

2941.

INDIGENTS—DEPENDENT CHILDREN IN COUNTY HOME—LEGAL SETTLEMENT—NOT AFFECTED BY CHANGE OF RESIDENCE OF PARENTS.

SYLLABUS:

When a juvenile court takes jurisdiction of dependent children and commits them to the county childrens' home, their status therein will not be affected by change of the residence of their parents. Under such circumstances they should be supported at the institution to which they are committed, notwithstanding the fact that their parents may become residents of another county.

COLUMBUS, OHIO, November 30, 1928.

HON. W. S. PAXSON, *Prosecuting Attorney, Washington C. H., Ohio.*

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

"Hon. E. A. Brown, prosecuting attorney of Pickaway County, and the writer, prosecuting attorney of Fayette County, desire to submit to you for a ruling a state of facts about which there is a dispute between the two counties, and we have agreed to be guided by your ruling in the matter.

On the 24th day of September, 1927, in the Juvenile Court of Fayette County, Ruth Williams aged 14, Ruby Williams aged 12, Howard Williams aged 10, and Beryl Williams aged 8, minor children of Milton Williams, deceased, and Lydia Watson Williams Smith, were committed to the temporary care and custody of the Fayette County Childrens' Home as dependent children. Shortly prior to their commitment, their mother, who had re-married a man named Smith, moved to Circleville and the children did not have a home. They have been in the Fayette County Childrens' Home since said 24th day of September, 1927, and during the same period their mother has been residing in Circleville, Pickaway County, with her husband. The trustees of the Fayette County Home feel that the Pickaway County Childrens' Home should take charge of the children at the present time while the Pickaway County authorities take the position that the children should remain charges of Fayette County. We shall appreciate receiving your ruling as promptly as possible."

In connection with your inquiry, you are referred to my opinion No. 2654 under date of September 29, 1928, wherein it was held:

"Under the provisions of Section 3477 of the General Code, as amended in 112 Ohio Laws, 157, a mother and children cannot acquire a legal settlement in a county to which they have moved from another county in Ohio while receiving aid from the State Division of Charities."

A copy of said opinion is enclosed herewith, and an examination of the same will disclose that in so far as the question of having a legal settlement for relief under the poor laws is concerned, the children you mention in your communication have not acquired a legal settlement in Pickaway County.

Your attention is further directed to an opinion of the Attorney General found in the Opinions of the Attorney General for 1920, at page 1009, wherein it was held:

“Dependent girls committed by the juvenile court to the temporary care and custody of the board of state charities, remain under the legal control and guardianship of the court until they attain the age of twenty-one years, should such commitment for temporary care endure that length of time.”

In view of the provisions of Section 1643, General Code, when a child under eighteen years of age comes into the custody of the juvenile court it becomes a ward of the court, and the power of the court over such child is a continuing one. However, said section provides that in case the child is committed to the permanent care and guardianship of the Ohio Board of Administration or the Board of State Charities, or of an institution or association certified by the Board of State Charities, etc., the jurisdiction of the court shall cease at the time of commitment. In view of the fact that the juvenile court, in the case you present, has taken jurisdiction, it is of course assumed that said children were found to be dependent in the county of Fayette. Having taken such jurisdiction and placed said children in a county institution as said court had authority to do, they were then in the custody and control of said juvenile court. It is believed that the parents of said children changing their residence could not effect a different status for said children, in so far as their commitment is concerned. While the jurisdiction of the juvenile court is continuing, it may of course modify or change its order from time to time as the circumstances seem to require. Until some action has been taken by the court with reference to the modification or changing of its order, it is believed that such children must be maintained in the institution to which they were committed.

In view of the foregoing, you are specifically advised that it is my opinion that when a juvenile court takes jurisdiction of dependent children, and commits them to the county childrens' home, their status therein will not be affected by change of the residence of their parents. Under such circumstances, they should be supported at the institution to which they are committed, notwithstanding the fact that their parents may become residents of another county.

Respectfully,
EDWARD C. TURNER,
Attorney General.

2942.

BOND ISSUE—BOND TO SHOW NAME OF DISTRICT ON FACE—
VILLAGE SCHOOL DISTRICT DEFINED.

SYLLABUS:

1. *A school district of a county school district, with a total tax valuation of more than \$500,000.00, and containing within the boundaries an incorporated village, is a village school district.*

2. *Bonds issued by a school district should show on their face the legal name of the district issuing the bonds.*