

INSANE PAUPERS: County liable for support.

March 22, 1937.



Mr. Alfred F. Moeller,
Attorney at Law,
Ste. Genevieve, Mo.

Dear Sir:

We are in receipt of your request for an opinion wherein you state as follows:

"I desire your opinion on the following question:

Do the provisions of Section 12952, R. S. Missouri 1929, providing for a residence period of twelve months in the county apply to insane poor persons?

The situation here leading up to this question is as follows: The person alleged to be insane was brought into this county by her family four months ago being at that time in the same mental condition she is now and the point at issue is whether the county from which she came or this county should be liable for her care and support at a state institution."

Under date of May 18, 1935, this department rendered an opinion to Dr. E. F. Hectors, Superintendent of State Hospital No.4 at Farmington, Missouri, a copy of which is enclosed, wherein it was determined which county should

assume the charge of an insane poor person.

However, to answer your question more fully, we need only cite the case of State ex rel Yarnell vs. the Cole County Court, 80 Mo. 80, 1. c. 84, wherein it is said:

"It seems to have been the purpose of the legislature to provide that before the support of an insane poor person of one county can be shifted to or cast upon another county, such insane person must have ceased to reside in the former county for the period of one year. The same policy has been indicated in the law regulating the support of the poor, (2. R. S., p. 1289, Sections 6579, 6581,) (Section 12952, R. S. Mo. 1929) where it is provided that poor persons shall be received, maintained and supported by the county of which they are inhabitants; and that no person shall be deemed an inhabitant, within the meaning of the chapter, who has not resided in the county for the space of twelve months next preceding the time of any order being made respecting such person, or who shall have removed from another county for the purpose of imposing the burden of keeping such poor person on the county where he or she last resided for the time aforesaid."

From the foregoing, we are of the opinion that the provisions of Section 12952, supra, providing for a residence period of twelve months in the county applies to insane poor persons, and therefore the individual having been absent but four months, the county from which she came is liable for her care and support at a state institution.

Respectfully submitted,

WM. ORR SAWYERS
Assistant Attorney General

APPROVED:

J. E. TAYLOR
(Acting) Attorney General

MW:RT