

State of Iowa
1937

Department of Social
Welfare Act

Effective May 28, 1937

and the

Aid to the Blind Act

Effective July 4, 1937

Senate File 373, Acts of the Forty-seventh
General Assembly

Also, Senate File 375, Acts of the Forty-seventh
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THE DEPARTMENT OF SOCIAL WELFARE ACT

Senate File 373, Acts of the Forty-seventh General Assembly

Effective by Publication, May 28, 1937

Section 1. **Definitions.** As used in this act: "State department" means the state department of social welfare; "state board" means the state board of social welfare; "county board" means the county board of social welfare.

Sec. 2. **State department of social welfare.** There is hereby created a state department of social welfare which shall consist of a state board of social welfare, and such other officers and employees as may be hereafter provided.

Sec. 3. **State board of social welfare.** The state board of social welfare shall consist of five members appointed by the governor, subject to the approval of a two-thirds vote of the members of the senate in executive session. At least one member of the state board shall be a woman, not more than three members shall be of the same political party, and not more than one member shall be from any one congressional district. Each member shall serve for a term of four years, or until his successor is appointed and qualified, except that the terms of the members first appointed shall expire, as designated by the governor at the time of appointment, three terms on June 30, 1939, and two terms on June 30, 1941. Within sixty days after the convening of the general assembly, the governor shall appoint successors to the members of said board whose terms expire on the following June thirtieth.

Sec. 4. **Vacancies.** Vacancies occurring while the general assembly is in session shall be filled for the unexpired portion of the term in the same manner as full term appointments are made. Vacancies occurring while the general assembly is not in session shall be filled by the governor and shall be approved by the executive council, but such appointments shall terminate at the end of thirty days after the convening of the next general assembly.

Sec. 5. **Compensation.** Each member of the state board shall be entitled to receive as compensation for his services the sum of fifteen dollars per day for each and every day which he devotes to the actual performance of his duties, as prescribed in this act, but the total amount of such compensation shall not exceed the sum of twelve hundred dollars per year. In addition to the compensation hereinbefore prescribed, each member of the state board shall be entitled to receive the amount of his traveling and other necessary expenses actually incurred while engaged in the performance of his official duties.

Sec. 6. **Powers and duties of the state board.** The state board shall be vested with the authority to administer old age assistance, aid to the blind, aid to dependent children, child welfare and emergency relief. To this end it shall perform such duties, formulate and make such rules and regulations as may be necessary; shall outline such policies, dictate such procedure and delegate such powers as may be necessary to carry out the provisions and purposes of chapter 266-F1, code, 1935, as hereafter amended, senate file 374, senate file 375, and senate file 377, and senate file 451, acts of the forty-seventh general assembly.

The state board shall:

1. Within ninety days after the close of each fiscal year, prepare and print for said year a report to the governor which shall include a full account of the operation of the acts under its control, adequate and complete statistical reports by counties and for the state as a whole concerning all payments made under its administration, and such other information as it may deem advisable, or which may be requested by the governor or by the general assembly.

2. Cooperate with the federal social security board created by title VII of the social security act, public No. 271, enacted by the 74th congress of the United States and approved August 14, 1935, or other agency of the federal government for public welfare assistance, in such reasonable manner as may be necessary to qualify for federal aid, including the making of such reports in such form and containing such information as the federal social security board, from time to time, may require, and to comply with such

regulations as such federal social security board, from time to time, may find necessary to assure the correctness and verification of such reports.

3. Exercise general supervision over the county boards of social welfare and their employees.

4. Furnish information to acquaint the public generally with the operation of the acts under the jurisdiction of the state board.

Sec. 7. **Secretary.** The state board shall appoint a secretary who shall serve at its pleasure and shall perform such duties as it may require. He shall receive a salary not in excess of three thousand dollars per year.

Sec. 8. **State board employees.** All employees of the state board shall have been residents of the state of Iowa for at least two (2) years immediately preceding their employment and shall be selected from among those who have successfully qualified in an examination given by the state board or under its direction, covering character, general training, and experience. Such examinations shall be open to all persons, and persons taking such examinations, upon successfully qualifying, shall be classified according to the fields of work for which said persons are fitted, all in accordance with rules and regulations of the state board adopted and published by the state board.

Sec. 9. **Divisions.** The state board shall create (1) a division of old age assistance, (2) a division of emergency relief, and (3) a division incorporating aid to the blind, aid to dependent children, and child welfare. It shall appoint a superintendent for each division, who shall serve at the pleasure of the state board, and shall have such powers and perform such duties as are prescribed by law or as are delegated by the state board. Each superintendent shall receive such salary as is fixed by the state board but not in excess of thirty-six hundred dollars per year.

Sec. 10. **County board of social welfare.** The board of supervisors of each county shall appoint a county board of social welfare, which shall consist of three members in counties of less than thirty-three thousand population, not more than two of whom shall belong to the same political party, and at least one of whom shall be a woman; and which shall

consist of five members in counties of more than thirty-three thousand population, not more than three of whom shall belong to the same political party, and at least one of whom shall be a woman. At the discretion of the board of supervisors one or more of said members may be chosen from the membership of said board of supervisors. Within thirty days after the effective date of this act the board of supervisors shall appoint the members of the county board, which members shall serve until their successors are appointed as hereinafter provided. Commencing with the year 1938, and annually thereafter, the board of supervisors shall appoint the members of the county board who shall serve for one year and until their successors are appointed. If a vacancy shall occur in the membership of the county board, other than by the expiration of a term, a member shall be appointed to fill such vacancy for the unexpired term. All appointments, made as herein provided, shall be made a part of the regular proceedings of the board of supervisors and shall be filed with the county auditor and with the secretary of the state board.

Sec. 11. Compensation of county board members. All members of the county board shall be reimbursed for the actual and necessary expenses incurred by them in the discharge of their duties. They shall also receive compensation for services at the rate of three dollars per diem, but such compensation shall not exceed a total of ninety dollars in any one year in counties of less than thirty-three thousand population, or one hundred twenty dollars in counties of more than thirty-three thousand population. The expenses and compensation of county board members shall be paid from the general fund of the county; provided, however, that members of the board of supervisors serving on said county board of social welfare shall not be paid compensation as members of said county board of social welfare for any day on which they are paid for their official work as members of the board of supervisors.

Sec. 12. Duties of the county board. The county board shall be vested with the authority to direct in the county old age assistance, aid to the blind, aid to dependent children and emergency relief with only such powers and duties as are prescribed in the laws relating thereto.

Sec. 13. **County board employees.** The county board shall employ a county director and such other personnel as is necessary for the performance of its duties. The number of employees shall be subject to the approval of the state board. The county director and all employees shall be selected solely on the basis of the fitness for the work to be performed, with due regard to experience and training, but graduation from college shall not be made a prerequisite of any such appointment. It shall be a prerequisite to obtaining an appointment that the applicant shall have been a legal resident of Iowa for at least two (2) years prior to the time of making said application.

Any appointment made by the county board, other than clerical or stenographic help, shall be subject to review by the state board in this respect, that if any appointee is not properly carrying out the duties for which he is appointed, or if any appointee is not qualified or capable of handling the duties for which he is appointed, and the state board so finds, it shall certify a copy of such finding to the county board and the county board shall then discharge the said employees and shall fill the vacancy.

Sec. 14. **Compensation of county board employees.** The compensation of county board employees shall be fixed by the county board of social welfare and shall be paid by the state board from funds made available for the purpose. However, the compensation of all employees shall be subject to the approval of the state board and the county board of supervisors.

Sec. 15. **Federal grants.** The state treasurer is hereby authorized to receive such federal funds as may be made available for carrying out any of the activities and functions of the state department, and all such funds are hereby appropriated for expenditure upon authorization of the state board.

AID TO THE NEEDY BLIND ACT OF 1937**Senate File 375, Acts of the Forty-seventh
General Assembly**

Effective by Publication, July 4, 1937

Section 1. Sections fifty-three hundred seventy-nine (5379) to fifty-three hundred eighty-four-a 1 (5384-a 1), inclusive, code of Iowa, 1935, are hereby repealed and the following are enacted in lieu thereof:

Sec. 2. **Definitions.** The terms "state board," and "county board," are used in this act as said terms are defined in section 1 of Senate File 373, of the acts of the 47th general assembly; and as used in this act:

1. "Applicant" means a person who has applied for assistance under this act.

2. "Recipient" means a person who has received assistance under this act.

3. "Assistance" means money payments to blind persons in need.

4. A "blind person" within the meaning of this act shall be one who has no vision, or whose vision with corrective glasses is so defective as to prevent the performance of ordinary activities for which eyesight is essential.

Sec. 3. **Eligibility for assistance to the needy blind.** Assistance shall be granted under the provisions of this act to any blind person who:

1. Is eighteen years of age or over;

2. Is a citizen of the United States, or has made application for citizenship;

3. Has resided in the state of Iowa for at least five years during the nine years immediately preceding the date of the application for assistance under the provisions of this act, and has resided therein one year immediately preceding the application for assistance. If however, such person has become blind while a resident of the state or is blind and a resident of the state at the time of the passage of this act, he is eligible even though he has not resided for five years within the state;

February 20, 1939.

Senate File 305.

Passed on File.

By BALDWIN

such an institution may, however, make application for such assistance, but the assistance, if granted, shall not begin until after he ceases to be an inmate;

5. Is not soliciting a **A BILL FOR** of the state;

6. Is not receiving old age assistance;

7. Has not made an assignment or transfer of property

An Act to amend section four (4), chapter one hundred forty-four (144), Acts of the Forty-seventh General Assembly, to provide an exemption of personal earnings of blind persons eligible to assistance under the provisions of said act and to qualify the State of Iowa for full federal participation.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. Section four (4), chapter one hundred forty-four (144), Acts of the Forty
2 hundred forty-four (144), Acts of the Forty
3 seventh General Assembly, is hereby amended

4 by adding to said section the following:

5 "In determining the amount of said assistance,
6 the personal earnings of any blind person to the
7 amount of thirty dollars (\$30.00) per month

8 shall be disregarded.

9 "In the event federal participation shall be
of the acts of the 47th general assembly:

10 granted in excess of fifteen dollars (\$15.00)

11 per month per recipient, the state maximum may

12 be increased to such amount as will qualify the

13 state for full federal participation."

4. Is not an inmate of a public institution. An inmate of such an institution may, however, make application for such assistance, but the assistance, if granted, shall not begin until after he ceases to be an inmate;

5. Is not soliciting alms in any part of the state;

6. Is not receiving old age assistance;

7. Has not made an assignment or transfer of property for the purpose of rendering himself eligible for assistance under this act;

8. Has not sufficient income or other resources to provide a reasonable subsistence consistent with decency and health.

Sec. 4. Amount of assistance. The amount of assistance which any person shall receive shall be determined with due regard to the resources and necessary expenditures of the individual and the conditions existing in such case, and in accordance with the rules and regulations made by the state board, and shall be sufficient, when added to all other income and support of the recipient, to provide such person with a reasonable subsistence consistent with decency and health, but in no event shall the amount of said assistance exceed thirty (30) dollars per month.

Sec. 5. Powers and duties of state board. The state board shall:

1. Be the responsible authority for the efficient and impartial administration of this act. To this end the state board shall formulate and establish such rules and regulations, outline such policies, prescribe such procedure, and delegate such powers as may be necessary to carry out the provisions and purposes of this act;

2. Prescribe, for the guidance of county boards, the qualifications and capabilities required of county board employees, consistent with the provisions of section 13 of senate file 373 of the acts of the 47th general assembly:

3. Designate the procedure to be followed in securing a competent examination for the purpose of determining blindness and the cause of blindness in the individual applicant for assistance; designate a suitable number of ophthalmologists to examine applicants and recipients of assistance to

the blind; fix the fees to be paid to ophthalmologists for examination of applicants, such fees to be paid from administration funds;

4. Cooperate with the federal social security board, created under the title VII of the social security act, approved August 14, 1935, or any other agency of the federal government, in any reasonable manner as may be necessary to qualify for federal aid and assistance to the needy blind and in conformity with the provisions of this act; including the making of such reports in such form and containing such information as the federal social security board, or any other agency of the federal government, may from time to time find necessary to assure the correctness and verification of such reports;

5. Cooperate with other agencies in developing measures for the prevention of blindness, the restoration of eyesight and the vocational adjustment of blind persons.

Sec. 6. Duties of the county board. The county board shall:

1. Perform such services and duties as are prescribed by this act and by the rules and regulations of the state board;

2. Report to the state board at such time and in such manner and form as the state board may from time to time direct;

3. Submit to the county board of supervisors, after approval by the state board, a budget containing an estimate and supporting data, setting forth the amount of money needed to carry out the provisions of this act in the county.

Sec. 7. Application for assistance. Application for assistance under this act shall be filed with the county board of the county in which the applicant resides. The application shall be in writing upon the form prescribed by the state board. Such application shall contain a statement of the amount of property, both personal and real, in which the applicant has an interest and of all sources and amounts of income which he may have, either in existence or expectancy, at the time of the filing of the application, and such other information as may be required by the state board.

Sec. 8. Investigation of application. Whenever the county board receives an application for assistance under this act,

an investigation and record shall promptly be made of the circumstances of the applicant in order to ascertain the facts supporting the application and in order to obtain such other information as may be required by the rules of the state board.

Sec. 9. Examination by ophthalmologist. No application shall be approved until the applicant has been examined by an ophthalmologist designated or approved by the state board to make such examinations. The examining ophthalmologist shall certify to the county board in writing upon forms provided by the state board the findings of the examination, which findings shall be transmitted to the state board.

Sec. 10. Granting of assistance. Upon the completion of such investigation the county board shall make findings of fact as to the eligibility of the applicant for assistance under the provisions of this act and shall recommend in accordance with the rules and regulations of the state board the amount of assistance which should be granted. This report, together with a copy of the report of the ophthalmologist, shall be forwarded to the state board. The state board may make such further investigation as it may deem desirable and, upon the basis of such reports and investigation, shall determine whether the applicant is eligible for assistance under the terms of this act, and, if eligible, the amount of such assistance and the date on which such assistance shall begin. The state board shall notify the county board of its decision, and the county board shall promptly notify the applicant thereof. Such assistance shall be paid monthly to the applicant upon the order of the state board, from the fund for the aid of the blind established by this act.

Sec. 11. Assistance not assignable. Assistance granted under this act shall not be transferable or assignable at law or in equity, and none of the money paid or payable under this act shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law.

Sec. 12. Appeal to the state board. If an application is not acted upon by the county board or the state division within a reasonable time after the filing of the application, or is denied in whole or in part, or if any award of assistance

is modified or cancelled under any provision of this act, the applicant or recipient may appeal to the state board in the manner of form prescribed by the state board. The state board shall, upon receipt of such an appeal, give the applicant or recipient reasonable notice and opportunity for a fair hearing before the state board or its duly authorized representative or representatives,

Sec. 13. Periodic reconsideration and changes in amount of assistance. All assistance grants made under the act shall be reconsidered by the county board as frequently as may be required by the rules of the state board. After such further investigation as the county board may deem necessary or the state board may require, the county board shall make further report to the state board and the amount of assistance may be changed or assistance may be entirely withdrawn if the state board finds that the recipient's circumstances have altered sufficiently to warrant such action.

Sec. 14. Reexamination as to eyesight. A recipient shall submit to a reexamination as to his eyesight when required to do so by the county board or state board. He shall also furnish any information required by the county board or the state board.

Sec. 15. Expenses for treatment. On the basis of the finding of the ophthalmologist's examination as provided in section nine of this act, supplementary services may be provided by the state board to any applicant or recipient who is in need of treatment either to prevent blindness or to restore his eyesight, whether or not he is a blind person as defined in this act, if he is otherwise qualified for assistance under this act. The supplementary services may include necessary traveling and other expenses to receive treatment from a hospital or clinic designated by the state board.

Sec. 16. Guardianship. When in the opinion of the county board the recipient of assistance under the provisions of this act is for any cause unable to use the assistance judiciously, the county board shall request the district court to appoint a guardian to administer such assistance for the benefit of the recipient.

Sec. 17. Recovery from recipient. If at any time during

the continuance of assistance the recipient thereof becomes possessed of any property or income in excess of the amount stated in the application provided for in this act, it shall be the duty of the recipient immediately to notify the county board of the receipt or possession of such property or income and the county board shall, if in its judgment the circumstances so require, recommend to the state board the immediate suspension of assistance payments and, after investigation, shall recommend to the state board that such assistance be continued, modified, or cancelled, as the circumstances may require. Any assistance paid after the recipient has come into possession of such property or income in excess of his need shall be recoverable by the state as a debt due, and upon recovery the state shall repay to the county that portion of the amount so recovered which is equal to the amount paid by the county for such assistance.

Sec. 18. Funeral expenses. On the death of any person receiving aid under the provisions of this act, the reasonable funeral expenses for his burial may be paid by the state board; provided, such expenses do not exceed one hundred dollars and the estate of the deceased or any life insurance or death or funeral benefit association or society payment, made by reason of the death of such person, payable to his estate or the spouse or any relative responsible under sections 5289, 5301, and 10501-b6, code of Iowa, 1935, is insufficient to defray the same. The person to whom such funeral expense is paid as above provided is hereby prohibited from soliciting, accepting or contracting to receive any further compensation for services rendered in connection with such burial except on written approval of the county board and subject to such rules and regulations as the state board shall prescribe.

Sec. 19. Reimbursement from estate. Whenever it appears, after the death of any person who has received aid under the provisions of this act, that his estate, after deducting the exemptions now allowed by law, has property over and above a sufficient amount to pay the expenses of his burial and last sickness, such property shall be charged with the amount paid under this act to such person during his lifetime, or for his burial. The amount so paid shall be allowed as a claim

against his estate in favor of the state, and upon recovery the state shall repay to the county its proportionate share of the amount paid for such assistance and funeral expenses. An action may be brought in the name of the state to recover the same at any time within five years after the death of the person receiving aid as above provided.

Sec. 20. Misdemeanor. Any person who shall obtain aid under this act by misrepresentation or failure with fraudulent intent, to bring forth all the facts required of an applicant for aid under the provisions of this act, or any person who shall knowingly make false statements concerning the applicant's eligibility for aid under the provisions of this act, shall be guilty of a misdemeanor, punishable as such.

Sec. 21. County appropriation. The county board of supervisors in each county in this state shall appropriate annually, and pay in the manner hereinafter specified from the county poor fund, such sum as will result in the payment by the county board of one-fourth of all administrative expenses within the county incident to aid to the blind, as determined and certified by the state board, other than compensation of members of the county board and their expenses, and one-fourth of all assistance and benefits payable to blind persons resident within the county under this act, and shall include in the tax levy for such county the sum or sums so appropriated for that purpose. The sums necessary as above provided shall be determined upon the basis of an annual budget prepared by the county board and approved by the state board. Should the sum so appropriated, however, be expended or exhausted during the year for which it was appropriated, such additional sums shall be appropriated by the board of supervisors from the county poor fund as shall be sufficient to meet the obligation of the county to pay one-fourth of all assistance and benefits to the blind within the county and one-fourth of the administrative expenses as above provided. The tax levy provided for in this section shall not exceed statutory tax limitations now or hereafter provided.

Sec. 22. Fund for aid to the blind—reimbursement to the state. There is hereby established in the state treasury a fund to be known as the "fund for aid to the blind" to which

shall be credited all funds appropriated by the state for the payment of administrative expenses, assistance, and benefits under this act, all monies received from the federal government for such purpose and all funds paid by the counties to the state board as provided by this section. All assistance and benefits under this act, and the administrative expenses incident thereto, so far as the same are payable by the state board, shall be paid from said fund. The state board shall report to the county board each month the total amount of assistance and benefits paid during the preceding month to recipients residing within the county, and the amount of the administrative expenses paid by the state which are incident thereto. The county board shall promptly report the same to the county board of supervisors which shall then order paid to the state board from the county poor fund an amount equal to twenty-five per cent of the total, which payment shall be credited to the fund for aid to the blind.

Sec. 23. Removal to another county. When any recipient moves to another county he shall be entitled to continue to receive assistance which shall be chargeable to the county from which he has removed, for a period of six months and shall thereafter be charged to the county in which he then resides.

Sec. 24. Other dependents. This act shall not be so construed as to exclude the spouse, minor children or other dependents of a recipient under the provisions of this act from receiving other forms of relief, aid or assistance, paid through any agency of the state or any of its political subdivisions.

Sec. 25. Constitutionality. If any portion of this act shall be declared unconstitutional, such declaration shall not affect the validity of the remaining portions of the act, which shall remain in force as though such declaration had not been made.

Sec. 26. Short title. This act may be cited as "aid to the needy blind act of 1937."

**Partial List of Other Code Provisions Regarding Aid
to the Blind.**

A number of laws which it is impracticable to include in this pamphlet are involved in the matter of aid to the needy blind. Certain parts of the code of 1935, cited in the next paragraph, contain some of the provisions which any one interested in the matter should consult.

Ch. 76-A1, concerning the commission for the blind; see especially §§ 4426-4432;—ch. 195, concerning the state board of education; see especially §§ 3919, 3921, 3935-37;—ch. 203, concerning the school for the blind; see also §§ 4030, 4106(13) and 4313(11);—ch. 204, concerning the school for the deaf; see especially §§ 4071-75;—ch. 228, concerning compulsory education; see especially §§ 4426-32.

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