

Opinion No. 41-3917

October 14, 1941

BY: EDWARD P. CHASE, Attorney General

TO: Mrs. Jennie M. Kirby Director, Department of Public Welfare Santa Fe, New Mexico

{*106} In your letter of October 6 you request to know whether or not, in our opinion an adopted child loses the right to inherit from his natural parents by reason of such adoption.

As a general rule of law, in the absence of a statute to the contrary, an adopted child may inherit both from its adoptive parents and from or through its natural parents. 1 C. J. 1400. Insofar as I have been able to ascertain, we have no statute in New Mexico which prohibits an adopted child from inheriting from his natural parents. Therefore, in view of the general rule of law above set forth, and taking into consideration our Supreme Court's decision in the case of Dodson, et al., vs. Ward, 31 N.M. 54, I conclude that an adopted child in the State of New Mexico does not lose his right to inherit from his natural parents where the said parent dies intestate.

By HOWARD F. HOCK,

Asst. Atty. General