

**FILED**

**NOV 25 2024**

ASSISTANT CLERK OF COURTS  
REPUBLIC OF THE MARSHALL ISLANDS

**IN THE TRADITIONAL RIGHTS COURT  
OF THE  
REPUBLIC OF THE MARSHALL ISLANDS**

<b>In re the matter of the Confirmation of the Customary Adoption of: K. N. and P. N., minor children</b>	<b>CIVIL ACTION NO. 2022 – 01973 HCT/FPS/MAJ</b>
<b>BY: CHRISTINA M. LEMARI,  Petitioner.</b>	<b>OPINION &amp; ANSWER OF THE TRADITIONAL RIGHTS COURT</b>

**MEMBERS OF THE PANEL** : **Nixon David  
Associate Judge, TRC**

**Barry Jekkar  
Pro Tem Associate Judge, TRC**

**Claire T. Loeak  
Associate Judge, TRC**

**PLACE OF HEARING** : **Majuro Courthouse  
Uliga Village, Majuro Atoll  
Marshall Islands**

**DATE OF HEARING** : **November 14, 20 and 22, 2024**

**I. Introduction**

This matter involves the Marshallese customary adoption of two minor children by their maternal grandmother, Christina M. Lemari, the petitioner in this case (“Christina”). She is seeking to confirm her customary adoption of K. M. N. (“K. N.”), her 14-year-old granddaughter, and P. E. N. (“P. N.”), who is 16 years old.

The biological father, Mikeo Note, disagrees with Christina’s claim that she adopted the children under the custom because he never knew nor gave his consent for their adoption.

**II. Questions**

The questions before this Court are:

1. Under the custom, is the consent of both parents necessary to commence a customary adoption? If your answer is YES, then you need not proceed any further. If your answer is NO, then, consider the following questions:
2. Did the petitioner adopt either K. N. or P. N., or both under the custom?
3. What is the custom?

For the reasons set forth below, we find that both minor children, K. N. and P. N., were adopted by Christina under the Marshallese custom of *kanin lujen*.

### **III. Factual Findings**

K. N. and P. N. are the children of Kristen Kaminaga and Mikeo Note. K. N. is currently living with her mother and grandmother in the Marshall Islands, while P. N. is currently living with their father, Mikeo, in Salem, Oregon, USA.

Mikeo testified that he never knew about Christina adopting the children, and he never gave his consent when they were young, nor was he willing to give his consent now, because he is still alive. He also stated that with respect to the confirmation of the customary adoption of his older daughter, L. N. (“L. N.”), in Civil Action 2009-222, he did not give his consent. He did not know what he was signing because he did not pay attention to it, or read it.

Mikeo also testified that he worked for a few months at the Long Island Hotel, however for a better part of his customary marriage to Kristen, he did not work but stayed home and watched and cared for the children. He was not able to financially support them, but he was with them and cared for them as their father.

Christina testified that she cared and provided for Kristen during all her pregnancies, and also cared and provided for the children once they were born, and during their upbringing. She was the main provider for them as Mikeo did not work. And she has continued and has never stopped providing for the needs; as the children travel to live and be

with their father at times, she also ensures their needs are met while traversing back and forth between the Marshall Islands and Oregon, and sends them whatever they need.

Christina also said in her testimony that Mikeo had consented to confirming the customary adoption of all his children with Kristen, and at the time, the paperwork for the confirmation of the adoption of L. N. was processed. However, now, that he is no longer customarily married to the children's mother, and now that he is married, he is recanting and withdrawing his consent.

The children's mother testified in support of Christina's claims that while she was pregnant and until their births, and while they were growing up during and after her marriage with Mikeo, Christina did not cease from, and has not stopped, helping and providing for her and her children, including K. N. and P. N..

This Court finds that during their marriage, the parents and children, all lived with Christina in her home in Rairok, Majuro Atoll. And during this time, Mikeo was gainfully employed for a few months, but for most of his marriage to Kristen, K. N. and P. N., including the daughter who is older than them, L. N., all lived and were provided for by Christina as their main supporter and provider, as a parent would for a family.

Additionally, this Court finds it difficult to accept Mikeo's testimony that he did not give his consent for Christina to adopt L. N. because he had no understanding of the paper that he signed, and that he also never gave his consent for her to adopt K. N. or P. N..

However, this court finds that Christina cared for her grandchildren, K. N. and P. N., as if they were her own, feeding them and providing for their needs, and that she now seeks to formalize her ability to continue to do so, and to prevent anything that may stop her from caring and providing for them as her own.

This Court considers the circumstances that took place; from the time of the children's conception to their births, including their formidable years of growing up and their

mother's consent in sending them to spend time with their father, and Christina's continued efforts to sustain and provide for the children's needs; as circumstances cumulatively illustrating the Marshallese custom *kanin lujen*.

#### **IV. Analysis of Relevant Customs & Factual Findings**

##### **A. Kanin Lujen**

Kanin lujen (also spelled kanin lojeo, kani-lujen) is the Marshallese custom that describes how a child was adopted as one's own, or of one's being (literal, stomach or core), or from one's being (stomach, core). A child that is considered as one's own or is fed and nurtured as one feeds and nurtures their own child. *Jacob v. Hermios and Kendall, CA 2008-221 (2012)*. A different customary adoption than the one described in the case of *Amon v. Makroro, 5 TTR 436 (1971)*.

Under Marshallese custom, consent of both parents is not necessarily required to commence customary adoption of kanin lujen. In this case, Mikeo's consent was not required for Christina to care and nurture the children's mother during her pregnancies or births, nor was his consent required to care and provide for the children following their birth and while they are still growing up. Christina has continued to support and provide for them as if they were her own.

Christina convinced this Court that she adopted K. N. and P. N. under Marshallese custom as demonstrated in her care for them since they were conceived and in their mother's womb. Their mother corroborated Christina's testimony that she cared for her children as if they were her own.

While Christina provided and cared for the children as her own, she did not prevent them from being with their parents as is the custom. Adoption under Marshallese custom does not separate children from their parents but rather, it expands the family unit that loves

and cares for them according to custom, the custom of reciprocity that dictates we help each other, and respect and love one another.

**V. CONCLUSION**

For the reason stated above, this Court finds Christina adopted the children, K. N. and P. N., under the Marshallese custom of *kanin lujen*.

**Dated:** \_\_\_\_\_ November 2024.

\_\_\_\_\_  
/s/  
**Nixon David**  
Associate Judge, TRC

\_\_\_\_\_  
/s/  
**Barry Jekkar**  
Pro Tem Judge, TRC

\_\_\_\_\_  
/s/  
**Claire T. Loeak**  
Associate Judge, TRC