



REPUBLIC OF THE MARSHALL ISLANDS
CONFIDENTIAL
C.M. 157 (2010)

FOR ACTION
Minister of Health

FOR INFORMATION
Minister of Justice
Minister of Internal Affairs

SUBJECT: Approval of MISSA Rule No. 2010-01 Regarding Customary Adoption of Children

At its meeting on December 9, 2010, the Cabinet:

approved the attached MISSA Rule 2010-01 regarding customary adoption of children.

Handwritten signature of Y. Lodge.

Y. Lodge
Clerk of the Cabinet

Handwritten signature of Jurelang Zedkaia.

Jurelang Zedkaia
President

[Reference – C.P. 6432 (2010)]
Signed by the President on December 10th, 2010.

RULE NO. 2010-01
REGARDING CUSTOMARY ADOPTION OF CHILDREN

1. Definition of terms relative to claim for surviving child benefits:

a. "Child" means a person's natural, statutorily adopted, customarily adopted or step child; provided the worker's parental rights with respect to the child have not been terminated (Section 103(h) of the Social Security Act of 1990 [the "Act"]).

b. "Parent" means a person's natural, statutorily adoptive, customarily adoptive or step parent; provided that parental rights have not been terminated (Section 103(ff) of the Act).

c. "Adoptive parent" means the wage earner.

d. "A customarily adopted child ("the Child") is presumed dependent if, at the time of his/her adoptive parent's death, the child had lived in the adoptive parent's home continuously for one year and during that time, the adoptive parent was contributing at least half of the child's support (Section 139(4) of the Act).

2. Eligibility requirements. A Child is eligible for surviving child benefits upon proof of the following:

a. If the customary adoption occurred prior to the date of application for retirement or disability benefits ("application"), the deceased adoptive parent must have included the Child in the list of dependents in his/her application;

b. If the customary adoption occurred after the application was approved by the administration, the adoptive parent must file an amended application with the administration listing the newly adopted child as a dependent;

c. The Child was dependent upon the deceased adoptive parent;

d. A Petition for Confirmation of Customary Adoption of the Child was filed by the adoptive parent, and a Decree confirming the customary adoption of the Child by the adoptive parent was issued by the court.

3. Time Requirements. The following time requirements must be met:
- a. Filing of the initial application for survivor benefits, including the required documents, must be made within 12 months after the death of the adoptive parent;
 - b. All applications for survivor child's benefits that are pending due to incomplete documentation will be denied 12 months after the death of the adoptive parent;
 - c. The MISSA Board may accept appeals from denied applications provided the appeal is submitted in writing within 180 days of the denial of the application.

4. Documentation requirements. The following must be provided in the way of documentation of eligibility before the expiration of 12 months from the date of death of the adoptive parent:

- a. A certified copy of a court decree confirming the customary adoption of the Child by the adoptive parent; and
- b. Evidence substantiating that the deceased adoptive parent provided at least half of the Child's support for at least a 12-month period. Such documentation may include the following:
 - i. An affidavit signed by the deceased adoptive parent that the Child had lived continuously with the adoptive parent for at least 12 months, and that the adoptive parent had provided at least half of the Child's support in that 12-month period;
 - ii. Original school registration form or official receipt (issued by the school where the Child was enrolled) identifying the deceased adoptive parent as the payer of the tuition for the Child or as the parent/guardian of the Child;
 - iii. A life insurance policy covering the adoptive parent of which the Child is the beneficiary or one of the beneficiaries;
 - iv. A joint bank account of only the adoptive parent and the Child existing at the time of death of the adoptive parent;

v. Hospital records indicating that the Child was dependent upon the deceased adoptive parent;

vi. Any other documents indicating that the Child was dependent upon the deceased adoptive parent.

c. Certification of school attendance in a form acceptable to the administration, if the Child is between 18 and 22 years of age.

5. Retroactive payments. Payment of surviving child benefits shall not be retroactive for a period of more than 12 months from the time the application was received.

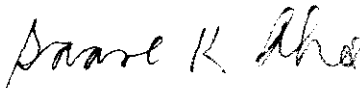
6. Additional grounds for denial of application for surviving child benefits.

a. If within the last 12 months prior to his/her death, the adoptive parent was living with the Child and the Child's natural parents under the same roof, and that during that time, one or both of the Child's natural parents are capable of supporting the Child's financial needs (e.g. education, food);

b. The adoption of the Child after the death of the adoptive parent by another parent, except for adoption by an aunt, uncle, stepparent, or grandparent; or

c. If the application was received by MISSA more than 12 months after the death of the adoptive parent.

7. Effective Date of Rule. This Rule shall take effect as of September 1, 2010.



Saane K. Aho
MISSA Administrator

Velma Kisino
Notary Public

Republic of the Marshall Islands
My Commission Expires on the

21st Day of May 2011