

industrial schools under consideration is in the Department of Public Welfare, irrespective of whether they are actually kept within the physical confines of said institution or are permitted to live at homes outside of the institution upon parole. Of course, if such children are finally released, the jurisdiction ends.

It is a well established proposition of law in this State that when one who is an inmate of a correctional or penal institution has been paroled under existing laws, it can not be said he has been discharged. Under such a procedure, the inmate remains in the custody of the institution as a matter of law just the same as if no parole had ever taken place, and such an inmate is subject to being returned to the institution at any time. It is believed that this principle is clearly established by reason of the decision in the case of *Morton vs. Thomas*, 27 O. A. R., 486.

In view of the foregoing and the statements in your communication, it would appear to be clear that so long as the management of the Boys' Industrial School and the Girls' Industrial School has not finally released or discharged an inmate committed thereto, it still has jurisdiction and custody over such inmate. It follows that under such circumstances, the Juvenile Court could not properly acquire jurisdiction. It further follows that any order made by a Juvenile Court under such circumstances would be void because of its not having jurisdiction. It is believed that the foregoing is dispositive of your first inquiry.

In your second question you in substance inquire whether, under circumstances where a Juvenile Court has undertaken to assume jurisdiction and commit such a child to the Board of State Charities, the support of such child may be charged to the county. Section 1815, of the General Code, which relates to the cost of supporting inmates in State Institutions, provides:

"All persons now inmates of, or hereafter admitted into, a benevolent institution except as otherwise provided in this chapter, and except as otherwise provided in chapters relating to particular institutions, shall be maintained at the expense of the state. They shall be neatly and comfortably clothed and their traveling and incidental expenses paid by themselves or those having them in charge."

In examining the statutes it will be found that nowhere is the expense of supporting such a child in a Boys' Industrial School or Girls' Industrial School otherwise provided for. In some instances provision has been made such as in the case of persons committed to the Feeble-Minded Institution wherein the county is required to support said inmate. However, as above indicated, there is no such provision with reference to those committed to the Industrial Schools. It follows therefore, that until there has been a final release of a child committed to an Industrial School, his status could not in any wise be changed as a matter of law with reference to his support therein. It is believed that the foregoing will dispose of your second question.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

2238.

APPROVAL, BONDS OF STOKES TOWNSHIP RURAL SCHOOL DISTRICT, MADISON COUNTY, OHIO—\$2,800.00.

COLUMBUS, OHIO, August 15, 1930.

*Retirement Board, State Teachers Retirement System, Columbus, Ohio.*