

**Secretary of the Bureau of Child and Animal Protection, Duty of in Certifying to Accounts. Commitments to Certain Institutions, Duty of Secretary of Bureau of Child and Animal Protection.**

It is not the duty of the secretary of the bureau of child and animal protection to certify to accounts filed by various institutions where women are admitted or committed under the provisions of Chapter 131, Laws of 1909, except that as to cases which have been committed through his own department he should certify the accounts.

April 2nd, 1913.

Hon. M. L. Rickman,  
Sec'y Bureau Child and Animal Protection,  
Helena, Montana.

Dear Sir:

I am in receipt of your favor of the 29th ultimo., making inquiry as to your duty in certifying to accounts filed by the various institutions of the State of Montana, where women are admitted or committed under the provisions of the laws of this state and particularly

of 131, Laws of 1909. Under the provisions of this latter chapter, institutions receiving and caring for such people are entitled to receive from the county compensation "at the rate of ten dollars per month, to be allowed and paid as other claims against the county are paid," but it seems from the information given you and the demands made upon you, that the various boards of county commissioners require the accounts filed for such care to be accompanied by a certificate from you, stating among other things (1) that a written application of the party committed had been filed in your office, and (2) that you had issued an order committing such persons to said institution. The county boards making this rule were evidently under the impression that all persons committed to such institutions were committed through your department or else they only intended such certificate to apply to commitments made through your department. Under the law of this state, there are some two score or more courts who may commit such persons to such institutions, and with reference to such commitments you have no information and no records, and you certainly cannot, therefore, certify to them. A certificate from you in such case would not be any evidence whatsoever and you would be certifying to that which is untrue in fact. The proper evidence of such commitment is the record of the court, showing the order of committal, not the certificate of some other forum who has no knowledge or records relating thereto. You can properly only certify to those cases committed through your department. That is, you can only certify to your own records and to the business of your own department. I am well convinced that it was not the intention of the county authorities to require certificates from you as to cases where commitments were issued from a court, and that if the rule they have made is too broad, they will be willing to modify the same, and to seek the evidence of such committal from the courts of their respective counties. Where a commitment is made by you, it is with the consent and even with the request of the party committed, but a commitment made by a court is frequently against the consent of the party committed. You may very properly refuse to sign any such certificate, except as to commitments made by you or your department.

Very truly yours,

D. M. KELLY,  
Attorney General.