

Chapter 179

Administration of State Institutions

Chapter 179

CASE CITATIONS: *Delaney v. Shobe*, (1964) 235 F Supp 662.

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179.040

CASE CITATIONS: *Ex parte Steiner*, (1913) 68 Or 218, 231, 137 P 204; *Delaney v. Shobe*, (1964) 235 F Supp 662.

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179.105

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179.110

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179.130

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179.150

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LAW REVIEW CITATIONS: 48 OLR 117; 48 OLR 121.

179.210

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179.310

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179.321

CASE CITATIONS: Delaney v. Shobe, (1964) 235 F Supp 662.

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179.350

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179.360

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179.370

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179.375

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179.380

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179.390

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179.450

ATTY. GEN. OPINIONS: Permitting convicts to pick fruit on privately owned land, 1952-54, p 191.

179.460

ATTY. GEN. OPINIONS: Use of betterment fund by divisions, (1970) Vol 34, p 1086.

179.473

CASE CITATIONS: Lewis v. Gladden, (1964) 230 F Supp 786; State v. Wolberg, (1971) 5 Or App 295, 483 P2d 104, US appeal pending; Harris v. Cupp, (1971) 5 Or App 566, 485 P2d 1113.

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LAW REVIEW CITATIONS: 5 WLJ 168, 169.

179.476

CASE CITATIONS: State v. Wolberg, (1971) 5 Or App 295, 483 P2d 104, US appeal pending; Harris v. Cupp, (1971) 5 Or App 566, 485 P2d 1113.

ATTY. GEN. OPINIONS: Transfer of mentally retarded persons to other institutions, 1964-66, p 30; Board of Control's authority to transfer inmates between the MacLaren School and the Correctional Institution, 1964-66, p 44; au-

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179.486

ATTY. GEN. OPINIONS: Authority to pay cost of medical and other care for escapee, 1966-68, p 88.

179.490

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179.495

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179.510

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179.520

ATTY. GEN. OPINIONS: Authority of superintendent of state institution to receive custody of estates of wards, 1960-62, p 126; liability of superintendent for funds, 1962-64, p 137; authority of committed person to deposit funds elsewhere, 1962-64, p 253; application of patient trust funds to cost of care, 1962-64, p 254.

179.530

ATTY. GEN. OPINIONS: Authority of superintendent of state institution to receive custody of estates of wards, 1960-62, p 126; disposition of funds of deceased patient of state mental hospital, 1962-64, p 72; liability of superintendent for funds, 1962-64, p 137; application of patient trust funds to cost of care, 1962-64, p 254.

179.540

ATTY. GEN. OPINIONS: Effect of escheat law on a check deposited for safekeeping, 1922-24, p 113; applicability of section to a certificate of deposit, 1922-24, p 385; recovery of escheated personalty, 1942-44, p 241; disposition of funds of deceased patient of state mental hospital, 1962-64, p 72.

179.550**NOTES OF DECISIONS**

The last phrase of this section obviously refers to the escheat recovery statute and that section should be followed in so far as it is applicable. *Wood v. Sprague*, (1940) 165 Or 122, 106 P2d 287.

ATTY. GEN. OPINIONS: Recovery of escheated personalty, 1942-44, p 241.

179.610 to 179.770

ATTY. GEN. OPINIONS: Liability of child for cost of care, 1958-60, p 316; eligibility for old-age assistance of persons with tuberculosis or psychosis, 1964-66, p 474.

179.610

ATTY. GEN. OPINIONS: Duty to determine financial ability to pay, 1958-60, p 253; liability for care and maintenance of criminal defendant committed to state public hospital before trial, 1958-60, p 264; indorsement of checks drawn to institutions for care and maintenance, 1960-62, p 272; application of patient trust funds to cost of care, 1962-64, p 254; paying for psychiatric examinations in commitments of sexually dangerous persons, 1966-68, p 467; liability for cost of examination, maintenance and witness services in juvenile court proceedings, 1966-68, p 551.

179.620**NOTES OF DECISIONS**

The standard of "ability to pay" during the ward's lifetime is not intended to be the same as the standard effective upon his death. *State Bd. of Control v. Loprinzi*, (1967) 246 Or 206, 424 P2d 889.

FURTHER CITATIONS: *State v. Devore*, (1971) 4 Or App 425, 479 P2d 1013.

ATTY. GEN. OPINIONS: Suit to set aside a deed conveying property of patient in the state hospital as maintainable in the name of the state by the district attorney, 1932-34, p 249; expense of maintenance of patients who voluntarily enter state hospital, 1934-36, p 27; expense of maintenance of criminals transferred from state penitentiary to state hospital, and collection and application of proceeds from world war veterans' adjusted compensation bonds owned by such person, 1936-38, p 646; cost of maintaining inmate at institution as a lien against his estate, 1940-42, p 550; enforceable right to principal of trust fund as evidence of ability to pay, 1940-42, p 662; property acquired by state hospital inmate outside of institution as available for his care, 1940-42, p 652; liability of the estate of mentally diseased person to the state as a preferred claim, 1942-44, p 34; costs of care of parolee pending return to Oregon State Hospital, 1958-60, p 217; liability of child for cost of care and maintenance of tuberculosis hospital patient after patient's death, 1958-60, p 316; application of patient trust funds to cost of care, 1962-64, p 254; paying for psychiatric examinations in commitments of sexually dangerous persons, 1966-68, p 467.

179.630**NOTES OF DECISIONS**

The liability of the relative, under a former statute was joint and several. In *re Idleman's Commitment*, (1934) 146 Or 13, 27 P2d 305.

ATTY. GEN. OPINIONS: Court orders holding others than

those named in section responsible, 1932-34, p 541; procedure when estate of patient acquires assets from which maintenance can be paid, 1938-40, 547; liability to state as a preferred claim against patient's estate, 1942-44, p 34; liability of patient's estate to state where spouse has a lawful claim, 1942-44, p 225; obligation of husband of patient as extinguished by divorce, unless decree provides otherwise, 1942-44, p 232; obligation of husband of patient when decree of divorce has been modified to relieve husband, 1946-48, p 193; continuance of ability to pay, 1958-60, p 19; liability of child for cost of care and maintenance of tuberculosis hospital patient after patient's death, 1958-60, p 316; paying for psychiatric examinations in commitments of sexually dangerous persons, 1966-68, p 467.

179.640

NOTES OF DECISIONS

Under former similar statute, the court was required to make findings of facts concerning the abilities of the individual and his relatives to pay for his maintenance and, if the findings indicated ability to pay, to enter an order to that effect. In *re Idleman's Commitment*, (1934) 146 Or 13, 27 P2d 305.

The proceedings provided for under a former similar statute were not ex parte and constituted due process of law. *Id.*

Under a former similar statute, the issues to be tried were: (1) The mental condition of the individual concerning whom the information had been found; (2) the financial condition of his estate, if any; (3) the relationship to him of others upon whom the citation had been served; and (4) their ability to pay for his support in the event that he could not pay for it himself. *Id.*

FURTHER CITATIONS: *State v. Van Tassel*, (1971) 5 Or App 376, 484 P2d 1117.

ATTY. GEN. OPINIONS: Procedure to collect accounts due state for care and maintenance of inmates, 1934-36, p 595; order as to inability to pay cost of maintenance of feeble-minded persons as applicable only to cost subsequent to the rendition of order, 1932-34, p 620; statutes as mandatory

as to who shall be served and when, 1940-42, p 270; where an inmate was divorced and no provision for her maintenance was made in the decree, the parents of the inmate as subject to order to contribute to her maintenance subsequent to the date of the decree of divorce, 1944-46, p 67; guardian of the estate of a patient in the state hospital, on request, appointed in the county of which such patient was a resident at the time of commitment, and in other cases, guardians of the estate or person of incompetents appointed in the probate courts of other counties having jurisdiction, 1944-46, p 236; duty to determine financial ability to pay, 1958-60, p 253.

179.670

ATTY. GEN. OPINIONS: Fees for services of district attorney in connection with guardianship proceedings when a person is charged with being mentally ill or feeble-minded, 1942-44, p 464.

179.701

CASE CITATIONS: *State v. Devore*, (1971) 4 Or App 425, 479 P2d 1013.

ATTY. GEN. OPINIONS: Accounts for care prior to 1961 amendment, 1960-62, p 224; charge against State Industrial Accident Commission for cost of care in tuberculosis hospital, 1962-64, p 72; authority of board to accept full reimbursement for patients eligible under Medicare, 1966-68, p 147; paying for psychiatric examinations in commitments of sexually dangerous persons, 1966-68, p 467.

179.740

NOTES OF DECISIONS

Only the Board of Control [now Institutional Services Division of the Executive Department] has authority to waive all or part of a claim against the estate. *State Bd. of Control v. Loprinzi*, (1967) 246 Or 206, 424 P2d 889.

ATTY. GEN. OPINIONS: Liability of child for cost of care and maintenance of tuberculosis hospital patient after patient's death, 1958-60, p 316.