

**Reform School, Inmates Eligible to Discharge. Reform School, Feeble Minded and Helpless Inmates of.**

Feeble minded inmates of the reform school, over the age of 21 years should be discharged therefrom, and they should be committed to the state school for the deaf and blind or the state insane asylum.

Helena, Montana, August 17, 1909.

Hon. Sharpless Walker,  
County Attorney,  
Miles City, Montana.

Dear Sir:

I am in receipt of your letter of August 13, wherein you submit for my official opinion the question as to the proper disposition to be made

of two inmates of the reform school, both of whom are suffering from mental and physical infirmities, and both of whom are of the age when the board of trustees of the reform school have authority to discharge them, and desire to do so.

It seems that the provisions of the law governing the affairs and conduct of the state reform school does not cover the facts submitted by you. It is certain that Custer county should not be burdened with the expense of supporting these two inmates any more so than any other county of the state.

One of these inmates was committed from Carbon county and the other from Cascade county. Under section 9806, revised codes, these counties are respectively liable for the expense of returning these inmates to their parents or guardian, if any such are living within the state. You have not stated in your letter whether or not either, or both, of these inmates have parents or guardians now living in Montana. If such were the case, and the inmates were mentally and physically sound, the provisions of 9806 would entirely cover your question. However, as the boy is feeble-minded and the girl through blindness and other infirmities, is helpless, it seems that the state itself is under obligations to care for them at some other institution in the event that they have no parent or guardian to assume that duty.

Section 9808, revised codes, provides that each boy or girl committed to the reform school shall remain there until he or she reaches the age of 21 years; provided, however, that the trustees, on recommendation of the director, may parole any girl over the age of 18, when, in their judgment, she is a proper person to be discharged, and there might be a question as to whether or not the girl mentioned in your letter is a proper person to be discharged, in view of the fact that she is helpless, until some other means of caring for her is arrived at.

Section 1168, revised codes, provides who may be admitted to the Montana School for the Deaf and Blind, and provides that deaf, dumb and blind and feeble minded residents of Montana, between the ages of 6 and 21 years, who are not unsound of mind or dangerously diseased in body, or of confirmed immorality may be admitted. It may be possible that the persons concerning whom you write are now proper subjects for the care of the state at the Montana Deaf and Blind School, and in the event that they have no parents or guardians living in the State of Montana, it seems to me that it would be wise to make application for their admission there, if they are of such character as the law requires.

Yours very truly,  
ALBERT J. GALEN,  
Attorney General.