

**OPINION
48-207**

December 17, 1948 (OPINION)

WELFARE

RE: Residence

I have your letter of December 14, 1948, in which you request the opinion of this office as to the residence for relief purposes of a certain family who had received assistance from Foster County.

The facts as you state them are as follows:

A family, whose original residence was in Sheridan County, left said county in October, 1947, and lived in Stutsman County until April, 1948. Your county welfare board gave this family a small order for relief, about \$8.00, when some member of this family was sick. You do not state, however, when this relief was furnished, but you state that the family had not been in foster County more than four months when this relief was furnished.

It is evident under the decision in the case of Eddy County v. Wells County, 73 N.D. 33, that this family is no longer residents of Sheridan County. In that case it was held that under the law the residence of an indigent in a given county for poor relief purposes is lost by voluntary absence from that county for one year or more, regardless of the receipt by such person of poor relief during a part of the period of absence, unless such relief is provided by such county.

From the facts stated in your letter, no relief was received by this family from Sheridan County from the time they left there in October, 1947 until the present time.

The question then remains as to whether this family is a resident of Foster County or Stutsman County. The answer to that question depends upon where this family has lived the longest. That is, whether in Stutsman County from October, 1947 to April, 1948, that would be a period of six months. If the family moved to Foster county in April, 1948, and are still living there, they have lived in Foster County ten months, and I presume during that period they received this order for relief.

If the facts are as I understand them to be, it would be my opinion that the residence of this family for relief purposes is in Foster County.

The law with reference to poor relief purposes is analyzed and construed in the case of Eddy County v. Wells County, to which I have referred to herein, and I believe covers the situation you have presented.

P.O. SATHRE

Attorney General