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ARIZONA ATTORNEY GENERAL

DEPARTMENT OF LAW LETTER OPINION NO. 71-18-L (R-67)

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REQUESTED BY: CHARLES H. MARTIN  
Director  
Department of Mental Retardation

QUESTIONS: With regard to financial contributions for a mentally retarded person receiving care at a center of the Department of Mental Retardation pursuant to A.R.S. Section 36-562:

1. If a retarded person is temporarily absent from a center, but not discharged, are the 16 years of required financial contribution measured from the date of admission or from the date of admission plus the days of absence?
2. In A.R.S. Section 36-562.B is the word "satisfactorily" to be interpreted as "perfectly"; or may a minimum standard or subjective interpretation be applied?

ANSWERS: 1. See body of opinion.  
2. See body of opinion.

The determination appears dependent upon the definition of the term "temporary absence" in your inquiry. It would appear that, if the individual was temporarily absent on home visit, vacation or other purpose, as contemplated in A.R.S. § 36-562.A, and credit was given the parent, spouse or guardian, then such time should not be included in computing the time of financial contribution.

Conversely, if the individual is placed in a private home or vocational placement, pursuant to A.R.S. Section 36-565, and the parent, spouse or guardian continues to furnish financial contributions even on a reduced basis because of the reduced cost to the Department, such period of absence should be included in computing the time of financial contributions. This appears to be a matter for administrative determination.

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"Satisfactorily" appears to apply to the amount of financial contribution as opposed to timeliness of payment. The amount of contributions up to the 16 year limit would be controlled by a court order or a statute such as A.R.S. Section 36-562.C.

Respectfully submitted,

*Gary K. Nelson*  
*by F.S.*

GARY K. NELSON  
The Attorney General

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