

**State Reform School, Duty to Receive Persons Committed Determined by Order of Commitment Accompanied by Certificate of Health. Officers of Reform School, Bound by Order of Commitment.**

It is the duty of the proper officers of the State Reform School to receive an individual committed to that institution by a court of competent jurisdiction, when accompanied by a copy of the order of commitment under the seal of the court, together with a certificate of health of the individual committed and the age of the individual committed is determined so far as the officers of the reform school are concerned, by such order of commitment.

January 3, 1911.

Messrs. H. W. George and C. W. Butler,  
Executive Board, State Reform School,  
Miles City, Montana.

Gentlemen:

Your letter of December 28th, 1910, has been received requesting my opinion upon the following questions:

1. When, upon commitments of inmates to this institution, the board has evidence that the one committed is older than the age stated in the commitment, and in some cases past the age of 18 years, is it our duty to accept, with question, the facts as to age as stated in the commitment?

2. In some cases boys committed to the school have arrived at the age of 18 years between the time they are tried and convicted and the times of their arrival at the school. Is it our duty to receive them?

3. In other cases boys have been arrested and proceedings started against them before they are eighteen, and they have attained the age of eighteen before commitment by the court. Is it our duty to receive them?

4. We recently received from Beaverhead county, two boys, and the president is well satisfied that they are over eighteen years of age; in fact, nearer twenty-one. President George has inquiries out and expects to receive advice from a Utah institution of which they were once inmates. In event of their being reported as nearer twenty-one than eighteen years of age, what is the proper course for us to follow?

In reply to these questions, I will say, that under the provisions of Section 9780, Revised Codes, the State Reform School is established for the keeping and reformatory training of youths between the ages of eight and eighteen years who are residents of the State of Montana, and who on presentation to the director of said school by an accompanying officer, parent or guardian, shall be accompanied by a certificate of commitment; and section 9808 provides that each boy or girl committed to the State Reform School shall remain there until he

or she arrives at the age of twenty-one years, unless paroled or legally discharged. Section 9802 provides that when a boy or girl of sane mind between the ages of eight and eighteen years, shall, in any court of record, or by any judge of the district court in this state, be committed to the Reform School, a copy of the order of commitment under the seal of the court, accompanied by a certificate of health, shall be sufficient warrant for carrying such boy or girl to said school, and for his or her commitment to the custody of the director thereof.

As to whether or not the court had jurisdiction to commit the boy or girl to the Reform School, is a matter which does not concern the officers of the school, for the reason that the order of commitment of the court is binding upon the officers of the school and is their authority for receiving and caring for the person committed until such time as it is set aside by a court of competent jurisdiction.

You are, therefore, advised that in answer to each of the above questions propounded, it is your duty to receive the individual committed in each instance, and that his age is determined, so far as his commitment to the school is concerned, by that found and fixed by the court in the order of commitment.

Yours very truly,

ALBERT J. GALEN,

Attorney General.