intended to include any female person regardless of age. "Woman" is commonly defined as "An adult female person, as distinguished from a man or child."

Accordingly, I am of the opinion that a Child Welfare Board may pay the hospital expenses of any female person who has been delivered of an illegitimate child if the facts and circumstances of the particular case would make such action a "social service" within the purview of Section 3070-17, subsection (e).

In view of the interpretation expressed in the answer to questions one and two of your communication, an opinion upon your third question becomes unnecessary.

To summarize my answer to your communication, I am of the opinion:

1. That paying the hospital bill of a girl or woman may or may not be a "social service" within the purview of Section 3070-17, subsection (e), of the General Code, depending upon the facts and circumstances of the particular case involved.
2. That the language "girl or woman" as used in Section 3070-17, subsection (e), of the General Code, refers to any female person regardless of age.

Respectfully,

HERBERT S. DUFFY,
Attorney General.