



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable Chas. W. Castner, Chief
Eleemosynary Division
State Board of Control
Austin, Texas

Dear Sir:

Opinion No. 0-3883

Re: May an alien residing in Texas, who becomes mentally ill, be committed by a Texas court of competent jurisdiction to one of our State mental hospitals, and is the superintendent of said State mental hospital within his rights to order admitted, cared for and treated the said alien, on the same basis as that of a resident of the State who is a citizen of the United States?

Your request for an opinion from this department has been received and considered. We quote from your request:

"May an alien residing in Texas, who becomes mentally ill, be committed by a Texas court of competent jurisdiction to one of our State mental hospitals, and is the superintendent of the said State mental hospital within his rights to order admitted, cared for and treated the said alien, on the same basis as that of a resident of the State who is a citizen of the United States?"

Article 3193, Vernon's Civil Statutes of Texas, provides:

"A person alleged to be insane, and who is not held on a criminal charge, may be committed

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to and confined in an institution for the custody and treatment of the insane and of other persons suffering from mental illnesses upon an order made by a county judge of the county in which the alleged insane person resides or may be, adjudging such person to be insane, * * *."

Article 3193d, Vernon's Civil Statutes of Texas, provides:

"Immediately after any person is adjudged insane the county judge shall communicate with the superintendent of the State Hospital or Psychopathic Hospital of the district in which said person resides or may be at the time, and if notified by the latter that there is a vacancy in the institution, he shall issue a warrant to the sheriff or some other suitable person, directing him to convey the insane person to the hospital without delay. * * *."

Article 3193e, Vernon's Civil Statutes of Texas, provides for a temporary commitment to an institution for the treatment of the insane for temporary care and treatment for a period of thirty-five days pending the determination of said persons' insanity.

Other sections of said Article 3193, Vernon's Civil Statutes, provide instances in which a person may be committed to a State institution. All of these statutes have been carefully considered and will not be copied in this opinion.

In none of the statutes dealing with mentally ill persons do we find any requirement that a person must be a citizen of the United States before a court of competent jurisdiction has jurisdiction to pass upon the status of a person's mind and if found to be insane to commit said person for care and treatment to an institution for the mentally ill. Neither do we find any thing in any of the statutes pertaining to the mentally ill which would indicate that a person must be a citizen of the United States before a superintendent of a State institution for the mentally ill, can accept said person as a person committed by a court of competent jurisdiction. You are, therefore, advised that in our opinion the statutes of the State of Texas dealing with the care and treatment of the mentally ill have not

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been restricted to apply only to citizens of the United States alone but are likewise applicable to an alien who may be in the State of Texas and who may be mentally ill. It follows, therefore, that a superintendent of a State institution for the mentally ill is authorized and should accept an alien who has been committed to said institution for the mentally ill by a court of competent jurisdiction just the same as if said person committed was a citizen of the United States.

We trust that in this manner we have fully answered your inquiries.

Yours very truly

ATTORNEY GENERAL OF TEXAS

APR 3, 1941
[Signature]
FIRST ASSISTANT
ATTORNEY GENERAL

By *[Signature]*
Harold McCracken
Assistant

HM:RS

