

ELEEMOSYNARY INSTITUTIONS: Counties liable for clothing of charity patients in Missouri State School.

July 18th, 1933



Hon. Walter G. Stillwell,  
Prosecuting Attorney,  
Marion County,  
Palmyra, Missouri.

Dear Sir:

We received your request of June 22nd, 1933 requesting an opinion as to whether or not your County is liable for clothing furnished to patients in the State School at Marshall, which patients were sent there from Marion County, and whose other expenses are being paid by your County.

Patients in any State Eleemosynary Institutions are residents of the County from which they are sent, and continue to be such residents as long as they are kept in that institution. In this connection we call your attention to the provision of Section 12950 A. S. 1929, which reads as follows:

"Poor persons shall be relieved, maintained and supported by the county of which they are inhabitants."

Sick persons, either of body or mind, come within this class of poor persons "when there are no other persons required by law and able to maintain them". Section 12951. The burden of caring for these poor people is placed directly upon the County under the provisions of Section 12953, which reads in part as follows:

"The county court of each county \* \* \* shall from time to time, and as often and for as long a time as may be necessary, provide, at the expense of the county, for the relief, maintenance and support of such persons."

We find no statutory authority and no court decision which gives a county the right to escape its duty to poor persons, who are also feeble-minded, by sending them to the Missouri State School at Marshall. The monthly charge made upon a county under Section 8696, does not cover the expense of clothing and maintenance of said

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persons in that institution. The rule as to admission of patients is set out in Section 8696 as follows:

"\* \* \* Feeble-minded and epileptics shall be received into the school only upon the written request of the persons desiring to send them, stating the age, place of nativity, if known, christian and surname, \* \* \* the county in which such persons respectively reside, and the ability of the respective parents or guardians or others to provide for their support in whole or in part, \* \* \* and such county court must also certify, in each case, that such patient is an eligible and proper candidate for admission to the school. State patients, whether of age or under age, may also be received into the school upon the official application of any judge of a court of record."

Under the above statute, a person is eligible for admission to the Missouri State School when first, he is a poor person within the above statutory definition, and second, that he is feeble-minded. Prior to the admission of such persons in the Missouri State School, the county in which they reside are liable for their support because they belong to the class of poor persons as above set out in the statute. If the county desires that they be kept and treated in the Missouri State School, then the county is still liable for their support and maintenance, together with an additional fee of \$5.00 per month to be paid to the Missouri State School.

It is therefore the opinion of this Office that the county court stands upon the same basis as relatives or guardians of a feeble-minded person, insofar as being liable for their support and clothing while in the Missouri State School. The county court is obligated to furnish the necessary clothing for such persons whether they are in or out of the Missouri State School.

Respectfully submitted,

FRANKLIN E. REAGAN,  
Assistant Attorney-General

APPROVED:

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ROY McKITTRICK  
Attorney-General