

**OPINION
49-202**

August 18, 1949 (OPINION)

VETERANS

RE: Soldier's Bonus

The following two statements express the opinion of the Attorney General's office as to two questions arising in the process of making adjusted compensation payments:

1. If the parents of the deceased veteran are entitled as next of kin to adjusted compensation, and the parents are divorced, both parents shall apply. The parents shall share equally in the compensation, and the fact that one parent was awarded custody of the deceased veteran shall not entitle that parent to the entire amount of the compensation.

2. In a case where a person or persons stood in the position of loco parentis as to the deceased veteran and the veteran's parent or parents are living, payment shall be made to the surviving parent or parents of the deceased veteran if there is no surviving unremarried widow or surviving child or children entitled to the adjusted compensation.

The above opinions are believed to be in accord with Paragraph 3, Section 2 of Chapter 236 of the 1949 Session Laws of North Dakota. This portion of the law sets forth the beneficiaries entitled to adjusted compensation and the order in which they shall be paid, and it is definite in stating the surviving parent or parents shall be paid before making payment to the person standing in loco parentis.

In regard to the question as to divorced parents, the above mentioned portion of the Adjusted Compensation Law does not use any qualifying words with "parent or parents" which indicate divorced parents are to be paid in a manner different from the manner in which parents who are not divorced are paid. Therefore, if both divorced parents are living they are, insofar as the Adjusted Compensation Law is concerned, equally entitled to the payment of adjusted compensation.

WALLACE E. WARNER

Attorney General