

Larew, rests with the state of the legal residence of the father, which seems to be the State of Minnesota and not Montana. We do not have the facts concerning the residence of the father in Minnesota. The fact that the father has been in Minnesota since some time in 1932, and that he sent for his son to come to Minnesota, where he was employed, are strong indications of his intention to make Minnesota his residence, but, of course they are not conclusive.

Under the circumstances, I believe you would be justified in assuming, at least until the contrary is shown, that the legal residence of the father is in the State of Minnesota.

Opinion No. 32.

Children—Feeble-Minded Children,
Care of—Residence.

HELD: The legal residence of the father determines the state which is legally responsible for the care of his feeble-minded child.

January 25, 1935.

Mrs. Maggie Smith Hathaway
Secretary, Bureau of Child Protection
The Capitol

You have submitted the following facts:

"Robert Larew, a feeble-minded boy, born July 6, 1920, was committed to our Boulder School for the Feeble-Minded, September 30, 1928, and in December, 1933, he was released to his father, who had been in Minnesota for over a year.

"Doctor Howard Griffin, Superintendent of the Boulder School, states 'Robert Larew was dismissed from this institution to go to his father in Hopkins, Minnesota. I was informed that his father was employed and amply able to care for him and as he was no longer a resident of this state, the home of his minor child would naturally be with him. I feel that Montana has no further obligation concerning this child.' *

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"Does the responsibility for the further care of Robert Larew rest with Montana?"

It is my opinion that the responsibility for the further care of Robert