

SOCIAL SECURITY: Residence requirement for aid for dependent children.

August 28, 1939

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FILED

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Honorable Wayne Norman  
Prosecuting Attorney  
Putnam County  
Unionville, Missouri

Dear Sir:

This will acknowledge receipt of your request for an opinion under date of August 23, 1939, which reads as follows:

"Will you kindly give me an opinion on the following facts:

"A woman, who is now a resident of the state of Wisconsin, but who had lived in this state until about 3 years ago, is a widow with two children. Her husband was accidentally killed in this county. She is now drawing child's assistance, for her two children from the state of Wisconsin but desires to return and make her home here. I am informed that Wisconsin will pay to her or the state of Missouri the amount which the two children would draw for one year if she leaves that state and I understand that the children, in order to draw the assistance from this state must live here at least one year. Would the year which they live in this state and during which they are assisted by the state of Wisconsin, establish their residence here and make them eligible for child's assistance in this state?"

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We will look to the Social Security Act to determine who is entitled to receive assistance under aid to dependent children. Section 13, page 474, Laws of 1937, reads as follows:

"Aid to dependent children shall be granted with respect to any child who:

(1) Is under the age of sixteen years;

(2) has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, and who is living with, father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, step-sister, uncle or aunt, in a place of residence maintained by one or more of such relatives as his or their own home;

(3) has resided in the state for one year immediately preceding the application for benefits, or who was born within the state within one year immediately preceding the application and whose mother has resided in the state for one year immediately preceding the birth."

The residence requirement is contained in Subsection (3) of Section 13, supra. It requires a child to reside in the State of Missouri for one year immediately preceding the application for benefits.

We are enclosing a copy of an opinion rendered by this department to Colonel Allen M. Thompson, Commissioner, Old Age Assistance Division, Jefferson City, Missouri under date of September 28, 1935, defining the words "reside" and "residence" as used under the State Social Security Act.

The fact that some state offers or gives anyone a certain sum of money to move back to the State of Missouri will

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of itself not interfere in any manner with her establishing a residence in this state.

It is the opinion of this department that if this mother returns to Missouri with her children and makes her home in this state for one year with the intention of making this state her residence, her children will be able to meet the requirements of Subsection (3) of Section 13 of the State Social Security Act, requiring one to reside in this state for one year.

Respectfully submitted

AUBREY R. HAMMETT, Jr.  
Assistant Attorney General

APPROVED:

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J. E. TAYLOR  
(Acting) Attorney General

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