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NOTES

Inheritance From An Adopted Child

THE INCREASING number of adoptions in the United States presents a challenge to the courts and legislatures to keep abreast of the social developments in this field.¹ Among the many legal problems created by adoption is that of determining the adoptive relatives' rights of inheritance from the adopted child. This problem has received too little consideration to afford proper protection to the adoptive family.²

In adoption, which has been recognized since ancient times,³ emphasis initially was placed upon the continuance of the family, but the later Christian influence stressed protection of the homeless and destitute child as the dominant motive.⁴ The early American statutes on adoption were based upon this latter attitude and gave the adopted child the right to inherit *from* his parents by adoption.⁵ But the legislatures failed to allow the adopted child to

¹ The Children's Bureau of the U. S. Department of Labor estimated that there were 50,000 adoption petitions filed in 1944, and there are indications that the number of adoptions has increased greatly since that time. Smith, *Adoption* in SOCIAL WORK YEARBOOK 22, 24 (1949).

² BROOKS, *ADVENTURING IN ADOPTION* 162 (1939); RICKS, *LEGAL ASPECTS OF ADOPTION* (Child Welfare League) 13 (1937).

³ For a complete account of the history and development of adoption, see BROOKS, *op. cit. supra* note 2, at 93 *et seq.*; Appeal of Woodward, 81 Conn. 152, 70 Atl. 453 (1908); Hockaday v. Lynn, 200 Mo. 456, 98 S.W. 585 (1906).

⁴ BROOKS, *op. cit. supra* note 2, at 96.

⁵ According to KNOX, *THE FAMILY AND THE LAW* 98 (1941), the first adoption statute in this country was passed by Massachusetts in 1851. Mass. Acts and