

Subject only to the exceptions above noted, the title of W. J. Beckley, trustee, in and to the property here under investigation is approved, and the abstracts evidencing such title, as well as the warranty deed, contract encumbrance record No. 1430 and controlling board certificate, all of which are likewise approved are herewith returned.

Respectfully,

JOHN W. BRICKER,

*Attorney General.*

2759.

CHILD—JUVENILE COURT JUDGE MAY COMMIT DEPENDENT CHILD  
TO CHILDREN'S HOME IN ANOTHER COUNTY WHEN.

SYLLABUS:

1. *By virtue of Section 1653, General Code, even though a county child welfare board has been established in a particular county, the judge of the juvenile court of such county, if there is no county children's home in the county, may commit dependent children to a county children's home in another county if such home is willing to receive the children.*

2. *If such commitments are made to a county children's home in another county, the county commissioners of the county from which they are committed are required to pay for their care if such dependent children have a legal settlement in the county from which they are committed.*

COLUMBUS, OHIO, May 29, 1934.

*Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.*

GENTLEMEN:—I am in receipt of your communication which reads as follows:

"You are respectfully requested to furnish this department your written opinion upon the following:

Section 1653 of the General Code relates to the authority of the judges of juvenile courts to commit children to different institutions. Section 3092 of the General Code provides that the county commissioners may appoint a Child Welfare Board, which board is given the same powers as the board of trustees of a county children's home.

QUESTION 1: In the event that a Child Welfare Board has been established, may the juvenile judge legally continue to commit dependent children to a county children's home in another county?

QUESTION 2: If such commitments are made to county children's homes in another county, may the county commissioners of the county from which they are committed be required to pay for their care?"

Section 1653, General Code, referred to in your inquiry, provides inter alia:

"When a minor under the age of eighteen years, or any ward of the court under this chapter, is found to be dependent or neglected, the judge may make an order committing such child to the care of the chil-

dren's home if there be one in the county where such court is held, *if not, to such a home in another county, if willing to receive such child, for which the county commissioners of the county in which it has a settlement, shall pay reasonable board*; or he may commit such child to the board of state charities or to some suitable state or county institution, or to the care of some reputable citizen of good moral character, or to the care of some training school or an industrial school, as provided by law, or to the care of some association willing to receive it, which embraces within its objects the purposes of caring for or obtaining homes for dependent, neglected or delinquent children or any of them, and which has been approved by the board of state charities as provided by law. \* \* \*." (Italics the writer's.)

Section 3092, General Code, provides in part:

"In any county where such home (referring to a children's home) has not already been provided, or where such home has been abandoned by the county commissioners as provided by law, *the board of county commissioners may enter into a contract for the care of its neglected or dependent children with a county children's home in another county*, or with any institution or association in the state which has for one of its objects the care of dependent or neglected children provided such institution or association has been duly certified by the board of state charities; or the board of county commissioners may pay reasonable board and provide suitable clothing and personal necessities as well as medical, dental and optical examination and treatment of dependent or neglected children who may be placed in the care of private families within the county. Provided that in any such case such dependent or neglected children shall be duly committed to the aforesaid institution or association or placed in the care of a private family by the juvenile court as provided by law.

Provided, that with the approval of the board of state charities, when in the judgment of the county commissioners the best interests of the dependent wards of the county will be subserved thereby, they may appoint a county child welfare board \* \* \*. Such board shall have the same powers and duties relative to dependent children as are now given to trustees of county children's homes, so far as applicable, particularly relating to the appointment of a visitor for the finding and supervision of family homes for such children." (Parenthesis and italics the writer's.)

In Section 1653, General Code, quoted in part supra, relative to juvenile court commitments, express provision is made giving authority to a juvenile court judge to commit a dependent or neglected child to the care of a children's home in another county, if willing to receive such child, if there is no children's home in the county where such court is held. Moreover, both Sections 3092 and 1653, General Code, quoted in part supra, make express provision authorizing the county commissioners to pay for the care of its neglected or dependent children in a county children's home in another county where there is no children's home in the county in which such court is held.

The latter part of Section 3092, providing for the appointment of a county child welfare board, is to be read as supplementary to the first part of the section, which gives the county commissioners in a county in which there is no children's home the power to enter into a contract for the care of its neglected or dependent children with a county children's home in another county, and not as qualifying

such power so as to limit it solely to cases where no such county child welfare board has been appointed. In other words, the latter part of the statute does not in any way negate the authority of the county commissioners to enter into such a contract even if a county child welfare board has been so appointed, nor should it be read as a limitation upon the power of the juvenile court judge in a county in which there is no children's home, to commit neglected and dependent children to a county children's home, willing to receive them, in another county. In Black on "Interpretation of Laws" at page 60 it is stated:

"Statutes should be so construed, if possible, as to give effect to all of their clauses and provisions; and each statute should receive such a construction as will make it harmonize with the pre-existing body of law. Antagonism between the act to be interpreted and the previous laws, whether statutory or unwritten, is to be avoided, unless it was clearly the intention of the legislature that such antagonism should arise."

It is also stated in *Medical College of Ohio vs. Zeigler*, 17 O. S. 52 at page 68:

"The rules of construction favor an interpretation which will give effect to every part of the enactment."

Consequently, in specific answer to your questions, it is my opinion that:

1. By virtue of Section 1653, General Code, even though a county child welfare board has been established in a particular county, the judge of the juvenile court of such county, if there is no county children's home in the county, may commit dependent children to a county children's home in another county if such home is willing to receive the children.

2. If such commitments are made to a county children's home in another county, the county commissioners of the county from which they are committed are required to pay for their care if such dependent children have a legal settlement in the county from which they are committed.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*

2760.

APPROVAL—CORRECTED ABSTRACT OF TITLE, WARRANTY DEED, ENCUMBRANCE RECORD NO. 9 AND CERTIFICATE OF THE CONTROLLING BOARD RELATING TO THE PROPOSED PURCHASE BY THE STATE OF A TRACT OF LAND IN MIFFLIN TOWNSHIP, PIKE COUNTY, OHIO.

COLUMBUS, OHIO, May 29, 1934.

HON. WILLIAM H. REINHART, *Commissioner, Division of Conservation, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and approval a corrected abstract of title, a warranty deed, your department copy of contract encumbrance