

**Orphans' Home, Children Admitted To. Dependent Children.
Children Adopted From Orphans' Home.**

Chap. 92, Laws of 1907, does not conflict with prior laws relating to the admission of children to the State Orphans' Home.

Children in the State Orphans' Home, whose parents, or either of them, reside in the State, must be kept there one year before the Trustees can consent to their adoption.

Helena, Montana, May 23, 1907.

Mr. Wiley Mountjoy.

Supt. State Orphans Home,
Twin Bridges, Montana.

Dear Sir:—

Your letter of the 5th inst., requesting an opinion of this office, received. You submit the following questions:

1. Does Chap. 92 of the Laws of 1907, relating to dependent and neglected children, etc. effect the law relating to the receiving of children at the Orphans Home, as it existed prior to the passage of the new law?

2. Has the law which requires the Home to keep children one year in case either parent is living been repealed?

In answer to your first question you are advised that the provisions of said Chapter 92 in no way conflict with sections 2470 to 2494 of the Political Code, as amended by Chap. 40, Laws of 1903. You may still receive children into the Home in the manner provided by Section 2497, as enacted by said Chapter 40 of the Laws of 1903, which, as you know, provides that an application shall be made to the County Superintendent of Schools, who shall make a complete investigation and report in writing to the chairman of the board of county commissioners. Whereupon the Board makes application to the Home for the admission of the child.

Said Chap. 92 of the Laws of 1907 is intended to cover cases where no application is made to the County Superintendent, and where in the interest of society it is deemed advisable for the authorities to take charge of the child; and upon a proper hearing before the District Court have it committed to the Orphans Home or other suitable place.

As to your second question, you are advised that the Law relating to the adoption of children which have been received in the Orphans Home has not been changed, and that Section 313 of the Civil Code,

as amended by the Laws of 1897, at page 229, is still in full force and effect. Therefore, where either parent is a resident of this State, the child must be kept for a period of one year before the Board of Trustees may consent to its adoption.

Yours very truly,

ALBERT J. GALEN,

Attorney General.