

Opinion No. 253**Feeble-Minded Persons—Admission to School for Feeble-Minded—Procedure.**

HELD: The proper procedure for the induction of a subject into the training school for feeble-minded persons of the state school at Boulder is fully covered by Sections 1474-1485, R. C. M. 1921.

June 24, 1933.

You make the following request: "In view of this desire on the part of Judge Bennett, Dr. Griffin and myself to avoid any errors and any legal complications, would you please give me an outline of the proper procedure for the induction of a subject into the training school for feeble-minded persons here at Boulder?"

The matter is fully covered by Sections 1474 to 1485, R. C. M. 1921.

Application for admission shall be made by the parent of the subject, by any person having its legal custody, by a superintendent of a county hospital, by an officer of the bureau of child and animal protection, by the applicant in person, or by the superintendent of any of the state institutions. The application shall be made to a district judge. When the application is made the district judge shall issue an order fixing the time and place of hearing and a copy of such order shall be served upon the parent of the subject or one having the legal custody of the subject. It is advisable to serve such notice on both parents if both are living. Service should be made as provided in Chapter 62, Code of Civil Pro-

cedure, Sections 9778-9785, R. C. M. 1921. If by mail it should be registered and return receipt demanded, and on the hearing the record should show all such procedure duly followed.

The application should contain the facts required of Section 1475.

The two examining physicians named by the judge should have no personal interest in the affairs of the subject, and otherwise be free from prejudice. The word "may" in Section 1476 we would construe as a command that the physicians must be named by the judge to assist in the examination. In the service on the parents or legal representative of the subject, it will be advisable to state that they are entitled to, and, if convenient should have legal representative attend the hearing.

With this advice and by following the provisions of the statutes referred to the procedure cannot be successfully contested.