

MAINE STATE LEGISLATURE

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July 18, 1963

Ben Fisher, M. D., Commissioner of Health and Welfare - Att: Miss Pauline Smith,
R.Y.C. *F. J. H.*
Director, Division of Family Services
Ruth L. Crowley and Frank W. Davis, Assistant Attorneys General

Opinion Concerning Legality of Excluding One-child Families From Eligibility For ADC

You have asked whether it would be legal for the Division of Family Services to rule that all one-child families in which the child is fourteen (14) years of age or over are not eligible for Aid to Dependent Children grants.

62 *3741*
Chapter 25, Section 23^{1/2} of the Revised Statutes of 1954, as amended by Chapter 98 of the Public Laws of 1957 very clearly defines a dependent child as "... a needy child under the age of eighteen (18) who has been deprived of parental support or care ...".

We construe this statute to mean that any needy child up to the age of eighteen (18) who meets the other specified requirements for Aid to Dependent Children is a "dependent child" and therefore eligible for such assistance.

To select a class of "dependent children" by age and arbitrarily rule that such children are by virtue of their age and because they have no needy dependent siblings is, we believe, highly discriminatory and contrary to the statutory definition of a "dependent child".

cc: Attorney General

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