PUBLIC INFORMATION:
COUNTY WELFARE AGENTS:
CONFIDENTIAL RECORDS:

A director of a county welfare office is not authorized to refuse to testify in court, whether a juvenile hearing (closed to the public) or to a regular court hearing (open to the public), whether a person is receiving aid from the Division of Welfare, or as to the amount of said aid.

April 6, 1959

FILED
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Honorable Charles H. Sloan
Prosecuting Attorney
Ray County
Richmond, Missouri

Dear Mr. Sloan:

This is in response to your letter of January 28, 1959, in which you request an opinion from this office as follows:

> "I respectfully request an opinion from your office on the following question, to-wit: Can a Director of a County Welfare Office refuse to testify in Court whether a person is receiving aid from the Division of Welfare and as to the amount of said aid?
>
> "Please answer the foregoing question with respect to a Juvenile Hearing (closed to the public) and to a regular Court Hearing (open to the public)."

Section 208.120, paragraphs one and two, of the Revised Statutes of Missouri, Cum. Supp. 1957, state:

> "1. For the protection of applicants and recipients, all officers and employees of the state of Missouri are prohibited, except as hereinafter provided, from disclosing any information obtained by them in the discharge of their official duties relative to the identity of applicants for or recipients of benefits or the contents of any records, files, papers and communications, except in proceedings or investigations where the eligibility of an applicant to receive benefits, or the amount

> received or to be received by any recipient, is called into question, or for purposes directly connected with the administration of old age assistance, aid to dependent children, and aid to the permanently and totally disabled. In any judicial proceedings, except such proceedings as are directly concerned with the administration of these programs, such information obtained in the discharge of official duties relative to the identity of applicants for or recipients of benefits, and records, files, papers, communications and their contents shall be confidential and not admissible in evidence.
>
> "2. The division of welfare shall in each county welfare office maintain monthly a report showing the name and address of all recipients certified by such county welfare office to receive old age assistance, aid to dependent children and aid to the permanently and totally disabled benefits, together with the amount paid to each recipient during the preceding month, and each such report and the information contained therein shall be open to public inspection at all times during the regular office hours of the county welfare office; provided, however, that all information regarding applicants or recipients other than names, addresses and amounts of grants shall be considered as confidential."

You will observe that the last sentence of paragraph one of Section 208.120 states that the information obtained in the discharge of official duties relative to the identity of applicants for or recipients of benefits, etc., shall be confidential and not admissible in evidence. Were this the only paragraph involved in this section it would not be difficult in finding that it is the intention of this statute to keep information of that nature from the courts. However, it is to be noted that paragraph two of Section 208.120 provides that a county welfare office is to maintain as a public record, accessible to everyone, the names and addresses of recipients as well as the amount received in specified relief programs.

Peculiarly enough, these sections were enacted in their

present form in 1953, containing both the provision relative to judicial proceedings, and the further provision that the names of recipients and the amounts they received be open to public inspection. It would appear then that if the section were interpreted literally it would mean that the names of the recipients and the amounts they received would be open to everyone except the courts of Missouri. This would obviously be a frustration of justice.

It is our belief that in determining the intention of the legislature as expressed in the statutes, we must consider those sections of the statute together. One without the other might tend to lead to a different and anomalous procedure than when we consider the two. Since paragraph two provides that the Division of Welfare in each county welfare office shall maintain a report showing the name and address of all recipients, together with the amount paid to each recipient, such report and the information contained therein being open to public inspection at all times during the regular office hours of the county welfare office, it is our opinion that this same information was not intended to be kept from the courts of Missouri by the provisions of paragraph one of Section 208.120.

It is our opinion that paragraph one should not be construed to prohibit testimony in any type of judicial proceeding, such as a juvenile hearing or a regular court hearing concerning matters which are made public information under the provisions of paragraph two of Section 208.120, RSMo Cum. Supp. 1957.

CONCLUSION

It is the opinion of this office that a director of a county welfare office is not authorized to refuse to testify in court, whether a juvenile hearing (closed to the public) or to a regular court hearing (open to the public), whether a person is receiving aid from the Division of Welfare, or as to the amount of said aid.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, James B. Slusher.

Yours very truly,

JOHN M. DALTON
Attorney General

JBS:mc