

Poor—Mothers Pension—County Commissioners.

It is made the duty of the county commissioners to look after the poor, and even if the applicant for assistance is drawing a mothers pension, if the board of county commissioners find that it is insufficient to supply the ordinary necessities of life and that the applicant is otherwise entitled to assistance, it can render additional financial aid.

February 17, 1928.

R. N. Hawkins, Esq.,
Assistant State Examiner,
Helena, Montana.

My dear Mr. Hawkins:

You have requested my opinion on the following question:

“If assistance has been allowed dependent children under the mothers pension act (chapter 65, part IV, code of civil procedure of Montana of 1921) has the board of county commissioners authority to render additional aid to persons receiving aid under the provisions of this act?”

The mothers pension act is a special act which provides for the care of dependent children for the purpose of assisting the mother to take care of the children in their home and the applicant need not be destitute in order to avail herself of this assistance in the same sense that an applicant for county aid must be; that is, in order to obtain a mothers pension a mother need only show that she cannot support the children without seeking employment away from home while applicants for county aid must show that they are in destitute circumstances and unable to secure employment.

It is at once evident that the relief granted under the mothers pension act is not granted because of absolute need nor is it expected to supply all of the needs of the family, neither does the act provide that this assistance shall be rendered in lieu of all other assistance.

It is made the duty of the board of county commissioners to look after the county poor and occasions may arise where the allowance made under the mothers pension act was entirely inadequate as in the case of the serious illness of the mother. The fact that the applicant is receiving this assistance is, of course, one which must be taken into consideration by the board the same as any other fact affecting the applicant's financial condition in deciding whether the applicant is entitled to further assistance, but if in its discretion the board finds that the allowance made under the mothers pension act is under the circumstances insufficient to supply the ordinary necessities of life and that the applicant is otherwise entitled to assistance, it can, in my opinion, render additional financial aid.

Very truly yours,

L. A. FOOT,
Attorney General.