Upon the basis of the facts assumed in your second question the salary of the teacher should be increased during her second and third years' service under the contract.

WELFARE, DEPARTMENT OF PUBLIC: Blind, application for assistance to; when filed and by whom investigation made.

May 2, 1936.

Honorable Wayne Coy,
Acting Administrator,
State Department of
Public Welfare,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter calling attention to Section 95 of The Welfare Act of 1936 which provides as follows:

"Sec. 95. County in which application is filed. Unless for good cause shown and unless otherwise ordered by the state department, every applicant for old age assistance or for assistance as a blind person shall file his application in the county in which he has resided continuously for one full year during the period of nine years next preceding the date on which he files his application, and if he has resided continuously for one full year in more than one county during such period of nine years, then he shall file his application in the county in which he has last resided such full year. If he has not resided continuously for one full year during such preceding period of nine years in any county, then he shall file his application in the county in which he is residing at the time this act becomes effective, as to any application during the year 1936 and the county of his residence as to any application filed thereafter." (Our italics.)

You request an official opinion in answer to the following questions:

"1. In which county should application be made?
"2. Which county department should make the investigation?"
“3. Which county department will be responsible for the payment of any assistance granted?

“4. If it is necessary that an applicant file his application in the county as specified in this section of the statute is there any implication that he must live in that county?”

In addition to Section 95 supra, I desire to call your attention to Section 35, relating to the filing of applications for old age assistance, and Section 55, relating to the filing of applications for assistance to blind persons.

Section 35 is as follows:

“Sec. 35. Application for assistance. Application for assistance by an aged person under the provisions of this act shall be made to the county department of the county or district in which the applicant resides. The application shall be in writing, or shall be reduced to writing, shall be made in the manner and upon the form prescribed by the state department, and shall be verified by the oath of the applicant. Every such application shall contain a statement of the amount of property, both personal and real, in which the applicant has an interest and of all income which he may have at the time of the filing of the application, and such other information as may be prescribed by the state department.” (Our italics.)


Section 55 is as follows:

“Section 55. Application for assistance. Application for assistance as a blind person under the provisions of this act shall be made to the county department of the county or district in which the applicant resides. The application shall be in writing or shall be reduced to writing, shall be made in the manner and upon the form prescribed by the state department, and shall be verified by the oath of the applicant. Every such application shall contain a statement of the amount of property, both personal and real, in which the applicant has an interest and of all income which
he may have at the time of the filing of the application, and such other information as may be prescribed by the state department.” (Our italics.)


Both sections 35 and 55 supra make a very clear and unequivocal statement to the effect that such applications as are referred to in the above questions are to be made to the County Department where the applicant resides, but an examination of Section 95 makes it equally clear that such general provisions are subject to certain limitations and conditions as are set forth in the latter section. Upon the basis of these limitations and conditions, all cases may, for convenience of description, be placed into two classes, namely—

1. Those cases where the applicant during the period of nine years next preceding the date on which he files his application has resided continuously in the same county for one full year or more, or continuously in each of more than one county for one full year or more and,

2. Those cases where the applicant during the period of nine years next preceding the date on which he files his application has not resided in any one county continuously for one full year.

The first class may be further subdivided into (1) those who have lived continuously for one full year or more during said nine year period in only one county, in which case the application is to be filed in that county irrespective of the actual residence at the time of the filing of the application; and (2) those who have lived continuously for one full year or more during said nine year period in each of more than one county, in which case the application is to be filed in the last of said counties.

The second class may be further subdivided on the basis of when the application is filed into (1) those whose application is filed during the year 1936, in which case the application is to be filed in the county where the applicant resided when The Welfare Act of 1936 became effective, that is, where the applicant resided on March 18, 1936; and (2) those whose application is filed subsequent to the year 1936, in which case the application is to be filed in the county of actual residence at the time of its filing.
It should be noted, however, that the above classifications, as provided by Section 95 supra, are not ironclad but are subject to modification by order of the State Department for good cause shown. It is doubtful whether this last provision means very much, however, since there is no indication in the Act as to what would constitute "good cause." I think the foregoing answers your first question.

As to your second question, I think the County Department where the application is filed should make the investigation.


As to your third question, which seems to apply only to the old age assistance, I think the County Department where the application is filed will be responsible for the payment of any assistance granted except as provided in Section 49 in cases of removal, which, by analogy, would apply to an applicant who is actually residing in a county other than the county wherein his application, under the foregoing classifications, is required to be filed.

The answer to your fourth question is in the negative.

MOTOR VEHICLES, BUREAU OF: Financial responsibility requirements in case judgment is not paid within thirty days after becoming final.

Hon. Benjamin Friedman,
Director, Division of
Financial Responsibility;
Department of Treasury,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter referring to Section 3 of Chapter 113 of the Acts of 1935, entitled, "An Act concerning the financial responsibility of owners and operators of motor vehicles," and requesting an official opinion in answer to the following question:

"Does this department have the right to suspend the driver's license and license plates and withhold the