

TRAINING SCHOOLS:
STATE TRAINING SCHOOLS:
JUVENILE COURTS:

Children committed to a State Training School for mentally retarded children by the juvenile court shall be accepted by said school subject to availability of suitable accommodation at the school.

January 16, 1961



Honorable Addison M. Duval, M. D.
Director, Division of Mental Diseases
1702 West Dunklin Street
Jefferson City, Missouri

Dear Dr. Duval:

In your letter of November 28, 1960, you submit the following question:

"Senate Bill #15, enacted by the 69th General Assembly, under Section 211.220, clearly states that 'the order of commitment shall be binding upon the hospital or institution to which the child is committed.'

"Senate Bill #93, enacted by the 70th General Assembly, under Section 202.610, seems to clearly indicate that the Division of Mental Diseases, subject to the availability of suitable accommodations, shall receive any mentally deficient person whose admission is applied for under Section 211.201, RSMo.

"Inasmuch as Senate Bill #93 was enacted subsequently to Senate Bill #15, it would appear to me that Senate Bill #93 would, therefore, take precedence over Senate Bill #15 with regard to the admission of such patients being dependent on 'the availability of suitable accommodations.'"

Section 211.201, VAMS, pocket parts, Laws of Missouri, 1957, page 642, subsection 1 provides:

"When a child coming under the jurisdiction of the juvenile court is found to be feeble-minded, epileptic, mentally defective or

Honorable Addison M. Duval, M. D.

otherwise mentally disordered, the juvenile court may commit the child to the Missouri State School, the St. Louis training school or other state hospital or institution under such condition, as the court may prescribe and the order of commitment shall be binding upon the hospital or institution to which the child is committed."

Section 202.595, VAMS, pocket parts, Laws Missouri, 1959, Senate Bill 93, Section 202.610 provides as follows:

"The division of mental diseases, subject to the availability of suitable accommodations, shall receive for diagnosis, care, training and treatment in a state school and hospital any mentally deficient person whose admission is applied for under any of the following procedures:

- (1) Institutionalization on medical certification.
- (2) Institutionalization on application of a court of record; or
- (3) Institutionalization on court order as provided in section 211.201, RSMo."

It is a cardinal rule of construction of statutes that where there are two acts on one subject the rule is to give effect to both acts if possible, but if they are repugnant in any of their provisions, the latest act in time of passage controls. State ex rel. Taylor v. American Insurance Co., 200 SW2d 1, 355 Mo. 1053.

It seems clear under the statutes as now written that children committed to a State school for mentally deficient persons under the provisions of Section 211.201, VAMS, supra, are to be accepted subject to the availability of suitable accommodations in the school as provided in Section 202.595, supra.

CONCLUSION

It is our opinion that children committed to a state school for mentally deficient persons by a juvenile court under Section 211.201, supra, shall be accepted by the school subject to the

Honorable Addison M. Duval, M. D.

availability of suitable accommodations in the school as provided in Section 202.595, supra.

The foregoing opinion, which I hereby approve, was prepared by my assistant, A. M. Mansur.

Yours very truly,

Thomas F. Eagleton
Attorney General

AMM:AT:AW