

Opinion No. 25.**Old Age Pension—Mothers Pension**

HELD: A recipient of Old Age Assistance Grant may also receive grant under the Mothers' Pension Act.

January 23, 1937.

Mr. Joseph E. Watson
Administrator
Montana Relief Commission
Helena, Montana

Dear Sir:

You have requested an opinion from this office as to whether or not a woman over 65 years of age and eligible under the provisions of the act for an old age allowance can receive the same, and at the same time receive a grant under the Mothers' Pension Act for support of a dependent child.

Section 13, chapter 170 Session Laws of the 24th Legislative Assembly provides:

"No person receiving an old age assistance grant under this Act shall at the same time receive any other relief from the state, or from any political sub-division thereof, except for medical and surgical assistance."

Section 10480, RCM, 1935, provides:

"Each child under the age of sixteen years, whose father is dead * * * shall be entitled to such assistance which will help make it possible for such child to be cared for * * *, said financial aid given to the mother of said child as in this Act provided."

Section 10481 provides:

"Each child as provided for in the preceding section * * * shall be allowed from the public monies of the county * * * said money to be paid to the mother of said child."

While Section 13, chapter 170 of the 24th Legislative Assembly prohibits the recipient of an old age pension from receiving any other relief from the state or county, yet Chapter 153 providing aid for dependent children,

otherwise called the Mothers' Pension Act, makes provision for the care of the child and provides for payments to the mother for the care of the child. It is the child and not the mother receiving the benefit under the Mothers' Pension Act, altho the money is to be handled and paid directly to the mother.

Therefore, it is my opinion that a woman over 65 years and eligible under the provisions of the law to an Old Age Pension grant, can receive the grant, and at the same time the county is authorized to pay her, for the child, an allowance under the Mothers' Pension Act.