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ATTORNEY GENERAL
STATE OF ILLINOIS
SPRINGFIELD

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FILE NO. S-1098

**PUBLIC FUNDS:
Use of County Detention
Home Tax Levy For Shelter
Care**

Honorable John J. Bowman
State's Attorney
DuPage County
207 South Reber Street
Wheaton, Illinois 60187

Dear Mr. Bowman:

This is in response to your letter concerning the County Detention Home Act. (Ill. Rev. Stat. 1975, ch. 23, pars. 2681 et seq.) You state that the County Probation Department presently administers the County Juvenile Detention Facility which has been established under the Act. The Department presently purchases shelter care services from private institutions for juveniles who are so placed pursuant to court order

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under the Juvenile Court Act. (Ill. Rev. Stat. 1975, ch. 37, pars. 701 et seq.) You ask whether part of the tax levy for the maintenance of the County Detention Facility may be used, either directly or indirectly, to purchase shelter care at private institutions for juveniles coming under the Juvenile Court Act, and who are not committed to the County Detention Facility.

It is my opinion that no portion of the tax levy which is authorized under the County Detention Home Act may be used to purchase or otherwise provide for shelter care at private institutions, or at any place other than the detention home, for juveniles coming under the Juvenile Court Act.

Section 1 of the County Detention Home Act (Ill. Rev. Stat. 1975, ch. 23, par. 2681) authorizes a county to establish and maintain a detention home for the temporary care and custody of dependent, delinquent, or truant children. Section 5 of the Act authorizes a county to levy a special tax for the purpose of establishing and maintaining such a detention home. Section 5 also expressly provides that: "Taxes collected under this Act shall not be expended for any purposes except those

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purposes authorized by this Act. * * * " Therefore, any valid expenditure of revenue derived from the tax levy must be for a purpose authorized by the Act.

An examination of the language of the County Detention Home Act yields the conclusion that the special tax levy authorized by the Act may be devoted only to the purposes of establishing, staffing, operating and maintaining a particular facility or institution which is within the control of the county board.

Sections 1, 2 and 3 of the Act (Ill. Rev. Stat. 1975, ch. 23, pars. 2681, 2682 and 2683) state in pertinent part:

"§ 1. The board of county commissioners or the county board in any county in this State, may locate, purchase, erect, lease, or otherwise provide and establish, support and maintain a detention home for the temporary care and custody of dependent, delinquent or truant children.
* * * "

"§ 2. Such detention home shall be so arranged, furnished and conducted, that, as near as practicable for their safe custody, the inmates thereof shall be cared for as in a family home and public school. To this end the employees provided for and selected to control and manage such home shall consist of a man, woman or couple of good moral character, * * * and such help or assistance as in the opinion of the county commissioners, or board of supervisors, as the case may be, shall deem necessary to the proper care and maintenance of such home. * * * "

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"§ 3. The superintendent and matron, as well as all other necessary employees, shall be appointed by the county judge, to serve during his pleasure, provided that each appointment shall terminate at the next meeting of the county board if not confirmed by a majority of the board. Each shall receive a monthly salary fixed by the county board. The supplies or repairs necessary to maintain, operate and conduct said home shall be furnished upon the requisition of its superintendent to the chairman of a committee as may be designated by the county board, and the bills therefor shall be audited, passed upon and paid as other bills for supplies furnished for county institutions."

There is nothing in the language of the Act which purports to authorize, as a purpose of the Act, the purchase of shelter care services from private institutions at which minors are placed by the juvenile court. A private institution would plainly not be under the county board's control to the degree contemplated by the language of the Act. Since there is no authority within the terms of the County Detention Home Act for providing shelter care at private institutions, I therefore conclude that no portion of the tax levy under the County Detention Home Act may be so used.

Very truly yours,

A T T O R N E Y G E N E R A L