

COUNTY: Sole responsibility of the county to support poor inhabi-
PAUPER: tants of said county. County cannot legally require such
persons to turn over small pension or retirement grants.

October 18, 1951

Miss Ivella McWhorter
Assistant Prosecuting Attorney
Greene County
Springfield, Missouri



Dear Miss McWhorter:

This will acknowledge receipt of your request for an official opinion, which reads:

"This office desires to submit for official opinion from your department the following set of facts and questions. The County Court of Greene County, Missouri maintains a County Farm to care for the poor persons of this County as defined by Section 205-950, Revised Statutes of Missouri, 1949. A portion of the buildings which houses the residents of this institution is devoted to hospital purposes in which is confined the ill and others requiring almost constant medical attention such as those residents who are senile. Some of these senile patients do receive each month very small pensions from sources such as a child of a Spanish American Civil War Veteran and some retirement benefits. Under the Statutes which would seem to indicate that the County cannot use this money although the County provides complete care of these patients. Therefore, the question is if a party is a resident of the Greene County Farm, confined in the hospital wing of the institution because of illness or senility can the County Court receive from the patients pension checks or retirement benefits which the patient receives as payment toward the upkeep and maintenance of the County Farm."

Section 205.580, RSMo 1949, provides that poor persons shall be maintained and supported by the county in which they are inhabitants. Said section reads:

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"Poor persons shall be relieved, maintained and supported by the county of which they are inhabitants."

Section 205.590, RSMo 1949, defines who shall be considered a poor person under this particular chapter as such persons aged, infirm, lame, blind or sick, who are unable to support themselves and who have no other person legally required to support them. Said section reads:

"Aged, infirm, lame, blind or sick persons, who are unable to support themselves, and when there are no other persons required by law and able to maintain them, shall be deemed poor persons."

Also, Section 205.600, RSMo 1949, requires an inhabitant as hereinabove defined to have resided in the county at least 12 months preceding the time of any order made respecting such poor person. Section 205.600 reads:

"No person shall be deemed an inhabitant within the meaning of sections 205.580 to 205.760, who has not resided in the county for the space of twelve months next preceding the time of any order being made respecting such poor person, or who shall have removed from another county for the purpose of imposing the burden of keeping such poor person on the county where he or she last resided for the time aforesaid."

Section 205.610, RSMo 1949, further provides that the county court shall provide at the expense of the county relief, maintenance and support for such persons. Said section reads:

"The county court of each county, on the knowledge of the judges of such tribunal, or any of them, or on the information of any magistrate of the county in which any person entitled to the benefit of the provisions of sections 205.580 to 205.760 resides, shall from time to time, and as often and for as long a time as may be necessary, provide, at the expense of the county, for the relief, maintenance and support of such persons."

There are also other provisions under this particular chapter authorizing county courts to erect a poorhouse or homes

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for the purpose of sheltering and taking care of such poor inhabitants in the county.

One of the primary rules of statutory construction is to ascertain and give effect to legislative intent. See *City of St. Louis v. Senter Commission Co.*, 85 S.W. (2d) 21, 337 Mo. 238. Another equally established rule of statutory construction is that all acts in pari materia should be construed together so as to give effect to each, if possible. *State ex rel. Columbia National Bank of Kansas City v. Davis*, 314 Mo. 373, 284 S.W. 464. Also *State ex inf. Barker v. Koeln*, 192 S.W. 748, 270 Mo. 174.

All of the provisions hereinabove quoted clearly indicate that the responsibility of the support of poor inhabitants of a county is placed directly upon the county itself. In view of this, the question boils down to whether the sick and possibly senile persons in the hospital at the county poor farm home come within the definition of poor inhabitants of your county. If the county finally determines they are, then it clearly is the responsibility of the county and the county is in no position to require such persons to turn over to it some small pension check or retirement allowance which they have received, which of itself is clearly inadequate in any manner to support such recipients.

CONCLUSION

Therefore, it is the opinion of this department that if a person is admitted to the county poor farm and hospital as a poor inhabitant of the county, it is the responsibility and duty of the county to support such person as long as he is unable to support himself, and the county cannot require such persons to turn over to the county some small check representing a pension or retirement allowance, which of itself is clearly inadequate to support the person.

Respectfully submitted,

AUBREY R. HAMMETT, JR.
Assistant Attorney General

APPROVED:



J. E. TAYLOR
Attorney General

ARR:VLM