

AID TO DEPENDENT
CHILDREN:
HOUSE BILL NO. 69:

It is the duty of the Division of Welfare to pay Aid to Dependent Children benefits to children 16 and 17 years of age, who otherwise qualify for such benefits on and after August 29, 1957.



July 17, 1957

Honorable Proctor N. Carter
Director
Division of Welfare
Jefferson City, Missouri

Dear Mr. Carter:

Your recent request for an official opinion reads:

"House Bill 69, as enacted by the 69th General Assembly and approved by the Governor, repeals and re-enacts Section 208.040, MRS Cum. Supp. 1955. Provision is made in this law for Aid to Dependent Children benefits to be paid on behalf of a dependent child who is under the age of 18 years, under certain conditions. The maximum age in the repealed statute was under 16 years.

"Appropriations made by the 69th General Assembly for paying Aid to Dependent Children benefits was \$5,745,000. (House Bill 243, Section 6.170). This appropriation was based on the estimated number of Aid to Dependent Children recipients under 16 years and did not take into account the paying of benefits to children 16 and 17 years of age. Due to the fact House Bill 69 was passed on May 30, a supplemental appropriation to cover benefit payments to this new group was not made.

"In view of the above and foregoing, I would appreciate receiving an opinion from you as to whether or not it is the duty of the Division of Welfare to pay Aid to Dependent Children benefits to children 16 and 17 years of age, who otherwise qualify for such benefits, when House Bill 69 becomes effective."

You correctly state that House Bill No. 69 of the 69th General Assembly repeals Section 208.040, Missouri Revised Statutes Cumulative Supplement 1955, which fixed the age at

Honorable Proctor N. Carter

which benefits were to be paid to dependent children, who met certain qualifications, at under 16 years, and that it re-enacts Section 208.040 and fixes that age at under the age of 18 years, subject to certain conditions set forth in the Bill. That is to say that the bill simply changes the age of eligibility from under the age of 16 to under the age of 18. This Bill becomes effective on August 29, 1957.

You also correctly stated that the appropriation for Aid to Dependent Children (House Bill 243, 69th general assembly, page 16, line 9) is \$5,745,000.00.

Your question is whether it is the duty of the Division of Welfare to pay Aid to Dependent Children benefits to children 16 and 17 years of age, who otherwise qualify for such benefits, when House Bill No. 69 becomes effective.

It would appear to us that the answer to this is in the affirmative. House Bill No. 69 unqualifiedly and unreservedly includes children of this age group as being eligible for these benefits. The appropriation bill, of course, simply appropriates a gross sum of money for Aid to Dependent Children. It would seem to us that there could be no question but what the new age group is to receive the benefits.

CONCLUSION

It is the opinion of this department that it is the duty of the Division of Welfare to pay Aid to Dependent Children benefits to children 16 and 17 years of age, who otherwise qualify for such benefits, on and after August 29, 1957.

The foregoing opinion, which is hereby approved, was prepared by Assistant Attorney General Hugh P. Williamson.

Yours very truly,

John M. Dalton
Attorney General

By

Robert R. Welborn
Assistant Attorney General

HPW/bi