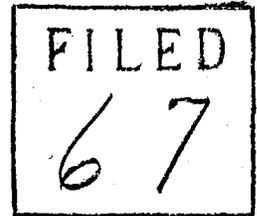


SCHOOLS: County courts where indigent parents reside must furnish expenses of child in School for the Deaf.

March 7, 1948



Honorable Louis Bolte, Comptroller
City of St. Louis
Department of Finance
St. Louis, Missouri

Dear Sir:

We are in receipt of your request for an official opinion from this office on the following question:

"I would appreciate an opinion from you on the responsibility of a County which has sent a child to the School for the Deaf and later, the child's parents change their residency within the State of Missouri. Does the original committing County assume continuous responsibility for the teaching of the child regardless of change of residency of the parents in Missouri, assuming of course that the parents cannot pay for the care and teaching."

Article 25, Chapter 72, R. S. Mo. 1939, provides for the education of blind and deaf persons who are residents of this state.

Section 10854 of said Article requires the parents or other persons having custody or control of deaf children between the ages of six and seventeen years to cause such children to attend regularly some recognized school for the deaf.

Section 10856, R. S. Mo. 1939, provides for the payment of the expenses of such education where the parents or guardians of the children referred to in the previous paragraph are unable to pay for their education. That section is as follows:

"Whenever, upon petition of any person, and satisfactory evidence adduced to the county

court of this state that there is a blind or deaf person residing in any county, and such person is entitled to the advantages of the Missouri school for the blind or the Missouri school for the deaf, and the parents or guardians of such persons are unable to pay the expenses of such person at his proper school, the county court shall order him or her sent to the proper school, at the expense of the county for his clothing and traveling expenses."

While the language in the above section is somewhat indefinite in that it refers to "the county court of this state" and a "deaf person residing in any county," it is obvious from a consideration of the entire section that it was intended that the county court of the county in which the individual involved has his residence has the legal duty of sending a deaf person within the statutory age limits to the Missouri School for the Deaf.

Further confirmation of this view may be obtained by a consideration of Section 10861 of the same Article pertaining to schools for the blind and deaf. That section requires that money to assist blind students be paid out of the general revenue funds upon an account verified by the president of the institution, "accompanied by a certificate from the county of which said blind pupils are residents."

In your request you ask whether the change of residence of the parents of a deaf child of the proper school age, and the expense of whose education must be borne by a county court, affects the liability of the county court of the original county of residence for such educational expense.

There are numerous decisions of the courts of this state in which the question of the residence of a minor is involved and, without exception, these have followed the rule set forth in *Lacy v. Williams*, 27 Mo. 280, l. c. 282:

"Regularly, the domicile of the parents is that of their children, and whilst the mother was a resident of Cedar county, a curator for her children could not be appointed by the County Court of Polk county. This is the only safe rule, and the only one that will prevent confusion and conflict in the administration of the estates of minors."

Honorable Louis Nolte - 3

As stated in the above quotation, a variance from this rule would result in endless confusion in the administration of the affairs of the various counties by the county courts.

CONCLUSION

It is, therefore, the conclusion of this office that the county court of the county of which a deaf child of an age at which he is subject to compulsory school attendance laws is a resident is required to furnish the necessary expenses of said child at the Missouri School for the Deaf, where the parents of such child are financially unable to furnish such expenses, and it is our further conclusion that the residence of such child is the residence of his parents.

Respectfully submitted,

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APPROVED:

J. E. TAYLOR
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RLH:HR