

F. Murray Benson, Esq., City Solicitor (cont'd)

sent you a letter regarding the accident of Robert Michael, a child three years old, who was committed by the Juvenile Court to the Henry Watson Aid Society. This child, together with his sister, were placed in the home of a foster mother under the supervision of the Department of Public Welfare. The Department of Public Welfare pays the foster mother a weekly board of \$4.00 for each child, plus any expenses which are incurred. The father of these children died of a heart condition two weeks after the children were committed to the Department of Public Welfare. The mother has remarried and is now living with her third husband and both the mother and her present husband receive A.D.C. assistance from the City.

Robert suffered an injury as a result of an accident in November, 1941, when he was struck by a truck. The insurance company representing the owner of the truck desires to make a settlement for the injuries to the boy. The expenses incident to the accident amount to \$55.10. The boy will recover and I am advised that there will be no permanent injuries. Latest x-rays show that healing has been satisfactory. Judge Waxter wants to know who is the proper person to settle this claim with the insurance company for the truck owner.

I do not find anything in the law that permits the Department of Public Welfare or the City of Baltimore to affect a settlement in cases of this kind. The father of the child being dead, the mother is the only surviving parent and, therefore, the natural guardian.

Article 75, Section 60 of the Maryland General Code is as follows:

"The next friend or prochein ami who shall have brought any suit at law for the benefit of any infant or infants shall have authority to compromise and settle said suit and the cause of action; provided, that whenever such 'next friend' shall not be a parent of the infant or a person standing in loco parentis, the consent of such parent or other person shall first be had and obtained; and if both parents be dead and there be no other person having the care and custody of the infant, the authority of the Orphans' Court of the city or county in which such suit has been brought shall be requisite to give validity to the proposed compromise or settlement; but such authority shall never be granted except upon written application therefor by such 'next friend' setting forth under oath all the facts