

1860.

APPROVAL.—BONDS CITY OF AKRON, SUMMIT COUNTY,  
OHIO, \$5,000.00, PART OF ISSUE DATED JANUARY 1, 1921.

COLUMBUS, OHIO, February 1, 1938.

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

RE: Bonds of City of Akron, Summit County, Ohio,  
\$5,000.00.

The above purchase of bonds appears to be part of an issue of bonds of the above city dated January 1, 1921. The transcript relative to this issue was approved by this office in an opinion rendered to the State Employes Retirement Board under date of August 21, 1935, being Opinion No. 4564.

It is accordingly my opinion that these bonds constitute valid and legal obligations of said city.

Respectfully,

HERBERT S. DUFFY,  
*Attorney General.*

1861.

DEPENDENT CHILDREN—PLACEMENT AND SUPERVISION  
IN PRIVATE HOMES—COUNTY CHILD WELFARE BOARD  
HAS LEGAL RIGHT TO ENTER INTO CONTRACT WITH  
APPROVED WELFARE AGENCY FOR SUCH SERVICE—  
SEE SECTIONS 3092 and 3100 G. C.

*SYLLABUSs*

*A county child welfare board appointed under the authority of Section 3092, General Code, has the legal right by virtue of Section 3100, General Code, to enter into a contract with a duly approved, private*

*welfare agency for the payment of services necessary for the placement and supervision of dependent children in private homes.*

COLUMBUS, OHIO, February 2, 1938.

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

GENTLEMEN:—I wish to acknowledge receipt of your letter of recent date, in which you present the following question for my opinion:

“We are submitting herewith copy of a contract between the Child Welfare Board, appointed by the county commissioners under the provisions of Section 3092, General Code, and the Humane Society, the terms of which provide that upon payment of a specific sum per day, per child, the Humane Society agrees to receive children, render all services necessary for the placement and supervision of the children, pay all costs, including service, board, clothing, medical and other necessary expense.

These children are committed to the care and custody of the Welfare Board by the Juvenile Court.

We respectfully request your opinion upon the question:

May the Welfare Board enter into a contract which provides for the payment for services necessary for the placement and supervision of children placed in homes, in addition to the board and other expenses of the child; or would it be limited to payment of the actual cost for board, clothing and other expenses on behalf of the child?”

Section 3092, General Code, in so far as it is pertinent to the present question, provides that the county commissioners may appoint a county child welfare board which shall have the same powers and duties relative to neglected and dependent children as are imposed upon the trustees of children's homes. For the purpose of this opinion, therefore, it will be understood that the term “county child welfare board” is substituted wherever “trustees of children's homes” is used.

Section 3095, General Code, imposes upon the trustees of a children's home the duty to investigate or cause to be investigated the suitability of the persons and the conditions of a foster home in which a dependent child is to be placed. Section 3098, General Code, provides that the trustees of a children's home must visit or cause to be visited periodically each of its wards who have been placed in a private family.

The first exception to the trustees themselves discharging the duties of placement and supervision appears in Section 3099, General Code, which reads as follows:

“Unless a children’s home places its ward through the agency of the divisions of charities of the department of public welfare, the trustee shall appoint a competent person as visiting agent, who shall seek homes for the children in private families, where they will be properly cared for, trained and educated. When practicable, the agent shall visit each child so placed not less than twice in each year, and report from time to time to the trustees its condition, any brutal or ill treatment of it, or failure to provide suitable food, clothing or school facilities therefor in such family. The agent shall perform his or her duties under the direction of the trustees and superintendent of the children’s home and may be assigned other duties not inconsistent with his or her regular employment as the trustees prescribe. Such agent shall receive such reasonable compensation as the trustees provide and necessary traveling expenses. In any county the same person may act as visiting agent of the children’s home or of a county child welfare board and as probation officer of the juvenile court, at such compensation to be paid by each as may be agreed upon by the trustees and the judge of such court.”

Considered by itself, the above statute seems to provide that the placement of dependent children through the Division of Charities is the only case in which the Trustees may divest themselves of the duty to carry on the work of placement and supervision of their wards; in all other cases the trustees must appoint and compensate a competent person to carry on this work under their immediate supervision.

However, Section 3100, General Code, which was amended in its present form in 1913 as part of Senate Bill No. 18 (103 O. L. 892) provides in part as follows:

“The trustees of such children’s home *may also place children* under their charge in suitable homes in private families, through well known and established private institutions duly incorporated under the laws of the state, and approved by the board of state charities as provided by Section 1352-1 of the General Code, which have, as their object, the fitting for, and placing of children in families. \* \* \*” (Italics, the writer’s.)

On its face the foregoing section seems to provide that the trustees may contract with a private institution only for the placement of wards in private homes. However, reference to Section 1352-1, General Code, which was also enacted in its present form, as a part of Senate Bill No. 18, *supra*, indicates that the institution specified in Section 3100, General

Code, must also employ a system of visitation for children placed in private homes. I feel that the provisions of Section 1352-1, General Code, relating to the visitation of children should be adopted by reference into Section 3100, General Code. The authority for this statutory construction is found in Lewis' Sutherland Statutory Construction, Volume 2, Section 405, as follows:

“Where one statute adopts the particular provisions of another by a specific and descriptive reference to the statute or provisions adopted, the effect is the same as though the statute or provisions adopted had been incorporated bodily into the adopting statute.”

It seems perfectly clear, therefore, that in the enactment of Section 3100, General Code, the Legislature intended to confer upon the trustees of children's homes the authority to contract with private institutions for the supervision as well as the placement of children in private homes.

Section 3099, General Code, was also amended as a part of Senate Bill No. 18 (103 O. L., 864) in substantially the same form as it exists today, in so far as it provides that the trustees shall appoint a competent person as visiting agent unless its wards are placed in private homes through the Board of State Charities.

Inasmuch as Sections 3099 and 3100, General Code, are parts of the same legislative act, they may be considered as being in *pari materia* and must be construed in direct relation to each other. On this principle of statutory construction, 37 O. Jur., page 599, reads as follows:

“Statutes or sections which expressly refer to each other or which relate to the same person or thing or to the same class of persons or things or to the same subject or object may be regarded as in *pari materia*. Sections have been considered in *pari materia* which are parts of the same law or act or which were formerly parts of one section or the same original statute.”

In support of the above text, the following cases are cited.

*State vs. Smith*, 123 O. S. 237;  
*Verducci vs. Casualty Company of America*, 96 O. S. 260;  
*Morse vs. State, ex rel. Empire Petroleum Company*, 41 O. S. 263;  
*Morrow vs. Morrow*, 18 O. L. A. 235; and  
*Metz vs. Metz*, 17 O. L. A. 531.

The language of Section 3100, General Code, that "The trustees of such children's home may also place children under their charge in suitable homes or private families through well known and established private institutions," can only be read as additional authority for the trustees of children's homes to place children in private homes other than through the agency of the State Division of Charities. In other words, the trustees of children's homes may, in the two above enumerated cases, contract for the placement and supervision of dependent children in private homes and in all other cases the trustees must directly employ and compensate a competent person to carry on the work as required in Section 3099, General Code.

It is my opinion, therefore, that pursuant to the provisions of Section 3100, General Code, a county child welfare board has the authority to contract with a private welfare institution for the payment of services necessary for the placement and supervision of dependent children in private homes, and is not limited to the payment by contract of the board, clothing and other physical necessities of dependent children.

Respectfully,

HERBERT S. DUFFY,  
*Attorney General.*

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1862.

COSMETOLOGY—BEAUTY PARLOR—SCHOOL OF COSMETOLOGY—GENERAL REQUIREMENTS—LICENSEE—MANAGER'S LICENSE—OPERATOR OF LICENSED BEAUTY PARLOR.

*SYLLABUS:*

1. *Under the provisions of paragraph (h) of Section 1082-1 and Section 1082-17 of the General Code, beauty parlors individually operated are not required to be in charge of or under the immediate supervision of a licensed managing cosmetologist.*
2. *All those beauty parlors employing two or more operators or those operated in connection with a school of cosmetology under the provisions of paragraph (h) of Section 1082-1 and Section 1082-17 of the General Code, are required to be in charge of and under the immediate supervision of a licensed managing cosmetologist.*
3. *A person to be eligible as a managing cosmetologist must meet the requirements laid down in the proviso contained in Section 1082-5 of the General Code, the terms of which require that an applicant in order*