

OPINION
48-57

April 26, 1948 (OPINION)

COUNTIES

RE: Claim Against Estates for Institutional Care

Re: George Woods Estate

Your letter of April 21 regarding filing of claims against this estate has been received and sent to my desk.

This office has already considered the situation which you suggest in your letter and it has been our opinion that the county has a claim against the estate of the deceased patient for all moneys that the county has paid from moneys collected by the county in taxes. We have been of the opinion that the institutional care paid out of the liquor tax fund not having been paid by the county is not recoverable by the county. We have searched in vain through the liquor tax act for some provision authorizing the recovery from the estate of patients for care furnished them, but we have failed to find any and it is our opinion that unless the law expressly provides for the recovery either by the state or the county of institutional care paid from the liquor fund, that there is no way that such care could be recovered from the estate. We suggest that the county's claim be filed properly as we have had some cases where the county's claim was not presented in time and the question was raised as to whether recovery could be had.

NELS G. JOHNSON

Attorney General