

May 7, 1970

OPINION LETTER NO. 129

Honorable George J. Pruneau
Prosecuting Attorney
Wayne County Courthouse
Greenville, Missouri 63944



Dear Mr. Pruneau:

This opinion is in response to your questions stated as follows:

- "1. May a circuit judge of a circuit composed of third and fourth class counties appoint as deputy circuit juvenile officer a full-time employee of the State Department of Revenue?
- "2. May such circuit judge appoint as a deputy circuit juvenile officer a person who is a township committeeman?

The appointment of juvenile court personnel is provided for in Section 211.351, RSMo 1959, as follows:

- "1. The juvenile court shall appoint a juvenile officer and other necessary juvenile court personnel to serve under the direction of the court in each county of the first and second class and the circuit judge in circuits comprised of third and fourth class counties.
- "(1) May appoint a juvenile officer and other necessary personnel to serve the judicial circuit; or

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"(2) Circuit judges of any two or more adjoining circuits may by agreement, confirmed by judicial order, appoint a juvenile officer and other necessary personnel to serve their respective judicial circuits and in such a case the juvenile officers and other persons appointed shall serve under the joint direction of the judges so agreeing.

"2. In the event a juvenile officer and other juvenile court personnel are appointed to serve as provided in subdivision (1) and (2) of subsection 1, the total cost to the counties for the compensation of these persons shall be prorated among the several counties and upon a ratio to be determined by a comparison of the respective populations of the counties."

The qualifications for juvenile officers are established by Section 211.361, RSMo 1959:

"1. Whenever the need arises for the appointment of a juvenile officer, the juvenile court shall either:

"(1) Provide, by rule of court, for open competitive written and oral examinations and create an eligible list of persons who possess the qualifications prescribed by subdivision (2) and who have successfully passed such examination; or

"(2) Appoint any person over the age of twenty-one years who has completed satisfactorily four years of college education with a major in sociology or related subjects or who, in lieu of such academic training, has had four years or more experience in social work with juveniles in probation or allied services.

"2. This section does not terminate the existing appointment nor present term of office of any juvenile officer or deputy juvenile officer in any county, but it applies to any appointment to be made after the existing appointment or term of office of any incumbent terminates or expires for any reason whatsoever.

In our view, any deputy circuit juvenile officer appointed by the circuit judge must possess the qualifications provided for by Section 211.361.

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The duties of juvenile officers, and inferentially of deputy juvenile officers, are enumerated in Section 211.401, RSMo 1959:

"1. The juvenile officer shall, under direction of the juvenile court:

"(1) Make such investigations and furnish the court with such information and assistance as the judge may require;

"(2) Keep a written record of such investigations and submit reports thereon to the judge;

"(3) Take charge of children before and after the hearing as may be directed by the court;

"(4) Perform such other duties and exercise such powers as the judge of the juvenile court may direct.

"2. The juvenile officer is vested with all the power and authority of sheriffs to make arrests and perform other duties incident to his office.

"3. The juvenile officers or other persons acting as such in the several counties of the state shall cooperate with each other in carrying out the purposes and provisions of Sections 211.011 to 211.431."

The Department of Revenue is within the executive branch of the state government; and the Director of Revenue has authority to hire, remove, and set the compensation of employees of the department. Section 32.050, RSMo Supp. 1967.

We find nothing incompatible between employment by the Department of Revenue and the office of deputy circuit juvenile officer. Of course, the appointee must be qualified to serve as deputy juvenile officer.

We understand your second inquiry to mean a township or ward committeeman of a political party within the meaning of Sections 120.770, RSMo, et seq. Again, we have examined the statutes and see no reason why such a committeeman cannot serve as a juvenile officer if he possesses the requisite qualifications.

Very truly yours,

JOHN C. DANFORTH
Attorney General