

PROBATE COURTS: Further insanity hearing not necessary when
INSANE PERSONS: pay patient made county patient.

January 15, 1948

Honorable T. L. Parrish
Judge of the Probate Court
Cole County
Jefferson City, Missouri



Dear Judge Parrish:

This is in reply to your letter of recent date requesting an opinion from this department, which reads as follows:

"I would like to obtain an opinion for judgment of insanity where a person has been a private patient in the hospital and his funds run out and they want to be put on the county. The question is, does this Court have to have a hearing and adjudge them insane, and the County pay the expenses?"

The support and expenses of an insane person admitted to a state hospital for the insane shall be paid for out of the estate of such insane person. However, if such insane person shall, at any time, come under the classification of "insane poor persons," such person shall be maintained at such hospital by the proper county. Section 501, R.S. Mo. 1939.

The question presented concerns the proper procedure by which a pay patient in a state hospital for the insane is made a county patient. If the probate court of the proper county finds that a pay patient has not estate sufficient to support him at such hospital, said court may order a certificate setting forth this fact transmitted to the superintendent of such hospital. Upon receipt of such certificate by the superintendent, the patient is considered a county patient and, as such, shall thereafter be supported by the proper county. See *The State ex rel. Yarnell v. Cole County Court*, 80 Mo. 80.

Section 9346, Laws of Missouri, 1945, page 912, provides:

"If the probate court of the proper county shall so order, the clerk thereof shall

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transmit to the superintendent a certificate, under his official seal, setting forth that any patient in a state hospital has not estate sufficient to support him therein. Upon the receipt of such certificate by the superintendent, such person shall be a county patient of such county, and shall be supported by such county, as provided by this article in the cases of poor patients."

The order of the probate court, when certified to the superintendent of the state hospital, is binding on the county and is all that is required to make a pay patient a county patient. Therefore, a further insanity hearing is unnecessary.

CONCLUSION

In view of the foregoing, it is the opinion of this department that a further insanity hearing is not required when it becomes necessary for a pay patient in a state hospital for the insane to be transferred to county expense.

Respectfully submitted,

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APPROVED:

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