

File No. 87015

April 30, 1951

Honorable T. J. S. Waxter, Director  
Department of Public Welfare  
327 St. Paul Place  
Baltimore - 2, Maryland

Dear Judge Waxter:

By your letter of February 2, 1951, you asked to be advised as to a mother's financial responsibility for the maintenance and support of her child when committed to your Department for foster care.

You present two situations, the first of which does not seem to offer any difficulty.

(a) Where there is no father in the picture, as in the instance of an illegitimate child or of a child whose father is dead or whereabouts unknown.

As to an illegitimate child, the mother of course is the sole legal parent and has the sole legal responsibility, unless and until the fatherhood of the child is established as provided in the Maryland Code, Article 12, Bastardy and Fornication. Furthermore, this Article provides in Sections 1 and 10, that the mother may be required to post bond indemnifying the City or County against the child becoming a public charge.

Where the child is legitimate, or the putative father is known but the father is dead or disappeared, we believe the responsibility to be clearly on the mother. The language in Article 72 A, Maryland Code (Acts of 1929, Chapter 561), Parent and Child, is explicit. Section 1 says:

"The father and mother are the joint natural guardians of their minor children and are equally charged with its care, nurture, welfare and education. They shall have equal powers and duties \* \* \*."

The other situation presented by you -

(b) Where the father is in the picture but unable to support or only able to partially support.

This seems to be also clearly answered by the provisions of Article 72 A, Section 1. The Maryland courts have in many cases said that under common law there is a