

J. H. O'CONNOR
COUNTY COUNSEL

OFFICE OF THE COUNTY COUNSEL

SUITE 1100 HALL OF RECORDS

LOS ANGELES, CALIF. January 14, 1939

Hon. Board of Supervisors
County of Los Angeles
Hall of Records

Gentlemen:

We have your letter of January 5, 1939, reading as follows:

"Your communication of December 27th, relating to responsibility for psychopathic cases, was presented to the Board of Supervisors on January 3rd and ordered placed on file, and you were authorized to prepare legislation to impose the obligation on the State for increased facilities to house such patients now in County institutions."

We have taken the matter up with Mr. Kennedy in Sacramento and enclose herewith a copy of his letter respecting the same, and we agree fully with his conclusions that the matter is one of purely state policy and that nothing can be accomplished except through pressure upon the state administration. No doubt the cooperation of the Department of Institutions and the superintendents of the various state hospitals could be obtained. As Mr. Kennedy states, it would be difficult to secure a legislator who would independently introduce such legislation and, of course, it would get nowhere without the support of the administration leaders.

We are today sending Col. Allen a copy of Mr. Kennedy's letter and of our letters to you of August 8th and December 27, 1938, which explain the matter fully. It would seem that direct contact between members of your Honorable Board and the state administration leaders, with the assistance and cooperation of Col. Allen and Mr. Kennedy, would be the proper plan for accomplishing the desired ends.

Yours very truly,

J. H. O'CONNOR, County Counsel

By

L. K. Vobayda

L. K. Vobayda
Deputy County Counsel

LKV:FH
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MOTION

Allen
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(COPY)

Sacramento, Calif., January 12, 1939

L. K. Vobayda,
Deputy County Counsel,
Los Angeles, Calif.

Dear Vo:

With reference to your letter of January 9, relating to the order of the Board, adopted January 5:

"To prepare legislation to impose the obligation of the State for increased facilities to house such (psychopathic) patients now in County institutions",

will state that I am in agreement with you that it is a matter which properly should emanate from the State Department of Institutions. It is clearly a matter of policy which concerns the State budget for the ensuing biennium.

At every session during the last four, there has been considerable discussion relative to the present inadequacy of sufficient institutions to house and care for psychopathic cases by the State.

I note that the order of the Board makes reference to a communication of the County Counsel, dated December 27, and I do not know what that communication contained. A note from Miss Douglass indicates that it was a letter which you wrote to the Board.

In our legislative report of December 24, which was approved by Colonel Allen and accepted by the Board, we recommended that no action be taken at this session of the legislature which would transfer the cost of County psychopathic cases to the State. I will appreciate it if you will send me a copy of the communication of December 27, referred to in the Board's order.

By way of summary, it appears to me that the proper way to handle this situation would be for the County to urge upon the Department of Finance, the Department of Institutions and the leaders in the present administration, that adequate funds be provided for in the ensuing biennium to care for psychopathic cases which properly are a legal responsibility of the State, but which, because of inadequate facilities, must be cared for by Los Angeles County. The governor's budget is now being prepared and no doubt will contain an item for this purpose, and it would be difficult to secure a legislator who would be willing, without consulting with the administration leaders, to independently sponsor a bill at the request of a county to make an appropriation of State funds to provide additional facilities.

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I suggest that you discuss this matter with Mr. O'Connor and with Colonel Allen, and advise me of any developments.

The legislature tentatively has agreed to adjourn Saturday, January 21, but may not be able to do so by that time.

Yours very truly,

(Sgd) Hal

HAL W. KENNEDY

(COPY)

PSYCHOPATHIC--FEEBLE-MINDED.

Present County psychopathic care expense can be avoided only by amending state laws or possibly by committing to state feeble-minded homes under the special laws applying to straight commitments to such homes.

August 8, 1938

Honorable Board of Supervisors
of Los Angeles County
HALL OF RECORDS

Gentlemen:

We have your letter of May 27, 1938 reciting that:

"An order was adopted by the Board of Supervisors on May 23rd, instructing the Department of Budget and Research to submit the estimated cost of maintaining mentally sick but not insane cases in the State Hospitals to you to take up with the Attorney General and Director of Finance concerning any reimbursements or adjustments for these cases not maintained in State institutions."

We are also in receipt of your letter of July 28th, reading:

"An order was adopted by the Board of Supervisors on July 19th, instructing you to make the proper negotiations with the Attorney General and other State authorities in reference to the responsibility of the County of Los Angeles in maintaining feeble-minded and psychopathic patients who are the State's responsibility."

The Bureau of Budget and Research has submitted figures showing that they estimate the total county cost, including the Psychopathic Parole Office, Rancho Los Amigos, General Hospital and Probation Department, to be approximately \$550,000 per year for the last three years.

We know of no law which will furnish a basis for negotiations with or for a claim by this county against the state for the care of these patients. In our opinion very little can be accomplished except by amendment or repeal of present laws.

In so far as the Probation Department is concerned the compilation of the Bureau of Budget and Research shows an expenditure of from \$36,000 to \$56,000 for "payments to rest homes". If the county is paying to private rest homes for care of feeble-minded Juvenile Court wards it is by virtue of orders of the Juvenile Court made pursuant to the

Hon. Board of Supervisors

August 8, 1938

Juvenile Court Act, under which there is no reimbursement by the state. In a great many instances feeble-minded Juvenile Court wards are committed to Sonoma State Home or Pacific Colony, both state institutions. Under the present law and rate fixed thereunder the county must pay \$20 per month for the care of all such persons committed to state institutions. If the cost incurred by the county in private rest homes exceeds \$20 per month, a saving could be made by committing to state institutions, assuming the state institution has facilities available to care for them, and that the Department of Institutions does not raise the rate.

We understand from Mr. W. W. Nier, Deputy County Auditor, that the state institutions are crowded and his opinion is that if the state could be forced to accept more patients in the asylums and feeble-minded homes they would be compelled to parole or discharge others who, perhaps, only partially recovered, would come back to the county and would have to be picked up again. It is provided by section 5258 of the Welfare and Institutions Code that in so far as commitments to Sonoma State Home or Pacific Colony are concerned patients need not be admitted if the institution is already full or funds exhausted or if in the opinion of the Department of Institutions the person is not a suitable subject for admission. These are the only state homes for the feeble-minded.

In so far as the County Hospital expenditure of \$152,000 per year is concerned, the expenditure, except for approximately \$600 per year for drugs and medicines, is incurred in connection with determining the sanity or insanity of the patients, and we fail to see any way in which that cost could be eliminated, except by legislative action. This county does not pay the state for the care of the dangerously insane in the state insane hospitals but the expense of their commitment is made a county charge if the patient be indigent and a charge upon his estate if he be not so.

Respecting the Psychopathic Parole Office, section 5077 of the Welfare and Institutions Code imposes the cost of care of the patients upon the county if the patient is an indigent resident thereof. If he be not an indigent the cost of the care is to be defrayed directly from the estate of the patient. The state is in no way made liable for the care of any persons committed under the Psychopathic Parole Act, nor for reimbursement on account of such care.

Rancho Los Amigos, as we understand it, cares for numbers of patients committed by the court under the Psychopathic Parole Act and also some feeble-minded persons who are cared for as indigents under the Pauper Act. The rate fixed in the Rancho for care in the Psychopathic Ward is \$1.26 per day and this rate is supposed to be based upon cost. This amounts to \$39.06 for a 31-day month and manifestly if any such patients could be committed to a state home at which

Hon. Board of Supervisors

August 8, 1938

the county would pay \$20 per month, a saving would occur. However, the rates for care at these homes for the feeble-minded are determined and fixed monthly by the Department of Institutions with the approval of the Department of Finance and may be fixed as high as \$40 per month. (Section 7010, Welfare and Institutions Code.) The charges have not as yet exceeded \$20 per month, as far as we have heard. It may be that if the state finds the county is attempting to shift the care of these persons to state institutions the rate will be increased.

The laws hereinabove mentioned illustrate the futility of attempting any negotiations with the Attorney General or Director of Finance concerning any reimbursements or adjustments for psychopathic cases not cared for in state institutions because there is no legal liability upon the state upon which a request for reimbursement could be founded.

It is our opinion that if the county is to relieve itself of some of the burden of caring for psychopathic persons the solution must be found in amendments to the state laws or possibly by commitments to state feeble-minded homes under the laws specifically applicable to such homes, rather than through negotiations with state officers.

Yours very truly,

J. H. O'CONNOR, County Counsel

By

L. K. Vobayda
Deputy County Counsel

LKV A

(COPY)

December 27, 1938

Honorable Board of Supervisors
County of Los Angeles
Hall of Records

Gentlemen:

We have your letter of December 16, 1938, reading in part as follows:

"An order was also adopted, requesting you to prepare a communication to the State Welfare Department advising it of the emergency which the County is facing; also informing said State Welfare Department of the decision recently given you by the Attorney General on the responsibility of the State, and advising said Department of the total number of psychopathic cases this County is taking care of which are the responsibility of the State and not of this County."

It appears that your Board is laboring under a misapprehension. The state of California is not legally responsible for the psychopathic cases which the county is taking care of. The details of this psychopathic situation were set out in an opinion to your Honorable Body dated August 8, 1938. Under the present laws these cases are the responsibility of the county and, as we said in that opinion, the only way the county could relieve itself of some of the burden of caring for psychopathic cases would be by procuring amendments to the state laws.

The county pays \$20.00 a month to the state for feebleminded persons committed to the state feebleminded homes, and possibly some saving could be made by committing to such homes except for the fact that we are informed they have not the capacity to take more patients and, of course, the state can, if it desires, raise the amount to be paid by the counties up to \$40 per month.

It would seem that it would be advisable for the county to encourage the legislature to provide more state institutions for the care of these persons so that the state would have the capacity to take care of them, and in addition to state, procure amendments to the present laws imposing the burden of their care upon the state.

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Honorable Board of Supervisors

12/27/38

The Attorney General has not given us any opinion on the responsibility of the state for these cases. Under these circumstances we are taking the liberty of failing to communicate with the State Welfare Department unless we have contrary advice from you.

Yours very truly,

J. H. O'CONNOR, County Counsel

By

L. K. Vobayda
Deputy County Counsel

LKV:PH

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J. H. O'CONNOR
COUNTY COUNSEL

OFFICE OF THE COUNTY COUNSEL

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SUITE 1100 HALL OF RECORDS

LOS ANGELES, CALIF.

December 27, 1938

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JAN 3 1939

Honorable Board of Supervisors
County of Los Angeles
Hall of Records

MOTION *Mc*

Gentlemen:

minutes, Vol 247 Page 151

*see file page
Co Co pres says
to impose the duty on
state
for increased
facilities to
house patients
in Co institutions*

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MOTION

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It would seem that it would be advisable for the county to encourage the legislature to provide more state institutions for the care of these persons so that the state would have the capacity to take care of them, and in addition to this, procure amendments to the present laws imposing the burden of their care upon the state.

*see
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Honorable Board of Supervisors

12/27/38

The Attorney General has not given us any opinion on the responsibility of the state for these cases. Under these circumstances we are taking the liberty of failing to communicate with the State Welfare Department unless we have contrary advice from you.

Yours very truly,

J. H. O'CONNOR, County Counsel

By 

L. K. Vobayda
Deputy County Counsel

LKV:FH

Original for our files?

1 No. 95
2 96

December 13, 1938

Tuesday p.m.

3 * * * * *

4 MR. MC DONOUGH: I will move you that Mr. Harriman provide
5 space to accept these people and take them out of Alynmore.

6 (Motion carried)

7 MR. MC DONOUGH: I would like to move that the State Welfare
8 Commission be advised of the emergency that we are meeting
9 by communication prepared by the County Counsel, and I am further
10 instructing the County Counsel to inform the Welfare Board of
11 the decision that was recently given by the Attorney General to
12 the County Counsel on the responsibility of the State, and also
13 advise the State Welfare Board of the total number of Psychopathic
14 cases this County is taking care of which is not our responsibility,
15 but is the State's responsibility -- all that information to be
16 in the letter.

17 (Motion carried)

18 * * * *

19 MR. MC DONOUGH;I will further move that the Supt. of
20 Charities cancel the contract with the Alynmore Sanatorium, because
21 it doesn't meet the building requirements and the fire hazard.

22 (Motion carried)

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See 40.10
494.638