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STATE CHILDREN'S BUREAU - Abandonment defined

3-21
March 1, 1934.



Mrs. W.W. Henderson, Director,
State Children's Bureau,
Carrollton, Missouri.

Dear Mrs. Henderson:

This department acknowledges receipt of your letter of January 24 enclosing copy of an opinion rendered by former Attorney General Shartel during his administration, in which you ask if the opinion is acceptable to this department at the present time. Your letter in full reads as follows:

"Enclosed is copy of an opinion rendered by Stratton Shartel which we ask that you examine and see if it is upheld by your administration.

If this is satisfactory to maintain as cause for our action in adoption cases we shall be glad to have you advise us at your earliest convenience."

We have read the opinion carefully and agree in the conclusion reached; however, we desire to augment same with a more comprehensive definition of the word "abandon". 1 Corpus Juris, p. 1387 defines "abandon" as follows:

"To constitute such an abandonment by a parent as will deprive him of the right to prevent the adoption of his child, and dispense with the necessity of his consent, there must be some conduct on his part which evinces a settled purpose to forego all parental duties. But merely permitting the child to remain for a time undisturbed in the care of others is not such an abandonment. Whether or not a parent has abandoned his child is a question of fact."

Mrs. W.W. Henderson

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March 1, 1934.

With this addition to the opinion of General Shartel, we consider the same as properly declaring the law.

Respectfully submitted,

OLLIVER W. NOLEN,
Assistant Attorney General

APPROVED:

ROY McKITTRICK,
Attorney General

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