

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

§ 1410. Notice of Petition, Hearing, and Investigation.

(a) After the filing of a petition to adopt a minor, the court shall fix a time and place for hearing the petition. At least 20 days before the date of hearing, a notice of the filing of the petition and of time and place of the hearing shall be given by the petitioner to any person or agency whose consent is required by this chapter but who has not consented, and to any person whose consent is dispensed with upon any ground mentioned in 8 CMC § 1405(a)(1), (2), (6), (8) and (9) and who has not consented.

(b) If the court so orders, an investigation (“home study”) shall be made by the Division of Youth Services or its designee or any other qualified person or agency designated by the court to inquire into the conditions and the antecedents of a minor sought to be adopted and of the petitioner for the purpose of ascertaining whether the adoptive home is a suitable home for the minor and whether the proposed adoption is in the best interest of the minor.

(1) A written report of the investigation shall be filed with the court by the investigator before the petition is heard.

(2) The report of the investigation shall contain an evaluation of the placement with a recommendation as to the granting of the petition for adoption and any other information the court requires regarding the petitioner or the minor.

(c) After the filing of a petition to adopt an adult, a copy of the petition and a notice of the time and place of the hearing shall be given to any person whose consent to the adoption is required but who has not consented. The court may order an appropriate investigation to assist it in determining whether the adoption is in the best interest of the persons involved.

(d) Notice shall be given in the manner prescribed by the rules of civil procedure for the service of process in a civil action in the Commonwealth or in any manner the court by order directs. Published notice shall include the child’s name as it appears on the birth certificate and any other name(s) by which the child was previously known. Proof of the giving of the notice shall be filed with the court before the petition is heard.

(e) In any instance under this or any other section, where the court orders that a home study be made to determine the suitability of a petitioner to adopt, the petitioner shall bear all costs of the home study.

Source: PL 8-42, § 12, modified; (b) deleted by PL 17-1 § 8(A) (March 22, 2010)* and remaining subsections redesignated accordingly.

Commission Comment: With respect to the reference to the “Division of Youth Services,” see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to 1 CMC § 2001.

*PL 17-1 contained the following section regarding the effective date of the law:

Section 12. Effective date. This Act shall take effect upon its approval by the Governor or becoming law without such approval and shall be retroactive to November 28, 2009 except as otherwise specifically provided herein.