

Date Issued: June 28, 1982 (AGO 82-51)

Requested by: Tom P. Slorby, Ward County State's Attorney

- QUESTION PRESENTED -

Whether a county social service board may properly designate poor relief funds for eligibility determination by a private, nonprofit organization which operates a spouse abuse program.

- ATTORNEY GENERAL'S OPINION -

It is my opinion that, in certain circumstances, a county social service board may properly designate poor relief funds for eligibility determination by a private, nonprofit organization which operates a spouse abuse program.

- ANALYSIS -

Chapter 14-07.2 of the North Dakota Century Code has, as its purpose, the provision of grants to private, nonprofit organizations for spouse abuse programs designed to assist victims of domestic violence and their dependents. The primary service to be offered by such organizations is emergency housing for those victims. Chapter 50-01, N.D.C.C., has, as its purpose, the relief and support of persons who are residents of the county and who are in need of poor relief. The county social service board is required to establish written standards for determining need and, thus, establishing eligibility for poor relief. Section 50-01-01, N.D.C.C. Section 50-01-01.1, N.D.C.C., provides that a determination of a person's eligibility for poor relief must be made by "the director of the county social service board, or an individual designated by the county social service board." (Emphasis Supplied)

The purposes of chapters 14-07.2 and 50-01, N.D.C.C. overlap to the extent that the "victims of domestic violence and their dependents" are also "persons who are residents of the county and who are in need of poor relief." To the extent of that overlap, county poor relief funds may be designated for eligibility determination by a private, nonprofit organization which operates a spouse abuse program. The actual designation of those funds must hinge upon compliance with several administrative requirements of chapter 50-01, N.D.C.C. These include:

1. Designation, by the county social service board, of an individual within the private, nonprofit organization, who would determine the eligibility, for poor relief, of victims of domestic violence. (Section 50-01-01.1, N.D.C.C.)
2. Use, by the designated individual, of the written eligibility standards for county poor relief established by the county social service board. (Section 50-01-01, N.D.C.C.)

3. Use, by the designated individual, of appropriate notices and procedures in the application of the eligibility standards. (Section 50-01-01.1, N.D.C.C.)
4. Establishment of recordkeeping and other requirements necessary to allow complete audits of the administration of the poor relief program. Those audits may be undertaken at the direction of the state auditor (section 54-10-13, N.D.C.C.) or the department of human services. (Section 50-01-09.2, N.D.C.C.)

Upon resolution of the administrative details, the county social service board may designate a portion of the poor relief fund for the disbursement on behalf of applicants found eligible for poor relief by the operators of the spouse abuse program. Actual payments may be made on vouchers issued to the operators of the spouse abuse program for the value of emergency housing furnished to eligible applicants.

- EFFECT -

This opinion is issued pursuant to section 54-12-01, N.D.C.C. It governs the actions of public officials until such time as the question presented is decided by the courts.

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