



OFFICE OF
THE ATTORNEY GENERAL
AUSTIN, TEXAS

R-324

PRICE DANIEL
ATTORNEY GENERAL

April 19, 1947

Honorable Geo. W. Cox, M. D.,
State Health Officer
Texas State Board of Health
Austin, Texas

Dear Sir:

Opinion No. V-155

Re: Eligibility of a married
crippled child for benefits
under Article 4419c, V.C.S.

We refer to your letter of April 5, 1947, in which you request an opinion of this Department answering the following:

"I shall appreciate your rendering an opinion concerning the legality of the Crippled Children's Division financing treatment for persons who are married but who do need treatment and meet the eligibility requirements as set forth in Section 2 of House Bill No. 754, Regular Session of the 49th Legislature. For example, if a person of seventeen years of age applied for assistance under this Program, would that person be entitled to treatment through funds of the Crippled Children's Division if that person were married but did meet the requirements as set forth in this Act?"

Section 2 of the law is as follows:

"A crippled child is defined as any person of normal mentality, under twenty-one (21) years of age, whose physical functions or movements are impaired by reason of a joint, bone, or muscle defect or deformity, to the extent that the child is or may be expected to be totally or partially incapacitated for education or remunerative occupation. To be eligible for rehabilitation service under this Act, the child's disability must be such that it is reasonable to expect that such child can be improved through hospitalization, medical or surgical care, artificial appliances, or through a combination of these services."

Where the statute is expressed in plain and unambiguous language, and its meaning is clear and obvious, there is no room for construction. Gaddy vs. First National Bank of Beaumont, 283 S. W. 472; Sparks vs. State, 174 S. W. 35; Pierce-Fordyce Oil Association vs. Warner Drilling Co., 187 S.W.516. The language of Section 2 is in plain, clear and unambiguous terms and does not except married "children" from its provisions by reason of which there is no room for construction. Therefore, it is the opinion of this office that married crippled persons under 21 years of age are eligible for benefits of said Section 2 if they are otherwise eligible.

SUMMARY

Married crippled persons under 21 years of age are eligible for the benefits of Article 4419c, V.C.S., if otherwise eligible. Art. 4419c, V.C.S.

Yours very truly

ATTORNEY GENERAL OF TEXAS

BY (Signed) W. T. Williams
Assistant

WTW:dr:djm:jrb

APPROVED APR. 19, 1947
(Signed) Price Daniel
ATTORNEY GENERAL OF TEXAS