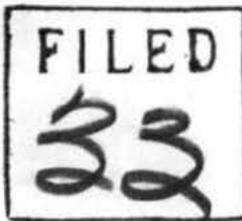


COUNTY:
OLD AGE PENSION:
DIVISION OF WELFARE:

) Division of Welfare not required under the law to
) assume the difference between the old age grant to
) the recipient and the seventy-five dollar monthly
) charge by said home.



August 25, 1952 8/28/v2

Honorable Roy E. Glidewell
Prosecuting Attorney
Reynolds County
Centerville, Missouri

Dear Mr. Glidewell:

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

"This County (Reynolds) is financially distressed, in fact we anticipate difficulty later in the year in paying our County Officials.

"Demands are coming in which are taxing our capacity to pay for such items as funerals, extra expense for the care of Old Age Recipients et cetra.

"Our library is not uptodate and we would be grateful for a prompt official opinion as to whether or not these expenses do not properly lie with the State Welfare Office here otherwise our County will apparently be bankrupt.

"We have a private home here but the lady who operates same demands 75.00 per month for caring for Old Age Recipients but the local Director of Welfare contends that the County must make up the deficit from what they receive and the 75.00. It is our thought that the County is not legally obligated to absorb this extra expense, burial expenses et cetra when the State

Honorable Roy E. Glidewell

Agency receives funds for this particular purpose. The County is in urgent need of relief from this burden and the writer sincerely trusts that you can furnish us with a prompt official opinion whereby this County can evade these expenses."

Under Section 208.150, RSMo 1949, the maximum amount of old age assistance any one shall receive is fixed so as to not exceed the amount specified in Title I, Federal Social Security Act, or any amendment thereto, as being the maximum amount in which the Federal Government will participate and reads as follows in part:

"The maximum amount of monthly benefits shall not exceed the following:

"(1) Old age assistance for each person in an amount sufficient to provide a reasonable subsistence compatible with decency and health; provided, however, that such monthly benefits shall not exceed the amount specified in Title I, Federal Social Security Act, or any amendments thereto, as being the maximum amount in which the federal government will participate."

So far as we are able to determine there is no law specifically authorizing the Division of Welfare of the State of Missouri to supplement the old age assistance benefit in an amount, the difference between the grant and the charge of Seventy-five Dollars per month by the operator of said private home.

The Division of Welfare being a creature of statute possesses only such authority as is granted by the statute and that necessary implied power to carry out such express power. (See Lamar Township v. City of Lamar, 261 Mo. 171, l.c. 189.)

The only possible way the Division of Welfare could pay this cost would be under general relief program, and in such instance there is no way to compel such additional expenditure.

Honorable Roy E. Glidewell

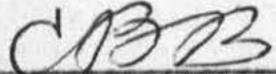
CONCLUSION

Therefore, it is the opinion of this department that the Division of Welfare is not required under the law to assume the difference between the old age grant to the recipient and the Seventy-five Dollars monthly charge by the proprietor of a private home who cares for old age recipients.

Respectfully submitted,

AUBREY R. HAMMETT, JR.
Assistant Attorney General

APPROVED:



J. E. TAYLOR
Attorney General

ARH/tn