

**TITLE 8: FAMILY LAW AND PROBATE**  
**DIVISION 1: DOMESTIC RELATIONS**

**§ 1405. Persons as to Whom Consent and Notice is not Required.**

(a) Consent to adoption is not required of:

(1) A parent who has deserted a child without affording means of identification or who has abandoned the child for a period of least six months;

(2) A parent of a child in the custody of another, if the parent for a period of at least one year has failed significantly without justifiable cause:

(i) To communicate with the child, or

(ii) To provide for the care and support of the child as required by law or judicial decree;

(3) The father of a minor if the father's consent is not required by 8 CMC § 1404;

(4) A parent who has relinquished his right to consent under 8 CMC § 1418;

(5) A parent whose parental rights have been terminated by order of a court under 8 CMC § 1418 or by any other court of competent jurisdiction;

(6) A parent judicially declared incompetent or mentally defective if the court dispenses with the parent's consent;

(7) Any parent of the individual to be adopted, if the individual is an adult;

(8) Any legal guardian or lawful custodian of the individual to be adopted other than a parent, who has failed to respond in writing to a request for consent for a period of 60 days or who, after examination of his written reasons for withholding consent, is found by the court to be withholding his consent unreasonably; or

(9) The spouse of the individual to be adopted, if the failure of the spouse to consent to the adoption is excused by the court by reason of prolonged unexplained absence, unavailability, incapacity, or circumstances constituting an unreasonable withholding of consent.

(b) Except as provided in 8 CMC § 1410, notice of a hearing on a petition for adoption need not be given to a person whose consent is not required or to a person whose consent or relinquishment has been filed with the petition.

**Source:** PL 8-42, § 7.