

2. Payments of assistance under all parts of Chapter 82, Laws 1937, must be made directly to the recipient, or his guardian appointed under the provisions of State statutes.

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October 21, 1937.

Mr. I. M. Brandjord  
Administrator, State Department  
of Public Welfare  
Helena, Montana

Dear Mr. Brandjord:

Beg to acknowledge receipt of your request for opinion as to whether or not, in view of Circular No. 2924 from the office of Indian Affairs, dated April 13, 1933, money paid to recipients of Old Age Assistance and Aid to Needy Dependent Children, for the benefit of Indians, under the provisions of Chapter 82, Laws, 1937, may be handled by Indian agents.

The above mentioned circular deals only with money payments "accruing from the Veterans' Administration or other governmental agency \* \* \*," to be handled and accounted for by him with other money under his control in accordance with existing laws and regulations of the Department of the Interior. Obviously, the term "other governmental agencies," has reference to Federal governmental agencies under the jurisdiction of the Department of the Interior.

Chapter 82, Laws of 1937, provides that payments shall be made either to the individual, or his legally appointed guardian. This office has so held in Opinion 148, dated August 31, 1937.

Under Section VIII of Part III (Old Age Assistance), provision is made for payment to a legally appointed guardian. This section contemplates a guardian appointed in accordance with state law relating to guardians.

Section VI of Part IV (Aid to Needy Dependent Children), provides that, "Such assistance shall be paid \* \* \* to the person having custody of the child." There is no provision in Part IV for payment to a guardian.

It is therefore my opinion that Circular 2924 has reference only to payments when only federal funds are involved, and in view of the fact that payments under Chapter 82 involve

**Opinion No. 181.**

**Public Welfare — Indians — Guardian.  
Old Age Assistance—Aid to Needy  
Dependent Children.**

**HELD:** 1. Payments of assistance to Indians under Part III and Part IV, Chapter 82, Laws 1937, may not be made to Indian agents for recipients.

state and county funds, as well as federal funds, and further in view of the specific provisions of said chapter with reference to payments, such payments of old age assistance and aid to needy dependent children for the benefit of Indian recipients cannot be made to an Indian agent.

We recognize the fact that in the case of Indians, many recipients are incompetent to handle the money for the purposes for which intended, but in view of the specific provisions of our statute we cannot hold otherwise. The only method provided to prevent misuse of assistance grants is by the appointment of a guardian under the guardianship procedure of our state statutes.