NAME:

ADDRESS:

PHONE NO.:

FAX NO.:

EMAIL ADDRESS:

**IN THE HIGH COURT**

**of the**

**REPUBLIC OF THE MARSHALL ISLANDS**

|  |  |
| --- | --- |
| **In the Matter of the Confirmation of Customary Adoption of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,**  **a minor child,**  **By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,**  **Petitioners.** | **CIVIL ACTION NO. 20\_\_\_\_\_-\_\_\_\_\_**  **VERIFIED PETITION FOR A DECREE CONFIRMING CUSTOMARY ADOPTION AND GRANTING NAME CHANG** |

**PETITION**

Petitioners \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_’s Verified Petition for a Decree Confirming Customary Adoption and Granting Name Change for the child \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is hereby GRANTED.[[1]](#footnote-1)

**JURISDICTION**

1. The Court has jurisdiction to hear this matter under Article VI, Section 3(1) of the Marshall Islands Constitution, Section 211(1)(g) of the Judiciary Act of 1983, 27 MIRC Chp. 2, and Section 106 of the Domestic Relations Act, 26 MIRC Chp. 1.

**THE PETITIONERS**

2. The petitioners are adult citizens of the Republic. Petitioner \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is \_\_\_\_\_ years of age, and petitioner \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is \_\_\_\_\_ years of age.

3. The petitioners are husband and wife, having been married \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [under custom/legally] since \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [date]. A certified copy of the petitioners’ Certificate of Marriage (Marriage File No. \_\_\_\_\_\_\_\_\_\_-\_\_\_\_\_ is attached as Petitioners’ Exhibit A.

4. The petitioners live in a \_\_\_\_\_-bedroom, \_\_\_\_-bathroom house in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Village, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Atoll, Marshall Islands. Their mailing address is P.O. Box \_\_\_\_\_\_\_\_\_\_, Majuro, MH 96960 [Ebeye, MH 96970].

5. Petitioner \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ works for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, earning approximately $\_\_\_\_\_\_\_\_\_\_ biweekly.[[2]](#footnote-2) Petitioner \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ works for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, earning approximately $\_\_\_\_\_\_\_\_\_\_ biweekly.[[3]](#footnote-3)

**THE CHILD**

6. The child, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (“\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_”), a \_\_\_\_\_\_\_\_\_\_\_ [male/female] minor, is a citizen of the Marshall Islands born on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_, at the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [Hospital/Dispensary]. A certified copy of child’s Marshall Islands Certificate of Live Birth (\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_\_\_-\_\_\_\_\_) is attached as Petitioners’ Exhibit B.

7. The child \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ lives with the petitioners in their \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Village home.

8. The petitioners report that the child is physically and mentally healthy and is enrolled in the \_\_\_\_\_ grade at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ School and is performing satisfactorily.[[4]](#footnote-4)

**THE NATURAL PARENTS**

9. The child’s natural and legal parents are \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, both citizens and residents of the Marshall Islands.[[5]](#footnote-5)

**CUSTOMARY PLACEMENT AND ADOPTION AND NAME CHANGE**

10. Within \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [months/years] of the child \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_’s birth, the natural parents placed the child in the care, custody, control, and support of the petitioners under Marshallese customary adoption, and the petitioners accepted the child as their child.

11. In accordance with Marshallese customary and traditional practices whereby one can adopt the child of a relative or close friend, the petitioner(s) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is(are) the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [describe the relationship, for example: older sister, younger brother, parents] of the natural \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [mother/father].

12. Since the petitioners received custody of the child \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the child has been under their care, custody, control, and supervision as their own child, and the petitioners have been the child’s source of support.

13. The petitioners desire to confirm their customary adoption of the child \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and are able, financially and otherwise, to support, maintain, love, guide, and educate the child.

14. The petitioners desire to change the child’s name from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

15. The natural parents \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ have formally consented in writing to confirmation of the customary adoption and name change. A notarized copy of the Natural Parents Consent to Confirmation of Customary Adoption and Name Change is attached as Petitioners’ Exhibit C.[[6]](#footnote-6)

**THE BEST INTERESTS OF CHILD**

16. Confirmation of the child’s customary adoption and granting the requested name change is in the best interests of the child for the following reasons: to legally confirm the petitioners’ adoption of the child; to avoid any embarrassment or uncertainty regarding the petitioners and the child’s relationship; and to change the child’s legal name consistent with the customary adoption.

**REQUEST FOR RELIEF**

**WHEREFORE**, the petitioners’ request that the court decree as follows:

1. The customary adoption of the child \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the above-named minor child, by the petitioners \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_, be and it is hereby confirmed.

2. The child \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is the adoptive child of the petitioners \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in accordance with the customary and traditional practices of the Marshall Islands, with the parties holding toward each other all the relations, rights, benefits, duties, and obligations normally arising from such relationship.

3. The child’s name is changed from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, and the child’s birth certificate may be amended to include the names of the adoptive parents and the child’s name change.

4. Such other relief as the Court deems just and equitable under the circumstances.

Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name: Name:

Petitioner Petitioner

**VERIFICATION**

We, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, after having been first duly sworn, do state as follows: We have read the above petition, understand its contents, and the matters set forth in the petition are true and correct.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name: Name:

Petitioner Petitioner

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_\_\_\_\_\_

1. If no change of name is requested, then all references to the change of name should be deleted and paragraphs should be re-numbered as appropriate. [↑](#footnote-ref-1)
2. If the petitioner is self-employed, insert something like the following: The petitioner is self-employed as a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [fisherman/lawyer] earning approximately $\_\_\_\_\_\_\_\_\_\_biweekly. [↑](#footnote-ref-2)
3. If the petitioner stays at home and maintained the house and family, insert something like the following: “The petitioner is a full-time homemaker].” [↑](#footnote-ref-3)
4. If the child is not of school age, then insert “the petitioners intend to enroll the child in school when the child become of school age.” [↑](#footnote-ref-4)
5. If the father is unnamed insert something similar the following language, as appropriate: “The father’s name is not stated on the child’s certificate of live birth. No one has recognized the child as his or provided for the child's care, custody, support, and supervision.” [↑](#footnote-ref-5)
6. If the father is unnamed insert something similar the following language, as appropriate: “As the natural father is not named and no one has recognized the child as his or provided for the child’s care, custody, support, and supervision, for purposes of this matter, the Court concludes that the natural father has abandoned the child.” [↑](#footnote-ref-6)