State Public Assistance Legislation, 1949

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Since the end of the war the number of persons receiving aid under the State-Federal programs of public assistance has increased almost steadily and the cost of the programs has climbed. The increases, though partly the result of higher living costs, also reflect the greater public awareness of need and the consequent action by State legislatures to provide more adequately for needy persons. Action taken by the State legislatures in the 1949 sessions is summarized in the following pages.

STATE legislation relating to public assistance is carefully studied for indications of trends by persons interested in the assistance programs. Their interest has been heightened as the number of persons receiving aid has increased and costs have climbed.

A review of legislation passed in recent years [1] reveals that the States have been developing a progressively broader base for their assistance programs. As a result of these legislative changes, more needy persons have become eligible for aid and the amount of assistance that they may receive has been increased. The increase in the amount of aid reflects in part the price rises of recent years, but it also seems to indicate a desire on the part of the legislatures to provide more adequately for needy persons.

Legislation enacted in 1949, though less in volume than in earlier years, shows no deviation from the general trend of State public assistance enactments. In nearly every aspect the new laws are liberalizing in their effect on the assistance programs.

All the State legislatures except those of Kentucky, Louisiana, Mississippi, and Virginia held regular sessions in 1949. By October 15, 210 laws had been submitted to the Bureau of Public Assistance as pertinent to the State public assistance plan. By a comparable date in 1947, the most recent year in which nearly all the legislatures met, the Bureau had received 276 such laws for review. This review is based on a study of the pertinent laws and other legislative enactments related to the assistance programs that have come to the attention of the Bureau of Public Assistance. When this summary was prepared, not all the legislative sessions were ended nor were all the laws enacted received in Washington.

Although the general trend of State legislation has been to make more needy persons eligible and to grant eligible persons additional aid to meet their needs, in 1949—as in previous years—some laws were passed that tend to reduce the scope of the assistance programs. In recent years, State legislatures have been greatly concerned over the possibility that resources possessed by a recipient of assistance might, on the recipient's death, go to his heirs rather than to the State as a repayment for assistance paid. As a result of this concern, a number of laws were passed that were designed to recover from the estate of deceased recipients some of the assistance previously paid. Provisions enacted in 1949 showed a continuation of such interest, although some of the year's legislation relaxed recovery provisions previously approved.

Another subject that in recent years has attracted the attention of the legislatures concerns the responsibility of relatives to contribute to the support of assistance recipients. Legislation enacted in 1947 and in 1949 indicated a desire on the part of the legislatures to tighten State laws designed to obtain support for dependent persons. Numerous laws were adopted that established, in some States for the first time, certain kinds of responsibility for the support of dependent persons, and in other States the legislation established procedures making it possible to obtain support for persons whose relatives are considered able to contribute. Even in this field, however, the general result was not restrictive, and some legislation was enacted that eased provisions already on the statute books.

The 1949 enactments continued the trend of recent years toward extending State assistance programs beyond the scope of present or contemplated expansion of the Social Security Act. This trend has been especially marked in aid to dependent children.

Organization

Few States made basic statutory changes in the organizational pattern of public assistance administration in the past few years. In 1947, for example, Vermont was the only State that made any substantial changes in the organization of its State assistance agency. In 1949, on the contrary, a number of States adopted laws affecting the organization of their public assistance programs; major changes were made in Illinois, Kansas, Nevada, and Wisconsin.

Action taken in Illinois and in Nevada follows a trend of recent years toward bringing members of the legislature and representatives of the county government into policy-making authority in the State agency.

In Illinois the enactment of the Public Aid Code, which repealed scattered legislation relating to assistance and consolidated the legal base for the programs in a single public assistance statute, also made major changes in the organizational structure. The term of the Illinois Public Aid Commission members is increased from 2 to 4 years, and their terms are staggered. The Commission is given broad authority to conduct research and study into the cause of dependency. It is also authorized to appoint welfare service

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[1] See the *Bulletin* for November 1941, April 1946, and May and November 1947.

committees in each county, the members of which will be originally nominated by the county boards, and to appoint State-wide advisory committees. The Commission itself is to have an advisory committee consisting of 10 members of the legislature.

The Code also repeals the 1874 Pauper Act and subsequent poor relief legislation and substitutes for this a general assistance program. The administration of general assistance is continued as a responsibility of the township and other local governmental units. A number of significant changes are made in the general assistance law in addition to substituting modern terminology for outmoded language. Grandparents and grandchildren are no longer included among the list of responsible relatives, although persons *in loco parentis* are added; authority is given for emergency assistance to certain nonresidents; eligibility requirements for aid to the medically indigent are clarified; and provision is made to protect the confidentiality of general assistance records. The "pauper's oath" has been deleted and various other provisions omitted from the new statute, including the requirement that recipients are to be put to work on the county roads. The new law enunciates the right to assistance for persons who for unavoidable causes are unable to maintain themselves or their dependents. The Code prohibits for all programs denial of aid because of race, religion, color, or national origin.

In Kansas the State board of three persons is relieved of administrative responsibilities for the State agency, and a single director is to be executive of the agency. The State board is now responsible for all general policies and for the approval of rules and regulations.

Nevada legislation abolishes the State Board of Relief, Work Planning and Pension Control, appointed by the Governor, and in its place sets up a bipartisan policy-forming State welfare board of seven persons. Three members are to be appointed by the Governor, and four members elected by the boards of county commissioners. The board is to appoint, subject to the approval of the Governor, a director for the State department. The department is given responsibility for all welfare services and functions of the State government.

Wisconsin legislation enacted this year provides for a policy-forming board of nine persons to supervise the State agency. Five departmental divisions are established: public assistance, mental hygiene, correction, child welfare and youth service, and business management. Related legislation provides for a unified county welfare department for the City of Milwaukee. All functions relating to public welfare, with the exception of supervision over institutions, are included in the county department. The county judge is named the supervisor of the county department, but his duties are advisory and not administrative.

In Hawaii, new legislation directs the public welfare board to advise the agency director on administration and to establish standards governing the amount of aid and determination of eligibility. Formerly the board had only advisory authority.

Washington established a new program for the potentially self-supporting blind. The law provides that assistance, plus the recipient's net income in excess of $1,040 a year, is not to exceed $60 a month. The program is to be administered by the Commission for the Blind in the State department in cooperation with the vocational rehabilitation agency, without Federal financial assistance.

The name of the South Dakota agency was changed from the State Department of Social Security to the State Department of Public Welfare. In Maine, legislation enacted this year abolished the local municipal boards, which formerly had the function of receiving applications for assistance.

Members of county welfare boards in North Dakota are to be paid $5 a day for each day served, plus expenses. Formerly no salary was paid, and payment of expenses was optional with the boards of commissioners. Salaries for members of the State board in North Dakota were increased from $6 to $10 a day. Tennessee legislation provides that expenses are to be paid for members of State advisory committees.

Language in the appropriation act for Vermont provides that the Governor is exclusively authorized to apply for and accept Federal grants and to comply with necessary rules and regulations of Federal agencies to receive such grants. He may, however, delegate his authority to such State departments as he deems appropriate. Any town or city aggrieved by any decision of the Vermont agency may have such decision reviewed by the county chancery court.

Massachusetts legislation provides that all rules and regulations of the State agency with reference to old-age assistance and aid to dependent children are subject to the approval of the Governor and the Governor's council after a public hearing by the State agency. Before the hearing is held, notice must be sent to each member of the general court, to the mayor of each city, and to the selectmen of each town.

Payments of old-age assistance and aid to the blind in Montana are now determined by the county welfare boards instead of the county welfare departments.

California enacted legislation that provides for transferring old-age assistance and aid to the blind records and equipment from the county welfare departments to the State because of the transfer from the counties to the State government—under a constitutional amendment passed in 1948—of the administration of the two programs. Since the close of the legislative session, however, the voters have approved repeal of the constitutional amendment, thus returning administration to the counties.

Maximums on Payments and Related Provisions

The rise in the cost of living has been partly responsible for the progressive elimination of or increase in the maximum limits set in the State laws on the amount of individual assistance payments. Liberalizing State action was also brought about by the 1946 and 1948 amendments to the public assistance titles of the Social Security Act. The amendments increased the maximum on Federal participation in individual assistance payments and raised the proportion that the Federal Government will meet in payments made by the States. Because of these two changes in the

Federal act and the possibility of future similar changes, some States acted to prevent any loss of Federal funds that might result from inflexible State laws. States that wanted maximum Federal participation and that also wanted to keep their programs within the limits of Federal participation enacted provisions for automatic adjustment in the amount of State assistance payments to conform to whatever changes are made in the Federal act.

Thus in recent years an increasing number of States have provided that the maximum in the State law is to be the same as the amount specified in the Federal law. The Bureau of Public Assistance has recommended against such legislation because it tends to make the State laws dependent on Federal legislation for completeness and thereby weakens the principle that State laws should establish the base for the State assistance programs. The Bureau has also recommended against such action because the maximums set in the Federal law were not established as the amount of aid that needy persons require but merely as a device to control Federal expenditures. Nevertheless, the fact that a number of States with limited resources have tied their law to the Federal law in this respect has held down the number of State legislative changes affecting the maximums (table 1).

The Bureau has also recommended against maximums in the State assistance programs because they often prevent need from being met. As of November 1, 1949, there were 25 States with no legislative maximum in old-age assistance, 30 with none in aid to dependent children, and 36 with none in aid to the blind.

Illinois raised the maximums in old-age assistance and aid to the blind. The new law also includes a provision that the maximums for the two programs are to be reconsidered each June and December in the light of changes made in the consumers' price index of the Bureau of Labor Statistics for Chicago; the maximums are to go up or down $1 for each 3 points' change in the index. The law provides that in making the adjustment, consideration must be given to changes of less than 3 points in the previous calculations. The provision does not apply to aid to dependent children, since that program has no statutory maximum.

The law in Montana now provides that the State shall bear the cost, in old-age assistance and aid to the blind, of payments made in excess of the Federal maximums if the payments are in conformity with standards of assistance developed by the State department.

In Indiana, if the person or persons essential to the well-being of recipients of aid to dependent children need medical care, provision for this care may be included in the assistance payment in excess of the maximums on maintenance specified in the law. Specific authority has been included in the Illinois law to consider in the grant the need of adults who are necessary for the care and supervision of children receiving aid to dependent children. The Indiana and the Illinois provisions may be a reflection in State legislation of proposed amendments to title IV of the Social Security Act that have been passed by the House of Representatives.

Eligibility Requirements in Aid to Dependent Children

Each legislative session has seen a gradual adoption by the State legislatures of recommendations made by the Bureau of Public Assistance for deleting from the State statutes restrictive conditions of eligibility that prevent aid from being granted to dependent children. In 1949, Alaska and Montana deleted from their laws provisions that the dependent child must be living in a "suitable home." Illinois and Wyoming provided that under certain conditions children between 16 and 18 years of age need not be attending school. (Federal financial participation for children be-

Table 1.—*Legislative changes in amount of assistance payments, 1949*

State	Former provisions	Provisions under 1949 legislation	Remarks
	Old-age assistance		
Connecticut	$50 maximum	No maximum	
Alaska	$60 maximum	$80 maximum	
Illinois	$45 maximum	$65 maximum	Maximum to be raised or lowered on basis of BLS consumers' price index; see text.
Maine	$40 maximum	$50 maximum	
Nebraska	$50 maximum	$55 maximum	
Tennessee	$45 maximum	$50 maximum	
Minnesota	$50 maximum	$55 maximum	
Michigan	$50 maximum	$60 maximum	If hospital care is necessary, the maximum is raised from $60 to $80.
California	$65 maximum	$75 maximum	Already in effect as a result of 1948 constitutional change.
North Dakota	$40 minimum	$60 minimum	Minimum raised from $30 to $45 a person if more than one recipient in the household.
New Mexico	No provision for minimum.	$50 minimum	If spouse is in the home, the maximum additional amount that can be paid is $30.
	Aid to dependent children		
Maine	$50/$25/$20 [1]	No maximum	
Minnesota	$50/$20/$15	No maximum	
Alaska	$25/$15	$50/$25	
Indiana	$35 for single child or $30/$18/$15.	$50/$18	
South Dakota	$30/$12	$50/$15	In an emergency the State agency is authorized to increase the maximum to $65/$25/$15.
	Aid to the blind		
Maryland	Tied to Federal act (currently $50).	No maximum	Medical care costs may exceed the maximum.
Connecticut	$50 maximum	No maximum	
Delaware	$45 maximum	$60 maximum	
Illinois	$45 maximum	$60 maximum	Maximum to be raised or lowered on basis of BLS consumers' price index; see text.
Maine	$40 maximum	$50 maximum	
Nebraska	$50 maximum	$60 maximum	
Tennessee	$45 maximum	$50 maximum	
California	$80 maximum	$85 maximum	Already in effect as a result of 1948 constitutional change.

[1] $50 for the first child in a family, $25 for the second child, $20 for third and each subsequent child.

tween 16 and 18 years of age is limited to those who are regularly attending school.) Oklahoma, on the other hand, added a provision that all children receiving aid to dependent children must be regularly enrolled and attending school if they are of school age and if not exempt by school law. Previously this requirement applied only to children between 16 and 18 years of age.

In California, the legislature redefined "dependent child" and thereby made it possible to broaden the scope of the program and to make aid available to additional groups of needy children. Illinois amended its aid to dependent children provision so that, when Federal aid becomes available to match the payments, assistance may be extended to children living with nonrelatives who are *in loco parentis*. Pennsylvania amended its law to provide that children are eligible for assistance if at the time they are receiving assistance they have been removed by the court from their parent's home and placed in foster homes or children's homes maintained by the county. (Federal financial participation under title IV of the Social Security Act is not available for payments made for foster homes or institutional placement of children.) The Wyoming law has deleted the list of specified relatives with whom a dependent child may be living and leaves this to definition by the State department.

In Arkansas, because of delay in placing the children of veterans on the aid to dependent children rolls, an emergency appropriation, to be spent without Federal participation, has been made for the use of the child welfare officer of the Arkansas Veterans Service; this money is to be used with private funds for emergency aid. One dollar of private funds will be required with $2 of State funds.

Residence

In 1949 the legislatures of eight States enacted provisions liberalizing the State residence requirements for assistance. The Bureau of Public Assistance has recommended to the States that durational residence requirements be removed from the law, since such requirements are inconsistent with the purposes of an assistance program inasmuch as they result in the denial of aid to otherwise needy persons.

Tennessee deleted all durational residence requirements from the State laws for old-age assistance, aid to dependent children, and aid to the blind; and Connecticut took similar action with respect to aid to dependent children and aid to the blind. On November 1, 1949, there were, in all, five States with no durational residence requirements for old-age assistance, seven with none for aid to dependent children, and nine with none for aid to the blind.

In the States that still retain residence requirements, the movement has been toward reducing the severity of such requirements and thus to make more persons eligible for assistance. The progressive nature of the changes made by the States indicates a recognition on the part of the legislatures that residence requirements are archaic and serve no useful purpose in public assistance. The Social Security Administration has recommended to the Congress that the Social Security Act be amended to prohibit State residence requirements. H. R. 6000, approved by one House of Congress, would prohibit State residence requirements of more than 1 year in aid to the blind and prohibit the imposition of requirements in excess of 1 year in the proposed program of aid to the permanently and totally disabled.

In old-age assistance, South Dakota reduced its residence requirements from 2 years out of the last 9 years to 1 year preceding application. The law also provides that, if the applicant is receiving assistance from another State, he must reside in South Dakota as long as would be required in order to be eligible for aid in the State from which he came.

The Connecticut residence requirement of 5 years out of the last 9 years was reduced to 1 year for old-age assistance. The Massachusetts Legislature provided that the State Commissioner may waive, in full or part, residence requirements in old-age assistance to enable the State agency to enter into reciprocal agreements with other States.

Colorado changed its residence requirement for persons receiving old-age assistance who are between 60 and 65 years of age. The former provision of continuous residence since 1906 has been changed to continued residence for 35 years prior to application. (No Federal financial assistance is available for payments made to persons not 65 years of age.)

In aid to the blind, Delaware reduced its requirement from 5 years out of the past 9 years to 1 year. South Dakota reduced its residence requirements in aid to the blind from 2 years out of the past 9 years to 1 year. The law now contains a provision similar to that in the old-age assistance law; if the applicant has been receiving assistance from another State he must reside in South Dakota as long as would be required in order to be eligible in the State from which he came. The former provision that assistance will be given without regard to residence to anyone who becomes blind while in the State has been deleted.

Montana deleted its residence requirement for aid to the blind for a child under the age of 21 who became blind in the State. In Florida the residence requirement was modified to qualify blind minors for assistance.

Other Standards and Practices

The willingness of States to delete from the law restrictive eligibility conditions was further indicated when a number of them wiped out such requirements in 1949. On October 15, only 22 States retained citizenship requirements for old-age assistance, and seven of them allowed an alternative of residence in the United States for a specified period. Six States had such a requirement for aid to the blind, with two States permitting alternatives; and only one State had such a requirement for aid to dependent children. Arizona modified its citizenship requirement for old-age assistance to provide that noncitizens otherwise eligible may receive aid if they have been continuously resident in the United States for 10 years before application. In Connecticut the citizenship requirement for aid to the blind was deleted.

The Bureau of Public Assistance has recommended that State legislation imposing a minimum age require-

ment for aid to the blind be repealed. Such requirements were imposed in many States under the assumption that young blind children would be receiving their assistance through schools for the blind. This reasoning fails to recognize the likely possibility that attendance at schools for the blind, away from the family home, might not be needed if assistance were available for the child in his own home. In 1949, such minimum requirements were removed from the laws of four States—Illinois, Minnesota, Tennessee, and Wisconsin.

Provisions affecting the process of applying for aid were enacted in Arkansas, Colorado, Maine, and Vermont. In Arkansas, applications must be investigated within 60 days of being made and a report on the results sent to the applicant. Payments are to be made to the eligible applicant without delay. Failure of the county director to comply with these provisions of law is to be considered sufficient grounds for dismissal. In Colorado, the legislature has determined that the processing of applications for old-age assistance shall take preference over other duties of the State agency. Under new legislation in Maine, applications for old-age assistance and aid to dependent children are to be made directly to the State agency rather than to the municipal boards, which were abolished.

Applications for old-age assistance in Vermont are to be made directly to the State agency. The State agency is directed to furnish application forms to the town and city clerks, who will be paid $1 for each completed application. Town and city clerks are directed to forward completed applications to the State agency within 5 days. Formerly, applications were made to a legal voter, appointed by local selectmen, who was directed under the law to investigate the applications and forward them to the State agency within 30 days.

Arizona modified the provision included in its law with respect to the employability of old-age assistance recipients. The law now provides that, in the event that the applicant should refuse employment because he believes the conditions are unsatisfactory, the county may determine on investigation whether acceptance of employment is to be a condition of eligibility. Previously, if the applicant considered the conditions of available employment not satisfactory, the county department was directed to make an investigation and to determine if he was employable.

Arizona modified the provision in its law prohibiting simultaneous receipt of old-age assistance, aid to dependent children, and aid to the blind to add the condition "except by authorization of the State department." (Under the Social Security Act, simultaneous receipt of old-age assistance and aid to the blind is prohibited.) South Dakota amended the provision in its old-age assistance law that provides that no one receiving old-age assistance shall receive any other public relief except for certain medical care. A new provision was added providing that payments may be made from other sources when old-age assistance is insufficient to meet the needs of the recipient.

Connecticut amended statutory provisions regarding hearings. In all three public assistance programs a hearing may be requested if no decision on an application is made in 90 days. The time was extended from 10 days to 30 days for the filing of a request for a hearing after a decision has been rendered.

Institutional Care

Legislation enacted in 1949 reflects, in part, the discussions in the Federal Congress concerning the possibility of relaxing the provisions in titles I and X of the Social Security Act that now prohibit Federal financial participation in assistance payments made to inmates of public institutions. H. R. 6000 would change these provisions to permit Federal financial participation in payments made by the States to inmates of public medical institutions. Some States made changes in their laws anticipating the final approval by the Congress of this legislation. Other changes made with respect to institutional care this year are further indications of the legislatures' continuing interest in the problem of institutional care for needy persons.

Arizona modified the prohibition in its old-age assistance act that makes ineligible the inmates of public institutions by adding an exception that makes it possible for a recipient who enters a hospital for treatment of injury or illness to receive aid. Colorado deleted from its tuberculosis hospital program a provision that an individual receiving such aid is not eligible for any other type of public assistance. In Nevada the provision in the law specifying that persons with dependents could continue to get old-age assistance while temporarily confined to a public institution has been modified to delete the reference to dependents. Now any recipient can continue to receive old-age assistance while temporarily in a public institution.

Wisconsin removed from its old-age assistance law provisions that made ineligible the inmates of public or private institutions. A provision was added, however, to make ineligible persons who are mentally ill or persons who are in tuberculosis or correctional institutions. California increased the State payment to the counties for recipients of old-age assistance or aid to the needy blind who enter a county institution for medical care at county expense.

In Illinois, where earlier legislation permitted payments of old-age assistance to persons in public institutions for the chronically ill and the infirm, the law was amended to permit the county boards to vary the rate charged according to the amount of care required.

Oklahoma legislation gave the department of public welfare responsibility for inspecting and licensing rest homes for the aged. The Michigan Legislature authorized the State department to license homes caring for four or more aged persons.

California enacted legislation specifying that localities have the authority, within their reasonable exercise of police powers, to prescribe standards for institutions for children, the aged, and the mentally ill. The localities may require local health permits for such institutions.

The Alabama Legislature approved a provision giving the State Board of Health the responsibility for licensing hospitals, including sanatoriums, rest homes, nursing homes, and related institutions.

Penalty Provisions, Liens, and Recoveries

Legislation enacted in 1949 indicates the determination of some legislatures to penalize persons who transfer property to qualify for aid or who otherwise receive assistance fraudulently. The new laws also reflect the hopes of some legislatures that the cost of financing the assistance programs can be reduced by recovering from any property that a deceased recipient may have owned. In these respects, the legislation approved in 1949 follows the pattern established in 1947. In 1949, however, to a greater extent than in 1947, the States passed laws liberalizing or repealing earlier provisions for recovery.

Arizona increased from $500 to $1,000 the amount that is exempt from the operation of its recovery provision in old-age assistance. Idaho repealed the portion of its old-age assistance law that provided that the total amount of aid granted is to be a claim on the estate of recipients, after certain expenses have been allowed. The change in Idaho does not repeal provisions for the recovery of assistance granted if such aid is received fraudulently or if the amount received is in excess of need.

Changes made in Maine prohibit the State from recovering from the estate of deceased recipients unless a claim is filed within 2 years after the death of the recipient or of the surviving spouse, if the spouse is occupying real estate formerly owned by the deceased recipient. An amendment to North Dakota's old-age assistance law continued the provision that security devices are to be taken by the State on property other than homestead or insurance valued at more than $300 but adds the condition that this provision is to become inoperative in the event that the Social Security Act should be amended by Congress to prohibit the recovery of assistance paid.

For the first time, Tennessee passed legislation providing for recovery for aid received from resources an individual may have. The old-age assistance and aid to the blind laws were amended to delete the earlier provision limiting liens to only those instances in which aid was fraudulently received and in which persons morally responsible for providing care were not doing so. Thus, in Tennessee, recovery is now expected for all assistance received if the recipient's resources make it possible.

Wyoming amended its old-age assistance law to provide that claims filed against the estate of deceased recipients for recovery of assistance shall be allowed and paid after certain costs, such as funeral expenses and costs of the last illness, are allowed. No claim will be enforced against property necessary for the support of the surviving spouse or minor children.

New Hampshire extended the scope of its recovery provisions by specifying that liens are to be applied automatically on the property of an ineligible spouse in old-age assistance whenever the applicant is residing with such spouse. Formerly, the refusal of a spouse to give a lien would not affect the eligibility of a recipient.

Interest ran high among the legislatures with respect to recipients who transfer property to qualify for assistance, and legislation was passed in several States providing for penalties for actions that tend to defraud the State. The Hawaii Legislature passed a law, affecting all categories of aid, that requires recipients to report all income from any source. Failure to report resources within 30 days of receipt makes the recipient guilty of fraud, and he therefore forfeits all rights to assistance. The agency is authorized to cancel assistance for as long as 6 months, as a penalty. All excess assistance paid is to be recoverable as a debt due the Territory.

The new Illinois Public Aid Code provides, in all programs, that recipients are required to report changes in resources to the agency. Recipients may repay the excess assistance granted as a result of failure to report, or the amount can be recovered by the State agency. The Code deletes the provisions in the old-age assistance law that provided for a lien to be taken on the personal property of a recipient who obtained aid through fraud. New Mexico now excludes persons from receiving assistance who have made a voluntary transfer of property for purposes of qualifying for assistance.

The legislatures in two States made changes in provisions governing the transfer of property owned by recipients, modifying existing provisions that have worked a hardship on individual recipients. Arizona amended its old-age assistance and aid to the blind laws, which have prohibited recipients from transferring property within 5 years of applying for assistance for consideration other than negotiable assets approximating the true cash market value of the property. Now, recipients may not transfer property within the specified period for other than a "fair" consideration. The amendment also provides that any person who becomes ineligible under this provision will remain ineligible for such time as the State agency shall determine from a review of the facts and the current need for assistance.

The Utah Legislature amended its general provision regarding the transfer of property of a recipient without the knowledge and consent of the agency. Formerly, such transfer was held cause for suspension of the assistance payment; the new provision specifies that the length of suspension is dependent on the value of the property and adds authority for exceptions to be made in hardship cases.

Three States changed provisions specifying the amount of property an individual may hold and be eligible for assistance. Arizona, which provides that an individual applying for assistance may have a homestead, has now defined a homestead to mean a home owned and occupied by the applicant or recipient or by his spouse. The Arizona Legislature raised from $600 to $1,000 the amount of real and personal property that a recipient of old-age assistance may possess, in addition to a dwelling house and certain specified personal property. The new provision deletes reference to the ownership of life insurance. In aid to the blind, Arizona will now permit a recipient to retain cash and certain personal property up to $1,000, exclusive of other specified personal property. Previously no limitation was specified in the law.

In the Massachusetts old-age assistance program, an applicant may now hold insurance to the value of $1,000. Previously the limit was $500. Fur-

thermore, applicants and recipients of old-age assistance may now retain bank balances of not more than $500 in the case of an individual recipient and joint deposits not exceeding $1,000 in the case of a husband and wife. The previous limitations in the plan were $300 per individual.

In Missouri's blind pension program, which has been operating without Federal financial participation, the State has raised from $900 to $1,200 the amount of income a recipient may have and be eligible for a pension. The pension payment was increased from $300 a year to $40 a month.

Delaware and Illinois amended their aid to the blind law to enable recipients to earn specified amounts without reducing the assistance payment, in the event the Social Security Act should be amended to enable the States to take such action without loss of Federal funds. In Delaware, income up to $10 a week and 50 percent of earnings above $10 a week can be retained by the recipient as an incentive for him to seek employment. In Illinois, earned income up to $500 a year can be retained by the recipient without affecting his assistance payment.

In Colorado the law was modified to make it clear that net income, from whatever source, is to be deducted from the amount of aid a recipient of old-age assistance would otherwise receive.

The Tennessee law now provides that only income that is actually available for the use of old-age assistance recipients shall be considered in determining need. In Michigan the amendments provide that, in determining the amount of an aid to dependent children payment, the resources and necessary needs of a stepparent living in the home shall be taken into consideration. Income available from absent parents and from stepparents must be taken into consideration in fixing aid to dependent children grants in Illinois.

Responsibility of Relatives

The general laws of every State, if not the assistance laws, usually contain provisions establishing the basic responsibility of relatives to support needy persons who might otherwise have to apply to the State or locality for aid. Such laws vary from State to State with reference to the degree of relationship covered by the provisions and the procedures established to bring about the necessary support. Implementation and administration of these laws have also differed widely from State to State, making it difficult to evaluate the effectiveness of the operations under the State laws.

In recent years, State legislation has revealed contrary trends with respect to the extent of responsibility relatives are to assume. On the one hand, several States have removed from the State assistance laws the provisions requiring assistance recipients to be supported by their legal kin. Other States, however, have been strengthening State laws providing for support by relatives and have been establishing procedures and entering into interstate arrangements to obtain support from relatives. These contrary trends continued in the legislation enacted in 1949. Arizona, for example, repealed the relative's responsibility provisions in old-age assistance laws, while several other States enacted new laws emphasizing the responsibility of relatives to aid needy kin.

Another outstanding development in 1949 was the enactment by seven States of desertion and nonsupport laws that provide for mutual cooperation among the States in obtaining support from out-of-State relatives. State laws with comparable provisions were enacted this year in Connecticut, Indiana, Iowa, Oklahoma, New Hampshire, New Jersey, and New York. Though the exact provisions vary, the laws in general enumerate the relatives—wives, children, mothers, fathers, grandparents, and grandchildren—the States expect to be responsible for the support of dependent persons. A procedure is set up whereby the dependents of such persons may, through the State courts, obtain an order requiring the relatives, even though they live in another State, to support in such amounts as the court may order. The laws then provide on a reciprocal basis for one State to honor similar support orders issued by courts of other States.

Interest in the problem of desertion and nonsupport has been developed by means of newspapers and magazine articles. This concern was reflected in Congress, where a number of proposals were introduced to establish procedures for the enforcement of nonsupport orders on an interstate basis. This interest resulted in the inclusion in H. R. 6000 of a provision that the State plans provide for reporting to appropriate law enforcement officials all aid to dependent children cases in which a parent has deserted.

Legislation emphasizing the responsibility of relatives to aid dependent persons was enacted by seven States.

The Oregon law restates the relative's responsibility provision and includes for the first time a contribution scale, which lists the amount of support that relatives are expected to contribute according to the number of dependents the relative has and the size of his income. The law, which is applicable to all programs, specifies that the State income-tax reports are to be used as evidence of income and the number of dependents. Detailed procedures outline the steps the State is to take to obtain support from relatives, but aid is not to be discontinued if the relatives are not helping. The receipt of aid implies, however, the consent of the recipient to efforts made by the State to recover from his relatives for assistance granted.

In New Mexico, no one is eligible for old-age assistance who has a spouse responsible and able to furnish support of at least $50 a month.

Utah legislation directs the State agency to investigate all applicants who are "deserted and willfully neglected." If the investigation shows that the spouse is willfully failing to support, a report must be made to the appropriate law enforcement officials. If an applicant or a recipient of assistance has a judgment for alimony or any other legal claim, the State may require the assignment of such claim as a condition of aid. The State is directed to pursue the collection of such claim unless the State agency decides such action is contrary to the public interest.

The action of the California voters in repealing the constitutional provisions affecting old-age assistance and

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aid to the blind means that the relative's responsibility law previously in effect becomes operative again.

In Nebraska the county welfare board is given authority to require those children of old-age assistance recipients who live in the State to appear before the county board and answer questions as to their ability to support. Illinois strengthened its relative's responsibility law by giving the State agency authority to refer cases of nonsupport to the State's attorney as well as to other authorities for action. Legislation enacted in Oklahoma makes it the mandatory duty of the county attorney to prosecute all violators of the State law with respect to the abandonment or neglect of minor children or spouses.

A Nevada law affecting general assistance establishes the father, grandfather, mother, grandmother, children, grandchildren, brothers, and sisters, if able, as responsible for the support of persons receiving county relief.

The Arizona Legislature provided that a parent who willfully fails to support a minor child is guilty of a misdemeanor. The court may direct a convicted person to work on the roads, and payment at the rate of $2 a day for the man's labor is payable by the Board of Supervisors for the support of the children. A man so employed on the road may not work beside free labor.

An amendment to the Maine old-age assistance and aid to the blind laws modifies provisions enacted 2 years ago with respect to the responsibility of relatives to support. Previously an old-age assistance applicant was ineligible if he had a spouse able to support him. Under the amendment, the spouse must be living in the State for the law to be operative. Similarly, the previous law required that the applicant, to be eligible, must have no child or children able to support him; by amendment, such children must be in the State and accessible before the applicant can be considered ineligible.

California repealed the relative's responsibility provision in the law for the program of aid to the partially self-supporting blind. This program operates without Federal financial participation.

Fiscal Provisions

Colorado and Kansas enacted provisions that make it possible for the State agency to give special financial aid to counties having difficulty in financing the local share of the cost of the assistance program. The Bureau of Public Assistance has recommended that those States in which the localities share in the cost of the assistance programs distribute their funds on the basis of each locality's need. By this method, it would be possible to give recognition to the communities which, for economic or other reasons, are unable to raise sufficient tax revenue to make assistance payments in accordance with Statewide standards of assistance.

Colorado provides State aid above the usual 75-percent State share to any county that, because of a temporary condition or an emergency, is unable to meet its necessary public welfare needs and also pay its share of aid to dependent children payments. The State may use up to 5 percent of the amount allotted for aid to dependent children to finance this provision. In Kansas, when the counties are unable to meet their share of the assistance cost, the State can advance the money; under certain circumstances the counties do not have to repay the money received. A further change made in the Kansas program increases the State share of assistance for all three programs from 40 to 50 percent of the non-Federal share. The State will also participate, for the first time, in the local cost of administration to the extent of 25 percent for the special types of public assistance and 50 percent for general assistance.

Miscellaneous Provisions

In South Dakota, provision is made for the State to pay to an appropriate person the amount authorized before the death of an old-age assistance recipient. Wisconsin now permits the appointment of members of county welfare staffs to act as administrators of the estate of certain deceased recipients.

The Alaska Legislature raised the salary of the director of the board of public welfare from $6,600 to $7,500. Also, for the first time, the qualifications of training and experience for the job were specified, and the residence requirement was relaxed. The organizational changes made by the Nevada Legislature provide for the appointment of a State director by the State welfare board with the approval of the Governor. The law now specifies that the director must be selected on the basis of training, experience, and capacity for the job.

The Vermont Legislature, in making the biennial appropriation, provided that there shall be no increase in the number of employees over the total number employed by the State agency on May 1, 1949, except as authorized by the State Emergency Board.

In Massachusetts the legislature authorized an increase from $8 to $10 in the daily hospital rates paid by the State agency for needy individuals. The Oklahoma Legislature authorized the State department to procure group hospitalization and medical care insurance for old-age assistance recipients.

The Illinois Public Aid Code deletes from the law the $10 limitation on the fees that attorneys may charge in public assistance hearings. The Minnesota law now permits general assistance to be paid in cash.

The burial allowance in aid to the blind and aid to dependent children in Wisconsin was raised from $100 to $150, the amount now payable in old-age assistance. In Illinois, a new provision was added providing up to $150 payment for the burial of anyone receiving aid to dependent children. Minnesota raised the maximum for the cost of funerals of deceased blind recipients from $100 to $150. New Jersey acted similarly in old-age assistance, raising the maximum State payment from $100 to $200. Under a new Oklahoma law all organizations and persons soliciting money for the purpose of seeking legislation to raise the State assistance grant for any person must give a receipt to the individual for the contribution made. One copy of the receipt must be mailed to the State Tax Commission.

Both North Dakota and South Dakota enacted special legislation this year for the aid of Indians living in the State. Both States established commissions to study the problems of Indians in the State.