

CRIPPLED CHILDREN:
CRIPPLED CHILDREN'S
HOSPITAL:

A female person under the age of 21 years, who comes within the compass of Chapter 201, RSMo 1949, and who is eligible to receive hospitalization and medical treatment at the University of Missouri under the provisions of the aforesaid chapter, does not lose this eligibility by marriage, provided that her husband is unable to pay the expenses of said hospitalization and medical treatment.



April 8, 1957

Honorable Paul M. Peterson
General Counsel
University of Missouri
1 Tate Hall
Columbia, Missouri

Dear Sir:

Your recent request for an official opinion reads:

"I have been requested by The curators of the University of Missouri to obtain from your office a ruling upon the following questions relating to their duties as provided by Chapter 201 RSMo 1949.

"A minor girl is ordered to a hospital for treatment under the provisions of Sec. 201.030 RSMo 1949. Thereafter, and before attaining the age of twenty-one the girl marries. Her physical condition at the time of marriage is such that her treatment at the hospital would be continued.

"First, may The Curators of the University of Missouri under such circumstances continue to provide treatment for the minor and be reimbursed for the expense thereof under Sec. 201.090?

"Second, if your ruling is that treatment for the minor wife may not be continued, may the minor wife, upon application of the husband, be again ordered for treatment under the provisions of Sec. 201.030?

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As you point out, Chapter 201, RSMo 1949, relates to the "Crippled Children's Hospital" located in Columbia, Missouri.

Section 201.010 of that chapter makes provision for the examination and filing of a report in a county regarding a child who is in need of medical treatment. This section states "that the child named therein is under twenty-one years of age." We here note that in 1943 this age limit was raised from fifteen to twenty-one years.

Section 201.020 reads:

"All children, under twenty-one years of age, suffering from rheumatic heart disease which can probably be remedied by surgical or medical care, shall be eligible to receive free surgical and medical treatment and hospital care in the same manner, to the same extent and subject to all of the conditions and provisions relating to the care of children suffering from a deformation or malady as a result of such deformation, as otherwise provided in this chapter."

Numbered paragraph 1 of Section 201.030 reads:

"Upon the filing of such report or reports the court shall fix a day for the hearing upon the information and shall cause the parent or parents, guardian or other person having legal custody of said child to be notified of the hearing, and upon the hearing of such information evidence may be introduced. And if the court finds that the said child is suffering from a deformation or malady as a result of such deformation which can probably be remedied by surgical or medical treatment and hospital care, and the parent or parents, guardian or other person legally chargeable with the support is unable to pay the expenses thereof, the court, with the consent of the parent or parents, guardian or other person having the legal custody

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of such child shall order such child taken or sent to the hospital of the state University of Missouri, or any other hospital in this state which shall be approved by the board of curators of the University of Missouri as herein-provided, for free surgical and medical treatment, and hospital care."

It is this latter section which you have asked us to construe.

In the situation which you present to us, it is assumed that the crippled child comes within the purview of Chapter 201; that the individual is under twenty-one years of age; and that such individual would, but for the circumstance of becoming married, be eligible for continued treatment under the provisions of this aforesaid chapter. However, while receiving this treatment, and before reaching the age of twenty-one, and while still in need of receiving such treatment, the "child," who you state is a girl, becomes married. The question is what effect the marriage has, if any, upon the status of this girl as to a continuation of care according to the provisions of Chapter 201.

In order to hold that a person otherwise eligible for these benefits, and a person who was receiving them, automatically became ineligible upon marriage, we must point to a law which plainly holds this to be the case, and this we are unable to do.

As we pointed out above, Section 201.010 of the chapter defines the word "child" as a person under twenty-one years of age. There is no law or case which holds that the mere act of marriage would change a "child," defined according to the above section as being a person under twenty-one years of age, into an adult.

Chapter 201 confers upon all persons who come within its purview certain rights and privileges, to wit, the right to receive hospitalization and medical care at the University Hospital. Before such right and privilege can be taken away from such individual the reason for so doing must be clearly stated and this, in the instant situation, we cannot do. We must therefore conclude that marriage, provided, of course, that the husband is unable to pay the expenses of hospitalization and medical treatment, does

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not make a girl under the age of twenty-one years ineligible to receive continued hospitalization and medical treatment.

CONCLUSION

It is the opinion of this department that a female person under the age of twenty-one years, who comes within the compass of Chapter 201, RSMo 1949, and who is eligible to receive hospitalization and medical treatment at the University of Missouri under the provisions of the aforesaid chapter, does not lose this eligibility by marriage, provided that her husband is unable to pay the expenses of said hospitalization and medical treatment.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Hugh P. Williamson.

Very truly yours,

John M. Dalton
Attorney General

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