

in which employment is afforded to any child shall determine whether the employment involves confinement or requires continuous physical strain so that it cannot be deemed irregular service within the meaning of this section."

Considering the sections referred to in the first part of the above quoted section, the pertinent part of Section 7765, General Code, has already been quoted in the earlier part of this opinion.

Section 12993, General Code, prohibits the employments therein mentioned to children under sixteen years of age.

Examination of Sections 13001, 13002 and 13007-3, General Code of Ohio, reveals that the *employment of setting up pins in a bowling alley* is not prohibited by either of said sections to a child above sixteen years of age, and, subject to the limitation of four hours per day and the authority of the health commissioner of the district to declare that such employment cannot be deemed irregular service, it is believed such employment may be fairly interpreted as irregular service and that the boys in question who are over sixteen years of age may engage in such employment outside of school hours without holding an age and schooling certificate.

However, the provisions of Section 12993-1, General Code, which read as follows:

"It shall be unlawful for any person, firm or corporation to employ, permit or suffer to work any child *who is required by law to be in attendance at school in any business or occupation whatever during the hours when the public schools of the district in which the child resides, including the school or class to which the child is assigned, are in session,*"

must be observed, and such employment could not be engaged in *during the hours when the public schools of the district in which the child resides are in session.*

Respectfully,

C. C. CRABBE,
Attorney General.

2116.

JUVENILE COURT—AUTHORITY TO COMPEL FATHERS OF LEGITIMATE CHILDREN UNDER EIGHTEEN YEARS OF AGE TO SUPPORT SAID CHILDREN.

SYLLABUS:

The juvenile court has power under Section 1655 G. C. to compel the fathers of legitimate children of over sixteen and under eighteen years to support them in like manner as they are required to support their children who are under sixteen years of age.

COLUMBUS, OHIO, December 31, 1924.

HON. HOMER Z. BOSTWICK, *Probate Judge, Columbus, Ohio.*

Dear Sir:—

Acknowledgment is hereby made of your recent communication, which reads:

“Has the juvenile court power to compel fathers of legitimate children of over sixteen and under eighteen to support them in like manner as they are required to support their children who are under sixteen years of age?”

Power to inflict penalties against parents for failure to support minor children is provided in various sections of the General Code, but with the exception of Section 1655 as amended, 110 O. L., page 296, said sections pertain to minors under sixteen years of age.

Section 1655, General Code, as amended in 110 O. L., page 296, provides as follows:

“Whoever is charged by law with the care, support, maintenance or education of a minor under the age of eighteen years, and is able to support or contribute toward the support or education of such minor, fails, neglects, or refuses so to do, or who abandons such minor, or who unlawfully beats, injures, or otherwise ill treats such minor, or causes or allows him or her to engage in common begging, or whoever, being the father of an illegitimate child under the age of sixteen years and able to support or contribute toward the support of such child, fails, neglects or refuses so to do, upon complaint filed in the juvenile court, as provided in this chapter, shall be fined not less than ten dollars, nor more than five hundred dollars, or imprisoned not less than ten days nor more than one year, or both. Such neglect, non-support, or abandonment shall be deemed to have been committed in the county in which such minor may be at the time of such neglect, non-support or abandonment. Each day of such failure, neglect, or refusal shall constitute a separate offense, and the judge may order that such person stand committed until such fines and costs are paid.”

It is clear that under this amended section, the juvenile court may exercise jurisdiction over those charged by law with the care, support, maintenance or education of a legitimate child under the age of eighteen years, and those who are able to contribute towards support or education of such minors, and who fail, neglect, or refuse so to do, or who abandon or unlawfully beat, injure or otherwise ill treat such minor, or cause to allow him or her to engage in common begging.

This section provides that jurisdiction may be exercised over

“Whoever is charged by law with the care, support, maintenance or education of a minor, etc.

Who is charged by law with the care, support, maintenance or education of a minor under the age of eighteen years? The legal obligation for the father's support of his minor children is expressly provided for by Section 7997, General Code, which reads:

“The husband must support himself, his wife, and his minor children out of his property or his labor. If he is unable to do so, the wife must assist him so far as she is able.”

Section 10928 as amended in 110 O. L., page 122, provides:

“ * * * The wife and husband are the joint natural guardians of their minor children and are equally charged with their care, nurture, welfare and education.”

It is evident from the foregoing citations that the father is "charged by law (with the care, support, maintenance or education of a minor under the age of eighteen years."

When its jurisdiction is properly invoked, the juvenile court may exercise said jurisdiction over said respective parties, under amended Section 1655, General Code in regard to the matters therein provided.

In an opinion of this department construing Section 1655, General Code, found in Volume 1, Opinions of Attorney General, 1918, page 257, at page 259, it was held that:

"The juvenile court act conferred exclusive jurisdiction on the juvenile courts of the state with reference to all law violations by minors under eighteen years of age, except in certain felony cases, but the jurisdiction of the juvenile court to hear and determine prosecutions against adults for violations of laws relating to the custody, care and treatment of children was not made exclusive in all cases. * * * so far as the juvenile court laws are concerned prosecutions for violations of Section 12970 may be had in the juvenile court, common pleas court or magistrate's court. Prosecutions under Section 13008 * * * may only be had upon indictment in a court of common pleas, since the violation of that section is a felony."

It is evident therefore that the juvenile court has no jurisdiction under Section 13008 G. C. and that its jurisdiction under Section 12970 G. C. is concurrent with the common pleas and magistrate's court, and is confined to minors under sixteen years of age; but the juvenile court, under the provisions of Section 1655 G. C. as amended, 110 O. L., page 296, has jurisdiction over the parents of minors until said minors become eighteen years of age.

It is therefore the opinion of this department that the juvenile court has power under Section 1655 G. C. to compel the fathers of legitimate children of over sixteen and under eighteen years to support them in like manner as they are required to support their children who are under sixteen years of age.

Respectfully,

C. C. CRABBE,

Attorney General.

2117.

COUNTY BOARD OF EDUCATION NOT REQUIRED TO ACCEPT TERRITORY TRANSFERRED TO IT BY ANOTHER COUNTY BOARD OF EDUCATION—SECTION 4696, GENERAL CODE, CONSTRUED.

SYLLABUS:

The words "may accept", as used in the third sentence of Section 4696, do not make it mandatory upon the county board of education to accept territory transferred to it by another county board of education.

COLUMBUS, OHIO, December 31, 1924.

HON. EUGENE T. LIPPINCOTT, *Prosecuting Attorney, Lima, Ohio.*

Dear Sir:—

I am in receipt of your communication as follows: