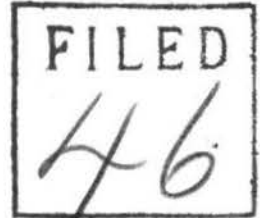


STATE ELEEMOSYNARY INSTITUTIONS: Superintendent of State
Hospital not authorized
GUARDIAN AND CURATOR: to receive money and funds
due inmate.

April 22, 1943

Mr. Ira A. Jones, President
Board of Managers
State Eleemosynary Institutions
Jefferson City, Missouri



Dear Sir:

We have your letter of recent date, in which you sent us a copy of a letter from Dr. Ralph Hanks, Superintendent of State Hospital No. 3, Nevada, Missouri, and also copy of a letter from Mr. William A. Sherwin, of Los Angeles, California, in which you request the opinion of this office on the question asked in Mr. Sherwin's letter.

From the correspondence we understand that there is, apparently, an estate in the State of California, a portion of which is due a patient in the State Hospital at Nevada, Missouri, and that you desire to know whether the Superintendent of this State Hospital may receive and receipt for money due the patient in this hospital.

Although the facts given us are very meager, we will give you our opinion, which may be a guide for you in this case.

We must assume that since the patient is an inmate of State Hospital No. 3 at Nevada, Missouri, that he is, and was at the time of his commitment, a resident of some County in the State of Missouri. If such is the case, and the estate is of sufficient volume, it will be necessary for a guardian and curator to be appointed by the Probate Court of the County of the patient's residence in Missouri and, after the guardian and curator has been duly appointed and has given bond, according to the laws of this State, he would be authorized and empowered to give a valid receipt to the person from whence the property came.

Mr. Ira A. Jones

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4-22-43

From the above we conclude that the Superintendent of State Hospital No. 3 at Nevada, Missouri, is not authorized to receive and receipt for the money and property of such ward and that it is the duty of a duly appointed guardian and curator to receive and receipt for such money or property.

Respectfully submitted,

COVELL R. HEWITT
Assistant Attorney-General

CRH:CP

APPROVED:

ROY MCKITTRICK
Attorney-General