

1952

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PUBLIC ASSISTANCE

By H. E. WETZEL*

The 1952 General Assembly made certain changes in the laws relating to the state Public Assistance program. These provided, in brief, for a new service division, for enabling legislation to implement certain changes in the Federal laws, and for strengthening and defining certain functions of the Department of Economic Security in relation to Public Assistance recipients.

The Division of Child Welfare was transferred to the Department of Welfare to become a part, with the Youth Authority (discussed elsewhere), of the new Kentucky Children's Bureau. In the place of the Child Welfare Division, a new Division of Special Services to Children was created in the Department of Economic Security.¹ This authorization represents a progressive step toward providing additional preventive care and services for children growing up in families dependent upon public assistance grants. It permits guidance and casework services to be concentrated on that more hopeful part of the Public Assistance load—the children who may be expected to become self-supporting adults with proper guidance now.

Effect was given to recent changes in Federal laws by revising the Kentucky Statutes to provide that:

1. The first \$50 of income earned in a month by a person receiving Aid to the Needy Blind should be ignored in determining his need and resources.² Proponents of Aid to the Blind advocated this as encouragement to the blind toward self help.

2. Payments can now be made to, or in behalf of, patients in public medical institutions (except in cases of tuberculosis or mental disease).³

3. Standards are to be established and maintained for all pub-

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¹ 1952 *LEGISLATIVE ACTS OF KENTUCKY*, Chapter 83.

² *Ibid.* Ch. 33, Sec. 5.

³ *Ibid.* Ch. 33, Sec. 4.

lic or private institutions in which public assistance recipients are eligible to receive medical or domiciliary care.⁴

Other amendments to Public Assistance laws provided specific legislative authorization for practices previously established by Department of Economic Security regulations. County Social Service Advisory Committees are now required to be set up in each county.⁵ These committees are to have representation from ministers, business men, veterans, and women's groups, with the County Judge or his representative as chairman. As a part of their responsibilities in advising on the administration of the Public Assistance laws, the Committee is to have access to Public Assistance records and may make general reports to the public, although they are forbidden to divulge names or specific information regarding individual cases.⁶

Likewise, the whole problem of the amount of publicity to be given the Public Assistance rolls, subject of much discussion since the Jenner Amendment, was further clarified by the Assembly which now expressly permits access to the necessary information and records by all law enforcement agencies in the discovery and prosecution of fraud. Members of the General Assembly and of Congress may also have access to this information in the case of an individual constituent who has requested that his case be investigated. The law contains a prohibition against commercial or political use of the information so derived.

Eligibility for Public Assistance is further defined by a provision requiring residence in the state for at least three years out of the last seven. This must include continuous residence for the last year immediately preceding the application. Similarly, for Aid to Dependent Children, a child must have been a resident for one year before application or, if born within the last year, the relative with whom he lives must have been a resident for the year preceding the birth of the child.⁷

Appropriate law enforcement officials must be notified promptly regarding aid to a dependent child who has been deserted or abandoned by a parent.⁸ The Uniform Support of

⁴ *Ibid.* Ch. 33, Sec. 11.

⁵ *Ibid.* Ch. 34.

⁶ *Ibid.* Ch. 33, Sec. 3.

⁷ *Ibid.* Ch. 33, Sec. 4.

⁸ *Ibid.* Ch. 33, Sec. 4.

Dependents Act was broadened to include the liability of adults for their indigent parents residing in the same or another state with similar or reciprocal laws.⁹ Stepfathers also are to be held liable for their minor step-children.¹⁰ Parents are now specifically charged with the support of their adult children who are wholly dependent because of permanent physical or mental disability.¹¹

Public assistance paid to a blind or aged person now becomes a preferred claim against any estate left at death by such recipient.¹² In addition, after some years of discussion, the General Assembly finally passed a lien law to apply to the real estate of a recipient of aid to the needy blind or aged.¹³ This act, which went into effect July 1, 1952, has aroused much discussion among recipients and their families. It is well to note that, while the law requires filing of the lien in the court of the county in which the property is located whenever the size of the real-estate holdings justify it, it sets limits on the enforcement. The lien can be enforced in the lifetime of the recipient only in cases of fraud, and is not enforceable while the real estate is occupied either by the surviving spouse (until she remarries) or by a dependent child of the recipient.¹⁴

Finally, while not a part of the public assistance functions of the state government, welfare students will note three changes pertaining to the general assistance responsibilities of city and county officials.

1. Louisville is authorized to recover payments of general assistance from a recipient's estate at death; the same right to a lien on real estate of recipients is granted as in the case of the state Division of Public Assistance; and partial payments may be received toward the support of inmates able to pay in city health and welfare institutions, except the city workhouse.¹⁵

2. Cities of the second class are authorized to contribute to the support of dependent children in public or privately owned institutions in the city or county. Such payments, known as "The

⁹ *Ibid.* Ch. 173, Sec. 8.

¹⁰ *Ibid.* Ch. 33, Sec. 12.

¹¹ *Ibid.* Ch. 138.

¹² *Ibid.* Ch. 33, Sec. 7.

¹³ *Ibid.* Ch. 33, Sec. 8.

¹⁴ *Ibid.* Ch. 33, Sec. 9.

¹⁵ *Ibid.* Ch. 211.

Children's Relief," may not exceed \$120.00 per year per child.¹⁶

3. A city of the third class or the county containing such a city is empowered to pay public funds to any private agency or organization, or combination of such organizations, performing charitable or welfare work there. Likewise, such a city or county may establish or join in creating a public department to carry on such welfare and charitable functions.¹⁷

¹⁶ *Ibid.* Ch. 131.

¹⁷ *Ibid.* Ch. 47.