

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

§ 1408. Petition for Adoption.

(a) A petition for adoption shall be signed and verified by the petitioner, filed with the clerk of the court, and state or include:

(1) The date and place of birth, if known, and the period of residency in the Commonwealth, of the individual to be adopted;

(2) The name to be used for the individual to adopted;

(3) The date petitioner acquired custody of the minor and of placement of the minor and the name of the person placing the minor;

(4) The full name, age, place, duration of residence and, in the case of an alien, immigration status of the petitioner;

(5) The marital status of the petitioner, including the date and place of marriage, if married;

(6) Facts showing that the petitioner has facilities and resources suitable to provide for the nurture and care of the minor to be adopted, and that it is the desire of the petitioner to establish the relationship of parent and child with the individual to be adopted;

(7) A description and estimate of value of any property of the individual to be adopted; and

(8) The name of any person whose consent to the adoption is required, but who has not consented, and facts or circumstances which excuse the lack of his or her consent normally required to the adoption;

(b) A certified copy of the birth certificate or verification of birth record of the individual to be adopted, if available, and the required consents and relinquishments shall be filed with the clerk of the court. All foreign documents shall be authenticated according to procedure set forth by the orders or rules of the Superior Court.

(c) The caption for a petition for adoption shall be titled "In the Matter of the Adoption of _____." The person to be adopted shall be designated in the caption under the name by which he or she shall be known if the petition is granted. Any name by which the child was previously known shall not be disclosed in the petition, the notice of hearing except as provided in 8 CMC § 1410(e), or in the decree of adoption.

Source: PL 8-42, § 10, modified; amended by PL 10-86, § 1(c).

Commission Comment: PL 10-86, § 1(c) amended subsection (a)(1) of this section. The effective date of PL 10-86 was January 8, 1998 when the Governor's veto of December 19, 1997 was overridden by the Senate and House of Representatives with the affirmative vote of two-thirds of the members of each house.

PL 10-86 contains severability and savings clauses as follows:

Section 2. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 3. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of this Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence at the date this Act becomes effective.