

Opinion No. 66-46

April 11, 1966

BY: OPINION OF BOSTON E. WITT, Attorney General Paul J. Lacy, Assistant Attorney General

TO: Mr. Glenn J. Walker, Superintendent, New Mexico Boys' School, Springer, New Mexico

QUESTION

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Must the New Mexico Boys' School obtain written consent from parents before allowing boys committed to the School to compete in competitive sports wherein in jury is a possibility?

CONCLUSION

No.

OPINION

{*55} ANALYSIS

Section 13-8-53, N.M.S.A., 1953 Compilation (P.S.), provides as follows:

"13-8-53. Provisions for commitment of juveniles. -- When any juvenile has been bound to be within the provisions of the Juvenile Code of New Mexico, the judge may issue an order to commit such juvenile:

- A. To the care and custody of his parents or to a reputable citizen of good moral character, subject to such conditions as the juvenile court may impose;
- B. To any suitable institution, association, public or private agency or school willing to receive such juvenile, subject to such conditions as the juvenile court may impose;
- C. To the Los Lunas Hospital and Training School or the New Mexico Insane Asylum, in the event the juvenile court determines that the juvenile is in need of treatment of the type afforded by those institutions;
- D. In the event the juvenile is a boy, to the New Mexico Boys' School until twenty-one years of age, unless sooner paroled or released by the order of the juvenile court in accordance with the provisions of this act;

E. In the event the juvenile is a girl, to the Girls' Welfare Home until twenty-one years of age, unless sooner paroled or released by the order of the juvenile court in accordance with the provisions of this act; or

F. Take such other action as the court deems necessary in the best interest of the child."

Under this Section, the Juvenile Court is given a variety of choices as to the disposition of juvenile offenders in New Mexico.

It is our opinion that Section 13-8-53, supra, operates to give the custody over the juveniles to whomever the Juvenile Court may commit the juvenile under the various subsections. Therefore, in those instances where the Juvenile Court has committed a boy to the New Mexico Boys' School, such School has obtained the custody over that boy and must look to no one for permission to allow that boy to participate in competitive sports wherein injury is a possibility, so long as these sports are reasonably related to the rehabilitative purposes for which the school exists.