

March 5, 1949

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

T. D. Romero, Secretary
Board of Directors of
State Institutions for Juveniles
Tucson Senior High School
Tucson, Arizona

Dear Mr. Romero:

You have asked for an opinion on the following question:

"Can the state commit a pregnant girl to the Florence Crittendon Home who is 19 years of age?"

regarding a girl who was committed to your board from Globe.

Section 47-411, A.C.A. 1939, relating to the authority of your board concerning girl juvenile offenders, states:

"The board shall have the power to arrange with private institutions within the state devoted to social welfare work and possessing adequate facilities therefor, for the detention, * * * * * and reformation of girl juvenile offenders".

Section 46-118, in conformity with Section 6 of Article 6 of the Constitution, provides that the Superior Court:

"shall have exclusive original jurisdiction in all proceedings and matters affecting neglected, dependent, incorrigible, or delinquent children, or children accused of crime under the age of eighteen (18) years".

Section 46-125 of the Juvenile Code provides:

"Disposition of child. * * * * *

(b) The judge shall make such order for the commitment, custody, and care of the child as the child's own good and the interests of the state require. He may commit the child: * * * * *
3. to a suitable institution; * * *
6. to an appropriate public or private agency authorized to care for children. * * * * * In any case the juvenile court may make an order directing the parent of a child to contribute to its support such sum as the judge may determine, or may allow a reasonable sum for the support of the child at the expense of the county".

Section 46-132 provides, with regard to commitment by the juvenile court:

"When jurisdiction has been obtained by the juvenile court in the case of any child, the child shall continue under the jurisdiction of the court until he becomes twenty-one (21) years of age, unless sooner discharged. No commitment shall divest the court of jurisdiction for the purpose of enforcing its judgments and orders".

Reading all of these sections together, we are of the opinion that the juvenile court may originally take jurisdiction of a minor child under the age of eighteen, but the child may continue under its jurisdiction until he or she becomes twenty-one years of age, unless the court discharges the child before that time. Under the sections above-quoted, the court may make its order committing the child to a private agency such as the Florence Crittendon Home and may make an order for the minor's support at the expense of the county.

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From your letter we assume that the Indian girl was committed directly to your board by an order of the Juvenile Court of Gila County, and that the commitment has never been revoked. If such is the case, we believe the court still has jurisdiction over the girl, although she is now nineteen years old, and that, in its discretion upon a proper showing, the court may order her commitment to the Florence Crittendon Home at the expense of Gila County.

If our assumption is correct that you still have the girl under a commitment from the Juvenile Court, we believe you should petition the court to take the action you suggest if that is what your board believes is indicated in this case.

Very truly yours,

FRED O. WILSON
Attorney General

LORNA E. LOCKWOOD
Assistant Attorney General

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