

Residence—Indigent Persons—Change—Effect.

An indigent person is not precluded from changing his residence from a county contributing to his support to another but is not entitled to apply for support except in extreme necessity until 60 days after change of residence.

Melvin N. Hoiness, Esq.,
Deputy County Attorney,
Billings, Montana.

February 18, 1929.

My dear Mr. Hoiness:

You have requested my opinion relative to a controversy that has arisen between Yellowstone county and Stillwater county over the residence of Mrs. Dan Racz, a person applying for county aid by reason of destitute circumstances.

You state that Mrs. Racz moved with her family to Laurel between June 12th and June 16th of 1928; that she was receiving aid from the county of Stillwater on June 12th and had received such aid for approximately one month prior thereto; also that the Racz family lived in Columbus for some time, the husband being committed to the asylum at Warm Springs, and subsequently the family was supported by Stillwater county; that Stillwater county continued to support the Racz family at Laurel in Yellowstone county from June 16th to February 1, 1929, but now refuses to give any further aid, contending that she has lived two months in Yellowstone county and is therefore a charge of this county.

Section 4431 provides:

“Any person seeking relief must make application to any member of the board, who, before granting an order for relief must require satisfactory evidence that he has been a resident of the county for two months immediately preceding the day upon which the application is made.”

Section 4532 provides:

“When application is made, if it appears to the satisfaction of the board that the person applying has resided in the county for two months, he is entitled to the relief provided by this chapter; but, if on examination it appears that the applicant is a resident of some other county of the state, the board must, at the expense of the county, cause him to be removed to the county of which he is a resident.”

Section 4533 provides:

“Persons who have not been residents of a county two months may be furnished relief by the commissioners in cases of extreme necessity and destitution.”

These sections, excepting in cases of extreme necessity, require the applicant to be a resident of the county for two months before he is entitled to receive assistance. If he applies for assistance before he has resided in the county for two months the commissioners may, at the expense of the county, return him to the county from whence he came. In my opinion, the sections refer to actual domicile of the person and do not intend to preclude a destitute person from changing his residence from one county to another.

Under the facts in this case, when Mrs. Racz left Stillwater county to go to Yellowstone county, it was not incumbent upon the county commissioners of Stillwater county to furnish her any additional support nor was it incumbent upon Yellowstone county to support her until she had resided in Yellowstone county for two months. In my opinion, the fact that Stillwater county contributed to her support during the two months, and thereafter, while she was actually residing in Yellowstone county, does not make it incumbent upon Stillwater county to continue to do so. She is unquestionably a resident of Yellowstone county, and if in destitute circumstances, is entitled to apply for aid from your county.

Very truly yours,
L. A. FOOT,
Attorney General.

By C. N. Davidson, Assistant.