

COUNTY WELFARE OFFICE: Section 207.060, RSMo 1949 authorizes the county court to exercise its discretion as to whether or not county funds, services or quarters shall be contributed for support and maintenance of county welfare office; as well as amount and frequency of funds contributed. Fund contributions shall be paid to State Collector of Revenue and not to personnel of county welfare office.



April 5, 1956

Honorable Melvin E. Griffin  
Prosecuting Attorney  
Clinton County  
Plattsburg, Missouri

Dear Mr. Griffin:

This department is in receipt of your recent request for our official opinion, and reads as follows:

"A question has arisen in my county as to whether the County Court should issue each month separate warrants in payment of each expense incurred by the local welfare office, or whether the welfare office may each month certify a list of the expenses for that month to be followed by the issuance of one warrant for all such expenses and made payable to the Welfare Office.

"In opinion No. 93-55 by General Dalton directed to Wayne W. Waldo, it was held that it was not proper to issue one monthly warrant to a county hospital superintendent or hospital board of trustees. I would like to know if this would also apply to County Welfare Offices. Your opinion on this will be appreciated."

In the second paragraph of your letter reference is made to an opinion of this department rendered to the Honorable Wayne W. Waldo, Prosecuting Attorney of Pulaski County on August 9, 1955. In said opinion it was concluded that neither a county hospital superintendent nor a hospital board of trustees may certify a list of monthly hospital expenses to the county court, and the court issue a monthly warrant to pay the hospital expenses.

As we understand it, your present inquiry is whether or not the county welfare office shall submit a monthly itemized statement to the county court, and the court shall issue its warrant to the local welfare office to cover all items shown on the statement, or

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must the court issue a separate warrant for each item shown on the statement to the local welfare office. You also inquire if the holding of said opinion on county hospitals would be applicable to your present inquiries.

At the outset we wish to advise you that said opinion and the conclusion reached therein has no application to and does not answer the present inquiry. This is true for the reason that there are separate and distinct statutes on county hospitals, and the State Division of Welfare, and particularly county welfare offices. The statutes on county hospitals have no relation to the operation of county welfare offices, hence the above mentioned opinion may be disregarded, insofar as your inquiry is concerned.

In an opinion of this department rendered to Honorable Edwin F. Brady, Prosecuting Attorney of Benton County, Missouri, on September 18, 1951, it was held that a county court has no obligation to furnish quarters or give support in any way to a county welfare office, but the court may, within its discretion, contribute funds, services, or quarters toward the support and maintenance of the local welfare office. A copy of that opinion is enclosed for your consideration.

Section 207.060, RSMo 1949, is in regard to the duties of the State Director of the Division of Welfare establishing a welfare office in each county of the State, and, permits political subdivisions of the State to contribute moneys, services, or quarters for the support and maintenance of county welfare offices. Said section reads as follows:

"The director of welfare shall establish a county office in every county, which shall be in the charge of a county welfare director who shall have been a resident of the state of Missouri for a period of at least five years and whose salary shall be paid from funds appropriated for the division of welfare.

"2. For the purpose of establishing and maintaining county offices, or carrying out any of the duties of the division of welfare, the director of welfare may enter into agreements with any political subdivision of this state, and as a part of such agreement, may accept moneys, services, or quarters as a contribution toward the support and maintenance of such county offices. Any funds so received shall be payable to the state collector of revenue and

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deposited in the proper special account in the state treasury, and become and be a part of state funds appropriated for the use of the division of welfare.

"3. Other employees in the county offices shall be employed with due regard to the population of the county, existing conditions and purpose to be accomplished, and shall be residents of the county where qualified under the regulations of the division, and shall be paid as are other employees of the division of welfare."

This section was quoted in the last above mentioned opinion, and the following comments were made in regard to same which we believe to be pertinent to our discussion:

"This statute makes it the duty of the state director of welfare to establish and maintain an office in every county in the state, and he is authorized to accept funds, services, or quarters as a contribution from any political subdivision of the state. The county is under no obligation to support the program. But the county court may in its discretion contribute moneys, services, or office space in order to assist the division of welfare in carrying on its work."

Subsection 2, Section 207.060 supra, does not provide that the county welfare office shall first file a written request each month or at any other period of time, with the county court, and that the court shall make contributions for the support of said office only after such request has been filed. It is believed that the court would be authorized to make a contribution for the support of the welfare office regardless of whether or not an itemized statement of its monthly expenses and a request that the court should order same paid were ever filed.

Said subsection 2, Section 207.060 supra, specifically provides, that for the purposes of establishing and maintaining a local welfare office, the State Director of the Division of Welfare may enter into an agreement with any political subdivision of the State, whereby the latter may contribute moneys, services, or quarters toward the support of said local welfare office. However, if the political subdivision contributes funds for such purpose they shall be paid to the State Collector of Revenue, deposited in the proper special account in the State treasury, and

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shall become a part of State funds appropriated for the use of the Division of Welfare.

In view of the foregoing, it is our thought that a county court is unauthorized to issue a county warrant payable to the county welfare office to cover the total amount shown on an itemized statement of the monthly expenses of the office. The court would also be unauthorized to issue a warrant to the local welfare office for each item of expense shown on said itemized statement.

It is our further thought that in the event the county court desires to contribute county funds for the benefit of the local welfare office, it is authorized to do so by the statute quoted above, and that the amount of contribution or contributions, and the frequency of making same is within the discretion of the county court. In making all such money contributions the court shall pay same to the State Collector of Revenue and not to personnel of the county welfare office.

#### CONCLUSION

It is therefore the opinion of this office that the provisions of Section 207.060 RSMo 1949, authorizes the county court to exercise its discretion as to whether or not county funds, services, or quarters, shall be contributed toward the support and maintenance of the county welfare office, as well as the amount and frequency of any contributions to be made. Contributions of county funds for this purpose shall be paid to the State Collector of Revenue and not to personnel of the county welfare office.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Paul N. Chitwood.

Yours very truly,

JOHN M. DALTON  
Attorney General

PNC/ma/bi