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JUVENILE COURT — JURISDICTION OVER DEPENDENT CHILD—CONTINUES UNTIL CHILD IS TWENTY-ONE—RESPONSIBILITY FOR SUPPORT — ILLEGITIMATE CHILD — JURISDICTION — SUPPORT OF DEPENDENT WARD.

SYLLABUS:

1. *When a juvenile court acquires jurisdiction over a dependent child the jurisdiction continues until the child becomes twenty-one years of age, regardless of the residence of the parents, the county in which such court is situated is responsible for its support.*

2. *An illegitimate child born in a county other than that of the legal settlement of the mother and abandoned there, retains the legal settlement of its mother and the county of legal settlement is responsible for its support.*

COLUMBUS, OHIO, July 22, 1937.

HON. RALPH J. BARTLETT, *Prosecuting Attorney, Columbus, Ohio.*

DEAR SIR: Your request for my opinion reads as follows:

"Your opinion is hereby requested concerning the liability of certain minor children.

The facts are as follows: Mrs. T. was married to Mr. T. in 1927, and lived with her husband here until Mr. T.'s death in 1933. During that time three children were born, who survived their father. During his married life the father was employed here and supported his wife and children.

After Mr. T.'s death Mrs. T. applied for a mother's pension in this county. This she drew from September, 1933, to October, 1934, when Mrs. T. with her three children removed to another county where, almost immediately, she and the children were placed on county relief. Shortly after moving to the other county (in Ohio) Mrs. T. applied for and received a mother's pension there.

Late in 1936, while Mrs. T. was residing in the other county, it was learned she was pregnant with an illegitimate child. This child was born in the other county in February, 1937. In October, 1936, the three children of Mrs. T. were returned to this county and by consent of the mother, were made wards of the Juvenile Court of this county and placed in the home of rela-

tives here. It was assumed at the time this was done that the legal domicile of the three children was in this county, the mother having been on relief from the time she left this county.

Early in May, 1937, Mrs. T. was married for a second time to a Mr. S., a legal resident of the other county. The two of them have established a home there, having been married in West Virginia. The paternity of the illegitimate child, born in February of this year has never been legally established. It is in a hospital in the other county. The mother refuses to take it.

In light of the foregoing, your opinion is desired on the following questions:

1. In view of the second marriage of the mother in May, 1937, to a legal resident of the other county, is the legal domicile of the three legitimate children in this county?
2. In view of the birth of the illegitimate child in the other county, the absence of any determination of its paternity, and the subsequent marriage of its mother a legal resident of the other county, is the legal domicile of the illegitimate child in this county?
3. In view of your opinion on the above questions, what is the responsibility of this county for the care, support and hospitalization of (a) the three legitimate children and (b) the illegitimate child?"

I will take up your questions in order of their statement.

You state that the three children referred to were made wards of the Juvenile Court of Franklin County by the consent of the mother in October, 1936, approximately two years after the mother and these three children removed from Franklin County, and during which time the mother and the children were continuously on relief.

When dependent children are made wards of the Juvenile Court the jurisdiction of said Juvenile Court over such dependent children continues until they reach their majority. See Section 1643, General Code.

Section 1645, General Code, defines a dependent child as follows:

"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 person 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."

Mr. and Mrs. T. lived in Columbus from 1927. to 1933 when Mr. T. died. During this time these three children were born. You state that during this time the father was employed in Franklin county and supported his wife and children. Therefore, Mr. and Mrs. T. and their children had their legal settlement in Franklin County.

In 1934 Mrs. T. removed herself and her three children to another county and all drew relief from that county after their removal. In October, 1936, the three children were returned to Franklin County and were made awards of the Juvenile Court in said county.

It is my belief that this was the proper procedure. It is evident that the mother did not change her legal settlement because she was on relief since she removed herself from Franklin County. Inasmuch as her legal settlement had not been changed the legal settlement of her children had not been changed. She could only change her legal settlement by residing in a county one year and supporting herself continuously for three months in any township or city without relief; or by remarriage to a man who had legal settlement elsewhere. See Section 1379, General Code, and Opinions of the Attorney General for 1935, Vol. II, page 1392, the opinion holding:

"Where a woman marries a person who has a legal settlement in a particular township in a county, she, by her marriage, ipso facto derivatively acquires her husband's legal settlement and retains such until he acquires a settlement in the township to which he removes."

It will be noted that the three children were made wards of the Juvenile Court of Franklin County before the remarriage of their mother,

and by that fact the legal settlement of the children was not changed when the mother married again, they coming wholly within the jurisdiction of the Juvenile Court of Franklin County.

I approve and follow the second branch of the syllabus of the opinion of the Attorney General, reported in Opinions of the Attorney General for 1935, Vol. I, page 452, which reads as follows:

“The county in which such court assumes jurisdiction, and declares such child to be dependent, will be responsible for the support of such child.”

Your second question is whether or not the “legal settlement” of the illegitimate child is in Franklin County. The illegitimate child was born in another county and the mother refused to take it from the hospital and has more or less abandoned said child in this hospital in the other county. The Juvenile Court of such other county could of course assume jurisdiction over such child and the county in which such court is located would be responsible for its support. But the court is not compelled to assume such jurisdiction. See Opinions of the Attorney General for 1933, Vol. II, Page 1264. The legal settlement of a minor child is of course that of its mother so long as the child is with her. See *Summit County vs. Trumbull County*, 116 O. S. 663. Obviously, a minor cannot change its legal settlement by going from one county to another without its parents. It is further obvious that a parent who has control and custody of a child going into a new county could change not only the parent’s legal settlement but also that of the child. The syllabus of the case of *Trustees of Bloomfield vs. Trustees of Chagrin*, 5 O., 316, reads as follows:

“The mother of an infant pauper settled in one township, does not change the infant’s residence by marrying a second husband, settled in another township, and there residing *without the infant pauper*.”

While the mother here evidently abandoned the illegitimate child before her remarriage, it must be noted that at the time of the “abandonment” her legal settlement had not been changed, and the legal settlement of the illegitimate child is that of the mother; that is, in Franklin County. See *Summit County vs. Trumbull County*, 116 O. S. 663. It is not necessary to determine when the mother’s legal settlement was changed or to what county or township upon her remarriage to a Mr. S.

Your third question has been answered, I believe, in the foregoing, and it is therefore my opinion that Franklin County now has the re-

sponsibility for the care and support of the four children above referred to.

Respectfully,
HERBERT S. DUFFY,
Attorney General.

892.

APPROVAL—CONTRACT BY AND BETWEEN THE STATE OF OHIO, DEPARTMENT OF PUBLIC WORKS, AND JAMES WILLIAM THOMAS, ARCHITECT, TO PREPARE PLANS AND SPECIFICATIONS FOR ADDITION TO HOWARD HALL, OHIO UNIVERSITY, ATHENS, OHIO.

COLUMBUS, OHIO, July 22, 1937.

HON. CARL G. WAHL, *Director, Department of Public Works, Columbus, Ohio.*

DEAR SIR: You have submitted for my approval six copies of a contract by and between the State of Ohio, Department of Public Works, by Carl G. Wahl, Director, and James William Thomas, Architect, whereby the said James William Thomas is to be the architect to prepare plans and specifications for the proposed addition to Howard Hall, Ohio University, Athens, Ohio.

You have also submitted a certificate of the Bank of Athens, N. B. S., that the Treasurer of Ohio University has deposited \$60,000 in said bank in a special account designated "Ohio University Howard Hall Dormitory."

It is to be noted that on said contract appears the approval by the board having charge of Ohio University.

I am returning herewith the various papers you have submitted with my approval on each copy of the contract, finding said contract in proper legal form.

Respectfully,
HERBERT S. DUFFY,
Attorney General.