



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GROVER SELLERS

ATTORNEY GENERAL

Hon. J. M. Williams
County Auditor
Tarrant County
Fort Worth, Texas

Dear Mr. Williams:

Opinion No. 0-5956
Re: Authority of Commissioners' Court to expend county funds for traveling expense of assistant juvenile officer in transporting juvenile delinquent outside of State of Texas.

We have received your recent communication in which you request our opinion as to whether the Commissioners' Court of Tarrant County is authorized to expend money out of county funds for the expenses of an assistant juvenile officer in transporting a juvenile delinquent from Gatesville, Texas, to Boystown, Nebraska.

The facts, as presented to us, are that such child was declared to be delinquent under the terms of Senate Bill No. 44, Chapter 204, Regular Session of 48th Legislature of Texas, 1943. (Art. 2338-1, V. A. C. S.) by the Judge of the 96th District Court of Tarrant County, Texas, sitting as a Juvenile Court, and was committed to the State Training School at Gatesville, Texas; that he remained in said institution for approximately one year and under the merit system employed by said School was entitled to be discharged from said Institution at the expiration of that period of time. When the time for a release came, it was made manifest to the Judge of the 96th District Court that he had no people with whom he could live and that he was less than fourteen years of age but was a big, strong, healthy boy for his age. Application was sought and permission obtained to place the boy in the home known as Boystown, Nebraska, and he was taken by an assistant juvenile officer of Tarrant County, Texas, in an automobile from Fort Worth, Texas, to said institution upon an order of the Judge of the 96th District Court.

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Upon careful study of Article 2338-1, V. A. C. S., we are unable to find any authority given for the placing of a delinquent child outside of the State of Texas.

Therefore, the act of transporting such juvenile outside of the State of Texas would be unauthorized by law, and the expenses of such trip would not be an allowable charge against county funds, the same not "being necessary in the performance of the duties of a juvenile officer" as required by Art. 5142, V. A. C. S.

Trusting this satisfactorily answers your inquiry,
we are

Yours very truly

ATTORNEY GENERAL OF TEXAS

By (s) Robert L. Lattimore, Jr.
Assistant

RLL:rt
RLL:flc

APPROVED JUN 27, 1944
(s) Geo. P. Blackburn
(Acting) ATTORNEY GENERAL
OF TEXAS

APPROVED OPINION COMMITTEE
BY (S) GWB, CHAIRMAN