

OPINION
51-94

August 22, 1951 (OPINION)

JUVENILE COMMISSIONER

RE: Powers

Your letter of August 10, 1951 addressed to this office has been received. You request the opinion of this office on questions based on the following assumed facts:

A child is involved in a traffic offense other than an offense listed in section 39-0610 of the 1943 Code and you would like to know "Does the Juvenile Commissioner or the Judge of the Juvenile Court have the authority to set out as a condition of probation that the child involved in the offense refrain from driving a car for a certain period of time?", and further: "May the Commissioner or Judge hold the driver's license in his office until that period of time has expired?"

Also "Does the Juvenile Commissioner, or does the Juvenile Court, have authority to set out as a condition of probation, that the child involved in the traffic offense refrain from driving a car until he has obtained liability insurance?"

Section 26-1602 provided that the Juvenile Commissioner shall have the power to "make such temporary order for the custody and control of the child as he may deem proper."

Section 27-1621 empowers the Juvenile Court to order "such further care and treatment as the Court may deem to be for the best interests of the child."

Statutes creating courts having jurisdiction of juvenile delinquents have for their object, not the punishment of juvenile offenders for misconduct but the removal from the path of temptation, and their direction by preventative and corrective means. The welfare of the child lies at the very foundation of this statutory scheme. Statutes of this nature are an assertion of the state's power as *parens patriae* and its right to exercise proper parental control over its minor citizens who are disposed to go wrong.

Statutes creating courts having jurisdiction of juvenile delinquents, are regarded by the courts as progressive, humanitarian, and beneficial, and therefore entitled to favorable and liberal construction to the end that their beneficent purpose may be effected to the fullest extent.

Therefore, it is the opinion of this office that under the above quoted sections the Juvenile Commissioner and the Judge of the Juvenile Court have the authority to set out as conditions of probation, such matters as they may deem to be for the best interests of the child. You will note, however, that the Juvenile Commissioner is authorized to make such TEMPORARY orders as would be required for

the individual case.

ELMO T. CHRISTIANSON

Attorney General