

A BILL FOR AN ACT

To amend Title Six, Chapter 31 of the Kosrae State Code by repealing Subsection 5 of Section 6.3103, and proposing new coding for a new Subsection 5 to provide for an extension of the jurisdiction of the Kosrae State Court to issue adoption decrees for children who are born outside of the FSM and are not citizens of the FSM; and to amend Section 6.3104 by proposing coding for a new Subsection 3 deeming a foreign born child adopted pursuant to Title Six, Chapter 31 to be a citizen of the State of Kosrae; and for other purposes.

BE IT ENACTED BY THE KOSRAE STATE LEGISLATURE:

1 Section 1. Purpose. To amend Title Six, Chapter 31 of the Kosrae State
2 Code so as to extend the jurisdiction of the Kosrae State Court to issue adoption decrees
3 for children who were not born in the FSM and who were not born citizens of the FSM.

4 Section 2. Repeal. Subsection 5 of Section 6.3103 of the Kosrae State
5 Code is hereby repealed in its entirety.

6 Section 3. Amendment. Title 6, Chapter 31, Section 6.3103 of the Kosrae
7 State Code is amended by proposing new coding for a new Subsection 5 of Section
8 6.3103 to read as follows:

9 “Section 6.3103 . Conditions.

10 (1) The Court may not grant an adoption without either the written consent of,
11 or notice to a known living legal parent whom a Court has not found
12 insane or incompetent or who has not abandoned the child for a period of
13 six months, or without the consent of a child over the age of twelve years
14 who is the subject of adoption.

15 (2) The Court may not grant an adoption unless the child who is the subject of
16 the adoption appears before the court, and the Court is satisfied that the
17 adoption is in the best interests of the child. The standard for determining
18 best interests includes the State's prevailing social, cultural and community
19 standards.

- 1 (3) The Court may not grant an adoption unless the facts clearly show that
2 such adoption is a legitimate bona fide adoption. The standard for
3 determining legitimacy of such adoption [includes] the age [of] the minor
4 person being adopted, and the dependency of the minor on the adoptive
5 parents.
- 6 (4) If a non-citizen petitions for the adoption of a citizen child under the age
7 of twelve years who is not the petitioner's step-child, the Court:
- 8 (a) determines, after reasonable inquiry, whether a member of the
9 child's immediate or extended family residing in the State, or any
10 other citizen residing in the State is willing, able, and suitable to
11 adopt the child;
- 12 (b) gives preference to a citizen as an adopting parent whenever
13 practicable;
- 14 (c) appoints a guardian ad litem or attorney to represent the child;
- 15 (d) does not issue a final decree until the child has lived in the
16 proposed adoptive home for a length of time sufficient for the
17 Court to determine that the placement is satisfactory; and
- 18 (e) does not grant the adoption unless the petitioner has resided in the
19 State for at least three years prior to the filing of the petition.
- 20 (5) Notwithstanding the requirements of subsection 1, the Court may grant
21 adoption of a child not born in the FSM and whose birth parents are not
22 citizens of the FSM provided that:
- 23 (a) At least one of the adoptive parents is a citizen of the FSM and the
24 State of Kosrae; and
- 25 (b) The child has traveled legally to Kosrae; and

1 (c) The adoptive parents can satisfy the court that they have been
2 granted lawful custody of the child and that there is no objection to
3 the adoption by the child’s birth parents or by any government
4 agency of the nation or state of the child’s birthplace.

5 Section 4. Amendment. Title 6, Chapter 31, Section 6.3104 of the Kosrae
6 State Code is amended by proposing new coding for a new Subsection 3 of Section
7 6.3104 to read as follows:

8 “Section 6.3104. Effect of decree.

9 (1) When a decree of adoption has become absolute, the child adopted and the
10 adopting parents hold towards each other the legal relation of parent and
11 child and have all the rights, and are subject to all the duties, of that
12 relationship. From the time of adoption the natural parents of the adopted
13 child are relieved of all parental duties toward the child and all
14 responsibilities for the child, and have no right over him. A child adopted
15 pursuant to this title has the same rights of inheritance as a person adopted
16 in accordance with custom, in the case of real property, and at the place
17 where the decedent was a resident at the time of his death, in the case of
18 personal property. When there is no recognized custom as to rights of
19 inheritance of adopted children, an adopted child inherits from his
20 adopting parents in the same manner as if he were the natural child of the
21 adopting parents, and may also inherit from his natural parents and kindred
22 in the same manner as if an adoption has not taken place.

23 (2) If a person married to the father or mother of a child adopts the child the
24 same rights and duties which previously existed between the natural parent
25 and child remain the same, subject to the rights acquired by, and the duties

1 imposed upon, the adopting parent by reason of the adoption.

2 (3) A child adopted pursuant to §6.3103(5) shall be deemed to be a citizen of the
3 State of Kosrae.

4 Section 5 Effective Date. This Act takes effect upon approval by the
5 Governor or upon its becoming law without such approval.

6

7

8

9 Date: _____

Introduced by: _____
Senator John Martin