WELFARE, DEPARTMENT OF PUBLIC: Deportation law
—Scope; whether Board of State Charities or township
trustees have authority to consent to return of strictly
dependency cases.

January 8, 1936.

Hon. F. R. Farnam,
Deportation Inspector,
Department of Public Welfare,
Indianapolis, Indiana.

Dear Sir:

I have at hand your recent letter concerning interpretation
of certain provisions of Section 8 of the Deportation Law
(Chap. 56, Acts 1917; Sections 22-1501 to 22-1512, incl.,
Burns 1933 Indiana Statutes). You submit two specific ques-
tions, as follows:

"Question No. 1. How broad an interpretation
shall be given to the matter of 'consent to the return
of insane, feeble-minded, or epileptic persons, and
other dependents, to the State of Indiana, who have
legal settlement within the State of Indiana,' as stated
in the Deportation Law? (Acts of 1917, Chapter 56,
especially Section 8.) Shall the term 'other depen-
dents' as used in this section, include all those eligible
for relief, as poor persons, or only those requiring in-
stitutional care, as poor persons?

"Question No. 2. In strictly dependency cases, un-
der the law, is the responsibility for granting con-
sent for return of a dependent to Indiana, and to a
given township, for public care, placed on the town-
ship overseer of the poor of such township?"

The Act in question is entitled "An Act concerning the de-
portation of non-resident insane, feeble-minded, epileptic
or poor persons, and making an appropriation." (My-italics.)
Section 8 of the Act reads as follows:

"The board of state charities is hereby authorized
to consent to the return of insane, feeble-minded or
epileptic persons, and other dependents to the state of
Indiana who have a legal settlement within the state
of Indiana. The clerk of the circuit court of the proper
county shall receive insane or epileptic persons returned to Indiana under the provisions of this act, and care for them, or cause them to be cared for, until they can be received into the proper institution. The township overseer of the poor shall receive feeble-minded persons and other dependents returned to Indiana under the provisions of this act, and care for them in the manner provided by law.” (My italics.)

The Legislature did not define the meaning to be attributed to the word “dependents” as used in Section 8, Chapter 56, supra; nor is there any general statutory definition of such word which would be applicable to its use in the act under consideration. However, in view of the language used in said section and the language used in the title of the act, it is my opinion that the term “other dependents” was used by the Legislature in the broader sense, as including all persons entitled to public care under the laws of this state, whether such care be institutional or in the nature of general poor relief only. Consequently your first question is answered in the affirmative.

In my opinion your second question requires a negative answer. It seems obvious that the provisions of Section 8, supra, authorizing the board of state charities to consent to the return of such “dependents” to the State of Indiana when they are found to have legal settlement in this state, were intended to give such board exclusive authority in such matters. The last sentence of the section does not authorize township overseers of the poor, themselves, to consent to the return of “feeble-minded persons and other dependents”; it merely describes the duties of such township officials after persons within such class of dependents have been returned to this state with the consent of the board of state charities, as provided in the first sentence thereof.