



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GROVER SELLERS  
ATTORNEY GENERAL

Honorable Sibb Gilchrist, President  
Agricultural and Mechanical College of Texas  
College Station, Texas

Dear Mr. Gilchrist:

Opinion No. O-5988

Re: Is a minor, whose natural parents live in New Jersey, but who was adopted by residents of Texas in November, 1942, and who has since said time lived in Texas with his adopted parents, such a resident of Texas as will entitle him to admission to the School of Veterinary Medicine, under Article 2646c, Vernon's Annotated Statutes as a resident student?

Your letter, in which you state that a young man under the age of twenty-one years made application in October, 1942, to enter the School of Veterinary Medicine in A. and M. College, and gave his address as 711 Lyons Avenue, Irvington, New Jersey, has been received and given our most careful attention.

In your letter you state that the young man on November 25, 1942, was adopted under our Texas law by a resident of this State; that in the Spring of 1943 he entered the North Texas Agricultural College and attended school there through that Summer; that on September 17, 1943, he was admitted to A. and M. College as a non-resident student; that he has since been a student in said College; that he has now asked to be registered in the A. and M. College as a resident student of Texas. You then ask this question:

"Is a student who is under twenty-one years of age and whose family does not reside in Texas, who was adopted by a citizen of Texas less than twelve months prior to the date he registered for the first time as a student at this institution, considered a legal resident of Texas under the statute fixing the tuition rates for students of institutions of collegiate rank supported in whole or in part by appropriation of public funds from the State Treasury?"

Honorable Gibb Gilchrist - page 2

Article 46a of Vernon's Annotated Revised Statutes is the Adoption law of Texas. Section 9 of said Article reads in part as follows:

"When a child is adopted in accordance with the provisions of this Article, all legal relationship and all rights and duties between such child and its natural parents shall cease and determine, provided, however, that nothing herein shall prevent such adopted child from inheriting from its natural parent; all adopted children shall inherit from the adopted as well as its natural parents. Said child shall thereafter be deemed and held to be, for every purpose, the child of its parent or parents by adoption as fully as though born of them in lawful wedlock. Said child shall be entitled to proper education, support, maintenance, nurture and care from said parent or parents by adoption, and shall inherit from said parent or parents by adoption, and as the child of said parent or parents by adoption, as fully as though born to them in lawful wedlock; \* \* \*."

Article 2654c of Vernon's Annotated Revised Statutes fixes the tuition that may be charged for resident students and for non-resident students, and defines what is meant by a non-resident student as follows:

"2. \* \* \*. A non-resident student is hereby defined to be a student of less than twenty-one (21) years of age, living away from his family and whose family resides in another State, or whose family has resided within this State for a period of time less than twelve (12) months prior to the date of registration, or a student of twenty-one (21) years of age or over who resides out of the State or who has resided within the State for a period of less than twelve (12) months prior to the date of registration."

When we construe the Adoption statute and said Article 2654c together, it is, we think, apparent that the family of an adopted child is his adopting parents. This being true, it follows that since the adopting parents of the minor in question

Honorable Gibb Gilchrist - page 3

have for more than twelve months, and are now living in Texas, and that the minor for the past two years has been living in Texas, he is entitled to register and be recognized as a resident student of Texas.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By *Geo W Barcus*  
Geo. W. Barcus  
Assistant

GVB-MB

*Carl P. Foley*

