

part of which represented benefits received by persons in the assistance unit other than the recipient-beneficiary.

Average assistance payments and insurance benefits for those receiving aid to the blind and old-age, survivors, and disability insurance benefits concurrently changed little from February 1960 to February 1961. In both years under aid to the blind the average assistance payment to the recipient-beneficiaries was far greater than the average paid under old-age assistance and under aid to the permanently and totally disabled to persons who also received insurance benefits.

Combined monthly income from aid to the blind and the insurance program averaged \$120.80 in February 1961, and the average payment to assistance recipients without insurance benefits was about \$50 lower. A year earlier this difference was slightly smaller.

The cost to assistance agencies of money payments to and vendor medical payments in behalf of this group of recipient-beneficiaries was \$1.3 million or 16 percent of all payments of aid to the blind in February 1961. A year earlier the proportion was 15 percent.

Aid to the Permanently and Totally Disabled

The average assistance payment (including vendor payments for medical care) for recipients of aid to the permanently and totally disabled who were also getting insurance benefits in February 1961 was \$54.29. A year earlier it was \$52.07. The 1961 amount was \$14.20 or about 21 percent less than the average payment received by recipients without insurance benefits. The average insurance benefit (including any old-age, survivors, and disability insurance benefits received by persons in the assistance unit) was \$56.69—an increase of slightly more than \$3 from the average in February 1960.

Combined monthly income from aid to the permanently and totally disabled and old-age, survivors, and disability insurance averaged \$111 in February 1961; for the recipients with no insurance benefits, the average was \$68. This difference was slightly larger than it had been in 1960.

Payments under aid to the permanently and totally disabled to persons also receiving insurance benefits totaled \$1.7 million and represented

6.9 percent of all payments under that assistance program in February 1961. This percentage was 5.3 in February 1960.

Aid to Dependent Children

Families that were receiving aid to dependent children in February 1961 and that were also getting benefits under old-age, survivors, and disability insurance were receiving an average assistance payment (including vendor payments) that amounted to \$85.10—\$32.50 less than the average assistance payment of \$117.60 for families without insurance benefits. Thus the average for the families also receiving insurance benefits was 28 percent lower than that for families receiving only assistance.

For families concurrently receiving assistance payments and benefits in February 1961, the average insurance benefit was \$77.93. This average was slightly less than half the average benefit received by all families and children under age 18 that were receiving old-age, survivors, and disability insurance benefits. Average assistance payments as well as insurance benefits for families receiving both types of payments were only slightly higher in February 1961 than in February 1960.

Families having income from both aid to dependent children and old-age, survivors, and disability insurance received a combined average monthly income from these programs of \$163.03 in February 1961. For families receiving assistance payments only, the average in both years was \$45 less.

Assistance payments made to or in behalf of these families under aid to dependent children in February 1961 totaled \$3.7 million. They represented about 4 percent of all payments made under that program in both 1961 and 1960.

State Public Assistance Legislation, 1961*

Much of the welfare legislation enacted by the States in 1961 reflects the amendments to the public assistance titles of the Social Security Act adopted in the final session of the Eighty-Sixth Congress in 1960 and the first session of the

* Prepared in the Division of Welfare Services, Bureau of Family Services.

Eighty-Seventh Congress in 1961. The following survey is based on information available to the Bureau of Family Services as of January 31, 1962, and does not necessarily cover all State legislation enacted in 1961.

MEDICAL ASSISTANCE FOR THE AGED

The special needs of many older persons whose income and resources—although adequate for their maintenance—are insufficient to pay for essential medical care was recognized by Congress in the 1960 amendments to the Social Security Act. Title I of the act, which provides for old-age assistance, was amended to authorize grants to the States for medical assistance for the aged. Recipients under this new provision, which became effective October 1, 1960, are persons aged 65 or over who are not recipients of old-age assistance but who are unable to pay for needed medical services.¹

Thirty-one States as of January 1962 had the legislative authority for a program of medical assistance for the aged. Necessary authorizing legislation was enacted by five States in 1960 and by 20 States in 1961. (No special legislation was needed in five States.) A 1961 amendment passed by the Michigan Legislature provided for expansion of the program authorized by its 1960 law.

The States that enacted such legislation in 1961 were Alabama, California, Connecticut, Georgia, Guam, Hawaii, Idaho, Illinois, Iowa, Louisiana, Maine, New Hampshire, New York, North Dakota, Oregon, Pennsylvania, South Carolina, Tennessee, Utah, and Vermont. Georgia and Iowa failed, however, to make the necessary appropriation, and funds for implementation of the program were not available in 1961.

VENDOR MEDICAL PAYMENTS IN OLD-AGE ASSISTANCE

The 1961 amendments to the Federal law provided, effective October 1, 1961, for additional

¹ For further details on these programs see *Characteristics of State Public Assistance Plans under the Social Security Act: Provisions for Medical and Remedial Care*, Public Assistance Report No. 49 (Bureau of Family Services), 1962.

Federal participation in payments for medical care made on behalf of an old-age assistance recipient. Following this amendment, legislation authorizing, for the first time, medical care payments in behalf of old-age assistance recipients was adopted in Alabama, Georgia, South Dakota, and Texas. In addition, three States—Indiana, North Carolina, and Ohio—expanded their old-age assistance programs to include persons in need of medical care but not in need of money payments.²

AID TO DEPENDENT CHILDREN

Effective May 8, 1961, through June 30, 1962, the Federal provisions for aid to dependent children were extended by Public Law 87-31 to children deprived of parental support or care because of the unemployment of a parent. Maryland, Oklahoma, and Rhode Island had sufficient legislative authorization for this extension. Enabling legislation was adopted by 12 States—Connecticut, Delaware, Hawaii, Illinois, Massachusetts, New York, North Carolina, Oregon, Pennsylvania, Utah, Washington, and West Virginia.

Public Law 87-31 also changed for a temporary period the Federal provisions governing aid to dependent children to permit payments under that program for certain children receiving foster-family care. These are otherwise eligible children who have been removed from their own homes by judicial determination. Eight States—Connecticut, Delaware, Illinois, North Carolina, Oregon, Pennsylvania, Vermont, and West Virginia—made the necessary change in State law to avail themselves of Federal financial participation in such payments.

AID TO THE PERMANENTLY AND TOTALLY DISABLED

Indiana, one of four States that have no program of aid to the permanently and totally disabled, enacted legislation authorizing a program to become effective in 1963. The Indiana law defines a disabled person as one who is “perma-

² *Ibid.*

nently incapacitated by reason of a major defect or infirmity of mind or body, whether congenital or acquired by accident, injury or disease, and who is bedfast or requires the help of another person to care for him.”

Idaho has had a program of aid to the permanently and totally disabled for several years, but legislation giving specific authority for the program was not passed until 1961. The Wisconsin Legislature liberalized its law by a change in the language defining the extent of the disabling condition.

DETERMINATION OF NEED

Since it is a characteristic of the public assistance programs that they are intended to aid “needy” persons, the Social Security Act requires that a determination of need be made that takes into consideration an individual’s income and resources. An exception has been made in the Federal law, however, for aid to the blind. Since 1950 the States have been required to disregard the first \$50 per month of earned income in determining need for aid under that program. Under the 1960 amendments the States may disregard, and after June 30, 1962, they must disregard, the first \$85 per month of earned income plus half of all income earned that was in excess of that amount.

Twenty-eight States amended their laws in 1961 in accordance with the 1960 Federal provisions. In seven of these States—Arkansas, Connecticut, New York, North Carolina, Tennessee, Wisconsin, and Wyoming—the changes do not become effective until July 1, 1962, which is the mandatory date under the Federal law.

Amendments to the California law provided for the exemption of casual income and inconsequential resources in determining the amount of aid to be granted recipients of old-age assistance and aid to the blind. In aid to dependent children, California provided for disregarding 50 percent of the earnings of a needy child under age 18, subject to amendment of the Federal law to permit such an exemption. Another California amendment provided that any house, boat, trailer, or other place of abode of an applicant or recipient of aid to the disabled should be considered as real property.

MAXIMUM PAYMENTS

Two States raised their State maximums on the amount of assistance payments. Arkansas increased its maximum on payments under old-age assistance and aid to the blind from \$60 to \$65 and, under aid to the permanently and totally disabled, from \$40 to \$65. Maine raised its maximum in these categories from a specified figure to “the maximum allowable by Federal matching in title I of the Social Security Act.”

California, by amendatory legislation, raised its old-age assistance payment for basic requirements from \$95 to \$100 and established a maximum of \$165 for basic and special requirements. In aid to the blind, the cost-of-living allowance was increased from \$2 to \$3, and—as in old-age assistance—a special needs ceiling was set at \$165. For aid to the permanently and totally disabled, the average payment was increased from \$98 to \$100 and the maximum set at \$165.

In Illinois, a 1961 statute eliminated the dollar ceiling in old-age assistance and in aid to the disabled. Louisiana passed a law requiring legislative approval as a prerequisite to any increases in payments of old-age assistance, aid to the blind, aid to the permanently and totally disabled, and aid to dependent children, if the increases involve the expenditure of additional State funds. Nebraska raised the maximum money payment for aid to the disabled from \$65 to \$70 a month.

Texas, by a joint resolution, amended its constitution to increase the amount of State funds that can be used in payments of aid to the permanently and totally disabled. Also by joint resolution, it raised the ceiling on State funds for public assistance for dependent children and for the aged and the blind.

PROPERTY OWNERSHIP

State legislators showed a continuing interest in the amount of property that may be held by assistance recipients. Various State laws enacted in 1961 relate to limitations on property ownership of applicants and recipients in relation to their eligibility for and the amount of public assistance.

A 1961 amendment to the Florida law excludes from consideration, in old-age assistance cases,

life insurance held by applicants and recipients up to a cash value of \$750. Missouri's law governing aid to the blind formerly limited ownership of real property of any type to a maximum valuation of \$10,000. An amendment removed "home" property from property-value determination and increased the allowable value of personal property from \$1,000 to \$1,500 for a single person and from \$2,000 to \$2,500 for a couple.

The Utah Legislature passed a law of particular significance to its Indian population. Ownership of a beneficial interest in land or an account in trust by the United States or by Utah, or in a tribal account, is not to be considered in determining eligibility for public assistance. Vermont enacted an amendment to its old-age assistance law that excludes from the computation of allowable assets "irrevocably prepaid funeral arrangements up to a maximum of \$300."

LIENS AND RECOVERIES

The Federal provisions adopted in 1960 for the new program of medical assistance for the aged included limitations with respect to liens against the property of recipients and recoveries for assistance granted. The Federal law does not, however, preclude liens and recoveries in old-age assistance, aid to the blind, aid to dependent children, and aid to the permanently and totally disabled.

Several States enacted legislation with respect to liens, recoveries, and assignments. Illinois enacted a lien law in favor of the State on real property owned or subsequently acquired by old-age assistance recipients. Formerly the law provided for a claim against the estate. In Maine a law creating a lien on the real property of the beneficiaries of old-age assistance, aid to the blind, and aid to the disabled was adopted but was subsequently repealed during the same session of the Legislature.

Amending legislation in Nebraska limits the State's claim in the enforcement of liens when the recipient of old-age assistance owns joint title to real estate in the amount of such lien. Another Nebraska law specifically authorizes a county to sell property acquired in connection with an old-age assistance lien. Under a North Dakota law passed in 1961, at the death of a recipient of old-

age assistance or aid to the permanently and totally disabled, the State's claim against the deceased person's estate is to be effective whether or not the claim has been secured.

A law enacted by the Wyoming Legislature provides that no old-age assistance payment shall be made until the applicant first signs an agreement that all assistance payments made to him shall constitute an indebtedness and be secured by a lien on any real property that he then owns or subsequently acquires. This law, which has no clause for exempting property below a minimum value, applies only to money payments to recipients. Amendments were also made to the State's recovery provisions.

RELATIVES' RESPONSIBILITY

There was comparatively little legislative action on the responsibility of relatives for public assistance recipients.

California eliminated the relatives' responsibility provisions entirely in its programs of aid to the blind and aid to the permanently and totally disabled and substantially revised its "relatives' contribution scale" for old-age assistance. Significant changes in the scale included lowering the maximum monthly contribution from \$195 to \$90 and increasing from \$200 to \$400 the minimum monthly income below which no contribution will be required. Under the new law, a spouse's net earnings of less than \$200 are not considered as community property.

Maine removed grandparents and grandchildren from the list of legally responsible relatives. The list now includes only children, spouse, and parents. In New Hampshire the parents of a minor recipient of public assistance were made legally liable for the support of an illegitimate child born to such a minor. Puerto Rico enacted legislation stating that a responsible relative, whether residing in Puerto Rico or elsewhere, has a legal duty to support his dependents who are living in the Commonwealth.

Pennsylvania, in establishing its program of medical assistance for the aged in 1961, also set forth the requirement of relatives' responsibility. It provides for a maximum that may be required during any 12-month period in the following terms: "six times the excess of such relative's

average monthly income over the amount required for the reasonable support of himself and other persons dependent upon him or the cost of such medical assistance to the aged, whichever is less.”

CITIZENSHIP AND RESIDENCE

The requirement of United States citizenship for receipt of old-age assistance was abolished by action of the 1961 Legislatures of California and Massachusetts. Massachusetts also dropped the alternative to the citizenship requirement—20 years' residence in the United States.

The legislatures of a few States reduced the period of State residence required for eligibility. Arkansas liberalized its requirements for old-age assistance, aid to the blind, and aid to the permanently and totally disabled. Connecticut enacted legislation in 1961 that eliminates the State residence requirement in its programs of old-age assistance, aid to the disabled, and aid to dependent children. Indiana reduced its requirement for old-age assistance and aid to the blind from 5 of the 9 years preceding application to 3 of the 9 years.

California enacted amendments clarifying its residence requirements. Nebraska authorized its State Board of Public Welfare to enter into reciprocal agreements with other States for providing assistance to otherwise eligible recipients of old-age assistance, aid to the blind, and aid to the permanently and totally disabled who move into such States and do not meet their residence requirements.

Wisconsin law now provides that an individual who returns to the State after an absence of less than 1 year shall not lose his eligibility for old-age assistance because of such absence, if he would have been eligible on the basis of residence at the time he left the State. Another Wisconsin amendment extends aid to the disabled for 1 year to recipients who move to a State with which it has a reciprocal arrangement.

AGE

Several States made changes in their laws relating to age as an eligibility requirement. Massachusetts set as the upper age limit of eligibility

for aid to the permanently and totally disabled the minimum age established now or later under the Federal law for receipt of old-age assistance. Nevada enacted a law authorizing the Director of the State Welfare Department to take advantage of any increased benefits that may derive from any Federal legislation liberalizing the old-age assistance program—through reduction of the age of eligibility for assistance or otherwise. Oklahoma passed an amendment establishing eligibility for old-age assistance at age 62 whenever that age requirement is authorized by Federal law or regulation.

Three States enacted laws relating to older children receiving aid to dependent children. Illinois and South Dakota removed the requirement of school attendance for children aged 16 or 17. In West Virginia, the age of children a father may be required to support was raised from 16 to 18.

WORK RELIEF

Many States rely on their poor laws for authorization for work relief, but five States enacted laws in 1961 concerning work relief programs. Four relate to general assistance programs, and one to public assistance programs of the federally aided types.

Connecticut gave legislative approval to work relief programs as reimbursable general assistance expenditures. Illinois, though not using the term “work relief,” enacted a statute that (1) makes it mandatory for supervisors of general assistance programs to establish “employment and training programs,” and (2) disqualifies for further general assistance any recipient who refuses to accept such employment or training. The law describes and limits the types of work to be included in the employment programs and specifies that the services required shall not exceed the value of the general assistance provided.

A Minnesota law authorizes county welfare departments to establish work relief programs. Oregon legislation authorizes counties and cities to establish work relief programs, subject to approval by the State Commission, in which employable applicants and recipients of public assistance, including the parents of a dependent

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