

ELEEMOSYNARY INSTITUTIONS: COUNTY COURTS: INSANE PERSONS:

The law is not mandatory that the state eleemosynary institutions return county patients to sending county where keep and expenses are not paid, by the county, but the Board of Managers of the Eleemosynary Institutions have the right to so return such patients.

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January 29, 1935

Honorable W. E. Jameson
President Board of Managers
State Eleemosynary Institutions
Jefferson City
Missouri



Dear Mr. Jameson:

Receipt of your letter dated January 12, 1935, is acknowledged, inclosing copy of your letter to this office of date December 10, 1934. Your letter of date December 10, 1934, is in part, as follows:

"The County of Jasper owes to State Hospital #3, Nevada, the sum of \$86,527.18. I have been unable to get any action toward the payment of any part of this account from this court.

Does the eleemosynary board have any recourse in a situation of this kind? Would we be justified under the law in returning to Jasper County the patients in this institution for which they so far have failed to pay?"

In our opinion to you of date December 12, 1934, and answering your letter of date December 10, 1934, in the next to the concluding paragraph thereof, we stated as our opinion that,

"We are of the opinion that the Board of Managers of the state

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eleemosynary institutions has the right to return to the custody of the respective counties such county patients where payments for their keep or other expenses, as provided by Section 8636 Revised Statutes Missouri 1929, have not been made by the respective counties from which such payments were due."

We do not know how we can make ourselves any clearer than we did in the last quoted portion of our former letter. There is no express mandate in the law requiring you to return county patients to the sending county when the payments for their keep, or other expenses, have not been made by the respective counties from which such payments are due. However, the Board of Managers of the state eleemosynary institutions is the business and executive manager of such institutions in the administration of their affairs. We have pointed out to you what your rights are in the premises and it is a matter for the board to determine what course of action it will take in reference to returning such county patients.

Yours very truly,

GILBERT LAMB
Assistant Attorney General

APPROVED:

ROY McKITTRICK
Attorney General

GL:LC