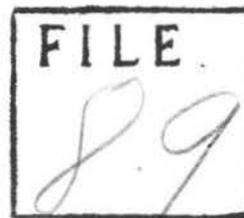


PENAL INSTITUTIONS: Procedure necessary to transfer delinquents from State Industrial Home for Girls to the Missouri State School for Feeble-minded and Epileptic at Marshall.

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May 27, 1942

Miss Stella Thompson  
Superintendent  
Industrial Home for Girls  
Chillicothe, Missouri



Dear Miss Thompson:

We have your request of February 18, 1942, together with supplemental data furnished by you, and which request is, in substance, this:

"I will appreciate your advice as how to best proceed in attempting to get the transfers made (i. e., the girls which you think are incorrigible or feeble-minded) from the Industrial Home For Girls at Chillicothe to the Missouri State School for Feeble-minded and Epileptic."

The statutes of this state very clearly set out the method and procedure necessary to make such a transfer. Section 9014, R. S. Missouri, 1939, is as follows:

"No court or magistrate shall sentence any neglected or dependent girl to said institution, or any girl who is insane or idiotic, or afflicted with an incurable disease or encephalitis, or who is so incorrigible that, in the opinion of the officer sentencing her, there is not a fair possibility of her reformation."

The statute here sets out the type of girl who may be sentenced to the State Industrial Home for Girls. It also sets out the type of girls who may not be sentenced to the said institution.

Section 9015, R. S. Missouri, 1939, is as follows:

"The officer in charge of the institution, by and with the written consent of the director of penal institutions, shall be authorized and empowered to return whence she came any girl who shall be found to be incorrigible or an improper subject for admission; and thereupon the court or magistrate by whom the said girl was committed, or his successor in office, shall have power to pass such sentence as would have been legal in the first instance if said girl had not been sent to said industrial home."

This section provides that if a girl has been sentenced to the State Industrial Home for Girls, and after the commitment she is found to be the wrong type of person to be in the said institution, she shall be returned to the place from whence she came and the court shall then act de novo and place her in the institution to which she properly belongs.

Section 9392, R. S. Missouri, 1939, sets out the procedure necessary to place a person in the Missouri State School for Feeble-minded and Epileptic, and also, what type of person shall be admitted. This section is as follows:

"There shall be received and gratuitously supported in the Missouri state schools, feeble-minded and epileptics residing in the state who, if of age, are unable, or if under age, whose

parents or guardians are unable to provide for their support therein, and who shall be designated as state patients. Such additional number of feeble-minded and epileptics, whether of age or under age, as can be conveniently accomodated, shall be received into the school by the managers on such terms as shall be just; and shall be designated as private patients. Feeble-minded and epileptics shall be received into the school only upon the written request of the persons desiring to send them, stating the age, place of nativity, if known, christian and surname, the town, city or county in which such persons respectively reside, and the ability of the respective parents or guardians or others to provide for their support in whole or in part, and if in part only, stating what part; and stating also the degree of relationship or other circumstances of connection between the patients and the persons requesting their admission; which statement, in all cases of state patients, must be verified by the affidavit of the petitioners and of two disinterested persons, and accompanied by the opinion of two qualified physicians, all residents of the same county with the patient, and acquainted with the facts and circumstances stated, and who must be certified to be credible by the county court of that county, or, in the case of the city of St. Louis, by the hospital commissioner or the assistant hospital commissioner of said city; and such county court, or, in the case of the city of St. Louis, the comptroller of said city, must also certify, in each case, that such patient is an eligible and proper candidate for admission to the colony. State patients, whether of age or under age, may also be received

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into the colony upon the official application of any judge of a court of record: Provided, that the county in which such state patients as are now inmates of said school, resided when they were admitted, and the county wherein such state patients hereinafter admitted may reside at the time of such admission, shall be liable for and shall pay into the treasury of said school the sum of five dollars per month for each of such state patients." (Underscoring ours.).

CONCLUSION

It is, therefore, the opinion of this Department that in order to transfer a person from the State Industrial Home for Girls to the Missouri State School for the Feeble-minded and Epileptic, at Marshall, Missouri, the only thing necessary is for the officer in charge of the State Industrial Home for Girls, with the written consent of the director of penal institutions, to return the person to the place from which she came and the Judge of the court, or his successor in office, shall then have the power to sentence the person to the place where she should properly be confined.

Respectfully submitted

APPROVED:

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GW  
EH/rw