

May 22, 1975

OPINION LETTER NO. 129  
Answer by Letter - Klaffenbach

Harold P. Robb, M.D., Director  
Department of Mental Health  
Post Office Box 687  
Jefferson City, Missouri 65101



Dear Dr. Robb:

This letter is in response to your question asking:

"Can the Department of Mental Health legally allow the St. Francois County Court to utilize one of the buildings on the premises of the Farmington State Hospital, Farmington, Missouri as a Juvenile Detention Center?"

You also state that:

"The Court of St. Francois County has recently gone second class and is required by statute to provide for a Juvenile Detention Facility separate and apart from their ordinary detention facility. The [County Court] Judge has requested that some arrangements be made so that they might use one of the buildings at Farmington State Hospital as such a facility until such time as the county can construct a facility for Juvenile Detention."

We find no statutory authority which would allow the Department of Mental Health to permit the county to use the buildings

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for county purposes regardless of whether or not the Department or the county assumes the duty of maintaining the property. We believe that express or necessarily implied authority must exist in order to effect such a transfer of occupancy.

Very truly yours,

JOHN C. DANFORTH  
Attorney General