

85-00113

# OFFICE OF THE ATTORNEY GENERAL



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DEC 4 1984

Honorable Kenneth Davis  
District Attorney  
26th Judicial Circuit of Alabama  
P. O. Box 939  
Phenix City, Alabama 36868-0939

Domestic Relations - State Funds -  
Marriage License.

Provision for establishing and  
maintaining domestic violence  
facilities contemplate expenditures  
for facilities only within the  
boundaries of the state.

Dear Sir:

Your request for an opinion of the Attorney General  
dated November 16, 1984 is as follows:

"Russell County is situated geographically adjacent  
to Muscogee County, Georgia with the Chattahoochee  
River providing a common boundary. Russell County  
does not have a shelter for battered women as pro-  
vided for in 30-6-1 of the Code of Alabama.

"In the past and at present, Columbus Georgia Alliance  
for Battered Women has provided services for Russell  
County residents. The Columbus Alliance is founded  
and functions in much the same way as those shelters  
founded under the Alabama statute.

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"In the Attorney General's opinion, would the disbursement of funds collected pursuant to the provisions of 30-6-11 of the Code of Alabama to the Columbus Alliance for Battered Women on the basis of services rendered to Russell County residents violate the provisions of this statute or any provisions in 30-6-1 through 30-6-13?"

After studying Sections 30-6-1 through 30-6-13, Code of Alabama, 1975, it is my opinion that the statutes contemplate the establishment and use of a facility within the State of Alabama only.

For example Section 30-6-6(b) provides in part:

"Domestic violence facilities may be established throughout the state as private, local, state, or federal funds are available . . . . No provision of this chapter shall be construed to prohibit any such agency from uniting with a like agency or organization within or without the same county or within or without any adjacent circuit, in the joint establishment or operation of any domestic violence facility." (Emphasis added)

Section 30-6-11, Code of 1975, provides that a part of the marriage license fees available for the purpose of establishing facilities are to be distributed according to a formula pursuant to Section 30-6-7, Code of 1975. The latter Code section prescribes a distribution formula based on population of (Alabama) circuits and state population. This would not be consistent with funding a Georgia facility.

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There are other provisions not consistent with  
expenditures for an out of state facility.

Very truly yours,

CHARLES A. GRADDICK  
ATTORNEY GENERAL

By-



BERNARD F. SYKES  
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