

October 1st detached from said bonds, and for this reason the bonds have been returned to the state treasurer, with the advice not to accept the same, and you are advised of the disapproval by this department.

Respectfully,
C. C. CRABBE,
Attorney General.

2450.

STEP-PARENT IS GENERALLY NOT LIABLE FOR SUPPORT, CARE AND EDUCATION OF A MINOR STEP-CHILD—JUVENILE COURT LAWS CONSTRUED.

SYLLABUS:

A step-parent is generally not liable for the support, care, maintenance and education of a minor stepchild in the same manner as if it is his own child.

The provisions of the juvenile court chapter generally apply to a step-parent in the same manner as to a real parent, providing said application is consistent with the intent of said chapter.

COLUMBUS, OHIO, May 6, 1925.

HON. JOHN E. HARPER, *Director of Department of Public Welfare, Columbus, Ohio.*

DEAR SIR:—Acknowledgement is hereby made of your recent communication, which reads as follows:

“Section 1646 of the General Code defines the word ‘parent’ as ‘one or both parents or step parents when consistent with the intent of this chapter.’

“Section 1655 of the General Code provides for the care, support, maintenance or education of a minor under the age of 18 years.

“We should like to raise the following questions:

“1. Is a step-parent liable for the support, care, maintenance and education of a minor step-child in the same manner as if it is his own child?

“2. Do all the provisions of the juvenile court chapter apply to a step-parent in the same manner as to a real parent?”

In answer to your first question you are advised that this department in an opinion rendered March 1, 1916, and found in opinions of attorney general, page 365 of volume I of said year, held that a step-father is not liable for the support of the children of his wife by a former marriage, and used the language following:

“There is only one decision in the state of Ohio on this subject, and that is the case of trustees of Bloomfield vs. trustees of Chagrin, 5 Ohio R., page 315. In that case it was held by the court that,

“The second husband has no legal control over his wife’s children by former marriage. He has no right to their services, and is not bound to support them, consequently they can derive no settlement from him.’

“* * * The doctrine announced in the case of trustees of Bloomfield vs. trustees of Chagrin is the law of the state, it never having been altered, modified or reversed, and it is my opinion, therefore, that unless

Mr. * * * has taken some positive steps toward the adoption of the children of his wife by a former marriage, he could not be successfully prosecuted under the provisions of section 13008 of the General Code."

It is therefore the opinion of this department that a step-father is generally not liable for the support, care, maintenance and education of a minor stepchild. Your second question is:

"Do all the provisions of the juvenile court chapter apply to a step-parent in the same manner as to a real parent?"

Section 1646 G. C., which defines "proper parental care" reads:

"A child within the provisions of this chapter whose parents, step-parents or guardian permits it to use or become addicted to the use of tobacco, or intoxicating liquors as a beverage and not for medicinal purposes, or any injurious or narcotic drug, or whose parents or guardian rears, keeps or permits it in or about a saloon or place where intoxicating liquors are sold, or a gambling house or place where gambling is practiced or carried on, or a house of ill fame, or ill repute, shall be deemed to be without proper parental care or guardianship. * * * The word 'parent' may mean one or both parents or step-parents when consistent with the intent of this chapter. * * *"

It will be noted that the provision that the word "parent" may mean step-parent is a part of the provision defining proper parental care and that no obligation is imposed by said section upon parents, step-parents, or guardians.

The only sections of the juvenile court chapter which apply to a parent are:

1. Section 1642, which provides that the juvenile court shall have jurisdiction over and with respect to delinquent, neglected and dependent minors under the age of eighteen years, and their parents and guardians.

2. Section 1645 defines a dependent child as "one who is prevented from receiving proper education because of the condition or neglect of its parent, step-parent, guardian or other person in whose care it may be.

3. Section 1646 provides as hereinbefore noted.

4. Section 1648 provides that upon filing of the complaint a citation shall issue, requiring such minor to appear, and the parents or guardian or other person, if any, having custody or control of the child, or with whom it may be, to appear with the minor at the time and place to be stated in the citation; and also that a parent, step-parent, guardian, or other person not cited may be subpoenaed to appear and testify at the hearing.

5. Section 1653 provides for the commitment of minors to an institution or suitable person and also that the court may make an examination regarding the income of the parents or guardian of the minor so committed; and also that such parent or guardian pay the institution to which the minor is committed, reasonable board.

6. Section 1673 provides that the parents, parent, guardian or other person or persons, having the right to dispose of a dependent or neglected child may enter into an agreement with any institution for the care and maintenance of minor children.

7. Section 1679 provides that the judge, in committing children shall place them, so far as practicable, in the care and custody of an individual holding the same religious belief as such child or its parents.

8. Section 1655 also refers to parents, when it provides:

"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 * * *."

It will be noted that sections 1645, 1646 and 1648 G. C., specifically mention "step-parent" in connection with the word "parent," so that no question can arise as to those particular sections; and while the word "step-parent" is not used in connection with the word "parents" in section 1642 G. C., it is probable that the word "parents in said section would include "step-parents," especially if the step-parents have the custody of the minor children; and it is probable that the word "parent" in some of the other sections may include "step-parents," but it does not appear that in any of said sections any obligation is placed upon the step-parents for the maintenance and education of their minor step-children, and the question as to whether or not the word "parent" means "step-parent" depends upon whether or not said meaning is consistent with the intent of the juvenile court chapter.

It is therefore the opinion of this department, and you are advised that:

1. A step-parent is generally not liable for the support, care, maintenance and education of a minor step-child in the same manner as if it is his own child.

2. The provisions of the juvenile court chapter generally apply to a step-parent in the same manner as to a real parent, providing said application is consistent with the intent of said chapter.

Respectfully,

C. C. CRABBE,

Attorney General.

2451.

AUTHORITY OF JUVENILE COURT—SECTIONS 1643 AND 1648 GENERAL CODE CONSTRUED.

SYLLABUS:

1. *If a child has become a ward of the juvenile court before the age of eighteen years, and has been committed temporarily to a certified institution or agency, or to the division of charities, before that age, the juvenile court has power to recommit the child after it attains the age of eighteen years.*

2. *If a child has come into a juvenile court in accordance with the provisions of law, the court may terminate its jurisdiction before said child reaches the age of twenty-one years by permanent commitment, as provided in section 1643, and also by the approval or consent to adoption, as provided in paragraph C of section 8025 G. C.*

3. *The word "parent" may mean one or both parents, and it is not necessary that both or either of the parents be present in court in order to give the juvenile court jurisdiction to make legal commitment of a child, for permanent transfer of guardianship to a certified institution or agency.*

4. *A new citation to the parents or guardian is not necessary at the time a juvenile judge wishes to change a temporary order to a permanent one.*

COLUMBUS, OHIO, May 6, 1925.

HON. JOHN E. HARPER, *Director of Department of Public Welfare, Columbus, Ohio.*

DEAR SIR:—Acknowledgement is hereby made of your recent communication, which reads: