

DIVISION OF WELFARE  
STATE TREASURER

Certified copy of checks issued  
to old age assistance recipients  
competent evidence.

May 24, 1949

5/25

Mr. Haskell Holman  
Chief Clerk  
State Treasurer's Office  
Jefferson City, Missouri



Dear Sir:

This will acknowledge receipt of your request  
for an opinion which reads:

"It is requested that you advise this  
Department in a written opinion whether  
or not it is possible to furnish either  
the original canceled checks or photo-  
stats thereof either to other state  
agencies or to individuals; and, if so,  
please advise under what circumstances  
this would be possible."

It is the writer's understanding that you desire  
this opinion by not later than Thursday of this week  
and that the immediate question involves only such  
original canceled checks that might be requested by the  
Division of Welfare to be used by said Division as  
evidence in court, in proceedings instituted by said  
Division to recover money from the estate of deceased  
recipients of old age assistance. Therefore in view of  
the time element involved, we shall only attempt herein  
to answer the question relative to the use of canceled  
checks by the Division of Welfare. However if you desire  
an opinion on the original request, kindly advise us and  
we will render same.

There is no specific provision in the Social Security  
Act relative to what records might be considered competent  
evidence in such cases.

We are of the opinion that a much better policy, if  
we may say so, may be pursued which would be just as  
effective and thereby prevent the possibility of loss or  
destruction of such original records. We suggest that  
you follow the provision of Section 1824, Mo. R.S.A. 1939,  
which provides that copies of all papers and documents

Mr. Haskell Holman

2.

lawfully deposited in the office of the State Treasurer when properly certified to and the official seal affixed thereto shall be received in evidence in the same manner and effect as the original. Section 1824, supra, reads:

"Copies of all papers and documents lawfully deposited in the office either of the treasurer or auditor of the state, when certified by such officer and authenticated by the seal of office, shall be received in evidence in the same manner and with the like effect as the originals."

In view of the foregoing section, the furnishing of a properly certified copy of a canceled check with official seal affixed thereto to be used as evidence, will be as effective as if the original check was introduced in evidence and at the same time it would avoid the possibility of any loss or damage of the original record on file in your office.

Therefore, we respectfully recommend that when any original paper or document on file in your office is requested for the purpose of using same as evidence in some court in this state, that you furnish a certified copy of same as provided in Section 1824, Mo. R.S.A. 1939.

Respectfully submitted,

AUBREY R. HAMMETT, JR.  
Assistant Attorney General

APPROVED:

---

J. E. TAYLOR  
ATTORNEY GENERAL

ARH:nm