

Opinion No. 45-4656

February 10, 1945

BY: C. C. McCULLOH, Attorney General

TO: Miss Lois S. McVey, Supervisor Child Welfare Services Department of Public Welfare Santa Fe, New Mexico. Attention: Miss Grace E. Nichols, Foster Care Consultant

{*18} I have your letter of January 13, 1945, wherein you state that a certain {*19} man wishes to adopt a nephew, and in view of this request you desire an opinion of this office as to whether the rights of such nephew would be affected under the Workmen's Compensation Act if this adoption should be allowed.

Under the provision of Section 57-912, subsection (j), the persons considered dependents under the Workmen's Compensation Act are defined, and only such persons are considered dependents in the Workmen's Compensation Act, in connection with any benefits that a dependent is entitled to. Under this provision it is clear that the nephew is not now a dependent under the construction of the act, but would be if adopted.

By HARRY L. BIGBEE,

Asst. Atty. General