

FILE NO. 72606

October 26, 1940

Mr. Thomas J. S. Waxter  
Director, Department of Public Welfare  
327 St. Paul Place  
Baltimore, Maryland

Dear Judge Waxter:

Reference is made to your letter of October 11, 1940, requesting my opinion as to the legal rights of a parent against a minor child where the child is living at the home of the parent as well as where the child is living outside of the home.

So far as I know, there is no statute which makes it a criminal offense for a minor child to fail to support a destitute parent. Sections 98 to 104 of Article 27 of the Code of Public General Laws regarding "destitute parents" relate entirely to adult persons who are able to support their parents but fail to do so.

Although a child is not bound to support its parents at common law, a parent having the legal control and custody of his unemancipated minor child has a right to its services and earnings unless there has been an express or implied relinquishment of such right or a loss or abandonment thereof by some act or neglect of the parent.

46 C.J. p. 1279, 1281  
46 C.J. p. 511

The right of a parent to the child's earnings arises out of the duty to support the child and is contingent on the actual furnishing of such support. Hence the right of the parent to the child's earnings is lost where the parent abandons the child, neglects or refuses to support it or forces it to leave the home and labor for its own livelihood,

46 C.J. p. 1287.

In view of the above, it is apparent that the right of a particular parent to the earnings of his minor child would depend upon the facts surrounding such case.

Very truly yours,

(signed) CHARLES C. C. EVANS

CCOR/MS

City Solicitor