

**County, to Care for Poor. Poor, What County to Care For.  
Reform School, Discharged Inmates to Be Returned.**

The county of residence of a person applying for relief is the county required by law to furnish assistance.

It is the duty of the authorities at the state reform school upon the discharge of an inmate thereof, to return such inmate to the county from which he was originally committed.

June 8, 1911.

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

Dear Sir:

I am in receipt of your letter 5th inst., in which you ask my opinion upon the following state of facts:

"On October 26, 1902, there was committed to the reform school from Cascade county, a female aged 13 years. She was released on November 5, 1910. Being without funds and apparently having no relatives or friends, she stayed at Miles City from time to time until March 10, 1911, when she returned to the institution voluntarily. That she is now in delicate health, and Mr. George, superintendent of the institution, has made arrangements to have her sent to Helena upon the payment of \$25.00 and her traveling expenses and small payments from time to time. Will you please advise me as to which county (Cascade or Custer) is liable for the expenses indicated?"

By the provisions of Section 9806 of the Revised Codes, and in the last portion of said section, provision is made for the return of any

boy or girl who may have been committed to the state reform school, to the county from which said boy or girl is committed. In the reading of this section, however, from the reference therein made to the "parent or guardian," the section contemplates the child at the time of commitment, had either a parent or guardian living. From the facts contained in your letter, it is evident that the female in question did not have any parent or guardian, and that she had arrived at the age of majority at the time of her release. However, on the date of her release, from the provisions of said Section 9806, it is my opinion that the authorities at the school should have returned her to Cascade county, the county from which she was committed, and provision is in said section made, for the payment of the expense of such return by the county. As above stated, however, she having arrived at the age of majority, it was her right and privilege should she so determine, to take up her residence in the county of Custer, and from the facts stated in your letter, she apparently did take up her residence in Custer county, and resided at Miles City for a period of over four months.

It is apparent now, from the statements contained in your letter, that this party is in indigent circumstances, and is dependent upon the public for her care and support.

Section 2060 of the Revised Codes of 1907, provides:

"Any person seeking relief must make application to any member of the board, who, before granting an order for relief, must require satisfactory evidence that he has been a resident of the county for two months immediately preceding the date upon which the application is made."

The provisions of this section necessarily infer that two months' residence immediately preceding the date upon which application for relief is made, is sufficient to entitle such applicant to assistance from the county in which such relief is sought. The applicant having become a resident then of Custer county, and having resided therein more than two months, prior to the time of applying for such relief, and she not having returned to Cascade county or been returned there by the authorities of the Reform school in accordance with the section above quoted, it is my opinion that the payment of the charges indicated in your letter, if made by either county, would necessarily be made by the county of Custer, and that Cascade county would not be liable for the expense indicated.

However, in this connection, the proper authorities of Custer county, have the right and privilege of determining the nature and extent of relief if any, which will be given to the applicant.

Yours very truly,

ALBERT J. GALEN,

Attorney General.