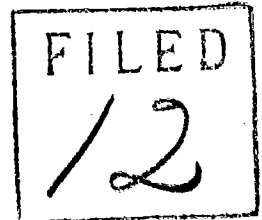


INSANE PERSONS: Probate Court has authority under Section 605, R. S. Mo. 1939, to commit a veteran to an institution outside the State of Missouri.

January 21, 1946



Honorable Joseph N. Brown
Prosecuting Attorney
Greene County
Springfield, Missouri

Dear Sir:

General Taylor wishes to acknowledge receipt of your recent request for an opinion which reads as follows:

"The question has arisen here as to whether or not either the Probate Court or the County Court has authority under any statute of this State to making an order committing a veteran to an institution located in a state other than the State of Missouri.

"I am aware that veterans are in fact being sent by courts in this State to hospitals in foreign states. However, I have been unable to find any statute which expressly authorizes such practice, and the judges of the Probate Court and the County Court here have raised this question and are apprehensive less they do not have authority to make such an order. This question was raised today in a case in the County Court and was continued to Saturday January 26, in order that we might obtain an opinion from your office on same."

Chapter 1, Article 22, Section 605, R. S. Mo. 1939, provides:

"Whenever it appears that a veteran of any war, military occupation or expedition is eligible for treatment in a United States veterans' bureau hospital and commitment to such hospital is necessary for the proper care and treatment of such veteran, the courts of this state are hereby authorized to communicate with the official in charge of such hospital with reference to available facilities and eligibility, and upon receipt of a certificate from the official in charge of such hospital the court may then direct such veteran's commitment to such United States veterans' bureau hospital. Thereafter such veteran upon admission shall be subject to the rules and regulations of such hospital and the officials of such hospital shall be vested with the same powers now exercised by superintendents of state hospitals for mental diseases within this state with reference to the retention of custody of the veteran so committed. Notice of such pending proceedings shall be furnished the person to be committed and his right to appear and defend shall not be denied."

We find no provision in this Act whereby the court is limited to the boundaries of this state in making such commitments. We are further advised by the State Service Officer that there is no veterans' facility available in this state such as is equipped to handle mental cases. This was also true at the time of the adoption of this Act. It must, therefore, have been the intention of the Legislature that the courts should be authorized to make such commitments to such institutions in other states.

Conclusion

It is, therefore, the opinion of this department that the probate court has authority to make an order committing a veteran to an institution located in a state other than the State

Honorable Joseph N. Brown

-3-

of Missouri by virtue of Section 605, supra.

Respectfully submitted,

J. MARTIN ANDERSON
Assistant Attorney General

APPROVED:

J. E. TAYLOR
Attorney General

JMA:EG