

**Claims—Fees—Expenses—Mileage—Jurisdiction—County Commissioners—Receipts—Probation Officers.**

The county commissioners have the authority to require receipts to be attached to claims filed for actual expenses and other information necessary to enable them to properly pass upon claims.

The probation officer has jurisdiction in any county in his district to sign petitions and perform other duties pertaining to the duties of his office.

December 16, 1927.

Frank Larsen, Esq.,  
Probation Officer,  
Livingston, Montana.

My dear Mr. Larsen:

You have requested my opinion on the following questions:

First: Is it necessary for me to get receipts for items under the amount of \$1.50, and if not, how should this amount be stated on my monthly expense bill?

Second: What mileage am I entitled to as chief probation officer when using my automobile in the performance of my duties?

Third: Is it necessary in filing claim when using my automobile in the performance of official duties to state the exact route traveled, or will it be proper to state in the expense bill the furthest point and make a statement as to the total mileage?

Fourth: As chief probation officer, and a resident of Park county, have I a right to sign petitions with regard to dependent or neglected children in other counties in the sixth judicial district?

Fifth: May I, as chief probation officer, take possession of children who are in immediate danger or may be removed from the jurisdiction of the court, in any of the counties of the sixth judicial district?

In answer to your first question, the state law requires all claims that are filed with the board of county commissioners to be itemized and sworn to. However, the board of county commissioners has the power to demand receipts for such parts of the claim as they deem fit, and this matter will therefore be governed by the rules and regulations of the board of county commissioners.

In answer to your second question, section 12288, R. C. M. 1921 provides that the probation officer is entitled to his actual expenses incurred in the performance of his duties, and chapter 80, laws of 1923, further provides:

“Whenever it shall be necessary for any state or county officer to use his own automobile in the performance of any official duty where traveling expense is allowed by law, such

officer shall receive not to exceed twelve and one-half cents per mile for each mile necessarily traveled unless otherwise specifically provided by law and the members of any lawful approving board shall be liable upon their official bonds, for any claim which they may allow in excess of such amount. Provided, further, that in no case shall an automobile be used as herein provided if suitable transportation can be had by railroad."

In answer to your third question, section 4901, R. C. M. 1921 provides as follows:

"Wherever mileage is allowed to any sheriff or other officer, juror, witness, or other person, under any law of Montana, the same shall be computed according to the shortest traveled route, when such shortest route is passable."

The board of county commissioners has the right to request such information as will enable it to properly pass upon the question of whether the shortest route has been used.

In answer to your fourth question, in signing a petition in regard to dependent or neglected children, you are not acting as a private citizen such as contemplated by section 10467, R. C. M. 1921, but you are acting as an officer of the court and therefore have the jurisdiction conferred upon you by section 12288, supra, which gives you the authority to act in any of the counties of your district.

In answer to your fifth question, section 12288, supra, gives you the power and authority of sheriffs within your district, and inasmuch as section 10467, supra, states that a sheriff may take custody of children who are in danger of violence or serious injury or apt to be removed from the jurisdiction of the court for the purpose of evading proceedings, it is my opinion that you, as chief probation officer, have the right to take possession of children under these conditions in any of the counties of your district.

Very truly yours,

L. A. FOOT,

Attorney General.