

A BILL FOR AN ACT

To further amend Title 6, Section 6.3708(2) of the Kosrae State Code as amended, to waive that 30-day notice and posting period by request showing good cause for the waiver; and for other purposes.

BE IT ENACTED BY THE KOSRAE STATE LEGISLATURE

1 Section 1. Purpose. The purpose of this act is to authorize Chief Justice to waive the
2 30 days mandatory notice period and posting period for a party request in writing showing
3 good cause for the waiver. Whereas the Court finds that there are emergency situations
4 where the 30 day notice period should be waived, to allow quick action by the Court hold a
5 hearing and issue the guardianship decree.

6 Section 2. Amendment. Section 6.3708(2) of the Kosrae State Code is hereby
7 amended to read as follows.

8 “Section 6.3708. Notices in guardianship proceedings.

9 ...

10 (2) Notice shall be served personally on the ward or alleged
11 incapacitated person, the person’s spouse, the person’s parents, and the person’s adult
12 children, if they can be found within the State. Those persons who cannot be found within
13 the State and whose address is known shall be given notice by certified mail, return receipt
14 requested. In addition to service upon persons specified in subsection (1), a copy of any
15 petition for the appointment, resignation or removal of a guardian of an incapacitated person
16 shall be posted at the FSM Post Office in Tofol, and at all Municipal Offices for a period of
17 not less than 30 days prior to the date of the hearing.

18 (a) Upon a showing by the petitioner that circumstances exist
19 whereby a delay in guardianship proceedings would be detrimental to the interests of the
20 ward or incapacitated person, the Court may waive the 30 days notice and posting period.”

