

**Opinion No. 41-3953**

November 24, 1941

**BY:** EDWARD P. CHASE, Attorney General

**TO:** Mr. Tibo J. Chavez Assistant District Attorney Belen, New Mexico

{\*128} In your letter of November 22, 1941, you have requested our opinion as to whether or not a widow must have dependent children before she will be eligible to participate in our exemption statutes. Chapter 141-104, New Mexico {\*129} Statutes Annotated, 1929 Compilation, enacted in 1927, contained the following provision:

"Widows **having dependent children** shall be recognized as heads of families for the purpose of this act."

In 1939, however, and again in 1941, the legislature amended Chapter 141-104 of the 1929 Code by specifically, among other things, leaving out the phrase, "having dependent children," and the pertinent part of the statute, to be found in Chapter 93 of the 1941 Act, now reads as follows:

"Widows shall be recognized as heads of families for the purpose of this act."

This action on the part of the legislature, to my mind, shows a manifest intention to allow a widow to participate in the statute, regardless of whether she has any dependent children or not, and, in addition, the act itself recognizes and declares a widow to be the head of a family for the purpose of participating in the exemption statute.

Trusting that the foregoing sufficiently answers your inquiry, I am

By HOWARD F. HOUK,

Asst. Atty. General