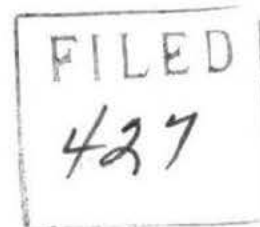


Answer by Letter (Klaffenbach)

July 27, 1970

OPINION LETTER NO. 427



Honorable Gene Hamilton  
Prosecuting Attorney  
Callaway County Court House  
Fulton, Missouri 65251

Dear Mr. Hamilton:

This letter is in response to your opinion request in which you ask concerning whether the probate court of the county wherein a state mental hospital is located is required by law to hear applications filed by medical officers of the state hospital for the commitment of persons now over 21 years of age who were originally committed as juveniles to the Division of Mental Health by juvenile court order and who have since been transferred from another such state hospital to the present institution wherein they are committed. You also mention that there is a problem involved concerning the payment of costs of these hearings if the probate court of a county wherein the facility is located has the duty to hear them since apparently the counties allegedly responsible have refused to pay the cost of the hearings.

We enclose our Opinion No. 537 dated December 2, 1969 to White which is self-explanatory.

With respect to the cost of such hearings, we passed upon the subject in our Opinion No. 537-1969 and we reiterate that, unless the patient makes application to have the hearing held in his county of residence under Subsection 9 of Section 202.807 RSMo 1969 the statute requires that the hearing be held where the facility is located and under Subsection 10 of that section any fees for all services required of the probate judge, clerk or court for which reimbursement has not otherwise been made shall be paid at the expense of the county of residence.

Honorable Gene Hamilton

The law is clear that, under these circumstances, it is the duty of the county court of the county of the proposed patient's residence to pay for such expenses and a refusal to do so does not affect the jurisdiction of such probate court.

Very truly yours,

JOHN C. DANFORTH  
Attorney General

Enclosure: Opinion No. 537