

April 28, 1972

The Honorable J. Shane Creamer
Attorney General of Pennsylvania
238 Capitol Building
Harrisburg, Pennsylvania 17120

Dear General Creamer:

There seems to be some confusion about the applicability of the Department of Public Welfare's lien law as it affects parents of children residing in state schools and hospitals and interim care facilities for the mentally retarded. It is our understanding that, when a parent places a child in such a facility, the fee to be charged is set by a Department of Public Welfare formula that, at least in theory, reflects the family's ability to pay.

We further understand that the Commonwealth cannot execute a lien against the family's estate to re-claim any fees that the family fails to pay. The Commonwealth's inability to do this is a result of the revocation of the lien law by the legislature in either 1965 or 1966.

We also understand that individuals who were placed in state schools and hospitals prior to the date of the revocation are still liable to have their estates attached to pay delinquent fees. Is this correct? Please advise us.

Best personal wishes,

C. A. Peters
Executive Director

CAP:nz