

VOLUME 31

Opinion No. 8

COURTS; Judges; Duties, determination of financial responsibility for patient in state hospital.—PUBLIC INSTITUTIONS; Inmates; cost

**of maintenance, determination of financial responsibility for.—
STATE HOSPITAL; Patients; cost of maintenance, deter-
mination of financial responsibility for.—SECTION 38-
214, 38-409, 80-1603, R.C.M. 1947.**

HELD: A district judge need not certify that a patient is financially responsible for the cost of his treatment when being committed or voluntarily admitted to the State Hospital at Warm Springs.

September 10, 1965

Mr. Charles Wahl
Dawson County Attorney
Glendive, Montana

Dear Mr. Wahl:

You have asked me whether or not a district judge must certify that a patient is financially responsible for the cost of his treatment when being committed or voluntarily admitted to the State Hospital at Warm Springs.

Section 38-214, and Section 38-409, R.C.M. 1947, before repeal by Chapter 213, Montana Session Laws of 1963, provided that upon commitment or voluntary admission of a patient, the judge before whom the sanity hearing was held was to determine the financial ability of the patient, or other responsible persons, after an investigation and report by the county department of public welfare, and issue an order commensurate with the evidence. These statutes were repealed in 1963 and Section 80-1603, R.C.M. 1947, was enacted which provides that the Department of Public Institutions is to assess monthly charges against patients, or other responsible persons, and determine, after an investigation by a county department of public welfare, whether or not the resident or responsible person shall be charged with the full amount, a lesser amount, or no per diem charge.

The Legislature, by enacting Section 80-1603, R.C.M. 1947, and repealing Sections 38-214 and 38-409, R.C.M. 1947, eliminated the requirement that a district judge determine and issue an order concerning the financial ability of a patient, or other responsible persons, and placed this responsibility instead with the Department of Public Institutions.

It is therefore my opinion that a district judge need not certify that a patient is financially responsible for the cost of his treatment when being committed or voluntarily admitted to the State Hospital at Warm Springs.

Very truly yours,

FORREST H. ANDERSON
Attorney General

FHA:JC:vw