

Opinion No. 505**Relief—Poor—Residence, Establishing
New Residence While on County
Relief—Counties.**

HELD: A county may not, by supporting indigent poor in another county, be relieved of its duty to support such indigent poor.

Indigent poor, who are being supported at public expense in one coun-

ty, are incapable of establishing residence, for the purpose of relief therein, in another county.

March 31, 1934.

You request an opinion from this office on the following question: "Is it possible for one county to send its indigent poor into another county, pay for his support in the adjoining county until he has established a residence in the new county and then discontinue paying for his support?"

We have no statute specifically in point. Section 4532 R. C. M. 1921, as amended, however, provides that when one applies for public relief and the county finds the applicant is a resident of another county, the county board must cause the applicant to be removed to the county of which he is a resident.

"In most jurisdictions the town or county of a pauper's legal settlement is liable for his support, and where relief has been given to such pauper by another town or county, or by the state, it is entitled to reimbursement by the place of his settlement, and a statute providing for the support of paupers by the town to which they 'belong' means the town in which they are settled, and not the town in which they reside." (48 C. J. 524.) In some states the obligation to care for the poor is placed by statutes, at least in part, upon towns, and "settlement" as used in this connection in many court decisions has practically the same meaning as the term "legal residence" as used in our statutes.

Section 4521 R. C. M. 1921 places the care of the poor exclusively under the supervision of the board of county commissioners, no obligation being imposed upon cities or towns.

The policy of other states may be gathered to some extent from the following cases:

Fayette Co. v. Bremer County, 56 Iowa 516, 9 N. W. 372, held an insane pauper removed from one county to another and supported by the former for a year after her removal to the latter did not lose her settlement in the county from which she removed. In this case the court stated that a contrary rule would lead to abuses and injustice—"helpless paupers could be secretly transported by counties charg-

ed with their support and other counties would become liable therefor."

In *Hansen v. Saar*, 61 Iowa, 616, 14 N. W. 206, it was held that the county, in order to prevent a pauper from another county from establishing a residence, was required by statute to notify the officials of the county where the pauper formerly resided before the county where the pauper then resided could require the other county to remove or support such pauper.

By statute paupers supported at public expense in one county or town in the state of New York, are incapable of establishing residence in another county or town.

In *Directors of Home for Destitute v. Fayette County Almshouse*, 72 Penn. Sup. Ct., 491, it was held that "a person who is chargeable as a pauper in one district and is receiving aid from it, cannot change his residence to another district as long as such assistance continues." Commenting upon the case the court said: "One who is a pauper and unable to support himself, and who calls on the state for aid and assistance to do so, the state has a right to say how he shall be supported and where, and can require him, while being thus supported at public expense, to stay in the place of his last legal settlement * * *."

Your statement of facts and the authorities cited, we think, justify the conclusion that the person to whom you refer is a resident of Golden Valley county and your officials would be within their powers in removing him to that county. A different rule would enable one county to unload its paupers upon another by supporting them for the statutory time necessary to establish residence in the county to which they were removed. We think the New York statute is founded on sound principles and that it would be held to be the rule in the absence of statutory provisions.