

## TITLE 26 – FAMILY CHAPTER 8 - ADOPTIONS



Republic of the Marshall Islands  
*Jepilpilin Ke Ejukaan*

## ADOPTIONS ACT 2002

### Arrangement of Sections

Section	Page
§801. Short Title. ....	3
§802. Applicability.....	3
§803. Definitions. ....	4
§804. Exclusive Jurisdiction of the High Court. ....	4
§805. Establishment of Central Adoption Authority.....	5
§806. Duties of the Authority.....	5
§807. Legal Representation of the Central Adoption Authority.....	6
§808. Other Adoptions Invalid. ....	6
§809. Controlling Consideration. ....	6
§810. Solicitation Unlawful. ....	6
§811. Eligibility to Petition for Adoption. ....	7
§812. Adoption Petition.....	7
§813. Consent to Adoption.....	9
§814. Duty to Advise Birth Parents/Guardians.....	10
§815. Certification by the Central Adoption Authority. ....	10
§816. Consent not Required. ....	11
§817. Revocation of Consent. ....	12
§818. Children Eligible for Adoption.....	12
§819. Representation of the Child. ....	12
§820. Reserved. ....	12
§821. Certificate of Readiness for Final Hearing.....	12
§822. Notice of Hearing. ....	12
§823. Waiting Period- for Final Hearing. ....	13
§824. Required Court Appearances. ....	13
§825. Best Interest of the Child. ....	13
§826. Effect of Decree. ....	14

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§827.	Post-Adoption Reports.....	14
§828.	Reserved.....	14
§829.	Unlawful inducement. ....	14
§830.	Criminal Offenses and Penalties.....	15
§831.	Adoption Assistance Fund. ....	15
§832.	Regulations. ....	16
§833.	Adoption records. ....	16
§834.	Reserved.....	16
§835.	Effective Date.....	16

**TITLE 26 – FAMILY  
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**ADOPTIONS ACT 2002**

**AN ACT** to provide for a comprehensive set of procedures to govern the adoption of children in the courts of the Republic of the Marshall Islands. This Act repealed 26 MIRC Chapter 1 Part III, in its entirety.

***Commencement:***

*November 11, 2002*

***Source:***

*P.L. 2002-64,*

***Amended By:***

*P.L 2016-21*

*P.L. 2018-92*

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**§801. Short Title.**

This Chapter may be cited as the Adoptions Act, 2002. [P.L. 2004-64, §1.]

**§802. Applicability.**

This Chapter applies to the adoption of all resident children in the Marshall Islands, except:

- (1) to adoptions finalized in accordance with Marshallese customary laws; or
- (2) to the confirmation of adoptions finalized in accordance with Marshallese customary laws, in the High Court of the Republic of the Marshall Islands.
- (3) to adoptions that have been granted prior to the effective date of this Chapter; or

- (4) to adoption proceedings that have been filed prior to the effective date of this Chapter . [P.L. 2004-64, §2.]

### §803. Definitions.

- (1) As used in this Chapter :
  - (1) **“adoption”** means the termination of all parental rights and responsibilities of the natural parent(s) to their child and attaching such rights and responsibilities to the adoptive parents.
  - (2) **“agency”** means any domestic or foreign government or state social affairs services entity duly empowered by law to place minor children for adoption, including foreign adoptions, including duly licensed and approved adoption agencies of the receiving state. [P.L 2016-21, §3.]
  - (3) **“birth family”** means members of the child’s biological family on both paternal and maternal sides, and includes the birth parents, birth grandparents and birth aunts and uncles of the subject child in an adoption proceeding.
  - (4) **“birth parent”** means the biological father or biological mother of the child to be adopted;
  - (5) **“child”** means, a person under 18 years of age. [P.L 2016-21, §3.]
  - (6) **“court”** means the High Court of the Republic of the Marshall Islands.
  - (7) **“marriage”** refers to the relationship between a man and a woman who are a legally acknowledged couple either through law or custom of their country of residence;
  - (8) **“Republic”** means the Republic of Marshall Islands; and
  - (9) **“solicitation”** means active encouragement or pursuit of a birth parent in order to coerce his or her consent to the adoption of their child, by conduct that is prohibited under this Chapter or any other Act. [last amended by P.L 2018-92].

### §804. Exclusive Jurisdiction of the High Court.

The High Court of the Republic of Marshall Islands shall have original and exclusive jurisdiction to grant adoption pursuant to this Chapter.  
[P.L. 2004-64, §4.]

**§805. Establishment of Central Adoption Authority.**

The Central Adoption Authority is hereby established within the Ministry of culture and Internal Affairs, and shall be responsible for the supervision of all adoption proceedings in the Republic except for adoptions finalized in accordance with Marshallese customary laws and the confirmation of adoptions in accordance with Marshallese customary laws.

[P.L. 2004-64, §5.][amended by P.L. 2018-92.]

**§806. Duties of the Authority.**

The Central Adoption Authority shall:

- (1) serve as a central receiving agency for all referrals of children to be adopted in the Republic;
- (2) conduct investigations into the backgrounds and circumstances under which an adoption is being proposed by a birth parents;
- (3) Provide case management services to parents and children;
- (4) provide counselling to birth parents as to options for realistic and effective parenting, including the possibility of customary or international adoption;
- (5) provide pre-natal nutrition and medical referral services to the birth mother in cooperation with other government agencies, departments or ministries, as appropriate;
- (6) for international adoption coordinate with agencies of the receiving state in monitoring the quality of applications to determine that prospective parents are eligible and suited to adopt and;
- (7) provide a recommendation to the court on individual applications; [P.L 2016-21, §6.]
- (8) for children, whose consent to adoption is required, provide counseling to ascertain the child's wishes regarding adoption;
- (9) for international adoptions, shall take, directly or through agencies in the receiving state, all appropriate measures to collect, preserve and exchange information about the prospective adoptive parents so far as is necessary to complete the adoption;