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June 16, 1952  
Opin. No. 52-181

yes How 6/17/52 ✓  
J. Thomas McIntire, Superintendent  
The Arizona Children's Colony  
Coolidge, Arizona

Dear Mr. McIntire:

This acknowledges receipt of your letter of May 10 in which you ask the opinion of this office on the following question:

"We would appreciate receiving your opinion as to whether or not the above cited law (Ch. 30 L1949, Sec. 3 P. 3 - 8-903, ACA 1939 Supp.) is sufficient authority for payment in advance by the counties. If the law is not proper authority what further steps must be taken by the Colony for advance quarterly collection of the counties' share of the charge for care, maintenance and training of the children?" (Parenthetical matter supplied)

The law cited, in providing for the eligibility of a minor child for assistance in the Arizona Children's Colony, requires:

"or, if an indigent, the county in which the child resides will pay quarterly, in advance, for his maintenance."

Under Section 8-911 ACA 1939 Supplement:

" \* \* \* The cost of maintenance of a dependent or-indigent child shall be a charge against the county in which the child resides at the time of admission to the colony."

Under Section 17-311 ACA 1939, the Board of Supervisors is empowered to:

"create and make payments from such other county funds as are necessary for the proper transaction of the business of the county."

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Reading the two sections of the statute, each in the light of the other, it would thus seem that the county should pay quarterly in advance, the sums necessary for the maintenance of indigent children resident therein who are admitted to the colony. The source of such funds for payment would be as authorized under the foregoing section of the law.

Sincerely yours,

FRED O. WILSON  
Attorney General

PJM:GG

PHIL J. MUNCH  
Assistant Attorney General