

DEPARTMENT OF PUBLIC HEALTH
AND WELFARE:
DIVISION OF WELFARE:
COOPERATIVE AGREEMENTS:

The Division of Welfare has the authority to enter into agreements with Model City agencies to provide various types of services for low-income residents, and that the recipients of such services may include such persons who have been or who are likely to become applicants for or recipients of such aid as well as those presently receiving welfare assistance.

OPINION NO. 196

March 6, 1970

Honorable Proctor N. Carter
State Welfare Director
Division of Welfare
Broadway State Office Building
Jefferson City, Missouri 65101



Dear Mr. Carter:

This opinion is in response to your question which is stated as follows:

"St. Louis and Kansas City have been chosen as Model Cities eligible to receive Federal grants to improve the living environment and general welfare of people living in certain geographic areas in such cities. The Federal legislation calls for concerted attack, bringing to bear the resources of Federal, State and Local Governments, and private efforts, to develop model neighborhoods.

"We have been engaged in discussions with the Model City Agencies in both St. Louis and Kansas City, and it has been proposed that the Division of Welfare purchase various types of services for low income residents of those geographic areas; the primary services would be day-care and homemaker services. Model City Agencies are extremely interested in having these services available to low income persons other than or in addition to recipients of assistance. The Model City Agencies would provide 25% of the costs and

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we would be able to claim 75% matching through the Department of Health, Education and Welfare.

"Under the 1967 Amendments to the Federal Social Security Act, the State has the option to include persons, families and children for services in addition to those currently receiving financial assistance who 'has been or is likely to become an applicant for or recipient of such aid'. These are the low income persons not receiving money payments for assistance but who are referred to in the Federal Guideline as 'former and potential recipients.'

"We would appreciate receiving an opinion from you as to whether or not the Division of Welfare has statutory authority for purchasing services for persons who are not on the assistance rolls but who do qualify as being persons of low income living within the target area of a Model City Project."

It is our understanding that the Model City agencies are providing 25% of the funding and the other 75% is to be federally funded.

The amendments to the Federal Social Security Act that you refer to are with respect to benefits payable to the states under the plans for aid to dependent children, old-age assistance, permanent and total disability, and aid to the blind. The particular sections that are concerned are respectively located in 42 U.S.C.A. §603 (a) (3) (A) (iii), 42 U.S.C.A. 303 (a) (4) (A) (iii), 42 U.S.C.A. 1353 (a) (3) (A) (iii), 42 U.S.C.A. 1203 (a) (3) (A) (iii). Under these statutes, the Secretary of Health, Education and Welfare may grant the 75% for the operation of the state plan for expenditures in aid of such persons who have been or who are likely to become applicants for or recipients of such aid.

With respect to the powers of the Division of Welfare, we note that the Division has been given extremely broad powers.

Among such powers are the following as provided by Section 207.020, RSMo 1967 Supp.

"1. In addition to the powers, duties and functions vested in the division of welfare by other provisions of this chapter or by other laws of this state, the division of

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welfare shall have the power:

* * *

"(3) To administer, disburse, dispose of and account for funds, commodities, equipment, supplies or services, and any kind of property given, granted, loaned, advanced to or appropriated by the state of Missouri for any of the purposes herein;

* * *

"(6) To cooperate with the United States government in matters of mutual concern pertaining to any duties wherein the division of welfare is acting as a state agency, including the adoption of such methods of administration as are found by the United States government to be necessary for the efficient operation of state plans hereunder;

* * *

"(8) To establish, extend and strengthen child welfare services for the protection and care of homeless, dependent and neglected children and children in danger of becoming delinquent;

* * *

"(10) To administer state child welfare activities and develop state services for the encouragement and assistance of adequate methods of community child welfare organizations;

* * *

"(12) To initiate or cooperate with other agencies in developing measures for the prevention of dependency and the rehabilitation of needy persons;

* * *

"(14) To establish or cooperate in research or demonstration projects relative to the welfare program, such as those relating to

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the prevention and reduction of dependency and economic distress, or which will aid in effecting coordination of planning between private and public welfare agencies, or which will help improve the administration and effectiveness of programs carried on or assisted under the federal Social Security Act and the programs related thereto;

* * *

"(15) To provide appropriate public welfare services to promote, safeguard and protect the social well-being and general welfare of children and to help maintain and strengthen family life, and to provide such public welfare services to aid needy persons who can be so helped to become self-supporting or capable of self-care;"

It appears clear that the powers enumerated are in furtherance of the provisions of Section 39 of Article IV of the Missouri Constitution, which provides that in all matters of the public welfare the General Assembly may provide by law for cooperation with the United States, or with other states. It is also clear from Section 37, Article IV that the health and welfare of the people are matters of primary public concern.

Further, we note that Section 38(a) of Article III of the Constitution provides that money or property may be received from the United States and may be redistributed together with public money of this state for any public purpose designated by the United States.

In our view, the various express statutory welfare eligibility requirements do not constitute a limitation upon the powers that have been given the Division of Welfare to accomplish its purposes and objectives.

We are of the view, therefore, that such funds may be received from the United States and may be expended for the purposes agreed in such plan or plans and that the recipients of the benefits need not be limited to persons who are recipients of present welfare benefits, but may include such other persons not now receiving money payments for assistance, but who are referred to in the federal laws as persons who have been or who are likely to become applicants for aid.

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CONCLUSION

It is, therefore, the opinion of this office that the Division of Welfare has the authority to enter into agreements with Model City agencies to provide various types of services for low-income residents, and that the recipients of such services may include such persons who have been or who are likely to become applicants for or recipients of such aid as well as those presently receiving welfare assistance.

The foregoing opinion, which I hereby approve, was prepared by my assistant John C. Klaffenbach.

Yours very truly,

A handwritten signature in cursive script, appearing to read "John C. Danforth".

JOHN C. DANFORTH
Attorney General