

ELEEMOSYNARY INSTITUTIONS:

County patient, upon inheriting money in excess of exemptions allowed by law, must be made pay patient by order of the County Court

6.12
June 12, 1936

Mr. W. Ed Jameson
President Board of Managers
State Eleemosynary Institutions
Jefferson City, Missouri



Dear Mr. Jameson:

We have your request of June 9, 1936 for an opinion, from which request it appears that one Ludwig W. Rottler, non compos mentis, is a county patient in State Hospital No. 4 from the County of Ste. Genevieve; that the Mother of this patient recently died and left a will, which, among other things, placed \$1,000.00 in trust, the income thereof to be used for the support of Ludwig W. Rottler during his life, and a further bequest of \$2,000.00 to Ste. Genevieve County on account of said Ludwig W. Rottler.

The question presented is, whether or not said Ludwig W. Rottler should be made a pay patient instead of a county patient.

Section 8636, Laws of Missouri 1935, page 388, provides, in part, as follows:

"The several county courts shall have power to send to a state hospital such of their insane poor as may be entitled to admission thereto."

Section 8664, R.S. 1929, in part, provides that the term "insane poor", when applied to a person without a family, means one whose property does not exceed, after payment of debts, the exemptions allowed under the State law. From

the statement of facts in this case it would appear that Ludwig W. Rottler, in addition to the income from the \$1,000.00 in trust, has \$2,000.00 available for his care and support.

Section 8654, R. S. 1929, specifically deals with county patients who may at some time come into possession of sufficient funds to pay for their keep in a State insane hospital. This section provides as follows:

"If the county court of the proper county shall so order, the clerk thereof shall transmit to the superintendent a certificate, under his official seal, setting forth that any county patient in the state hospital from his county has sufficient estate to support and maintain him at the hospital. After the receipt of this certificate, the patient shall be a pay patient; and in such cases, charges shall be made out and paid and a bond shall be required and executed as in all other cases of pay patients; and upon a failure thereof, after reasonable delay, the superintendent shall discharge such patient in the manner as provided in this article in case of poor persons."

It is, therefore, the opinion of this office that the said Ludwig W. Rottler is, at this time, entitled to the benefits of more than \$2,000.00 in cash, for his care and maintenance in a State hospital, and, therefore, is not within the meaning of the State law an insane poor person; that under such circumstances it is the duty of the county court to make the order required by Section 8654, R. S. Mo. 1929, transferring the said Ludwig W. Rottler

Mr. W. Ed Jameson

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from a county to a pay patient, and to pay for such care from the moneys now left in trust for the said Ludwig W. Rottler.

Yours very truly,

FRANKLIN E. REAGAN
Assistant Attorney General

APPROVED:

JOHN W. HOFFMAN, Jr.
(Acting) Attorney General

FER:LC