

JUVENILES: Missouri State Board of Training Schools, authorized to transfer juveniles placed in their care to the State Hospital at Farmington, Missouri for specialized care and treatment.

November 22, 1949

11/23/49

Hon. W. E. Sears, Director
Board of Training Schools
State of Missouri
Jefferson City, Missouri



Dear Mr. Sears:

Your request of recent date for an opinion of this department relative to the transfer of boys and girls from the various training schools under the control of the Board of Training Schools to State Hospital No. 4 at Farmington, Missouri, for the purpose of psychiatric treatment, is rather lengthy, and for brevity's sake your letter will be incorporated in this opinion by reference.

The question, when analyzed, appears to be: "Is the Board of Training Schools authorized, under Sections 9010 and 9011, Vol. II of the Session Acts of 1947, at page 325, found in the pocket part of the Annotated Statutes of Missouri 1939, at pages 65 and 66, to transfer juveniles placed in the care of the Board of Training Schools, to the Division of Welfare for psychiatric treatment, until it is determined by the Board that the child's condition is improved to the extent that he or she can be returned to the care and custody of the institution from which he or she was transferred, or until it is determined by the Board and the psychiatrist in charge that the child should not be returned to the school but referred back to the committing court, as provided for in Section 8995, Laws of 1947, Vol. II, page 322.

Section 9759.1, page 148 of the pocket part of the 1939 Revised Statutes of Missouri, and Section 1, page 945, Laws of 1945, reads in part as follows:

"There is hereby created and established as a department of state government a department of public health and welfare, which may hereafter be referred to as the department. The scope and purpose of the department of public health and welfare shall be to improve and protect the health of the people of the State

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of Missouri; to care for the mentally ill
and those who are ill from other causes, so
far as the laws of Missouri shall provide;
to provide care and maintenance for certain
other persons, as provided by law; to
administer laws concerning social welfare,
including certain social security laws. * * *"
(Underscoring ours)

Section 9759.27, page 155 of the pocket part of the Revised Statutes of Missouri 1939, and Section 27, page 952, Laws of 1945, reads as follows:

"All state institutions and activities which have heretofore been known as eleemosynary, shall hereafter be known and designated as health and welfare institutions and activities. With approval of the department of public health and welfare, the division of mental diseases shall make all necessary orders for the government, administration, discipline and management of all institutions and activities having to do with the care and treatment of persons suffering from mental diseases, not inconsistent with the laws of this state."

This section provides that all state institutions heretofore known as eleemosynary shall be known and designated as health and welfare institutions. Therefore, State Hospital No. 4 at Farmington, Missouri, having previously been designated as an eleemosynary institution, is by this section a health and welfare institution and is under the control of the Department of Health and Welfare of the State of Missouri.

Section 9010, page 65 of the pocket part of the Revised Statutes of Missouri 1939, found in Vol. II at page 325 of the Session Acts of 1947, reads as follows:

"It shall be the duty of the division of
welfare of the state department of public
health and welfare to cooperate with the
board of training schools to furnish
foster home care as needed, other specialized
care for children, and any other welfare
services which may aid in the rehabilitation
of children under the supervision of the
board of training schools."

(Underscoring ours)

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We observe in this section that it shall be the duty of the Division of Welfare of the State Department of Public Health and Welfare to cooperate with the Board of Training Schools and to furnish specialized care for children.

Section 9011, page 66, of the pocket part of the Revised Statutes of Missouri, 1939, found in Vol.II at page 325 of the Session Acts of 1947 reads:

"Every agency or instrumentality of the State government shall cooperate with the board at its request to the extent authorized by law in promoting the welfare of children committed to the board and in the development of services rendered by the board."

This section specifically states that every agency or instrumentality of the State Government shall cooperate with the Board at its request to the extent authorized by law, in promoting the welfare of children committed to the Board.

The situation at hand calls for an interpretation and application of Sections 9010 and 9011 supra, and in this instance Sections 9759.1 and 9759.27 should be read with the two preceding mentioned sections in order to determine if the Board of Training Schools can, for the welfare of the child committed to its care, transfer such child who may be in need of psychiatric treatment to the custody of Division of Welfare for treatment at State Hospital No. 4, Farmington, Missouri, where arrangements have been made by the Board with the officials of that institution and the officials of the Division of Health and Welfare, but without relinquishing the custody of such child.

Apparently the Legislature, in enacting these sections, intended that they should be applied in their broadest sense and to the best advantage of children needing specialized care and treatment, and so directed that the Division of Welfare should cooperate with the Board of Training Schools in administering such specialized care for children who are in need of psychiatric treatment, and to treat a child coming in this class would require specialized care, which the institution under the control of the Board of Training Schools is not at this time equipped to render.

In view of the present situation, the Board of Training Schools, which is required to act for the best welfare of the

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child placed in their care, should be, and we think are, authorized to make such necessary transfers of any child committed to their care and custody, to the State Hospital No. 4 at Farmington, Missouri, where arrangements have been made, and facilities are accessible to treat such deficient children.

CONCLUSION

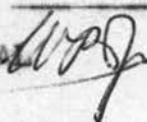
Therefore, it is the opinion of this department that the Board of Training Schools is legally authorized by the sections of the law set out above to transfer temporary custody of any child in need of psychiatric treatment to the State Hospital No. 4, at Farmington, Missouri, in care of the Division of Welfare, until such child can be rehabilitated to where he or she can be returned to the institution under the control of the Board of Training Schools, or until it becomes apparent that such child cannot be returned because of his or her condition, at which time it will be necessary to refer the case back to the committing court as provided for by law.

Respectfully submitted

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APPROVED:

J. E. TAYLOR
ATTORNEY GENERAL



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