



December 27, 1962

Mr. William J. Theurer
Assistant City Counselor
Room 418, City Hall
St. Louis, Missouri

Dear Mr. Theurer:

Your recent request for an opinion is as follows:

"I would like an opinion as to whether or not it is the duty of the Public Administrator to take charge of the estates of these indigent patients, and I specifically refer to Section 473.743, Paragraph 8. Your opinion will be greatly appreciated."

Under the provisions of paragraph 8 of Section 473.743, RSMo 1959, the public administrator is authorized and has a duty to take charge of the estates of the persons to whom you refer if these persons have been held to be insane. It should be here noted that some of these indigent persons may have been committed to the mental institution under the Mental Illness Law. Committal under the Mental Illness Law, of course, does not establish legal insanity.

There is another important aspect of this matter, insofar as Social Security benefits are concerned. As indicated above, the public administrator has a responsibility in connection with these matters except where this is modified by Social Security regulations. Section 205J of the Social Security Act places the discretion regarding payments by that agency within the agency itself. This discretion is vested in the agency regardless of the legal competency of the recipient. In view of these pro-

Mr. William J. Theurer

-2-

visions, the Social Security agency does exercise its discretion and make direct payments to hospitals, nursing homes, or others for the benefit of the various prospective recipients.

Very truly yours,

THOMAS F. EAGLETON
Attorney General

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