

COUNTY WELFARE DEPARTMENT: House Bill No. 355 imposes certain  
HOUSE BILL NO. 355: duties upon the County Welfare  
Department in each county in the  
state, which duty the County Welfare  
Department in each county is legally  
obliged to discharge.

September 19, 1953

Filed: #96

Honorable Jay White  
Prosecuting Attorney  
Phelps County  
Rolla, Missouri



Dear Sir:

This department is in receipt of your recent request for an official opinion. You thus state your request:

"I would be pleased to have your opinion as to whether or not the Department of Health and Welfare, State Division of Welfare, is the proper agency to aid in the administering of Section 202.807 of the new law which just went into effect on August 29th in reference to Judicial procedure for admittance of mentally ill to State Hospitals.

"If your opinion is that this department is not responsible for the administration of this new law as is indicated by the new law, then I would like to have your opinion as to what should be done in a county such as Phelps County where we have no County Welfare Department as such."

We note your statement that Phelps County has no County Welfare Department. In this regard we direct your attention to Section 207.060, RSMo 1949, which states, in part:

Honorable Jay White

"County officers - director - agreements with subdivisions - other employees. -  
1. The director of welfare shall establish a county office in every county, which shall be in the charge of a county welfare director who shall have been a resident of the state of Missouri for a period of at least five years and whose salary shall be paid from funds appropriated for the division of welfare."

From the above it will be observed that it is mandatory that the Division of Welfare have a department in each county in the state. The State Division of Welfare informs us that Phelps County does have such a department and that Mrs. Frances Frame is the director in Phelps County. You are, therefore, in our opinion, mistaken in stating that Phelps County does not have a County Welfare Department.

Section 202.807 of House Bill No. 355 imposes certain duties upon these County Welfare Departments. These duties are set out in such section and it is our opinion that the County Welfare Department of Phelps County is obligated to assume the duties imposed upon it by the aforesaid section .

#### CONCLUSION

It is the opinion of this department that Section 202.807 of House Bill No. 355 imposes certain duties upon the County Welfare Department in each county in the state, which duty the County Welfare Department in each county is legally obliged to discharge.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Mr. Hugh P. Williamson.

Very truly yours,

JOHN M. DALTON  
Attorney General

HPW:lw