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February 29, 1956
Opinion No. 56-47

REQUESTED BY: Honorable David S. Wine, State Representative

OPINION BY: Robert Morrison, The Attorney General
Newman W. White, Special Assistant
Attorney General

QUESTION: Does state law prohibit the granting of emergency relief to applicants for Aid to Dependent Children pending processing of such application?

CONCLUSION: No.

Article 5, of A. R. S., entitled "Assistance to Dependent Children", § 46-293, reads as follows:

"46-293. Ineligibility for other public assistance.
A person receiving assistance under this article shall not at the same time receive any other public assistance under this title except by authorization of the state department."

The administrative category of emergency relief was created based on the authority given the department under Article 2, A. R. S., entitled "General Assistance". § 46-234 and 46-235 read as follows:

"46-234. Ineligibility for other public assistance.
No person receiving assistance under this article shall at the same time receive any other public assistance by virtue of any provision of this title except by authorization of the state department."

"46-235. General assistance prohibited as supplement to other forms of public assistance.
General assistance may not be used to supplement grants for old age assistance, blind assistance, or aid to dependent children assistance."

Sections 46-234 and 46-235, above-cited, as well as similar provisions contained in 46-253 and 46-274 authorizing Old Age Assistance and Aid to the Blind, provide that no more than one type of public assistance shall be authorized at the same time "except by authorization of the state department."

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Based on the above-quoted and referred to statutory provisions, it is the opinion of the Department of Law that it was the intent of the Legislature not to permit more than one type of welfare assistance covering the same period of time except by authorization of the State Department. It is further the opinion of this department that our present welfare statutes do not prohibit the granting of emergency assistance in meritorious cases pending the processing of claims for other types of welfare assistance, including Aid to Dependent Children, Aid to the Blind, Old Age Assistance and General Assistance. While welfare statutes permit more than one type of relief at the same time, the authority to grant such relief is placed solely in the State Department of Public Welfare.

Accordingly, it is the opinion of the Department of Law that the State Department of Public Welfare does have authority to make administrative determination as to whether such relief should be granted.

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