

Mothers' Pension—Allowance.

There is no provision of the mothers' pension act which provides for an allowance to the minor children where they are not maintained in the home by the mother, the purpose of the act being to enable the mother to support the children without going away from the home to work.

June 11, 1928.

Martin Vetleson, Esq.,
County Attorney,
Livingston, Montana.

My dear Mr. Vetleson:

You have requested my opinion on the following question:

"Where a mother's pension has been allowed a widow for the support of her minor children and the children have been taken out of the state, and make their home with a relative in another state and the monthly application shows that the mother is contributing to their support by sending them clothing, etc., can such a pension be allowed under the mothers' pension act?"

An examination of the mothers' pension act shows that the purpose of the allowance therein provided is for the purpose of enabling the mother to maintain a home and support her children without going out to work. The whole idea, apparently, being to give such assistance as is necessary to assist the widowed mother in maintaining the children in her own home and I know of no provision of the act which provides for the allowance of this sum to minor children where they are not maintained in the home by the mother herself.

No doubt this assistance is of great benefit to the children and probably needed, but under the terms of the act it is my opinion that

the county commissioners have no authority to allow the pension where the children have been taken from their home and are living with relatives in another state.

Very truly yours,

L. A. FOOT,
Attorney General.