§ 102. Dependent parents

(a) Dependency of a parent, which may arise before or after the death of a veteran, shall be determined in accordance with regulations prescribed by the Secretary.

(b) Dependency of a parent shall not be denied

(1) solely because of remarriage, or

(2) in any case in any State where the monthly income for a mother or father does not exceed minimum levels which the Secretary shall prescribe by regulation, giving due regard to the marital status of the mother or father and additional members of the family whom the mother or father is under a moral or legal obligation to support.

(c) For the purposes of this section, in determining monthly income the Secretary shall not consider any payments under laws administered by the Secretary because of disability or death or payments of bonus or similar cash gratuity by any State based upon service in the Armed Forces.


Amendments


Subsec. (c). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted “Secretary shall” for “Administrator shall”.

Pub. L. 102–83, § 4(a)(1), substituted “administered by the Secretary” for “administered by the Veterans’ Administration”.

Pub. L. 102–54 substituted “(c)” for “(C)” as subsec. designation.


Subsec. (a). Pub. L. 99–576, § 701(1)(A)(ii), (iii), (v), struck out par. (1) designation and redesignated par. (2) of subsec. (a) as subsec. (b) and par. (3) of subsec. (a) as subsec. (C).

Subsec. (b). Pub. L. 99–576, § 701(1)(A)(i), (iii), (iv), redesignated former subsec. (a)(2) as subsec. (b) and substituted “(1)” and “(2)” for “(A)” and “(B)”, respectively. Former subsec. (b), which read “For the purposes of this title, (1) the term ‘wife’ includes the husband of any female veteran; and (2) the term ‘widow’ includes the widower of any female veteran”, was struck out.

Subsec. (c). Pub. L. 99–576, § 701(1)(A)(v), redesignated former subsec. (a)(3) as subsec. (C) and substituted “For the purposes of this section,” for “For the purposes of this subsection”.

1976—Subsec. (a)(2). Pub. L. 94–432 substituted prohibition against denial of dependency of a parent “(B) in any case in any State where the monthly income for a mother or father does not exceed minimum levels which the Administrator shall prescribe by regulation, giving due regard to the marital status of the mother or father and additional members of the family whom the mother or father is under a moral or legal obligation to support” for such prohibition “(B) in any case in any State where the monthly income for a mother or father, not living together, is not more than $105, or where the monthly income for a mother and father living together, is not more than $175, plus, in either case, $45, for each additional member of the family whom the father or mother is under a moral or legal obligation to support, as determined by the Administrator”.

Subsec. (b). Pub. L. 92–540, § 408(1), struck out exception which made definition of terms inapplicable to chapter 19 of this title and struck out from definitions of “wife” and “widow” provisions relating to the ability of such persons to maintain and support themselves.


Effective Date of 1976 Amendment

Amendment by Pub. L. 94–432 effective Sept. 30, 1976, see section 405(a) of Pub. L. 94–432, set out as a note under section 1521 of this title.