

Whole n 23
8/19/72

Dept. of Social Welfare
Library
Wellington, N.Z.

DEPT. OF SOCIAL WELFARE
LIBRARY, WELLINGTON, N.Z. CONFIDENTIAL

PRESERVATION

DEPT. OF SOCIAL WELFARE
LIBRARY, WELLINGTON, N.Z.

DOMESTIC PURPOSES BENEFITS

EXAMPLES OF CASES INVOLVING EXERCISE OF DISCRETION
BY THE SOCIAL SECURITY COMMISSION

1. MODE OF LIVING

DSW
362
.8282
DOM

SOCIAL SECURITY DEPARTMENT

APRIL 1970



21957

PRESERVATIONDOMESTIC PURPOSES BENEFITSMODE OF LIVING

The administration of Section 74(b) of the Social Security Act 1964 has inevitably been a problem area for all classes of benefits. With the group of women included in domestic purposes benefits are many whose morals are suspect or could even be amoral. While the Commission endeavours to administer these benefits without recourse to moral judgement, domestic situations arise with some regularity where mothers of families who are either separated wives or unmarried mothers, take a de facto husband into their home. Where the Commission is satisfied that such a union exists, the benefit is cancelled or suspended until such time as the man leaves the home. In some cases, however, the woman claims he has the status of a boarder, and it is frequently extremely difficult to prove otherwise until she becomes pregnant to him.

In other cases, the man visits regularly, perhaps stays for weekends only.

The cases below are examples of some of these problems. It should be appreciated that the Department has few means and little authority to investigate these sorts of situations adequately.

Date Due

Date Due			

This separated woman applied for a deserted wife's benefit in August 1956. She had no income or assets. There was one child aged one year. She was pregnant when married in June 1954. Her husband was a sailor and apparently had "a girl in every port". He also drank heavily and did not support his wife adequately. The husband was shifted in his job to another district in August 1955 and after a discussion he stated he would prefer to live as a single man. A separation agreement was drawn up but the husband would not sign as he thought the maintenance was too high. No further action was taken as she was receiving a Navy allotment.

In March 1956 the allotment ceased as he was discharged from the Navy. After the husband refused to sign a further separation agreement because of the high maintenance, the Court ordered maintenance at \$12.00 per week. The husband applied for a re-hearing and, on discussion with applicant and her solicitor, he agreed verbally to maintenance at \$12.00 weekly to be increased to \$14.00 when he obtained a suitable job. However, once again he refused to sign after an agreement had been drawn up. The Court re-hearing had been repeatedly adjourned until November 1956 although an interim order at \$12.00 per week had been made in early August 1956 on account of the expected child in November 1956. The Deserted wife's application was withdrawn in writing on 28 August 1956.

An application for a widow's benefit was lodged in January 1958 as her husband had died in an accident on 19 January 1958. It was noted that she had been divorced decree nisi on 11 July 1957 on the grounds of her adultery. She admitted that the child born 24 October 1956 was the son of the co-respondent, whose name she stated she had forgotten. Her solicitor advised that separation, guardianship and maintenance orders were made in December 1956 providing maintenance at \$4.00 per week for the wife and \$4.00 per week for the elder child. A widow's benefit was granted from 20 January 1958.

Payment of the benefit continued and in February 1959 her solicitors advised that a large sum of compensation had been awarded on the death of her husband. However, in April 1959 the court found her guilty of perjury arising out of proceedings in the case for compensation. (All the compensation is held in trust for the children.) On enquiring about payment of benefit while in prison (she was sentenced to three months) beneficiary requested that an allowance be paid in respect of her second child which she now claimed was of the marriage - as it was registered in her husband's name. Benefit was accordingly increased to include this child.

The benefit continued until in December 1962 when it was learnt a further illegitimate child had been born to her on 23 May 1962. In an interview in January 1963 she stated that she had been associating with the putative father for 12 months and that he had been living with her since the month of the child's birth. She then admitted that she had known him for years and that they intended to marry the following month when he would be granted his divorce decree absolute. She refused to give his name and, although the man was off work sick, it appeared he had not applied for a sickness benefit so as to keep the association from becoming known to the Department. The interviewing officer considered her very insolent and that she had tried to mislead the Department. Her benefit was suspended accordingly and finally cancelled in February 1963.

In May 1964 she applied for an emergency benefit. She declared that her de facto husband was in prison for three months, (failure to pay maintenance to his legal wife). She advised she had been associating with him for three years and had two children by him, the younger child being born 23 March 1964. She stated that he had not worked for two years due to illness and that they had lived off family benefit and assistance from their respective families. She added that their relationship would resume on his release from prison. Emergency benefit and supplementary assistance was paid and cancelled from July 1964 on the husband's release.

Payments were again granted from February 1965 to April 1965 when he was again imprisoned for failure to pay maintenance. A further child was born on 26 April 1965. The de facto husband was again imprisoned (for non payment of maintenance) from December 1965 - March 1966 and from March 1967 to June 1967, when benefit was paid to his wife.

On 11 July 1969 she applied for a domestic purposes benefit as her de facto husband had failed to maintain her and the children adequately and she ordered him from the home in June 1969. She declared no income and assets and had six dependent children aged 14 to 2 years - the youngest being born 11 April 1967. A benefit was granted subject to maintenance action being taken against the de facto husband. When a social worker called late July 1969 to enquire re the progress of maintenance action he found the "husband" in the home - supposedly visiting "to sign some papers". After a discussion between the three parties it was found that the de facto husband wanted a reconciliation while the wife was content to receive benefit and have periodic visits from him. When the "husband", who was in a regular job, promised to provide her with necessary requirements, it was arranged that they would consider a reconciliation on his pay day. As no further representations were received, benefit was cancelled from 4 August 1969.

A separated women first approached the Department in October 1966 for assistance as her husband was failing to maintain adequately. The parties were married in 1953 when aged 26 and there were 3 children born in 1954, 1956 and 1960, respectively.

She became pregnant in 1953 alleging that her husband gave her some concoction which weakened her resistance and the marriage was forced. During the marriage she conceived 9 times but only 3 children were born and she stated that the 6 miscarriages were caused by her husband's physical misconduct. She alleged that her husband was a paranoid with delusions of persecution. As a result of the regular miscarriages which were having a big effect on her general health, her doctor persuaded her to have a hysterectomy in 1962.

The husband was in the Army where the authorities had intervened on occasions during assaults and it was arranged for him to be sent to Vietnam. While there he wrote extremely indecent letters to her and made promises of new practices on his return to N.Z. This he did until her doctor discovered that she had a broken jaw and the wife left him in June 1966. While the husband was in Vietnam she received an allotment of \$20.00 a week but on his return to N.Z. he reduced this to the minimum permitted - \$14 a week. As this was insufficient to maintain the family and to pay the rent of \$10.00 a week, the approach was made to the Department.

A complaint for separation, maintenance and guardianship of the 3 children was lodged in the Court in September 1966.

Assistance was granted at \$22.00 a week by way of emergency benefit and supplementary assistance with all maintenance a direct deduction from total benefit.

After the grant had been made it was discovered that she had been living with a man from July to October and the real reason for her application and the delayed action by her solicitor in taking maintenance action, was because this man had left her and taken the T.V. set with him. Information was also received that during the husband's period in Vietnam she had been living or associating with this or another man.

About November 1966 the husband was discharged from the Army on psychiatric grounds.

At that time also beneficiary changed her address and the new landlord advised that the man referred to above had been seen on occasions around the home but he definitely did not stay the night. The new rental was \$5.00 a week and S.A. was adjusted accordingly, following a home enquiry.

In December 1966, beneficiary moved into a State house and after a further home enquiry the S.A. was adjusted.

The maintenance complaint was being adjourned from month to month and in January 1967 it was ascertained that the respective solicitors were negotiating an agreement providing for maintenance of \$6.00 per week for each of the 3 children but nothing for herself. She then admitted that she had committed adultery with the man referred to earlier and that her husband knew of this - hence the reason for the husband's decision not to pay maintenance for her and her reluctance to face a Court hearing. She was warned that she could hardly expect the Department to pay her a benefit if she signed such an agreement and failed to take action through the Court. Before the agreement was signed, she commenced work in February 1967 and the benefit was cancelled.

Unfortunately beneficiary had been working for 2 weeks before notifying the Department and benefit was overpaid.

Two small refunds were obtained before she ceased work and re-applied for a benefit in May 1967. Before a grant was made, she withdrew the application as she had found other work.

In June 1967 she again applied for assistance as she had ceased work and the voluntary maintenance received from the husband of \$16.00 a

week was insufficient for her needs. The agreement had still not been signed and there had been no Court hearing.

Assistance totalling \$22.00 a week was granted subject to beneficiary proceeding with the existing maintenance complaint if still held in the Court or the lodging of a new complaint. It was considered that there should be ample evidence available from the Army authorities and her doctor to establish persistent cruelty for a maintenance complaint. If she failed to take the necessary action for maintenance through the Court assistance was to be reduced to the amount she had asked from her husband, i.e. \$18.00 a week.

The agreement, providing for maintenance of \$6.00 a week for each of the 3 children, but none for the wife, was signed on 10/7/67. Other provisions included:

- (a) neither parties would take Court action or interfere with the other;
- (b) the agreement would be void if they ceased to live apart or if a decree absolute were made.

The benefit was cancelled in August 1967 as she again commenced work.

A month later in September, she re-applied after ceasing work and assistance as above was granted. It was ascertained that the agreement had been registered in the Magistrate's Court for enforcement.

Her solicitor refused to handle her case further and although she consulted another solicitor she did not instruct him to take action for maintenance for herself.

In January 1968 it was decided to reduce the total assistance to \$18.00 a week being the rate of agreed maintenance - benefit to remain at that figure until she took maintenance action for herself. All maintenance received was a direct deduction from benefit.

Enforcement action in the registered agreement was being taken as, in January 1968, the husband was sentenced to 3 months' imprisonment; the warrant to be suspended as long as he paid current maintenance plus \$2.00 a week off arrears.

The maintenance agreement was varied to provide for maintenance of \$9.00 for beneficiary plus \$3.00 for each of the 3 children - a total of \$18.00. Subsequently enforcement action provided for \$1.00 off arrears.

Benefit was continued until September 1968 when prior to the transfer to domestic purposes benefit and the assignment of maintenance (a forerunner of Section 61B) enquiries were made of the maintenance officer regarding payments of maintenance. The M.O. advised that he had not taken action to have the committal warrant executed as he had information that the husband had been making regular payments of maintenance direct to the beneficiary. The woman denied receiving any maintenance direct so enquiries were made at the Post Office where it was ascertained that regular money orders had been received by beneficiary for at least 8 or 9 weeks. Beneficiary had failed to declare this on her weekly declarations of income or on her six-monthly statement of circumstances.

Evidence was obtained that she had received the maintenance and the file was referred to the Police for prosecution for the false declarations. Beneficiary pleaded not guilty in the Magistrate's Court and elected trial by jury. At the Supreme Court hearing before the jury, beneficiary pleaded that she had made a mistake when filling out the declaration forms as she was under the impression that the maintenance was for the children whereas the form asked for details of her own income. As a result of this the jury found her not guilty. However, the Department has established an overpayment of \$932.70 which will be recovered as opportunity offers. The above proceedings took from October 1968 to May 1969.

At that time beneficiary's solicitors asked why the benefit was limited to \$19.00 a week. They were advised that beneficiary had agreed to \$18.00 a week, and the existing Court order was for this amount plus \$1.00 off arrears and that the benefit would be increased when action had been commenced to obtain maintenance for beneficiary herself.

At the same time there were further reports that beneficiary may have been associating with a man and various enquiries were made to ascertain if she had a de facto husband. Although she is friendly with a man there was nothing to establish any immoral practices although the man makes regular visits to the home for the expressed purpose of establishing a fatherly figure for the children, and stated that he was only interested in them. He had provided a T.V.set for the family. This man insinuated that beneficiary does not lead a moral life but refused to elaborate further. No more enquiries have been made in view of the Department's lack of authority to obtain information from neighbours etc..

The benefit was increased to \$24.75 a week when variation action was commenced and is still current at that figure.

This beneficiary, a 32 year old single woman, has two illegitimate children aged 3 and 1 year and no income or assets other than her domestic purposes benefit.

She applied for a sickness benefit in January 1966 suffering from asthma and pleurisy. This was declined due to lack of prosecution. She re-applied for sickness benefit in June 1966 as she was pregnant. She had not worked since September 1965 and had lived off relations apart from a period in hospital from 3 February 1966 to 15 April 1966 - suffering from typhoid fever. An emergency sickness benefit was granted from April 1966. In August 1966 she advised that the stated putative father was willing to live with and support her and the child, so benefit was cancelled from 22 August 1966.

A further sickness benefit application was made in August 1967. She had left her de facto husband in June 1967 and had commenced employment. She was suffering from a nervous disorder partly caused by the de facto husband's behaviour. Sickness benefit was granted from July 1967 and, as she was maintaining her own home, supplementary assistance was also approved. Benefit continued on production of medical evidence until a medical certificate in November 1967 showed she was again pregnant - estimated date of confinement May 1968. The current grant of benefit was cancelled in November 1967 when no further representations were made.

She re-applied for sickness benefit in January 1968 on account of the pregnancy. She confirmed that she had lived as the de facto wife of the putative father prior to receiving benefit in 1967. Since coming off benefit in November 1967 she had been supported by a married female friend. As she was also suffering from toxæmia, benefit was granted from 11.1.68. The child was born in May 1968 and benefit continued while the child was breastfed. As she had moved into her own home, supplementary assistance was also paid. Maintenance action taken against the putative fathers had reached a standstill as both had disappeared although she stated a maintenance order against the first child's father had gone through.

In September 1968 she was transferred to an emergency benefit. Head Office confirmed the continuation of the benefit subject to action being taken to enforce the order against the first child's father and affiliation and maintenance action against the father of the second child. At a subsequent interview with a Social Worker in October 1968 she reversed the father's of each child and admitted that there were in fact no maintenance orders against either of the men. Little progress had been made regarding maintenance in March 1969. Neither man's whereabouts was known but beneficiary was requested to pursue the matter.

In April 1969 supplementary assistance was granted but continuation of this and benefit was subject to positive action being taken to obtain affiliation and maintenance orders - the complaints to be lodged at Court. A Social Worker called on 9 May 1969 as it was rumoured that one of the putative fathers had been again living with her. This was denied as she maintained her brother often called during the week and over the weekend. On being told that her benefit could be suspended she advised that she would try to obtain the two men's addresses from possible sources. The Social Worker again saw her in June 1969 when she admitted that she was again pregnant. She claimed that she was a diabetic and had attended parties and dances. She said she could not name the father of the child as "there had been so many men". Social Worker considered it more than a coincidence that one of the child's fathers was in the area a couple of months back. Social Worker also mentioned that he considered some person was upstairs during the interview. Once more she advised she had no knowledge of either man's whereabouts but was awaiting information from one of the men's parents. The Social Worker was convinced that there were definite grounds to suspect another de facto union and recommended suspension of benefit, which was carried out on 2 July 1969. However, that same day the beneficiary advised that she was commencing employment and benefit was cancelled.

On 16 July 1969 the former beneficiary advised that her doctor told her not to commence work. She therefore stated she had received no assistance since benefit ceased except a grant of \$2.00 from Birthright. She denied any associations with males but benefit was not resumed as she again suspended her action regarding maintenance. Birthright were advised of this decision that same day. On 25 July 1969 Birthright volunteered further information. It was stated that an officer had called to give a grocery order but found her house in darkness about 7 p.m. - "in reply to his knock a widow was opened upstairs and a man in his pyjamas looked out". This man stated that the former beneficiary was not in, but the Birthright officer states that during the conversation he definitely heard a woman cough in the room above. This man was identified but was neither of the putative fathers although it was discovered then by the Birthright officer that he was employer of one of the fathers.

In August 1969 she again applied for benefit as she was destitute and stated she had taken out a complaint for maintenance against one of the men. A grant was made. It was verified that one of these men had actually been residing with her for some time but he had now left. It was also learnt that although a complaint was prepared she had not signed it. She was admitted to hospital on 10 August 1969 as complications re her pregnancy set in. However, when she was temporarily discharged on 30 August 1969 to put her affairs in order, both maintenance complaints were drawn up and signed. Benefit is continued to date and any possible male association is being watched.

This case indicates the difficulties of investigating and proving mode of living.

This case was submitted as an appeal against decision to cancel domestic purposes benefit on account of doubtful mode of living.

This was a separated woman, aged 27 years, who had received benefit since 17.4.68. She had 2 dependent children aged 5 and 3. There was no income or assets. Maintenance was payable at \$7.00 per week and \$4.00 per week for each child (total \$15.00). Her husband was in Samoa and a warrant to apprehend was issued 22.7.68 in view of his failure to pay.

In October 1968 she moved to Hamilton from Auckland and resided with a divorced man, the exact relationship if any was not clear. He may have been an adopted brother. De facto relationship was denied in November 1968 and January 1969. Following a submission to Head Office her benefit was cancelled from 27.1.69. On 31.3.69 the man concerned called at the Department declaring per a declaration that the only relationship to the applicant was that under Samoan custom he was considered to be a "pakeha brother" in her Samoan family. He stated it was decided (when applicant's mother visited N.Z.) that it would be better financially for the applicant to reside there.

A social worker, on 24.2.69, reported there was no apparent de facto relationship - although she did the housework and he paid the bills. It was re-submitted to Head Office March 1969. The Commission's decision was to verify the man's acceptance into the family as "minor chief" from any brother of the beneficiary.

The only available relative was a sister who commented it likely that the family treated this man as a brother, even adopting him (doubts "minor chief" statement). She was adamant that Samoan woman's moral code would dismiss any de facto relationship. A further benefit application was taken 21.4.69 as the applicant rented a flat on her own from 16.4.69 - assistance for the rent was borrowed from the man. The occupants of the home were the applicant and her 2 children plus a single sister from Samoa who was to stay while at Teachers College.

The Registrar was not satisfied the situation was as claimed but referred the case for decision regarding the resumption of payment from 27.1.69 or the granting of benefit from the date the applicant moved into her present accommodation.

If benefit was re-instated it was suggested that this be from the date she moved into the flat.

The Commission's decision was to re-instate the benefit at \$22.00 per week from the date the beneficiary moved into her own flat but the case was to be kept under review re the possible association with the former lodger.

This 33-year-old widow first applied for a benefit in 1966. Her husband, to whom she had eight children, died in 1964 and all of the children had been placed with guardians. As she had no child in her care there was no entitlement to widow's benefit. Since the death of her husband she had worked for eight months, then she received sickness benefit for six weeks during which period she gave birth to an illegitimate child.

The application was for an emergency benefit to enable her to look after the child.

Decision: An emergency benefit was granted subject to action for an affiliation and maintenance order.

In April 1966 she moved to another district where she was employed for three months as a home helper and benefit was cancelled. She was again out of work in July and a benefit was granted for three weeks and a lump sum grant for clothing was made.

Between July 1966 and December 1967 she was in full-time employment which ceased as she said that her work was affecting her health. A grant of an emergency benefit and supplementary assistance was made from January 1968 subject to action for an affiliation and maintenance order. She had taken no action earlier and the period of the 1966 grant was too short for the Department to be able to force her to lodge a complaint.

At this stage she was in arrears with her rent, the landlord was threatening eviction, and she was indebted to the Department for \$120 overpaid family and sickness benefits which occurred through her false declarations.

Decision: The Registrar's grant of emergency benefit and supplementary assistance was confirmed but continuation beyond July 1968 was not approved unless she had commenced the necessary maintenance action.

During July it was confirmed that she had consulted a solicitor but no complaint had been lodged at the Court. Some attempts had been made to trace the putative father of the child but the action taken was insufficient.

Decision: A further month's benefit was authorised to give her time to make arrangements for work and the care of the child.

This was done as she was in effect a single woman with one dependent illegitimate child. These women are expected to work where it is considered reasonable for them to do so and provided there is no adverse effect on the welfare of the woman or the child. Also, it was considered that there was provision in the Destitute Persons Act 1910 for the lodging of an affiliation and maintenance complaint followed by a warrant for the putative father's arrest if this became necessary.

Before the benefit was cancelled in August 1968, beneficiary produced medical evidence that she was unfit for work as she was suffering from psychotic personality. Benefit was therefore continued.

There had been some reservations regarding beneficiary's mode of living but no definite information had been obtained. The suspicions included reference to her living with a man or various men. It was later ascertained that she was again pregnant with the child expected in March 1969. Reports which were not confirmed indicated that a man had been staying with her most weekends.

The child was born in March and was kept. The putative father had given her a total of approximately \$50.00 which had been used for the child's requirements.

No further action had been taken to obtain a maintenance order for the first child and beneficiary was reluctant to commence proceedings for the second child as she had hopes that the putative father would marry her. He had been providing further intermittent maintenance and told her that she was not to worry as he would provide for this child.

In May the putative father applied for a benefit and gave his address as the same as beneficiary's who was questioned. She maintained that he lived with his mother at another address and came to see her and the child sometimes after work and that he occasionally stayed the night. She denied that they slept together.

Decision: Payments already made were confirmed and she was given a strong warning letter.

A further application for a benefit was received in September 1969.

This beneficiary was a separated woman, aged 26. She received benefit at \$21.00 per week and had 1 child aged 6. Family benefit capitalised for child. There was no income or assets apart from mortgaged home.

The file was submitted on a question of cancellation of benefit because of her mode of living - possibly de facto union.

She had received emergency benefit and supplementary assistance from 25.1.68 and transferred to a domestic purposes benefit from 9.9.68. A separation agreement provided maintenance of \$10.00 per week for wife and \$4.00 per week for child. The rate was low on account of the husband's earnings at the time. Enforcement action was taken resulting in the husband in prison for one month in November 1968. (Beneficiary is stated to be taking divorce proceedings).

Inquiries re maintenance revealed the beneficiary had a male boarder. A field officer's report showed that this was denied - then admitted, that the man, aged 27, had been in residence as a boarder since November 1968. No board was paid but assistance given to household expenses. Beneficiary denied a de facto relationship. A declaration was completed. She claimed that the male boarder was taken in on account of night prowlers but a check with Police showed one isolated incident and he was there at the time. No further complaint had been received and the Police considered a de facto relationship existed.

The boarder pays no regular board but she denied a de facto relationship. It was recommended to cancel on the grounds of sharing domestic circumstances.

The Commission considered it not a case for continuation of assistance.

This 29 year old separated woman was receiving a benefit at \$23.00 per week. She had 3 dependent children aged 8, 5 and 3 years. Her income was the benefit only. Her sole asset was a P.O. account of \$1.10 (VFD).

The case was submitted to the Commission because of her mode of living and an overpayment resulting from earnings.

The beneficiary had separated from her husband three times (and reconciled) before she finally left him in October 1966. A separation agreement of 19.12.66 provided maintenance at \$5.00 per week for each child only - no maintenance for wife. Her husband failed to pay maintenance while receiving sickness benefit and beneficiary was granted an emergency benefit and supplementary assistance in July 1967 and March 1968. Following directions from the Department, the beneficiary applied for and was granted maintenance for herself per Court order on 9.9.68 at \$10.00 per week (total maintenance \$25.00 per week). Her husband disappeared at this stage.

In September 1968 it was revealed an illegitimate child was born to beneficiary on 4.8.68 and was adopted out. The father of the child and beneficiary had contemplated marriage but the beneficiary's husbands whereabouts were not known for divorce purposes. The man also had debts and other responsibilities at that time. Beneficiary still associated with him (he was employed out of town) and he visited each third weekend. The social worker reported the possibility of them living as man and wife, which beneficiary denied (a letter had been received from her). She commenced part time employment on 26.10.68 while receiving benefit and supplementary assistance.

Her employment ceased 1.3.69 and an overpayment of \$40.50 had occurred while employment.

Registrar recommended the Department issue a strong warning, that benefit will continue only if the man was not accommodated by her on his weekends off. It was also recommended that a debt was to be established and recovered at \$5.00 per week - maintenance to be enforced and social worker to follow up mode of living.

The Commission confirmed this recommendation.

An appeal was received against Commission's decision to decline benefit—"it is considered that applicant should look to her de facto husband for support".

This beneficiary is a separated woman aged 29, She had five children aged 8 to 2 years. There were no income or assets other than regular maintenance of \$10.00 per week for the children - none for herself. She was paid benefit to November 1968, cancelled because of de facto relationship. She re-applied last in June 1969 but the Commission's decision was to decline as the de facto husband, although renting a room elsewhere, stayed with the applicant each weekend. An appeal against this decision was lodged by her solicitors and a declaration taken from the applicant stated that the de facto husband no longer visited her but she visited him each weekend, and that no financial assistance was received from him.

The District Agent recommended no alteration to decision to decline as applicant admitted that the association was continuing.

The solicitors represented that as the man concerned is no longer residing with her, he can no longer in fact be regarded as a de facto husband, even though he visited her to see the children. She was called in for an interview and signed the declaration referred to above. The file minute stated she was a slovenly, dirty, overweight european woman who would not be acceptable to many employers. She had obviously been told to keep her de facto husband away from the house while the benefit was under consideration.

After some discussion on 28.7.69, the Commission did not consider that a departure from the previous decision was warranted and it was decided to adhere to the original decision.

On 8.10.69 she re-applied for a benefit as the former de facto husband had now left the area she was in. Payment was made on the completion of a declaration to this effect.

This 31 year old Island woman applied for a sickness benefit in March 1966 as she was hospitalised with tuberculosis. At that time she had 2 illegitimate children. The father of the elder child, born in Niue Island in June 1960, was a New Zealander and the association had taken place in Niue Island. He had since returned to N.Z. The father of the second child was living at Niue Island although the child was born in N.Z. in December 1963. He had since re-married. No maintenance was received for either of the children. The applicant had ceased work in August 1965 and she and her children had been supported by her stepfather since then. An emergency sickness benefit was granted from 21.3.66.

Payment of this benefit continued through to November 1966, the expiry of the then current medical certificate. As this certificate stated that the beneficiary was fit for work her benefit was cancelled from 21.11.66. A further application for sickness benefit was lodged on 13.1.67, with medical evidence of her incapacity for work, due to tuberculosis, from November 1966. However, this application was declined when the chest physician confirmed from his records that the applicant was cleared to return to work from 20.11.66.

In September 1967 the District Health Nurse requested assistance for this woman as her 2 children were under full treatment for T.B. A home enquiry showed that she was residing in a state house - the rent being paid in full by her working single sister. Other than this, her only assistance was from relations. An emergency benefit was applied for and granted from 25.9.67. The younger child was in hospital with T.B. and as beneficiary was now required at home to care for the other child, supplementary assistance was granted from December 1967.

In June 1968 a woman advised the office that her husband was residing with the beneficiary. She also stated that the beneficiary was expecting his child. This woman explained that her husband was mentally sick and she wanted to reconcile with him. A social worker interviewed beneficiary in early July 1968 and she did not deny that the man concerned was living in the house. When asked regarding sleeping arrangements she was very vague. She was given a warning regarding the suspension of her benefit. She had admitted that she was pregnant but did not disclose the name of the putative father. The man concerned denied he was the father of the expected child. On 24.7.68 a further visit to the beneficiary's house revealed that the man had returned to his wife. The beneficiary admitted that he was the father of her expected child, which was confirmed by him. As the association had now ceased payment of benefit was suspended for 3 weeks, over the period she was associating, and resumed from the date he had left.

In October 1968 the beneficiary was advised it would be necessary for her to take action to obtain maintenance from the putative father of the child due in November 1968. On January 1969 it was discovered that the recall system for the file to be referred to the section for investigation had failed. It was verified that the child had been born on 17.12.68 and the father was voluntarily paying maintenance of \$3.00 p.w. Both parties were unwilling to bring the matter re maintenance to court but it was insisted by this Department that an enforceable agreement or order be obtained. A legal agreement was made with the father paying \$3.00 weekly for the child direct to the beneficiary. (This agreement can be registered at the Court after 1.1.70). The benefit has continued to date.

This separated woman was aged 24 when she applied for an emergency benefit in August 1968. There were two of the four children of the marriage in her care. She had no income or assets. She had been married in 1960 and, because of her husband's history of adultery and failure to maintain, she left him in December 1967. Beneficiary alleged that her husband had contracted V.D. and when beneficiary refused normal relations the husband made things so difficult she had to leave the home. An agreement registered in August 1968 provided her with maintenance at \$4.00 per week for each child only. Her solicitor advised her to accept this as she was the deserting party. However, no payments at that time had been made.

After she left her husband she took up a house-keeping job and was paid no wages but received free board and lodgings. As the employer could only afford to keep applicant and one child, the other child was placed in the care of applicant's brother, who required \$4.00 per week board. An application for an emergency benefit was lodged in August 1968, and a grant at a reduced rate was made with maintenance received a direct deduction. A demand for payment of maintenance was issued in September 1968 and later on in September she received payments of \$8.00 and \$16.00 direct. However, payments lapsed again and in October 1968 the maintenance officer was asked to enforce the order against the husband.

In November the husband was again brought to Court on a forgery charge and sentenced to nine months' prison. The two children in his care were placed in the beneficiary's care and were then placed in her mother's care. The beneficiary continued to housekeep also having two children with her - the child with the brother being reluctantly allowed to reside there by the employer. In late November 1968 she obtained a flat of her own, having her four children with her and a single uncle who paid \$10.00 per week board. Benefit was increased accordingly.

In March 1969 beneficiary changed her address and in April 1969 was awarded formal custody of the children by the Court. Her husband was discharged from prison in June 1969, and a Court hearing for maintenance was heard in July 1969. However, this hearing showed that a child had been born to the beneficiary in June 1969 - the husband not being the father. The Court made a maintenance order for beneficiary herself of \$8.00 per week in addition to \$4.00 per week for each of the four children.

A home enquiry by a social worker in July 1969 revealed that the association with the putative father was continuing and that marriage had been discussed. Though the man is not living in the house with her, beneficiary is described as an inadequate girl who would feel more secure in a marital relationship. She flatly refuses to take maintenance action against him. Although he has not given regular support for the child he has purchased most of the furniture in the flat. Head Office confirmed continuation of the benefit and a severe warning was given. No further change in circumstances to date.

A 38 year old separated woman was receiving benefit at \$12.25 per week. She had 4 dependent children aged 16 to 2 years - the youngest was illegitimate (states unable to trace father of child). Her income was benefit and she also received assistance re household expenses from male boarder.

This was submitted to the Commission as mode of living case.

She received an emergency benefit and supplementary assistance from 27.11.67. The assistance was cancelled on 26.2.68 as assistance was received from Child Welfare Division via Needy Family Scheme. Child Welfare Division assistance ceased on 6.5.69 and beneficiary requested an increase in benefit. Child Welfare Division confirmed the cessation in view of a boarder in the home and the beneficiary refused to accept supervision of the children by Child Welfare Division - previously under preventive supervision. Following an anonymous phone call which stated "beneficiary's children were going to neighbours scrounging food" as she and "her engaged friend go to a hotel", a social worker called. A report of 13.5.69 showed the beneficiary stated the man was merely a boarder - describing him as her fiance as they hoped to marry. He paid no set board but purchased \$10.00 worth of groceries each week. She denied de facto relationship (a declaration was completed). She even was prepared to ask him to leave if required rather than jeopardize her right to a benefit - although Child Welfare Division state his presence has an improved effect on her.

Registrar recommended that benefit be cancelled from the first available instalment.

The social worker's report gave a clear assessment of the relationship being more than a boarder - she admitted close association. It seemed the boarder had assumed many of the functions of a husband and father.

The Commission's decision of 4.6.69 was to cancel the benefit forthwith.

However, on 18.6.69 she called to request the re-instatement of her benefit as the man was leaving the following day and she had no means of support. A further declaration was taken and benefit was re-instated from 20.6.69. A home enquiry was carried out for confirmation and the social worker was directed to keep under close review regarding the return of her former "boarder".