the Indiana State Teachers' Retirement Fund or may be left as a lien against the annuity; Provided, however, That deferred payment or adjusted accounts must bear interest at four per cent per annum which shall be compounded if not paid. In case of retirement before all arrearages are paid, the annuity otherwise available will be reduced in the proportion which the amount unpaid bears to the then present value of such annuity.”

This section undoubtedly takes care of the case of arrearages arising from the fact that additional years of service is claimed and, I think, it is fair to conclude that the Legislature intended to take care not only of unpaid contributions by reason of the claim of additional years of service, but also of any deficit growing out of the fact of the establishment of a new “beginning age” which, from an actuarial standpoint, would have required a different yearly payment under the previously existing Act. Under the above subdivision of Section 1, supra, it appears that the teacher in Class 3 has three options. He may either pay the arrearages in cash during the first year or, in a series of installments according to the rules and regulations of the Board of Trustees of the Indiana State Teachers' Retirement Fund, or, the charge may be left as a lien against his annuity.

PROBATION, DIRECTOR OF: Funds may be expended on wards who are being maintained in their own homes.

Children, Neglected or Dependent: Funds of Probation Dept. may be expended on wards who are being maintained in their own homes.

Neglected Children: Funds of Probation Dept. may be expended on wards who are being maintained in their own homes.

Dependent Children: Funds of Probation Dept. may be expended on wards who are being maintained in their own homes.
Mrs. Emory Scholl,
Director of Probation,
Indianapolis, Indiana.

Dear Mrs. Scholl:

I have before me your letter of June 12, 1940, wherein you submit the following:

"I request an official opinion on the legality of expending funds on wards of the juvenile courts, where said wards have been returned to their own homes."

The juvenile dependent and delinquent statute defines "neglected" and "dependent" children as follows:

"The words 'dependent child,' as used herein, or in any other statute concerning the care, custody or control of children, shall mean any boy under the age of sixteen (16) years or any girl under the age of seventeen (17) years, who is dependent upon the public for support, or who is destitute, homeless or abandoned." Burns' Statutes 1933, Sec. 9-2806.

"The words 'neglected child,' as used herein, or in any other statute concerning the care, custody and control of children, shall mean any boy under the age of sixteen (16) years or any girl under the age of seventeen (17) years, who has not proper parental care or guardianship; or who habitually begs or receives alms; or who is found living in any house of ill fame or with any vicious or disreputable persons; or who is employed in any saloon; or whose home, by reason of neglect, cruelty or depravity on the part of its parent or parents, guardian or other person in whose care it may be, is an unfit place for such child; or whose environment is such as to warrant the state, in the interest of the child, in assuming its guardianship." Burns' Statutes 1933, Sec. 9-2807.

By the precise language of the above sections, these definitions are made applicable to other statutes concerning the care and custody of children. This being the case, such defini-
tions would apply to those children who were formerly subject to the control of the Board of Children's Guardians as provided for in Sec. 22-2802, Burns' Ind. Stat. 1933. That statute vested the control of such neglected and dependent children in the Board of Children's Guardians and provided for the administration of all matters concerning care and custody of children who were made wards of the court as well as providing for the paying of the necessary costs of such care and custody.

Sec. 9-2812, Burns', etc., 1933, provides as follows:

"The compensation allowed for the care of dependent and neglected children made wards by order of the juvenile court shall be not to exceed seventy-five cents (75c) a day for each child, and such compensation shall be made upon the same condition now provided for. In the case of the death of such wards, a reasonable sum shall be allowed for funeral expenses. All payments heretofore made at the rate of compensation provided for in this act are hereby legalized. The county council shall appropriate and the county commissioners shall allow the funds necessary to carry into effect the provisions of this act. (Acts 1919, ch. 76, Sec. 1, p. 442; 1920 (Spec. Sess.), ch. 9, Sec. 1, p. 37.)"

This section specifically concerns wards of juvenile courts and provides for the expenditure of 75c a day for such wards "upon the same conditions as now provided for." It would appear, since the Childrens' Guardians Act antedates the juvenile statute, that the expenditure of such sum would be subject to the provisions of the Board of Children's Guardians statute, and that the statute concerning the expenditure of 75c a day for support of wards of juvenile courts would not be repealed even though the Board of Children's Guardians was abolished and the powers thereof vested in the Welfare Department by a specific repealing act. Such being the case, it is my opinion that wards of the juvenile court returned to their own homes as authorized by the Children's Guardians Act, would be entitled to the 75c support money pursuant to the provisions of Sec. 52-1121, Burns', etc., 1933, which reads as follows:
"All of the rights, powers and duties conferred by law on the board of children's guardians and the board of county charities and corrections are hereby continued in full force and effect and are hereby transferred to and conferred upon the county department and shall be held, exercised and performed by the county department under and by virtue of the provisions of this act and of the several acts now in force and the board of children's guardians and the board of county charities and corrections is hereby abolished. (Acts 1936 (Spec. Sess.), ch. 3, Sec. 22, p. 12; 1937, ch. 41, Sec. 4, p. 235.)"

In view of the foregoing, it is my opinion that the Welfare Department, functioning in the place of the old Board of Children's Guardians, might pay the 75c compensation for the maintenance of neglected and delinquent juveniles who have been remanded to the custody of their parents pursuant to an order of court.

My attention has likewise been called to the language of Sec. 9-2812, Burns' 1933, wherein, in speaking of neglected juveniles and their support, the following provision is made for the raising of the 75c a day compensation for support of wards:

"All payments heretofore made at the rate of compensation provided for in this act are hereby legalized. The county council shall appropriate and the commissioners shall allow the funds necessary to carry into effect the provisions of this act."

Such language, by its mandatory provisions, requires the support of delinquent and neglected juvenile wards, separate and apart from similar provisions of the old Board of Children's Guardians Act and authorizes special appropriations therefor. This being the case, if the county has appropriated money for their support, the commissioners should allow the 75c compensation upon order of court.

Since Sec. 9-2814, Burns', etc., 1933; Sec. 3 of the Juvenile Dependents and Delinquents Act, as amended, provides for disposition of neglected and delinquent wards, even to returning them to their own home on order of the court, it follows
that the 75c compensation, if available by proper appropriation, may be paid for the support of a neglected or delinquent child when such child is a ward of the court and residing in its own home.

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PUBLICITY, STATE DIVISION OF: Funds may be expended on prizes in promotion of State Publicity.
Insurance: Publicity Division not authorized to spend funds to carry insurance against liability for negligence.
Expenditures: Funds of State Publicity Division may be expended on prizes in promoting State Publicity.
Contests: Publicity Division may spend funds for prizes in contests to promote State Publicity.

June 15, 1940.

Mr. J. H. Albershardt, Director,
Division of State Publicity,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter in which you state that on February 28, 1940, at a regular meeting of the members of the Division it was decided to sponsor an essay contest among the various high schools in the State of Indiana, giving as a prize to the winner in each county a trip throughout the State with all expenses paid. Under the plan as proposed and adopted all high school children were eligible to enter the contest.

You state further that seventy-three children have been selected as winners, who are to be conducted on a 1200 mile tour of the State beginning Monday morning, June 17th, and continuing through June 22nd. These winners are to be conducted by buses, free of charge to themselves, with meals and lodging included. The total cost of the trip, including buses, meals and lodging, admission to State parks and insurance, amounts to approximately $1,350.00.

You request an official opinion as to whether under the law the above items may be paid out of the appropriation available to the Division.

The Division of State Publicity was created by Chapter 159 of the Acts of 1939. Acts of 1939, pp. 736, 737. The scope