

collected *within state parks* shall be deposited with the State Treasurer, who shall deposit same to the credit of the *maintenance and operation fund for state parks* and all moneys so deposited are hereby re-appropriated to be used for maintaining and operating the several state parks and all balances from the funds previously appropriated for state park improvement and maintenance are hereby re-appropriated to the state park maintenance and operation fund.

Approved April 24, 1937.

CHAPTER 438—S. F. No. 906

An act to promote the public welfare by providing aid to dependent children, and repealing and amending certain laws relating thereto.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Definitions.**—(a) “State Agency” as used in this act shall mean the State Board of Control.

(b) “County Agency” as used in this act shall mean the County Board of Public Welfare as established by law.

(c) “Dependent Child” as used in this act means a child under the age of eighteen years who is regularly attending school, if physically able and above the minimum school age, or who is under compulsory school age, or who is physically unable to attend school, or who is over compulsory school age, but through physical or mental disability is unable to be employed, or who is over compulsory school age and unemployed, but is of such intelligence and mental capacity as to make further schooling inadvisable in the opinion of the county agency and his unemployment is without fault on his part, and who is found to be deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, and whose relatives, liable under the law for his support, are not able to provide, without public assistance, adequate care and support of such child, and who is living with his mother, stepmother, grandmother, sister, stepsister, or aunt, in a place of residence maintained by one or more of such relatives as her or their own home.

(d) “Continued absence from the home” as used in this act shall relate and apply only to cases where the parent, whether or not entitled to custody of the child, is an inmate of a penal institu-

tion under a sentence which will not terminate within three months after the date of such finding, or a fugitive after escape therefrom, or where there is and has been for three months past an outstanding warrant for his arrest on a charge, or after conviction, for the crime of abandoning in this state such child or abandoning in this state his wife while pregnant and the mother has in good faith assisted the proper authorities in all reasonable efforts to apprehend him pursuant to such warrant.

(e) "Assistance" means money payments with respect to a dependent child or children.

Sec. 2. Duties of state agencies.—The State Agency shall:

(a) Supervise the administration of assistance to dependent children under this Act by the County Agencies in an integrated program with other service for dependent children maintained under the direction of the state agency;

(b) May subpoena witnesses and administer oaths, make rules and regulations, and take such action as may be necessary or desirable for carrying out the provisions of this Act. All rules and regulations made by the State Agency shall be binding on the counties and shall be complied with by the respective County Agencies;

(c) Establish adequate standards for personnel employed by the Counties and the State Agency in the administration of this Act and make the necessary rules and regulations to maintain such standards;

(d) Prescribe the form of and print and supply to the County Agencies blanks for applications, reports, affidavits, and such other forms as it may deem necessary and advisable;

(e) Cooperate with the Federal Government and its Public Welfare Agencies in any reasonable manner as may be necessary to qualify for federal aid for aid to dependent children and in conformity with the provisions of this Act; including the making of such reports in such forms and containing such information as the Federal Social Security Board may from time to time require, and comply with such provisions as such Board may from time to time find necessary to assure the correctness and verification of such reports; and

(f) Make an annual report to the Governor not later than four months after the close of each fiscal year showing for such year the total amount paid under this Act, the total number of persons assisted, and such other particulars as it may deem advisable.

Sec. 3. Duties of county agencies.—The County Agencies shall:

(a) Administer the provisions of this Act in the respective counties subject to the rules and regulations prescribed by the State Agency pursuant to the provisions of this Act;

(b) Report to the State Agency at such times and in such manner and form as the State Agency may from time to time direct;

(c) Submit quarterly and annually to the County Board of Commissioners a budget containing an estimate and supporting data setting forth the amount of money needed to carry out the provisions of this Act.

Sec. 4. Who shall receive assistance.—Assistance shall be given under this Act to any dependent child who:

(a) Has resided in the state for one year immediately preceding the application for such assistance; or was born within the state within one year immediately preceding the application, and whose mother has resided in the state one year immediately preceding the birth of said child; and whose mother if living is a citizen of the United States or has declared her intention to become such a citizen. The County responsible for the payment of assistance under this Act shall be the county in which said child has resided for the year preceding the application for assistance; provided, however, that if said child has not resided continuously in any one county for the year preceding said application, then the county in which said child has resided for the longest period of time during said year shall be responsible for the payment of assistance under this act, subject to the provisions of Section 11 hereof.

(b) Is living in a suitable home conducted by a family having as far as practicable the same religious faith as the family of the child and meeting the standards of care and health fixed by the laws of this state and rules and regulations of the state agency thereunder.

(c) The ownership by a mother or father of property as follows shall be a bar to any allowance under this act:

(1) Personal property of a reasonable market value in excess of \$300.00, exclusive of appropriate clothing and necessary household furniture and equipment, and of such tools, implements, and domestic animals as in the opinion of the County Agency it is expedient to retain for the purpose of reducing the expense or increasing the income of the family; or

(2) Real estate not used as a home, provided that if such real estate produces no gross income and there is no available market for the sale of such property, or if the price which can be obtained on the prevailing market is not fair and reasonable considering the applicant's interest therein and the possibilities of sale of said prop-

erty for a greater amount within a reasonable length of time thereafter then, in that event, in the discretion of the County Agency, ownership of the same shall not be a bar to an allowance under this act.

Sec. 5. Amount of assistance.—The amount of assistance which shall be granted for any dependent child shall be determined by the County Agency with due regard to the resources and necessary expenditures of the family and the conditions existing in each case and in accordance with the rules and regulations made by the State Agency, and shall be sufficient, when added to all other income and support available to the child, to provide such child with a reasonable subsistence compatible with decency and health, not to exceed \$20 per month for the first child and not to exceed \$15 per month for each additional child in the same home.

Sec. 6. Application for assistance.—Application for assistance under this act shall be made to the County Agency of the County from which the dependent child is entitled to receive assistance as provided in Section 4 of this act. The application shall be in writing or reduced to writing in the manner and upon the form prescribed by the State Agency and shall be verified by the oath of the applicant. The application shall be made by the person with whom the child will live and shall contain information as to the age and residence of the child and such other information as may be required by the rules and regulations of the State Agency. One application may be made for several children of the same family if they reside with the same person.

Sec. 7. Investigations to be made by county agencies.—Whenever a County Agency receives a notification of the dependency of a child or an application for assistance, an investigation and record shall be made within a reasonable time of the circumstances to ascertain the dependency of the child or the facts supporting the application made under this Act and such other information as may be required by the rules of the State Agency.

Sec. 8. Shall determine the amount of assistance.—Upon the completion of such investigation the County Agency shall decide whether the child is eligible for assistance under the provisions of this Act, and determine the amount of such assistance and the date on which such assistance shall begin. It shall make a grant of assistance which shall be binding upon the County and be complied with by the County until such grant is modified or vacated. The County Agency shall notify the applicant of its decision in writing. Such assistance shall be paid monthly to the applicant upon order of the County Agency from funds appropriated to the County Agency for this purpose. The County Agency shall upon the granting of assistance under this act file an order on the form to be approved

by the State Agency with the County Auditor of said County and thereafter warrants shall be drawn and payments made only in accordance with said order to recipients of this assistance or in accordance with any subsequent order to be hereinafter made.

Sec. 9. Shall report to state agency.—The County Agency shall at once report to the State Department its decision upon each application. If an application is not acted upon by the County Agency within a reasonable time after the filing of the application, or is denied in whole or in part or revoked, the applicant may appeal to the State Agency in the manner and form prescribed by the State Agency. The State Agency shall upon receipt of such an appeal give the applicant an opportunity for a fair hearing. The State Agency may also, upon its own motion, review any decision of a County Agency, and may consider any application upon which a decision has not been made by the County Agency within a reasonable time. Any applicant aggrieved by a decision of the State Agency made upon its own motion shall be granted an opportunity for a fair hearing before the State Agency.

The State Agency may make such additional investigation as it may deem necessary, and shall make such decision as to the granting of assistance and the amount of assistance to be granted as in its opinion is justified and in conformity with the provisions of this Act. All decisions of the State Agency shall be binding upon the County Agency involved and shall be complied with by such County Agency. Any applicant or recipient may, however, within thirty days after the date of the decision made by the State Agency, have the decision reviewed by the district court of the county in which his application for assistance or aid under the provisions of this act was filed on any of the following grounds:

(1) That the amount of assistance or aid granted or disallowance thereof is not in conformity with the terms of this act, or that the State Agency committed any other error of law;

(2) That the findings of fact and amount of assistance or aid granted, or disallowance thereof, or other order sought to be reviewed was unwarranted by the evidence.

To render this appeal effective, the applicant or recipient shall, within thirty days after the date of the decision made by the State Agency, serve, by registered mail, a copy of the notice of appeal setting forth the grounds on which the appeal to the district court is based, on the State Agency, and file the original thereof, together with affidavit of service on the State Agency as herein provided for, with the clerk of the District Court of the county concerned.

Upon the Service of such notice on the State Agency and within ten days thereafter, the State Agency shall transmit to the proper

clerk of the District Court a true and complete return of the proceedings of the State Agency in the cause sought to be reviewed, including a certified copy of the transcript of testimony, or such parts thereof as may be necessary to enable the District Court to review the questions presented to it. Such return shall be certified by the State Agency. The State Agency shall also furnish to the applicant or recipient, upon request therefor, a copy of the transcript of testimony in the cause.

Upon the filing of such return with the clerk of the District Court of the county concerned, the appeal herein provided for may, upon not less than ten days' written notice be brought on for hearing by either the applicant or recipient or the State Agency at any general or special term of the District Court concerned, or out of term, or in chambers; and in judicial districts having more than one judge, the senior or presiding judge shall hear the same, or, if unable to do so, shall refer the matter to some other judge in said district. The court shall summarily and informally hear and determine said appeal by a review of the records and proceedings had before the State Agency and shall either affirm or reverse the decision of the State Agency or remand the same back to the State Agency for correction in accordance with the provisions of this act, and shall within thirty days enter and file with the clerk of the District Court such order as may be proper in the cause. Provided, however, that the findings of fact of the State Agency, if reasonably supported by the evidence and in the absence of fraud, shall upon said appeal be conclusive.

The applicant or recipient or the State Agency may appeal from the order of the District Court to the Supreme Court of the State of Minnesota in the same manner as other appeals in civil actions. No costs or disbursements shall be taxed against any party on appeals to the District Court or to the Supreme Court.

All grants of assistance or aid shall be paid pending the hearing and determination of appeals to the District or Supreme Court when such assistance or aid is ordered paid by the State Agency.

Sec. 10. Assistance grants shall be reconsidered.—All assistance granted under this Act shall be reconsidered as frequently as may be required by the rules of the State Agency. After such further investigation as the County Agency may deem necessary or the State Agency may require, the amount of assistance may be changed or assistance may be entirely withdrawn if the State or County Agency find that the child's circumstances have altered sufficiently to warrant such action. The County Agency may for cause at any time revoke, modify or suspend any order for assistance previously made. Whenever assistance is thus revoked, modified or suspended the County Agency shall at once report to the State Agency such

decision together with supporting evidence required by the rules of the State Agency. All such decisions shall be subject to appeal and review by the State Agency as provided in Section 9 of this act.

Sec. 11. Removal to another county.—Any child qualified for and receiving assistance pursuant to the provisions in this act in any County in this State, who moves or is taken to another County in this State, with the approval of the State Agency, shall be entitled to continue to receive assistance from the County from which he has moved or has been taken until he shall have resided for one year in the County to which he has moved. When he has resided one year in the County to which he has moved, or has been taken, the County Agency of the County from which he has moved shall transfer all necessary records relating to the child to the County Agency of the County to which he has moved.

Sec. 12. County board to appropriate money.—The County Board of Commissioners in each County in this State shall appropriate annually such sum as may be needed to carry out the provisions of this Act, including expenses of administration based upon a budget prepared by the County Agency, after taking into account state aid, and to include in the tax levy for such County the sum or sums appropriated for that purpose. Should the sum so appropriated, however, be expended or exhausted, during the year and for the purpose for which it was appropriated, additional sums shall be appropriated by the Board of County Commissioners.

Sec. 13. County agency to keep records.—(a) The County Agency shall keep such records, accounts and statistics in relation to aid to dependent children as the State Agency shall prescribe.

(b) Each grant of aid to dependent children shall be paid to the recipient by the County Agency in the first instance.

(c) The County shall be paid from state and Federal funds available therefor an amount equal to two-thirds of the county's total expenditures for aid to dependent children as defined by the Federal Social Security Act.

(d) The County shall be paid from state funds in an amount equal to two-thirds of the county's total expenditures for aid to dependent children not included in the provisions of the Federal Social Security Act and which are eligible for assistance under the provisions of this Act.

(e) Not exceeding two-thirds of the balance of any Federal funds made available annually to the State Agency for carrying out the purposes of this act, after the payment to the County of two-thirds of the County's total expenditures for aid to dependent children, as provided in subsection (c) of this section, shall be used to repay the counties' necessary administrative expenses pro rata

in the proportion the total number of recipients in each county bears to the total number of recipients in the state for the period for which such funds were received and are available, and the balance of any such sum shall be available to the State Agency to defray the necessary expenses of the State Agency.

Sec. 14. **Payment by the state.**—Payments shall be made by the state to the counties of two-thirds of the estimated costs of aid for dependent children in each county of the state from state and federal funds available for that purpose monthly in advance upon the direction of the State Agency based upon estimate submitted by the County Agency to the State Agency which shall be submitted by said County Agency on or before the fifteenth day of each month stating their estimated expenditures required for the succeeding month. Adjustment of any overestimate or underestimate made by any county shall be made upon the direction of the State Agency in any succeeding month.

Sec. 15. **Violations a misdemeanor.**—Whoever obtains, or attempts to obtain, or aids, or abets any person to obtain by means of a wilfully false statement or representation, or by impersonation, or other fraudulent device;

- (1) Assistance to which he is not entitled;
- (2) Assistance greater than that to which he is justly entitled; is guilty of a misdemeanor, and upon the conviction thereof shall be fined not more than one Hundred Dollars (\$100) or be imprisoned for not more than three months.

Sec. 16. **U. S. Government assistance not to bar aid.**—The receipt or possession by any person of sums received from United States Government War Risk insurance or any government compensation shall not be a bar to the granting of an allowance provided for in this act, if in the opinion of the County Agency having jurisdiction to order the allowance, such insurance or compensation is not sufficient to maintain the children, in whose behalf an allowance is requested, in their own home.

Sec. 17. **Act to be liberally construed.**—This act shall be liberally construed with a view to accomplishing its purpose, which is hereby declared to be to enable the state and its several counties to cooperate with responsible mothers or relatives in rearing future citizens, when such cooperation is necessary on account of relatively permanent conditions, in order to keep the family together in the same household, reasonably safeguard the health of the mother and secure to the children during their tender years her personal care and training.

Sec. 18. U. S. funds to be appropriated to state agency.—All monies received or to be received from the United States government for aid to dependent children are hereby appropriated to the State Agency for the purpose of carrying out the provisions of this Act.

Sec. 19. Not to limit actions.—Nothing herein shall be deemed to be inconsistent with any right of action against a relative of a poor person conferred by law.

Sec. 20. Not to be vested right.—All assistance granted under this Act shall be deemed to be granted and to be held subject to the provisions of any amending or repealing act that may hereafter be passed, and no recipient shall have any claim for compensation, or otherwise, by reason of his assistance being affected in any way by any amending or repealing Act.

Sec. 21. 1937 aid to dependent children act.—This Act may be cited as the "1937 Aid to Dependent Children Act."

Sec. 22. Effective upon approval by social security board.—This Act shall take effect on and after its passage and upon approval by the Social Security Board pursuant to the provisions of Title IV of the Federal Social Security Act approved August 14, 1935, as the state plan for aid to dependent children formulated by the State Agency pursuant to this act.

Sec. 23. Inconsistent acts repealed.—Mason's Minnesota Statutes 1927, Sections 8671 to 8689, both inclusive, as amended by Laws 1935, Chapters 57 and 326, and all acts and parts of acts inconsistent with the provisions of this act be and the same hereby are, repealed upon the effective date of this act as provided in renumbered Section 22 hereof. Provided, however, that grants of county allowances to mothers of dependent children, in force at the time this act takes effect, shall be continued by the county agency until a reinvestigation has been made to determine eligibility under the provision of this act and the expense thereof shall be borne as provided herein.

Sec. 24. Provisions severable.—If any Section of this act shall be held invalid, the remaining provisions shall be given full force and effect as if the part held invalid had not been included herein.

Approved April 24, 1937.