

# HOUSE . . . . No. 1146

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By Messrs. Connolly and Duffy of Boston, petition of Robert G. Connolly and Joseph E. Duffy for the establishment in the Department of Labor and Industries of a family allowance commission for the purpose of providing for improved conditions and security for families. Public Welfare.

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## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Forty-Eight.

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### AN ACT TO PROVIDE FOR IMPROVED CONDITIONS AND SECURITY FOR FAMILIES.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. This act may be cited as the Massa-  
2 chusetts Family Security Act.

1 SECTION 2. In this act, unless the context other-  
2 wise requires —

3 (a) "Allowance" means the monthly allowance  
4 authorized by section three of this act.

5 (b) "Child" means any person under the age of  
6 sixteen years who is a resident of Massachusetts at  
7 the date of registration, and (i) who was born in  
8 Massachusetts and has been a resident thereof since  
9 birth; or (ii) who has been a resident of Massachusetts  
10 for three consecutive years immediately prior to the

11 date of registration; or (iii) whose father's or mother's  
12 domicile at the time of such person's birth and for  
13 three years prior thereof was in Massachusetts and  
14 has continued to be therein up to the date of registra-  
15 tion; (or (iv) who was born while his father or mother  
16 was a member of the military or naval forces of the  
17 United States or within twelve months after his  
18 father or mother had ceased to be a member of such  
19 forces; but shall not mean any person who is in the  
20 United States contrary to the provisions of the  
21 immigration laws.

22 (c) "Institution" shall have such meaning as  
23 may be prescribed in the regulations.

24 (d) "Maintains" means maintains wholly or sub-  
25 stantially, and "substantially" shall have such mean-  
26 ing as may be prescribed in the regulations.

27 (e) "Commission" means the commission estab-  
28 lished by section ten of this act.

29 (f) "Parent" means a father, stepfather, adoptive  
30 father, foster father, mother, stepmother, adoptive  
31 mother, foster mother or any other person who main-  
32 tains or has the custody of a child, but does not include  
33 an institution.

34 (g) "Registration" means registration pursuant to  
35 section four of this act and regulations.

36 (h) "Regulations" means regulations made by the  
37 commission pursuant to this act.

1 SECTION 3. Subject to the provisions of this act  
2 and to regulations, there may be paid out of the state  
3 treasury, subject to appropriation, from and after  
4 the first day of July, nineteen hundred and forty-  
5 seven, in respect of each child resident in Massachu-  
6 setts maintained by a parent, the following monthly  
7 allowance: —

8 (a) In the case of a child less than six years of age,  
9 five dollars per month;

10 (b) In the case of a child six or more years of age  
11 but less than ten years of age, six dollars per month;

12 (c) In the case of a child ten or more years of age  
13 but less than thirteen years of age, seven dollars per  
14 month;

15 (d) In the case of a child thirteen or more years of  
16 age but less than sixteen years of age, eight dollars  
17 per month;

18 Provided, that the allowance payable shall, in  
19 respect of a fifth child maintained by the parent, be  
20 reduced by one dollar and in respect of a sixth child  
21 and a seventh child respectively so maintained, by  
22 two dollars and in respect of an eighth child and each  
23 additional child respectively so maintained, by three  
24 dollars.

1 SECTION 4. (1) The allowance shall be payable  
2 only after registration of the child, and shall commence  
3 in the first month after registration, and shall be pay-  
4 able to a parent in accordance with regulations or to  
5 such other person as is authorized by or pursuant to  
6 the regulations to receive the same.

7 (2) The allowance shall cease to be payable with  
8 the payment for the month when the child attains his  
9 sixteenth birthday or when, being above the age of  
10 six years and physically fit to attend school, he fails  
11 to attend school or to receive equivalent training as  
12 prescribed in the regulations or when he dies or ceases  
13 to reside in Massachusetts or, in the case of a female  
14 child, when she marries.

15 (3) The increase in the allowance payable under  
16 section three consequent upon a child attaining his  
17 sixth, tenth or thirteenth birthday shall commence

18 with the payment for the month following such  
19 birthday.

20 (4) A person to whom an allowance is payable  
21 shall, within one month of the allowance ceasing to  
22 be payable, report such fact in accordance with  
23 regulations.

1 SECTION 5. The allowance shall be applied by the  
2 person receiving the same exclusively towards the  
3 maintenance, care, training, education and advance-  
4 ment of the child, and, if the commission or such  
5 officer as is authorized by regulations in that behalf  
6 is satisfied that the allowance is not being so applied,  
7 payment thereof shall be discontinued or made to some  
8 other person or agency.

1 SECTION 6. If any person is dissatisfied with a  
2 decision as to his right to be paid an allowance or as  
3 to the amount of an allowance payable to him or as to  
4 any other matter arising under this act, he may appeal  
5 against such decision to a tribunal to be established  
6 and conducted in accordance with regulations, and  
7 the decision of the tribunal shall not be subject to  
8 appeal or review by any court of law.

1 SECTION 7. No allowance under this act shall be  
2 subject to taxation or to the operation of any law  
3 relating to bankruptcy or insolvency or be assigned,  
4 charged, attached, anticipated or given as security,  
5 and the allowance is payable subject to these con-  
6 ditions.

1 SECTION 8. Where it considers it necessary to  
2 prevent duplication the commission may by regula-

3 tion provide for the reduction or withholding of the  
4 allowance payable to any person receiving aid from  
5 the commonwealth or any city or town thereof for  
6 the maintenance of a child in respect of whom the  
7 allowance is payable under this act; provided, that  
8 such reduction or withholding shall not be made by  
9 reason of a pension payable under any provision of  
10 law or a dependent's allowance payable in respect of  
11 a dependent child of a member of the military or  
12 naval forces of the United States.

1 SECTION 9. The commission shall have the powers  
2 necessary to administer this act, and he may —

3 (a) Establish committees or boards and arrange  
4 with departments of government and other public  
5 and private agencies and organizations to assist him  
6 in carrying out the purposes of this act.

7 (b) Appoint any person to inquire into any matters  
8 concerning which information is required in the ad-  
9 ministration of this act.

1 SECTION 10. There shall be in the department of  
2 labor and industries a commission, to be known as  
3 the Family Allowances Commission, consisting of  
4 three members to be appointed by the governor, with  
5 the approval of the council, for terms of five years  
6 each, except that of the initial appointees, one shall  
7 be appointed for three years, two shall be appointed  
8 for four years and two shall be appointed for five  
9 years. One of the commissioners shall be designated  
10 by the governor to be chairman. The chairman  
11 shall receive an annual salary of seventy-five hundred  
12 dollars and each of the other commissioners shall  
13 receive an annual salary of seven thousand dollars.

1 SECTION 11. The commission may make regula-  
2 tions, subject to the approval of the governor and  
3 council, to give effect to and carry out the objects  
4 of this act, and, without restricting the generality  
5 of the foregoing, may by regulations —

6 (a) Provide generally or in respect of any political  
7 subdivision or any class of cases that payment shall  
8 be made to the parent prescribed in the regulations;

9 (b) Provide that where, by reason of age, infirmity,  
10 ill health, insanity, improvidence or other reasonable  
11 cause of disqualification of the person to whom the  
12 allowance is payable or in other special circumstances,  
13 payment may be made to another suitable person or  
14 agency;

15 (c) Provide the procedure of the tribunal established  
16 pursuant to section six of this act;

17 (d) Prescribe the manner and form of registration  
18 and the information and evidence which may be  
19 required in connection therewith;

20 (e) Impose penalties for violation of any such  
21 regulation by way of fine not exceeding two hundred  
22 dollars or imprisonment for a term not exceeding  
23 three months.

1 SECTION 12. (1) Any person receiving an allow-  
2 ance or cheque therefor to which he is not entitled  
3 shall forthwith return the amount thereof or the  
4 cheque.

5 (2) When an allowance has been paid to a person  
6 who was not entitled thereto or in excess of the amount  
7 to which a person was entitled under this act, the  
8 amount so paid to which the person was not entitled  
9 may be recovered at any time from the person to  
10 whom it was paid or his legal representative as a  
11 debt due to the commonwealth, and the amount of

12 any such indebtedness may be retained by way of  
13 deduction or set off out of any sums of money which  
14 may be payable to that person at any time under this  
15 act.

1 SECTION 13. (1) Every person shall be guilty of  
2 an offence and be punished by imprisonment for a  
3 term not exceeding six months, or by a fine not  
4 exceeding five hundred dollars, or both, who knowingly  
5 (a) Makes a false or misleading statement orally  
6 or in writing with the intention of influencing any  
7 decision with respect to the payment of an allowance  
8 either for himself or for any other person;

9 (b) Makes or presents to any inspector or person  
10 appointed to make an inquiry under this act any  
11 statement or document which is false in any material  
12 part;

13 (c) Cashes any cheque for an allowance to which  
14 he is not entitled;

15 (d) Being a person to whom an allowance is pay-  
16 able, fails to report, as required by subsection four  
17 of section four of this act, that an allowance has  
18 ceased to be payable in respect of such child or, in  
19 the case of a parent, that he has ceased to maintain  
20 the child.

21 (2) No prosecution under this section or for an  
22 offence created by the regulations may be commenced  
23 after three years from the commission of the offence.

24 (3) No prosecution under this section or for an  
25 offence created by the regulations shall be instituted  
26 without the written consent of the commission.

1 SECTION 14. The expenses necessary for the ad-  
2 ministration of this act shall be payable out of moneys  
3 appropriated for the purpose.

