

## OFFICIAL OPINION NO. 74

July 27, 1945.

Hon. Luther T. Hurley, Superintendent  
Fort Wayne State School,  
Fort Wayne, Indiana.

Dear Sir:

I have before me your letter of recent date in which you ask an official opinion upon the following question:

“For a great many years we have been making up a clothing list which we require for new admissions. This list varies according to the type of case we are expecting to admit. The type is determined by the descriptive details mentioned in the commitment papers.

“Recently we admitted a case from ‘X’ County and the list was quite incompletely filled. The sheriff who brought the patient stated that the Judge had permitted him to spend only twenty dollars for clothes. At that time this Judge informed the sheriff that that was the amount limited by statute.

“We would appreciate having a legal opinion with citation of the statutes governing our procedure so far as concerns clothing which is to come with new admissions.”

Section 3 of Chapter 41 of the Acts of 1919, the same being Section 22-1721 of Burns’ 1933 I. S. A., provides in part as follows:

“The clerk of the proper court, upon receipt of the acceptance of the application for admission of the feeble-minded person to the Indiana School for Feeble-minded Youth (Fort Wayne State School), shall report the same to the judge, whereupon the judge shall instruct the county clerk to see that the patient is supplied with proper clothing, and if not otherwise furnished he shall furnish said clothing, at the expense of the county. \* \* \*”

Section 4 of Chapter 41 of the Acts of 1919, the same being Section 22-1722, Burns' 1933 I. S. A., provides as follows:

"The expense of clothing the patient, if not paid by himself or herself, or his or her relatives or friends, shall be paid by the county; *and if furnished by the institution, shall be collected from the county*, as now provided in the case of insane patients in the hospitals for the insane. The traveling or incidental expenses of the patient, and also of the officer or person in charge of said patient, to and from said institution, shall be paid by the county; the fees of medical examiners and other officers, witnesses and persons, growing out of the proceedings for commitment of the patient to said Indiana School for Feeble-minded Youth (Fort Wayne State School), shall be paid in the same manner and at the same rate as provided by law for the inquiries concerning the commitment of insane persons to the state hospitals for the insane." (My italics.)

From the foregoing two statutes it is apparent that it is the duty of the judge of the court where the commitment is ordered to instruct the county clerk to see that the patient be supplied with proper clothing, and if not otherwise furnished he shall furnish said clothing at the expense of the county. Also, that if the clerk or judge refuses to furnish proper clothing then the superintendent of the institution may furnish such clothing and collect the cost thereof from the county from which the person was committed.

It further appears from the second above quoted statute that the expense of the clothing is to be collected from the county as now provided in the case of the commitment of persons to the hospitals for the insane.

Section 15 of Chapter 69 of the Acts of 1927, as last amended by Section 1 of Chapter 95 of the Acts of 1943, the same being Section 22-1215 of Burns' 1933 I. S. A. (Pocket Supp.) provides as follows:

"It shall be the duty of the clerk of the circuit court to cause an ample supply of suitable clothing to be sent with each and every insane person admitted to a hospital for insane from his county. The clothing so fur-

nished shall be in substantial accordance with a requisition which the superintendent of the hospital shall send with the acceptance of such insane person. If such clothing be not otherwise furnished, the clerk of the circuit court shall purchase such clothing and the payment therefor shall be made out of the general fund of the county treasury, upon certificate of the clerk, and warrant of the county auditor. The expenditure for such clothing out of the county treasury shall in no case exceed seventy-five dollars (\$75.00). If such clothing is purchased by the clerk of the circuit court, the person from whom the clothing is purchased shall submit therewith a verified, itemized statement showing the price charged for each such item of clothing so purchased and no such item shall be paid unless the price charged therefor shall be just and reasonable. (Acts 1927, ch. 69, Sec. 15, p. 179; 1933, ch. 95, Sec. 1, p. 669; 1943, ch. 195, Sec. 1, p. 588.)”

From the last quoted statute it appears that the maximum amount to be allowed for clothing for insane persons is seventy-five dollars (\$75.00), and this same amount would be applicable as the maximum amount to be allowed for clothing for persons committed to the Fort Wayne State School.

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OFFICIAL OPINION NO. 75

July 27, 1945.

Hon. John D. Pearson,  
Insurance Commissioner  
State of Indiana,  
State House,  
Indianapolis 4, Indiana.

Dear Mr. Pearson:

I have your letter requesting my opinion as follows:

“A life insurance company authorized to do business in Indiana is confronted with an opportunity to place