

IN RE: STATE BOARD OF CHARITIES AND CORRECTIONS: POWER
TO RETURN MINOR CHILD TO PARENTS.

Dec 14106 - 07 R S Mo 1929

June 14, 1933. *6-14*

Hon. Elliott M. Dampf
Prosecuting Attorney
Cole County
Jefferson City, Missouri



Dear Sir:

This Department is in receipt of your letter of June 8 in which you request an opinion from this office on the following state of facts:

"Will you kindly advise the undersigned if the Executive Secretary of the State Board of Charities and Corrections has the right and power to return a minor child from the state institution at Carrollton to its parents, before said child has reached the age of twenty-one, when the Juvenile Division of the Circuit Court has ordered said child committed to the care and custody of the State Board of Charities and Corrections until she has attained the age of twenty-one years, and has not modified said order."

The State Home for Children, which was established at Carrollton in 1931 by an act of the Legislature, receives dependent and neglected children who are legally committed by the Juvenile Courts to the care of the State Board of Charities and Corrections. (R. S. Mo. 1929, 14095-14110).

Section 14101, R. S. Mo. 1929, so far as it is pertinent to the present inquiry provides:

"All commitments to said home shall

be made by the juvenile court of the county of such child's bona fide residence. *****

Section 14106, R. S. No. 1929, provides:

"Said board so far as practicable shall secure homes for such children in proper families, or the board may place the child with its parents, guardian or custodian without surrendering guardianship of said child or it may place such child in a proper family home during minority or for a shorter period. (Laws 1921, p. 89, Sec. 13.)

Section 14107, R. S. No. 1929, provides:

"Whenever any such child has become self-supporting or his parents, guardian or custodian have become able to provide for him and are otherwise suitable, the board may discharge him; whereupon the guardianship of the board shall cease, and he shall be entitled to his earnings, with power to contract for his services, or shall be returned to the custody of his parents, guardian or custodian as the board may direct. (Laws 1921, p. 89, Sec. 14.)

Therefore, in view of the foregoing, it is the opinion of this department that when a Juvenile Division of the Circuit Court has committed a child to the care and custody of the State Board of Charities and Corrections under Article 4, Chapter 125, R. S. No. 1929, the said Board of Charities and Corrections

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may, under Sections 14106 and 14107 R. S. Mo. 1929,
return said minor child from the State institution
at Carrollton to its parents.

Very truly yours,

APPROVED:

JOHN W. HOFFMAN, JR.
Assistant Attorney General.

ROY McKITTRICK
Attorney General

JWH/AJ