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Subsection (g) of § 42-1802 exempts electric, gas, water and telephone public utilities, their respective employees, agents, representatives, and individual contractors from the requirements of the 1955 law. Those public utilities are licensed by and they are subject to the regulations of the Public Service Commission. Any persons whose monies are collected by those public utilities have ample protection from suffering loss because of conversion. There is, therefore, no reason to require that such utilities be licensed under the 1955 Collection Agency Law. See Burns IND. STAT. ANN., § 54-102 *et seq.* And the express companies which are exempted from the operation of the 1955 Collection Agency Law, subsection (2) Burns § 42-1802, are subject to the control and supervision of the Indiana Public Service Commission.

It is, therefore, my opinion that persons and agencies exempted from the operation of the Collection Agency Law of 1955 by section 2 thereof may collect the monies and accounts of others in the regular course of their businesses, but may not advertise as a collection agency as that term is defined by Burns § 42-1801 (b).

OFFICIAL OPINION NO. 4

April 1, 1966

DEPENDENT CHILDREN, PUBLIC WARDS, OR CHILDREN OTHERWISE RECEIVING FOSTER CARE—School Transfer Charges. Transfer of Tuition Charges. Moving from One School Corporation to Another.

Opinion Requested by Mr. Richard L. Worley, State Examiner, State Board of Accounts.

This is in response to your recent letter requesting an Official Opinion with respect to school transfer laws as they relate

to dependent children and/or public wards or children otherwise receiving foster care under Acts 1947, ch. 179, as amended, and as found in Burns IND. STAT. ANN., § 28-3723.

Your letter in part presents your questions as follows:

“For the purpose of presenting the questions, assume (1) that within the geographical boundaries of County ‘A’ there are two school corporations ‘X’ and ‘Y,’ and (2) that prior to the time of being placed in a foster home, dependent children, and or public wards or children otherwise receiving foster care had attained legal settlement in County ‘A,’ and had been residing in school corporation ‘X.’

“The questions presented are:

- “1. If the foster home in which the children are placed is in a school corporation located in a county other than County ‘A,’ shall the transfer tuition costs be paid from the general fund of County ‘A’?
- “2. If the foster home in which the children are placed is in school corporation ‘Y,’ shall the transfer tuition costs be paid from the general fund of County ‘A’?
- “3. If the foster home in which the children are placed is in school corporation ‘X,’ shall the transfer tuition costs be paid from the general fund of County ‘A’?
- “4. Where children are placed in foster homes such as referred to in questions 1, 2 and 3, above, is an order of transfer required pursuant to Chapter 253, Acts 1921, as amended (Burns’ 28-3701)?”

The pertinent statute applicable to answering your main questions is as found in Acts 1947, ch. 179, as amended, as found in Burns IND. STAT. ANN., § 28-3723, which reads as follows:

“Dependent children and/or public wards or children otherwise receiving foster care living in a private home of a taxpayer of the community shall be permitted to attend the public schools of the school district

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in which said private home is located or of which the children in the locality attend: Provided, That the private home in which said children reside is to be the home for said children for an indefinite period, including children being kept there under the supervision of the county department of public welfare or other agency given supervision thereof according to law, and the said children are not living in said home for the sole purpose of getting an education.

“Transfer tuition charges shall be paid for such children in the manner and as provided by law in case of transfer from one [1] school corporation to another school corporation: Provided, further, That such transfer tuition charges for such dependent children and/or public wards or children otherwise receiving foster care shall be appropriated by the county council and paid out of the general fund of the county wherein such children had attained a legal settlement at the time they were transferred to such foster or private home, at the same charge as is prescribed by law for tuition when children are transferred from the school corporation in which they have legal settlement to another school corporation.”

In 2 R.S. (1852), ch. 17, § 1, as found in Burns § 1-201, it is stated:

“The construction of all statutes of this state shall be by the following rules, unless such construction be plainly repugnant to the intent of the legislature or of the context of the same statute:

“First. Words and phrases shall be taken in their plain, or ordinary and usual, sense. . . .”

The Supreme Court in *State ex rel. Roberts v. Graham*, 231 Ind. 680, 686, 110 N.E. 2d 855 (1953), stated:

“Courts interpret statutes for the purpose of ascertaining legislative intent. *Zoercher v. Indiana Associated Telephone Corp.* (1937), 211 Ind. 447, 7 N.E. 2d 282; 50 Am. Jur., Statutes, 200. Such intent must be determined primarily from the language of the statute

itself, 50 Am. Jur., Statutes, 210, which language must be so reasonable and fairly interpreted as to give it efficient operation and to give effect, if possible, to the expressed intent of the legislature. *State v. Griffin* (1948), 226 Ind. 279, 79 N.E. 2d 537.”

In the case of *Lewis v. Smith's Estate*, 130 Ind. App. 390, 395, 162 N.E. 2d 457 (1959), the court said:

“ . . . Statutes must be interpreted in the light of the purposes with which they deal. To hold otherwise than we do would defeat the express purpose of the statute.”

In *Adams v. Slater*, 132 Ind. App. 105, 112, 175 N.E. 2d 706, 709, 94 A.L.R. 2d 1194 (1961), the court said:

“ . . . If it appears that more than one construction is possible then it is the duty of this Court to give the construction which will give meaning to its purpose or object. . . .”

In the case of *Walgreen Co. v. Gross Income Tax Div.*, 225 Ind. 418, 421, 75 N.E. 2d 784, 1 A.L.R. 2d 1014 (1947), the court said:

“In arriving at the meaning of a statute it must be considered as an entirety, each part being considered with reference to all the other parts. Statutes are not to be considered as isolated fragments of law, but as parts of one great system. *The Rushville Gas Co. v. The City of Rushville* (1889), 121 Ind. 206, 213, 23 N.E. 72; *Bradley v. Thixton* (1889), 117 Ind. 255, 257, 19 N.E. 335; *Morrison v. Jacoby* (1887), 114 Ind. 84, 89, 90, 14 N.E. 546, 15 N.E. 806; 50 Am. Jur. § 349 *Statutes* pp. 345, 346.

“Judge Elliott stated this proposition well in *Humphries v. Davis* (1885), 100 Ind. 274, at page 284, thus: ‘A statute is not to be construed as if it stood solitary and alone, complete and perfect in itself, and isolated from all other laws. It is not to be expected that a statute which takes its place in a general system of jurisprudence shall be so perfect as to require no

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support from the rules and statutes of the system of which it becomes a part, or so clear in all its terms as to furnish in itself all the light needed for its construction. It is proper to look to other statutes, to the rules of the common law, to the sources from which the statute was derived, to the general principles of equity, to the object of the statute, and to the condition of affairs existing when the statute was adopted. . . . Statutes are to be so construed as to make the law one uniform system, not a collection of diverse and disjointed fragments.’ ”

In reviewing the acts and statutes applicable to transfer of pupils, I find same compiled under Chapter 37, as found in Burns IND. STAT. ANN., §§ 28-3701—3731, with the heading “Transfer of Pupils From One School Corporation To Another.” In none of these statutes do I find that transfer tuition charges are assessable where eligible students move from one home to another within the same school corporation or from one school to another within the same school corporation. In these statutes, transfer tuition charges are predicated upon children having acquired a residence or domiciliary status along with their parents in one school corporation transferring to another school corporation in which they do not have and/or cannot attain either a legal settlement or the required residence status. Thus taking the principle of law as laid down in the *Walgreen Co. v. Gross Income Tax Div.* case, *supra*, unless Acts 1947, ch. 179, as amended, dealing with transfer tuition charges, contains a specific provision to the contrary, it must be reasonably deduced that the latter Act (Acts 1947, ch. 179, as amended) taken in conjunction with the general statutes dealing with the transfer of pupils from one school corporation to another, also deals with situations where a transfer of pupils is involved from one school corporation to another.

Prior to the 1955 amendment to Acts 1947, ch. 179, as amended *supra*, which added the second paragraph, it was the opinion of the Attorney General that “the school corporation in which a child had legal settlement or domicile, at the time it was made a ward of the court, would be liable to pay

transfer tuition to the school corporation in which the foster home is located and in which school corporation said child attends school; and since the promulgation of the acts of the general assembly of 1955, the county in which such child had legal settlement or domicile, at the time it became a ward of the court, would be liable for such *transfer tuition*, to be paid from the county general fund." (Emphasis added.) 1955 O.A.G., No. 29, p. 113.

By the enactment of Acts 1947, ch. 179, as amended, *supra*, it must be concluded that it was the obvious intent of the legislature to provide a uniform means for the payment of tuition transfer charges to school corporations that received dependent children and/or public wards or children otherwise receiving foster care living in a private home of a taxpayer *other than the school corporation in which such children* had attained their legal settlement or domicile. Acts 1947, ch. 179, as amended, in effect requires the county council of the county where such children had attained a legal settlement to appropriate and pay tuition transfer charges when and if a "transfer" is involved from one school corporation to another as a result of the children being made a ward of a court. The receiving corporation is thus required to look for payment of such charges only to the county and not to the school corporation in which such children had attained legal settlement.

With the foregoing in mind, the language of Acts 1947, ch. 179, as amended, *supra*, becomes clear. Paragraph two of said Act begins with the words "transfer tuition charges shall be paid for such children in the manner and as provided by law in cases of transfer from one [1] school corporation to another school corporation." Giving meaning to the intent and purposes of the Act it is evident that tuition charges are involved in such cases where a transfer is involved from "one [1] school corporation to another school corporation." The Act continues, "provided, further, that such *transfer tuition* charges for such dependent children and/or public wards or children otherwise receiving foster care *shall* be appropriated by the county council and paid out of the general fund of the *county* wherein such children *had attained* a legal settlement at the time they were transferred to such foster or private home. . ." in another school corporation.

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Applying this statute to your first question, there can be little question but that otherwise qualified children who had attained a legal settlement in county 'A' who are transferred to another county and are maintained in foster homes for the stated reasons, are entitled to have their tuition appropriated from the general fund and paid by the county council of 'A' county to the school corporation to which the children are transferred. Here a transfer is involved from one school corporation to another.

Your second question also involves a transfer of children within county 'A' and from "one [1] school corporation to another school corporation" and according to the specific requirements of the statute, the county council shall appropriate and pay the required transfer tuition "out of the general fund of the county wherein such children had attained a legal settlement at the time they were transferred to such foster or private home."

Your third question seeks an answer to a situation where otherwise qualified children are placed in a foster home within the same school corporation and county, and no transfer is involved from "one [1] school corporation to another school corporation," although the children have been transferred from one home to another home within the same school corporation. Since no transfer from a school corporation is involved in this latter case, transfer tuition costs should not be paid from the general fund of the county in which children had attained a legal settlement or domicile. It is obvious that the children in question three (3) are still residing within the school corporation in which domicile has been established and they are entitled to an education by law in such school corporation without tuition charges.

One further comment should be added tending to show the intent and purposes of the amended act under discussion. Had the legislature desired that tuition charges be paid by a county for *all* dependent children and/or public wards or children otherwise receiving foster care living in private homes whether a transfer from one school corporation to another were involved or not, such could have been simply and clearly expressed by stating that the county council should be required to appropriate tuition charges from the general fund

of the county from which said children had attained legal settlement and that same be paid to the school corporation teaching the children. The legislature did not speak only of tuition charges, but it does make reference to *transfer tuition* charges.

Your fourth question asks whether an order of transfer is required under Acts 1921, ch. 253, as amended, as found in Burns IND. STAT. ANN., § 28-3701, for such children placed in foster homes. Acts 1921, ch. 253, as amended, *supra*, presupposes that the governing authority of a school corporation is initiating the transfers either on its own motion or on application of the parents. This Act does not require the governing authority of a school corporation to issue orders of transfer for children who have been made wards of a court and transferred to another school corporation through no action of that governing authority.

Acts 1935, as amended, as found in Burns IND. STAT. ANN., § 28-3717, provides in part, as follows:

“Whenever children are transferred from one public school corporation in this state to another school corporation in this state under the provisions of any law authorizing or requiring such transfers, the corporation receiving such transfers, shall, on or before the thirty-first of July of each year, file with the debtor corporation of a verified statement showing the name of the debtor corporation, the names of all children so transferred by the debtor corporation, the respective periods of attendance of such children during the school year, the kind of school attended by each child, the annual per capita cost of maintaining the school or schools of the creditor corporation attended by such transferred child or children, and the amounts claimed as owing from the debtor corporation to the creditor corporation on account of such transfers and attendance.”

It would seem that a school corporation receiving children which are the subject of this Opinion could administratively follow the last-cited statute without a transfer order to receive its just due. Such children would usually appear in the receiv-

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ing school corporation without prior notice to the forwarding school corporation since same usually results by action of some court. The receiving school corporation must register each new pupil in its school, and it is in a position to ascertain the required facts and figures and submit them in accordance with accepted procedures by filing a claim with the proper county council. At any rate, it would definitely appear that unless the statute expressly prescribes the manner by which such transfer tuition charges shall be collected by the receiving school corporation, that such should be accomplished by accepted and established administrative procedures.

In summary, if a transfer of school children is involved under conditions and circumstances as heretofore considered from one school corporation to another school corporation, then the county council of the county in which the children have attained a legal settlement or domicile is required to pay the appropriate transfer tuition charges. The answer to questions one (1) and two (2) is yes, and the answer to your question three (3) is no. As to question number four (4), it is my further opinion that it would be impractical to require an order of transfer from the forwarding school corporation in situations here under consideration and that Acts 1921, ch. 253, as amended, *supra*, do not specifically require same.

OFFICIAL OPINION NO. 5

April 1, 1966

DEPARTMENT OF MENTAL HEALTH—Use of State Funds to Construct or Operate Out-of-State Mental Health Centers.

Opinion Requested by Dr. S. T. Ginsberg, Mental Health Commissioner.

This is in response to your request for my Official Opinion in answer to the question of whether certain funds "can be