

INSANE PAUPERS - Liability of county for transportation to and from hospitals.  
SHERIFFS ----- Fees for transporting insane patients.

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February 16, 1935



Honorable Alex R. Gibson  
Sheriff of Putnam County  
Unionville, Missouri

Dear Sir:

We have your request for an opinion dated January 22, 1935 relative to the fees of the sheriff for conveying insane persons to state hospitals upon an order of the county court.

In this connection, we call your attention to that portion of Section 8636, R. S. Mo. 1929 which provides in part as follows:

"The several county courts shall have power to send to a state hospital such of their insane poor as may be entitled to admission thereto."

In order to send an insane poor patient to a state hospital, the county court shall hold a hearing (Sec. 8646), and if upon such hearing the county court be satisfied that such person is insane and poor, then said court:

" \* shall cause a suitable order to be entered of record, \* then such order shall \* set forth that the person found to be insane is a fit subject to be sent to a state hospital \* to undergo treatment therein; and shall further require \* that the clerk of the court forthwith forward a certified copy of said order of court to the su-

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perintendent of the hospital, accompanying the same with a request of admission of the person found to be insane to the hospital." (Sec. 8647, R. S. Mo. 1929)

By Section 8649:

"Upon receiving the application and the official copy of the order of court, the superintendent shall immediately advise the clerk whether the patient can be received, and, if so, at what time. The clerk shall thereupon, in due season for the conveyance of such person to the hospital by the appointed time, issue his warrant to the sheriff of his county, or any other suitable person, commanding him forthwith to arrest such insane person and convey him to the state hospital designated in the order."

It is further made the duty of the superintendent to receive the patient only when accompanied by the warrant.

Section 8639 provides:

"Whenever a patient is sent to a state hospital, by order of any court or officer having authority to make such order, the warrant, or copy of such order, properly authenticated, by which such patient is sent, shall be lodged with the superintendent."

From the above and foregoing, it is apparent that the liability for transporting insane paupers to state hospitals upon an order of the county court, is made a proper charge against the county. It was not the intent of the law that friends or relatives of insane paupers, unable to support such persons themselves, should be imposed upon by being compelled at their own expense to con-

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vey such insane paupers to state hospitals. There are two ways by which such insane paupers may be conveyed to a state hospital, but both are at county expense. Section 8650 provides that relatives may accompany the patient, and in such case the warrant shall be directed to one of them, and the person to whom it is directed and his assistants shall, if demanded, receive the same compensation allowed for the like services to the sheriff.

By Section 8662, Laws Mo. 1933, p. 409, the fees payable to a sheriff for taking a patient to a state hospital or removing one therefrom are fixed by law at the rate of ten cents per mile, and one dollar per day for the support of each patient. Additional compensation is allowed for persons assisting the sheriff in taking such persons to or from state hospitals.

It is, therefore, the opinion of this office that the county sending an insane pauper to a state hospital is liable for fees allowed by law to the sheriff, if the sheriff transports such insane pauper. If such insane pauper is transported by relatives to the state hospital, then said relatives may demand and receive the same compensation as is by law allowed to the sheriff. It is the opinion of this office that the county court is without authority in any case to demand, as a condition precedent to sending an insane pauper to a state hospital, that relatives assume the burden and cost of transporting such person to a state hospital.

Respectfully submitted,

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Assistant Attorney General

APPROVED:

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ROY McKITTRICK  
Attorney General

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