

## ARTICLE 72A.

## PARENT AND CHILD.

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|----------------------------------------------------------|--------------------------------------------------------------------|
| 1. Natural guardianship; right of parents over children. | 3. Suits for injury of minor child.                                |
| 2 Wages of minors.                                       | 4. Appointment of a guardian by parent by last will and testament. |

1929, ch. 561, sec. 1.

1. The father and mother are the joint natural guardians of their minor child and are equally charged with its care, nurture, welfare and education. They shall have equal powers and duties, and neither parent has any right superior to the right of the other concerning the child's custody. If either the father or mother dies, or abandons his or her family, or is incapable of acting, the guardianship devolves upon the other parent. Where the parents live apart, the court may award the guardianship of the child to either of them. Provided: the provisions of this Article shall not be deemed to affect the existing law relative to the appointment of a third person as guardian of the person of the minor where the parents are unsuitable, or the child's interests would be adversely affected by remaining under the natural guardianship of its parent or parents.

A mother cannot sue her minor son for injuries caused by his negligence, since she is, jointly with the father, his natural guardian. *Schneider v. Schneider*, 160 Md. 21.

Cited but not construed in *Yost v. Yost*, 172 Md. 133.

See art. 16, sec. 41; art. 46, sec. 11; art. 93, secs. 129 and 246.

As to guardian and ward, see art. 93, sec. 152, *et seq.*

1929, ch. 561, sec. 2.

2. If one of the parents be dead, or has abandoned the child, or been deprived of its custody by court decree, the other is entitled to its services and earnings.

As to employment of minors, see art. 100, sec. 4, *et seq.*

See art. 101, sec. 60.

1929, ch. 561, sec. 3. 1937, ch. 37.

3. If either the father or mother be dead, or has abandoned the child, or been deprived of its custody by court decree, the other may sue for loss of the wages or services of their minor child when such loss is occasioned by the seduction of the child, or by an injury wrongfully or negligently inflicted upon it. The mother of an illegitimate child shall have the right to sue for the loss of wages or services of her minor child when such loss is occasioned by the seduction of the child or by an injury wrongfully or negligently inflicted upon it. Provided, nothing contained herein shall be deemed to supersede, limit, modify or affect Article 101 of this Code.

See art. 16, sec. 169; art. 75, secs. 28 (87), 60 and 68, and art. 93, sec. 157.

1929, ch. 561, sec. 4.

4. The sole surviving parent of any minor child may, by will duly executed, appoint a suitable guardian of the person or property, or both,