

**OPINION**  
**58-156**

April 22, 1958 (OPINION)

RESIDENCE

RE: Poor Relief - Qualifications

This is in reply to your letter of April 17, 1958, in regard to residence for poor relief purposes. You state the pertinent facts as follows:

(1) Family "x" resided in Walsh County and received welfare assistance on March 1, 1956. They received no assistance from Walsh County after that date. (2) On April 1, 1957, the husband and head of household moved to Drayton, Pembina County, and commenced working there. The wife and children followed him to Drayton a few days after he went to work. (3) The family resided in Pembina County until November 23, 1957, when they moved to East Grand Forks, Minnesota. They resided in East Grand Forks, Minnesota, until April 11, 1958, when their house burned. (4) On April 16, 1958, they went to Grand Forks, in Grand Forks County, and applied for welfare assistance. Since the family just came to Grand Forks, they were reluctant to grant assistance without guarantee from the County of Residence."

You request our opinion of the responsibility of Walsh County and also our opinion of the responsibility of other places concerned.

The instant situation would appear in many respects quite similar to that considered in *In Re Boise*, 73 N.D. 16. In that case the unmarried mother of the child concerned, originally a resident of Richland County, spent approximately 20 months in Burleigh County, then 6 months in the State of Michigan, then 4 months in Cass County and then 7 months in Richland County immediately prior to the proceedings there concerned. In that case the court computing from the date of commencement of proceedings found that from a year prior to that date she had spent 1 month in Michigan, 4 months in Cass County, and 7 months in Richland County; that therefore she had a settlement in the county in which she had the longest resided within such year which, of course, was Richland County.

In the instant case, looking to the year immediately preceding the application for poor relief the head of the family concerned spent approximately 4 months and 23 days in the State of Minnesota and the remainder of the year in the County of Pembina. It is, we believe, obvious that he did not lose North Dakota residence by the time spent in the State of Minnesota. See: Section 50-0207 of the North Dakota Revised Code of 1943 and Section 261.07 Minnesota Statutes Annotated as amended to date. At the time of making application, however, he had been absent from Walsh County for 12 months and 16 days. Thus under section 50-0206 of the North Dakota Revised Code of 1943 he had lost his Walsh County residence. While it is, of course, arguable that section 50-0204 does not apply due to the absence from

the state, it is our opinion that under the principles set forth in the In Re Boise decision he must be considered a resident of Pembina County for poor relief purposes.

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