

No. 130

**YOUTH HOMES—JUVENILE DELINQUENTS—SUPER-
INTENDENT AND MATRON, one person to serve as**

Held: The amendments to Section 12297, Revised Codes of Montana, 1935, as set out in Chapter 26 of the Laws of 1941, merely change the name of the institution referred to in Section 12297 from a "detention home" to a "youth home," and reduce the personnel of the institution from the plural to the singular so that the position of superintendent and matron shall be filled by one person who is qualified under the Act, i. e., a suitable and discreet person qualified for the teaching of children.

May 28, 1941.

Mr. John D. Stafford
County Attorney
Cascade County
Great Falls, Montana

Dear Mr. Stafford:

You have submitted the following question:

"The County Commissioners of Cascade County have requested an opinion from me and from yourself respecting Section 12297, Revised Codes Montana, 1935, as recently amended by the last Legislature. The question presented by them is whether, under the new law, the Youth Home to be established by said commissioners, is to be run by one person or two persons, a superintendent and matron."

The provisions of Chapter 26 of the Laws of 1941 insofar as pertinent here, provide:

"The county commissioners of all counties to which this Act applies are hereby authorized, empowered, and required to provide the necessary funds and to make all needful appropriations to carry out the provisions of this act; and in counties with a population of over thirty thousand (30,000) inhabitants, the county commissioners shall provide and in other counties may provide, by purchase, lease or otherwise, a place to be known as a youth home, which shall not be used for the confinement of adult persons charged with criminal offenses, where delinquent, dependent, or neglected children may be detained, until final disposition, which place shall be maintained by the county as in other like cases. And in counties having a population in excess of thirty thousand (30,000) the judge having jurisdiction may appoint a superintendent and matron subject to ratification of the juvenile improvement committee, who shall have charge of such home and of the delinquent, dependent and neglected minors detained therein.

"Such superintendent and matron shall be a suitable and discreet person, qualified as teacher of children."

The phrase—"Such superintendent and matron shall be a suitable and discreet person, qualified as a teacher of children"—is plain, certain and unambiguous and could not be construed to mean anything other than a reference to one person serving in a dual capacity.

Therefore, it is my opinion the amendments to Section 12297 of the Revised Codes of Montana, 1935, as set out in Chapter 26 of the Laws of 1941, merely change the name of the institution referred to in Section 12297 from a "detention home" to a "youth home" and reduce the personnel of the institution from the plural to the singular so that the position of superintendent and matron shall be filled by one person who is qualified under the act, i. e., a suitable and discreet person qualified for the teaching of children.

Sincerely yours,

JOHN W. BONNER
Attorney General