There is no requirement that he collect interest on these funds although it would be to the advantage of the district if his deposit were carried in a bank that would agree to pay the highest rate of interest, providing proper security were given, and in my opinion, the director or directors may lawfully require the treasurer to secure for the district the highest possible rate of interest on the funds of the district commensurate with the proper security to the treasurer. In so doing, the law does not limit the rate of interest that may be accepted or received as it does when a depository or depositories is selected as temporary or assistant treasurer or treasurers.

It is well settled that if the treasurer receives interest on his deposit of the funds of the district, the interest so earned and received belongs to the district and not to the treasurer personally. *State ex rel.* v. *Maharry,* 97 O. S., 272; *Eshelby* v. *Board of Education,* 66 O. S., 71; *State* v. *McKinnon,* 15 O. C. C., N. S. 1, affirmed without opinion, 87 O. S., 474; *State ex rel.* v. *Schott,* 9 O. N. P., N. S. 522.

Although the director or directors of the sanitary district have broad powers with respect to the affairs of the district, it is my opinion, that inasmuch as the legislature has authorized definitely the designation of a depository as temporary or assistant treasurer or treasurers for the district but required that depository to pay not less than 2% interest on the funds in its custody the director or directors are limited to the selection of a depository that will pay that interest and do not have the power, so far as this authority is concerned, to designate any bank or depository as temporary or assistant treasurer or treasurers of the district that will not pay at least 2% interest on the funds coming into its possession by reason of such designation, and that no bank or depository may qualify for such designation unless it pays or agrees to pay the rate of interest specified in the statute.

I am of the opinion, however, that if no bank or depository is designated as temporary or assistant treasurer or treasurers for the district, by force of the authority granted in Section 6602-79, General Code, the director or directors may require the treasurer of the district to deposit the funds in his custody in such banks or trust companies as will provide proper security to the treasurer therefor, and will pay for the benefit of the district, the highest obtainable rate of interest.

Respectfully,
GILBERT BETTMAN,
Attorney General.

3756.

DEPENDENT CHILD—MOTHER IN JAIL—PLACED IN CUSTODY OF JUVENILE COURT.

SYLLABUS:

Where the mother of an infant child is placed in jail, and there are no relatives or friends to care for such infant, it should be placed in the custody of the juvenile court.

COLUMBUS, OHIO, November 12, 1931.

HON. CAMERON MEACHAM, *Prosecuting Attorney, Portsmouth, Ohio.*

DEAR SIR:—Acknowledgment is made of your recent communication, which reads:

> "A question that has arisen in this county very often, and upon which I should like an opinion is the disposition of an infant child when the mother is placed in the county jail, there being no relatives or friends to care for the child.
>
> I shall appreciate your attention to this matter."

Your attention is invited to Section 1642 of the General Code, which gives the juvenile court jurisdiction with respect to "delinquent, neglected and dependent minors." Your attention is further directed to Section 1645 of the General Code, which reads:

> "For the purpose of this chapter, the words 'dependent child' shall mean any child under eighteen years of age who is dependent upon the public for support; or who is destitute, homeless or abandoned; or who has not proper parental care or guardianship, or who begs or receives alms; or who is given away or disposed of in any employment, service, exhibition, occupation or vocation contrary to any law of the state; who is found living in a house of ill fame, or with any vicious or disreputable persons or whose home, by reason of neglect, cruelty or depravity on the part of its parent, step-parent, guardian or other person in whose care it may be is an unfit place for such child; or who is prevented from receiving proper education or proper physical, mental, medical or surgical examination and treatment because of the conduct, inability or neglect of its parents, step-parent, guardian or other person in whose care it may be; or whose condition or environment is such as to warrant the state, in the interest of the child, in assuming its guardianship."

It is believed to be clear that a child having the status you describe, could well be found to be a dependent child. It is obvious if a child's parent is in jail such parent can not give the child the "proper parental care." It would not be proper for the parent to take the child to jail.

Clearly, under the circumstances you describe, the "environment is such as to warrant the state, in the interest of the child, in assuming its guardianship."

From the foregoing, it is evident that in view of the facts stated, the child should be turned over to the juvenile officers, to the end it may be cared for under the directions of the juvenile court.

Respectfully,
GILBERT BETTMAN,
Attorney General.