

September 2, 1976

**SUBJECT:** Request for Legal Opinion -  
Family Resource Service Fees

**TO:** Mr. Vincent D. Pettinelli  
Acting Deputy Secretary for  
Mental Retardation

**FROM:** (Mrs.) Helga L. Kumar  
Legal Assistant  
Office of Legal Counsel

Through: James R. Adams  
General Counsel

With reference to your ~~memo~~ of August 23, 1976, attaching ~~memo~~ of August 17, 1976, concerning the above-captioned matter, the authority for charging clients is based solely on the provisions contained in §504 of the Mental Health/Mental Retardation Act.

You are, therefor advised that persons who, by virtue of the Department's regulations promulgated pursuant to the aforesaid section, have no liability to pay for services ~~may~~ not legally be charged irrespective of whether such charge is large or small.

Please note that the ~~memorandum~~ from Ms. Pontius of the Western Region specifically points out that over 80% of the clients referred to in her ~~memorandum~~ have no liability.

HLK:npm