
A BILL FOR AN ACT

To amend title 6 of the Code of the Federated States of Micronesia (Annotated), by amending sections 122, 123, 131, 132, 133, 134, 201, 202, 203, 301, 302, 303, 304, 501, 503, 802, 803, 808, 902, 903, 904, 905, 1011, 1014, 1015, 1016, 1017, 1021, 1022, 1403, 1404, 1405, 1406, 1408, 1410, 1414, 1415, 1501, 1502, 1503, 1504, 1505, 1507, 1508, 1510, 1611, 1613, 1615, 1616, 1622, 1624, 1627, 1631, 1634, 1712, 1714, 1721, 1722, 1734, 1735, 1736, 1739, 1740, 1741, 1742, 1743, 1746, 1747, 1748, 1755, 1757, 1758, 1802, 1803, 1804, and 1805 thereof; by repealing chapter 6 and sections 1402 and 1621 thereof in their entirety; and by adding a new section 1901 within a new chapter 19 thereto; to align the provisions on jurisdiction with the constitutional amendment conferring on state courts the exclusive jurisdiction over cases where an interest in land is at issue; to update certain outdated provisions and references; and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

1 Section 1. Section 122 of title 6 of the Code of the
2 Federated States of Micronesia (Annotated) is hereby amended
3 to read as follows:
4 “Section 122. Prepayment for service.
5 Except when the process is issued on behalf of the [~~Trust~~
6 ~~Territory~~] Federated States of Micronesia or an officer
7 or agency thereof, or under section 1014 of this title,
8 any chief of police, policeman, or other person
9 authorized to serve or execute process may require the
10 person requesting him to act to prepay his fees and
11 estimated expenses or give reasonable security therefor
12 before serving or executing any process.”

1 Section 2. Section 123 of title 6 of the Code of the
2 Federated States of Micronesia (Annotated) is hereby amended
3 to read as follows:

4 "Section 123. Disposition of proceeds.

5 Each chief of police, policeman, or other person
6 authorized to serve or execute process, shall be entitled
7 to retain for his own use the fees authorized in this
8 subchapter, provided he is not an employee of the [~~Trust~~
9 ~~Territory~~] Federated States of Micronesia as a member of
10 the [~~Micronesia~~] national police or otherwise when the
11 services are performed. If he is such an employee, he
12 shall remit monthly to the [~~treasurer of the Trust~~
13 ~~Territory~~] Secretary of Finance and Administration all
14 fees collected for services and travel in servicing or
15 executing process, less any reasonable expenses actually
16 paid by him personally for travel in connection with
17 these duties. Being a salaried employee of a
18 municipality, however, shall not prevent a policeman or
19 other authorized person from retaining his fees for his
20 own use."

21 Section 3. Section 131 of title 6 of the Code of the
22 Federated States of Micronesia (Annotated) is hereby amended
23 to read as follows:

24 "Section 131. Jurisdiction over acts of nonresidents.

25 Any person, corporation, or legal entity, whether or not

1 a citizen or resident of the [~~Trust Territory~~] Federated
2 States of Micronesia, who in person or through an agent
3 does any of the acts enumerated in this subchapter,
4 thereby submits himself or its personal representative to
5 the jurisdiction of the courts of the [~~Trust Territory~~]
6 Federated States of Micronesia as to any cause of action
7 arising from:

8 (1) the transaction of any business within the [~~Trust~~
9 ~~Territory~~] Federated States of Micronesia;

10 (2) the operation of a motor vehicle within the [~~Trust~~
11 ~~Territory~~] Federated States of Micronesia;

12 (3) the operation of a vessel or craft within the
13 territorial waters or airspace of the [~~Trust Territory~~]
14 Federated States of Micronesia;

15 (4) the commission of a tortious act within the [~~Trust~~
16 ~~Territory~~] Federated States of Micronesia;

17 (5) contracting to insure any person, personal property,
18 or risk located within the [~~Trust Territory~~] Federated
19 States of Micronesia at the time of contracting;

20 (6) [~~the ownership, use, or possession of any real estate~~
21 ~~within the Trust Territory~~;

22 (7)] entering into an express or implied contract, by
23 mail or otherwise, with a resident of the [~~Trust~~
24 ~~Territory~~] Federated States of Micronesia to be performed
25 in whole or in part by either party in the [~~Trust~~

1 ~~Territory~~] Federated States of Micronesia;
2 [(8)] (7) acting within the [~~Trust Territory~~] Federated
3 States of Micronesia as director, manager, trustee, or
4 other officer of any corporation organized under the laws
5 of or having a place of business within the [~~Trust~~
6 ~~Territory~~] Federated States of Micronesia, or as executor
7 or administrator of any estate within the [~~Trust~~
8 ~~Territory~~] Federated States of Micronesia;
9 [(9)] (8) causing injury to persons or property within
10 the [~~Trust Territory~~] Federated States of Micronesia
11 arising out of an act or omission outside of the [~~Trust~~
12 ~~Territory~~] Federated States of Micronesia by the
13 defendant, provided in addition, that at the time of the
14 injury either:

15 (a) the defendant was engaged in the solicitation or
16 sales activities within the [~~Trust Territory~~] Federated
17 States of Micronesia, or

18 (b) products, materials, or things processed,
19 serviced, or manufactured by the defendant anywhere were
20 used or consumed within the [~~Trust Territory~~] Federated
21 States of Micronesia; and

22 [(10)] (9) living in the marital relationship within the
23 [~~Trust Territory~~] Federated States of Micronesia
24 notwithstanding subsequent departure from the [~~Trust~~
25 ~~Territory~~] Federated States of Micronesia, as to all

1 obligations arising for alimony, child support or
2 personal property rights under chapter 16 of this title,
3 if the other party to the marital relationship continues
4 to reside in the [~~Trust Territory~~] Federated States of
5 Micronesia."

6 Section 4. Section 132 of title 6 of the Code of the
7 Federated States of Micronesia (Annotated) is hereby amended
8 to read as follows:

9 "Section 132. Personal service outside the [~~Trust~~
10 ~~Territory~~] Federated States of Micronesia.

11 Service of process may be made upon any person subject to
12 the jurisdiction of the courts of the [~~Trust Territory~~]
13 Federated States of Micronesia under this subchapter by
14 personally serving the summons upon the defendant outside
15 the [~~Trust Territory~~] Federated States of Micronesia.

16 Such service has the same force and effect as though
17 service had been personally made within the [~~Trust~~
18 ~~Territory~~] Federated States of Micronesia."

19 Section 5. Section 133 of title 6 of the Code of the
20 Federated States of Micronesia (Annotated) is hereby amended
21 to read as follows:

22 "Section 133. Manner of service.

23 Service of summons shall be made under this subchapter in
24 like manner as service within the [~~Trust Territory~~]
25 Federated States of Micronesia by any officer or person

1 authorized to make service of summons in the State or
2 jurisdiction where the defendant is served. An affidavit
3 of the server shall be filed with the court issuing said
4 summons stating the time, manner, and place of service.
5 The court may consider the affidavit or any other
6 competent proofs in determining whether service has been
7 properly made."

8 Section 6. Section 134 of title 6 of the Code of the
9 Federated States of Micronesia (Annotated) is hereby amended
10 to read as follows:

11 "Section 134. Default.

12 No default shall be entered until the expiration of at
13 least 30 days after service. A default judgment rendered
14 on service made under this subchapter may be set aside
15 only on a showing which would be timely and sufficient to
16 set aside a default judgment entered upon personal
17 service within the [~~Trust Territory~~] Federated States of
18 Micronesia."

19 Section 7. Section 201 of title 6 of the Code of the
20 Federated States of Micronesia (Annotated) is hereby amended
21 to read as follows:

22 "Section 201. Order to appear or plead.

23 In any action in the [~~High~~] Supreme Court for annulment,
24 divorce, or adoption or to enforce or remove any lien
25 upon or claim to [~~real or~~] personal property within the

1 [~~Trust Territory~~] Federated States of Micronesia, or to
2 adjudicate title to any interest in such personal
3 property, where any defendant cannot be served within the
4 [~~Trust Territory~~] Federated States of Micronesia, or does
5 not voluntarily appear, the court may order the absent
6 defendant to appear or plead by a certain day."

7 Section 8. Section 202 of title 6 of the Code of the
8 Federated States of Micronesia (Annotated) is hereby amended
9 to read as follows:

10 "Section 202. Personal service of order.

11 Such orders may be served on the absent defendant
12 personally, wherever found, or, in the case of personal
13 property, upon the person or persons in possession or
14 charge thereof, if any, or by mailing, postage prepaid, a
15 copy of the order to the absent defendant at his last
16 known address. Where personal service is not practicable,
17 the order shall be posted in one or more conspicuous
18 places as the court may direct, for a period of not less
19 than two weeks."

20 Section 9. Section 203 of title 6 of the Code of the
21 Federated States of Micronesia (Annotated) is hereby amended
22 to read as follows:

23 "Section 203. Procedure if absent defendant fails to
24 appear or plead.

25 If an absent defendant does not appear or plead within

1 the time allowed, the court may proceed as if the absent
2 defendant had been served with process within the [~~Trust~~
3 ~~Territory~~] Federated States of Micronesia, but any
4 adjudication shall, as regards the absent defendant
5 without appearance, affect only the personal property or
6 status which is the subject of the action."

7 Section 10. Section 301 of title 6 of the Code of the
8 Federated States of Micronesia (Annotated) is hereby amended
9 to read as follows:

10 "Section 301. General provisions.

11 (1) Except as otherwise provided, a civil action in which
12 one of the defendants lives in the [~~Trust Territory~~]
13 Federated States of Micronesia shall be brought in a
14 court within whose jurisdiction the defendant or the
15 largest number of defendants live or have their usual
16 places of business or employment.

17 (2) If an action is based on a wrong not connected with a
18 contract, it may be brought in a court within whose
19 jurisdiction the cause of action arose.

20 (3) An action to collect a tax may be brought in a court
21 within whose jurisdiction the defendant may be served.

22 (4) A civil action against a defendant who does not live
23 in the [~~Trust Territory~~] Federated States of Micronesia
24 may be brought in a court within whose jurisdiction the
25 defendant can be served or his personal property can be

1 attached.

2 (5) A civil action by or against the executor,
3 administrator, or other representative of a deceased
4 person for a cause of action in favor of or against the
5 deceased may be brought in any court in which it might
6 have been brought by or against the deceased."

7 Section 11. Section 302 of title 6 of the Code of the
8 Federated States of Micronesia (Annotated) is hereby amended
9 to read as follows:

10 "Section 302. Admiralty and maritime.

11 Suit in an admiralty and maritime matter shall be brought
12 in the [~~District~~] State within which the defendant can be
13 served, or within which his personal property can be
14 attached, or, when the suit is against personal property
15 itself, in the [~~District~~] State within which the ship,
16 goods, or other thing involved can be seized."

17 Section 12. Section 303 of title 6 of the Code of the
18 Federated States of Micronesia (Annotated) is hereby amended
19 to read as follows:

20 "Section 303. Actions brought in the [~~High~~] Supreme
21 Court.

22 (1) An action in the [~~High~~] Supreme Court to enforce or
23 remove any lien upon or claim to [~~real or~~] personal
24 property within the [~~Trust Territory~~] Federated States of
25 Micronesia, or to adjudicate title to any interest in

1 such property, [~~or any action affecting title to land~~
2 ~~within the Trust Territory, or any interest therein,~~]
3 shall be brought in the [~~District~~] State where the
4 property or some part of it is located.

5 (2) Any other action in the [~~High~~] Supreme Court in which
6 one of the parties is a resident of the [~~Trust Territory~~]
7 Federated States of Micronesia shall be brought in the
8 [~~District~~] State in which one of the parties thereto
9 lives or has his usual place of business or employment
10 or, if the action is based upon a wrong not connected
11 with a contract, it may be brought in the [~~District~~]
12 State in which the cause of action arose.

13 (3) In all other cases, actions in the [~~High~~] Supreme
14 Court may be brought in the [~~District~~] State within which
15 any defendant can be served or his personal property
16 attached."

17 Section 13. Section 304 of title 6 of the Code of the
18 Federated States of Micronesia (Annotated) is hereby amended
19 to read as follows:

20 "Section 304. Change of venue.

21 (1) Nothing in this chapter shall impair the jurisdiction
22 of a court over any matter involving a party who does not
23 make timely and sufficient objection to the venue.

24 (2) If a matter is brought in the wrong venue, the court
25 in which it is brought may, on its own motion or

otherwise, transfer it to any court in which the matter might properly have been brought.

(3) The [~~High~~] Supreme Court, if it deems the interests of justice will be served thereby, may hear any matter in a [~~District~~] State other than that in which it is brought, or may hear it partly in one [~~District~~] State and partly in another [~~District~~] State or [~~Districts~~] States, or may transfer it from one [~~District~~] State to another."

Section 14. Section 501 of title 6 of the Code of the Federated States of Micronesia (Annotated) is hereby amended to read as follows:

"Section 501. Liability in action for wrongful death; Proceedings.

(1) When the death of a person is caused by wrongful act, neglect, or default such as would have entitled the party injured to maintain an action and recover damages in respect thereof if death had not ensued, the person or corporation which would have been liable if death had not ensued, or the administrator or executor of the estate of such person, as such administrator or executor, shall be liable to an action for damages notwithstanding the death of the person injured, and although the death was caused under circumstances which make it in law murder in the first or second degree, or manslaughter.

(2) When the action is against such administrator or executor the damages recovered shall be a valid claim against the estate of such deceased person.

(3) When death is caused by wrongful act, neglect, or default in another State, territory, or foreign country, for which a right to maintain an action and recover damages in respect thereof is given by a statute of that jurisdiction, such right of action may be enforced in the ~~[Trust Territory]~~ Federated States of Micronesia. Every such action brought under this section shall be commenced within the time prescribed for the commencement of such actions by the statute of such other State, territory, or foreign country."

Section 15. Section 503 of title 6 of the Code of the Federated States of Micronesia (Annotated) is hereby amended to read as follows:

"Section 503. Damages; Limitation period; Action may be settled by personal representative.

(1) The trial court may award such damages, not exceeding the sum of \$100,000, as it may think proportioned to the pecuniary injury resulting from such death, to the persons, respectively, for whose benefit the action was brought; provided, however, that where the decedent was a child, and where the plaintiff in the suit brought under this chapter is the parent of such child, or one who

1 stands in the place of a parent pursuant to customary
2 law, such damages shall include his mental pain and
3 suffering for the loss of such child, without regard to
4 provable pecuniary damages.

5 (2) Except as otherwise provided, every such action shall
6 be commenced within two years after the death of such
7 person.

8 (3) A personal representative appointed in the [~~Trust~~
9 ~~Territory~~] Federated States of Micronesia may, with the
10 consent of the court making such appointment, at any time
11 before or after the commencement of the suit, settle with
12 the defendant the amount to be paid."

13 Section 16. Title 6 of the Code of the Federated States
14 of Micronesia (Annotated) is hereby amended by repealing
15 chapter 6 in its entirety.

16 Section 17. Section 802 of title 6 of the Code of the
17 Federated States of Micronesia (Annotated) is hereby amended
18 to read as follows:

19 "Section 802. Limitation of twenty years.

20 (1) The following actions shall be commenced only within
21 20 years after the cause of action accrues:

22 (a) actions upon a judgment;

23 (b) actions against the Federated States of
24 Micronesia for the recovery of land or any interest
25 therein, which actions may only be brought in the Trial

1 Division of the Supreme Court in the state where the
2 property is located.

3 (2) If the cause of action first accrued to an ancestor
4 or predecessor of the person who presents the action, or
5 to any other person under whom he claims, the 20 years
6 shall be computed from the time when the cause of action
7 first accrued."

8 Section 18. Section 803 of title 6 of the Code of the
9 Federated States of Micronesia (Annotated) is hereby amended
10 to read as follows:

11 "Section 803. Limitation of two years.

12 The following actions shall be commenced only within two
13 years after the cause of action accrues:

14 (1) actions for assault and battery, false imprisonment,
15 or slander;

16 (2) actions against a chief of police, policeman, or
17 other person duly authorized to serve process, for any
18 act or omission in connection with the performance of his
19 official duties;

20 (3) actions for malpractice, error, or mistake against
21 physicians, surgeons, dentists, medical or dental
22 practitioners, and medical or dental assistants, or
23 lawyers, attorneys, or trial counselors;

24 (4) actions for injury to or for the death of one caused
25 by the wrongful act or neglect of another, except as

1 otherwise provided in chapter 5 of this title, or a
2 depositor against a bank for the payment of a forged or
3 raised check, or a check which bears a forged or
4 unauthorized endorsement."

5 Section 19. Section 808 of title 6 of the Code of the
6 Federated States of Micronesia (Annotated) is hereby amended
7 to read as follows:

8 "Section 808. Extension of time by absence from the
9 [Trust Territory] Federated States of Micronesia.

10 If at the time a cause of action [~~shall accrue~~] accrues
11 against any person he [~~shall be out of the Trust~~
12 ~~Territory~~] is outside of the Federated States of
13 Micronesia, such action may be commenced within the times
14 limited in this chapter after he comes into the [~~Trust~~
15 ~~Territory~~] Federated States of Micronesia. If, after a
16 cause of action [~~shall have~~] has accrued against a person
17 he [~~shall depart~~] departs from and [~~reside out~~] resides
18 outside of the [~~Trust Territory~~] Federated States of
19 Micronesia, the time of his absence shall be excluded in
20 determining the time limited for commencement of the
21 action."

22 Section 20. Section 902 of title 6 of the Code of the
23 Federated States of Micronesia (Annotated) is hereby amended
24 to read as follows:

25 "Section 902. When appeals may be taken.

1 Any appeal authorized by law may be taken by filing a
2 notice of appeal with the presiding judge of the court
3 from which the appeal is taken, or with the clerk of the
4 court for the [~~District~~] State in which the court was
5 held, within 30 days after the imposition of sentence or
6 entry of the judgment, order, or decree appealed from, or
7 within such longer time as may be prescribed by rules of
8 procedure adopted by the Chief Justice of the [~~Trust~~
9 ~~Territory under section 502 of title 5 of this code~~]
10 Supreme Court of the Federated States of Micronesia."

11 Section 21. Section 903 of title 6 of the Code of the
12 Federated States of Micronesia (Annotated) is hereby amended
13 to read as follows:

14 "Section 903. Right of [~~Trust Territory~~] Federated
15 States of Micronesia Government to appeal.

16 (1) In a criminal case, the Government of the Federated
17 States of Micronesia shall have the right of appeal only
18 when a written enactment intended to have the force and
19 effect of law has been held invalid. Action on any such
20 appeal shall be limited as provided in section 905 of
21 this chapter.

22 (2) In civil cases, the Government of the Federated
23 States of Micronesia shall have the same right of appeal
24 as private parties."

25 Section 22. Section 904 of title 6 of the Code of the

1 Federated States of Micronesia (Annotated) is hereby amended
2 to read as follows:

3 "Section 904. Review of [~~District~~] State and community
4 courts' decisions.

5 The Trial Division of the [~~High~~] Supreme Court shall
6 review on the record every final decision of the
7 [~~District~~] State courts and the community courts in
8 annulment, divorce, and adoption cases in which no appeal
9 has been taken, and it may, in its discretion, review on
10 the record any other final decision of a [~~District~~] State
11 or community court in which no appeal has been taken."

12 Section 23. Section 905 of title 6 of the Code of the
13 Federated States of Micronesia (Annotated) is hereby amended
14 to read as follows:

15 "Section 905. Powers of courts on appeal or review.

16 (1) The [~~High~~] Supreme Court on appeal or review and the
17 [~~District~~] State court on appeal shall have power to
18 affirm, modify, set aside, or reverse the judgment or
19 order appealed from or reviewed and to remand the case
20 with such directions for a new trial or for the entry of
21 judgment as may be just.

22 (2) The findings of fact of the Trial Division of the
23 [~~High~~] Supreme Court in cases tried by it shall not be
24 set aside by the Appellate Division of that court unless
25 clearly erroneous, but in all other cases the appellate

1 or reviewing Court may review the facts as well as the
2 law.

3 (3) In a criminal case, the appellate or reviewing Court
4 may set aside the judgment of conviction, or may commute,
5 reduce (but not increase), or suspend the execution of
6 the sentence, and, if the defendant has appealed or
7 requested a new trial, the appellate or reviewing Court
8 may order a new trial; but if the Government has appealed
9 in a criminal case as authorized in section 903 of this
10 chapter, the appellate or reviewing Court may not reverse
11 any finding of not guilty, and its powers shall be
12 limited to a reversal of any determination of invalidity
13 of an enactment intended to have the force of law."

14 Section 24. Section 1011 of title 6 of the Code of the
15 Federated States of Micronesia (Annotated) is hereby amended
16 to read as follows:

17 "Section 1011. Witness fees for travel.

18 (1) Except as otherwise provided in this chapter, every
19 person attending as a witness in any judicial proceeding
20 shall be entitled to receive three cents per mile for
21 going from and returning to his place of residence or
22 usual place of business or employment, whichever is
23 nearer, to the place where he is to appear as a witness,
24 unless suitable transportation is provided without
25 expense to him.

(2) If transportation is not provided without expense to him, the witness shall be entitled to receive the generally accepted prevailing charge for such transportation, in place of the three cents per mile, for the part of his travel for which such transportation is reasonably needed and this charge shall be considered as part of his mileage.

(3) If part, but not all, of his transportation is provided without expense to him, the witness shall only be entitled to receive mileage for the part of his travel for which transportation is not provided to him without expense to him. Except as otherwise provided by subsection (4) of section 1014 of this chapter, this mileage shall be paid by the party on whose behalf the witness is called or summoned, for each trip the witness is reasonably required to make.

(4) If the witness is summoned, the mileage for one round trip shall be tendered to him at the time the witness summons is served, and the mileage for any further trips required shall be tendered in advance of each trip, except when the witness summons is issued on behalf of the [~~Trust Territory~~] Federated States of Micronesia or an officer or agency thereof or under section 1014 of this chapter."

Section 25. Section 1014 of title 6 of the Code of the

1 Federated States of Micronesia (Annotated) is hereby amended
2 to read as follows:

3 "Section 1014. Proceedings when persons unable to pay
4 fees.

5 (1) Any court may authorize the commencement,
6 prosecution, or defense of any case, action, or
7 proceeding, civil or criminal, or any appeal therein,
8 without prepayment of fees for serving of process, jury
9 fees, witness fees, or filing fees, or giving security
10 therefore by a permanent resident of the [~~Trust~~
11 ~~Territory~~] Federated States of Micronesia who makes a
12 statement under oath that he is unable to pay such fees
13 or give security therefor. This statement under oath
14 shall state the nature of the case, action, or
15 proceedings, defense, or appeal, and that the person
16 making the statement believes that he is entitled to
17 relief.

18 (2) The officers of the court and the designated
19 policeman shall issue and serve all process, and perform
20 all duties in such cases without prepayment of fees or
21 the giving of security therefor. Witnesses shall attend
22 as in other cases.

23 (3) The court may dismiss the case, action, or proceeding
24 if the statement that the person is unable to pay fees is
25 untrue, or if the court is satisfied that the case,

1 action, or proceeding is malicious or has no substantial
2 basis.

3 (4) The court before whom any criminal case is pending or
4 a judge thereof may order at any time that a witness
5 summons be issued and served without prepayment of fees
6 upon request of an accused who cannot pay witness fees.

7 The request shall be supported by a statement under oath
8 in which the accused shall state the name and address of
9 each witness and the testimony which he is expected by
10 the accused to give if summoned, and shall show that the
11 evidence of the witness is material to the defense, that
12 the accused cannot safely go to the trial without the
13 witness, and that the accused is actually unable to pay
14 the fees of the witness. If the court or judge orders the
15 witness summons to be issued and served without
16 prepayment of fees the fees of the witness so summoned
17 shall be paid in the same manner in which similar fees
18 are paid in case of a witness summoned on behalf of the
19 Government.

20 (5) In the event that a court authorizes a party to
21 proceed without payment of fees pursuant to this section,
22 the director of [~~the Administrative Office, Trust~~
23 ~~Territory judiciary,~~] Court Administration of the Supreme
24 Court shall pay all fees which would otherwise be due
25 under subsection (3) of section 1015 of this chapter to

1 the court reporter or other person who prepares a
2 transcript. Such payment shall be made from funds
3 appropriated for the operation of the judiciary and
4 allocated to the [~~District~~] State in which the proceeding
5 appealed from was held."

6 Section 26. Section 1015 of title 6 of the Code of the
7 Federated States of Micronesia (Annotated) is hereby amended
8 to read as follows:

9 "Section 1015. Schedule of court fees.

10 Each clerk of courts shall charge and collect the
11 following fees with regard to work handled by his office,
12 and each community court shall charge and collect these
13 fees with regard to work handled by it:

14 (1) Filing fees in civil actions.

15 (a) for filing of notice of appeal to the Appellate
16 Division of the [~~High~~] Supreme Court, five dollars;

17 (b) for filing of notice of appeal from the
18 [~~District~~] State court to the Trial Division of the
19 [~~High~~] Supreme Court, one dollar;

20 (c) for trial in the Trial Division of the [~~High~~]
21 Supreme Court, two dollars and fifty cents;

22 (d) for filing of complaint under the small claims
23 procedure, twenty-five cents;

24 (e) for filing of motion for new trial under the
25 usual procedure after a small claims judgment, twenty-

1 five cents;

2 (f) for filing of complaint in a [~~District~~] State
3 court or community court under the small claims judgment,
4 fifty cents;

5 (g) for filing of complaint in the Trial Division of
6 the [~~High~~] Supreme Court, one dollar.

7 (2) Copy of records. For a copy of any record or other
8 paper in his custody, comparison thereof, and certifying
9 it to be a true copy, twenty-five cents plus ten cents
10 for each 100 words in excess of the first 100.

11 (3) Transcripts of evidence and notes of hearing. For a
12 transcript of evidence in case of appeal from the Trial
13 Division of the [~~High~~] Supreme Court in either criminal
14 or civil cases, one dollar per page, or part thereof, for
15 the original and two copies ordered at the same time, and
16 fifty cents per page, or part thereof, for each
17 additional copy ordered at the same time. Any party
18 desiring to raise an issue on appeal from the Trial
19 Division to the Appellate Division of the [~~High~~] Supreme
20 Court depending on the whole or any part of the evidence,
21 shall order at his own expense an original and not less
22 than two copies of the transcript of evidence, the
23 original for the court, one copy for the party ordering
24 the transcript, and one copy for each of the opposite
25 parties.

1 ~~[(4) Recording land transfer documents. For recording of~~
2 ~~all land transfers, fifty cents, except that there shall~~
3 ~~be no charge where the Trust Territory is the grantor.]]"~~

4 Section 27. Section 1016 of title 6 of the Code of the
5 Federated States of Micronesia (Annotated) is hereby amended
6 to read as follows:

7 "Section 1016. Disposition of court fees.

8 (1) All court fees collected under section 1015 of this
9 chapter by any community court shall be remitted monthly
10 or as nearly so as reliable means of transmission will
11 reasonably permit to the clerk of courts for the
12 ~~[District]~~ State.

13 (2) All court fees collected by any clerk of courts under
14 subsections (1)~~[7]~~ or (2)~~[, and (4)]~~ of section 1015 of
15 this chapter, or received by him from any community
16 court, shall be remitted monthly or as more often as may
17 be directed by the Chief Justice, to the ~~[treasurer of~~
18 ~~the Trust Territory]~~ Secretary of Finance and
19 Administration through the ~~[District]~~ State finance
20 officer.

21 (3) All court fees collected by any clerk of courts under
22 subsection (3) of section 1015 of this chapter shall be
23 paid to the court reporter or other person who prepares
24 the transcript, in addition to the regular compensation
25 provided to such reporter or other person."

1 Section 28. Section 1017 of title 6 of the Code of the
2 Federated States of Micronesia (Annotated) is hereby amended
3 to read as follows:

4 "Section 1017. Allocation of costs.

5 All fees and expenses paid or incurred under this chapter
6 for the service of process, witness fees, or filing fees
7 on appeal, by any party prevailing in any matter other
8 than a criminal proceeding, shall be taxed as part of the
9 costs against the losing party or parties unless the
10 court shall otherwise order; provided that no fees paid
11 to a witness who is a party in interest and is called and
12 examined on his own behalf or on behalf of others jointly
13 interested with him shall be allowed or taxed as costs;
14 and provided further that no costs shall be taxed against
15 the United States of America or the [~~Trust Territory~~]
16 Federated States of Micronesia."

17 Section 29. Section 1021 of title 6 of the Code of the
18 Federated States of Micronesia (Annotated) is hereby amended
19 to read as follows:

20 "Section 1021. Court fines.

21 All fines imposed by any court shall be paid into the
22 Treasury of the [~~Trust Territory~~] Federated States of
23 Micronesia; except that any fine imposed by any court
24 under the authority of any [~~District~~] State or municipal
25 law shall be paid into the treasury of the jurisdiction

1 which enacted the law."

2 Section 30. Section 1022 of title 6 of the Code of the
3 Federated States of Micronesia (Annotated) is hereby amended
4 to read as follows:

5 "Section 1022. Civil fines.

6 (1) Any fine imposed in accordance with law by anyone
7 other than a court shall be paid into the Treasury of the
8 ~~[Trust Territory]~~ Federated States of Micronesia, unless
9 the law under which it is imposed otherwise directs. Such
10 fines shall be considered civil fines and no person shall
11 be imprisoned solely for failure to pay them, but any
12 such fine may be collected in the manner provided for
13 collection of taxes in chapter 1 of title 54 of this
14 code, or as may be provided in the law under which the
15 fine is imposed, provided it is not inconsistent with
16 this section.

17 (2) In any civil suit to collect such a fine, the written
18 statement of the person who assessed the fine shall have
19 the same effect as that of the treasurer of a taxing unit
20 under section 202 of title 54 of this code."

21 Section 31. Section 1402 of title 6 of the Code of the
22 Federated States of Micronesia (Annotated) is hereby repealed
23 in its entirety.

24 Section 32. Section 1403 of title 6 of the Code of the
25 Federated States of Micronesia (Annotated) is hereby amended

1 to read as follows:

2 "Section 1403. Other judgments—Enforcement by contempt
3 proceedings.

4 (1) Judgment for any form of relief other than the
5 payment of money [~~or the adjudication of an interest in~~
6 ~~land~~], after the time for appeal therefrom has expired
7 without notice of appeal being filed or after any appeal
8 duly taken has been finally determined or after an order
9 has been entered that an appeal shall not stay the
10 judgment, may be enforced by contempt proceedings;
11 provided, that enforcement at such time is required to
12 prevent irreparable injury or multiple damage to the
13 interests of the winning party and is otherwise in the
14 interests of justice.

15 (2) Upon a finding of contempt, the person against whom
16 the judgment has been rendered may be fined or imprisoned
17 at the discretion of the Court until he or she complies
18 with the judgment or is released by the Court or has been
19 imprisoned for six months, whichever happens first."

20 Section 33. Section 1404 of title 6 of the Code of the
21 Federated States of Micronesia (Annotated) is hereby amended
22 to read as follows:

23 "Section 1404. Other methods of enforcement.

24 Enforcement of judgment may also be effected, if the
25 Trial Division of the [High] Supreme Court deems justice

1 requires and so orders by the appointment of a receiver,
2 or receivers, by taking possession of personal property
3 and disposing of it in accordance with the orders of the
4 Court, or by a civil action on the judgment, or in any
5 other manner known to American common law or common in
6 courts in the United States, except that no real property
7 or interest therein shall be subject to an order or
8 action under this section."

9 Section 34. Section 1405 of title 6 of the Code of the
10 Federated States of Micronesia (Annotated) is hereby amended
11 to read as follows:

12 "Section 1405. Writs of attachment.

13 (1) Writs of attachment [~~may~~] shall be issued [~~only~~] by
14 the Trial Division of the [~~High~~] Supreme Court only for
15 special cause shown, supported by statement under oath.
16 Such writs when so issued shall authorize and require the
17 chief of police, any policeman, or other person named
18 therein, to attach and safely keep so much of the
19 personal property of the person against whom the writ is
20 issued as will be sufficient to satisfy the demand set
21 forth in the action, including interest and costs. The
22 chief of police, policeman, or other person named in the
23 writ shall not attach any personal property which is
24 exempt from attachment, [~~nor~~] any kinds or types of
25 personal property which the Court may specify in the

1 writ, nor any real property or interest therein.

2 (2) Debts payable to the defendant may be similarly
3 attached by special order issued by the Trial Division of
4 the [~~High~~] Supreme Court, which shall exempt from the
5 attachment so much of any salary or wages as the Court
6 deems necessary for the support of the person against
7 whom the order is issued or his dependents."

8 Section 35. Section 1406 of title 6 of the Code of the
9 Federated States of Micronesia (Annotated) is hereby amended
10 to read as follows:

11 "Section 1406. Release and modification.

12 The Trial Division of the [~~High~~] Supreme Court, upon
13 application of either party or of its own motion, may
14 make and, from time to time, modify such orders as it
15 deems just for the release of property from attachment or
16 for the sale thereof if perishable or if the owner of the
17 property shall so request, and for the safekeeping of the
18 proceeds of the sale."

19 Section 36. Section 1408 of title 6 of the Code of the
20 Federated States of Micronesia (Annotated) is hereby amended
21 to read as follows:

22 "Section 1408. Levying execution.

23 Every chief of police, policeman, or other person duly
24 authorized receiving a writ of execution issued by [~~any~~
25 ~~court~~] the Trial Division of the Supreme Court, shall

1 levy or cause a chief of police or policeman to levy
2 execution as follows:

3 (1) Demand of payment—Seizure of personal property. He
4 shall demand of the person against whom the execution is
5 issued, if he may be found within the [~~municipality~~
6 State where the levy is being attempted, that the person
7 pay the execution or exhibit sufficient property subject
8 to execution. If such person has property of a kind
9 exempt from execution but to an amount exceeding the
10 exemption, he may select the portion of this property
11 provided by law which he desires to retain under the
12 exemption, providing he makes this selection known
13 promptly to the person making the levy. Otherwise, the
14 person making the levy shall make the selection. If the
15 person against whom the execution is issued does not pay
16 the execution in full, including interest and costs and
17 expenses thereof, the person making the levy shall take
18 into his possession property of the person against whom
19 the execution is issued, not exempt from execution,
20 sufficient in his opinion to cover the amount of the
21 execution. He shall take first any property under
22 attachment in the action in which the execution was
23 issued; next, property, if any, indicated by the person
24 against whom the execution was issued. He may, if he
25 thinks best, remove the property to a safe place, or

1 place a caretaker in charge of it. He shall make a list
2 of the property levied upon. No real property or
3 interest therein shall be levied upon.

4 (2) Notice of sale. The person making the levy shall,
5 after levy, give public notice of the sale at least seven
6 days in advance of the time and place of sale, [by
7 ~~notifying the magistrate of the municipality or~~
8 ~~municipalities~~] as required by the laws of the State in
9 which the levy was made, by posting a written notice of
10 the sale in a conspicuous place [~~at or near the municipal~~
11 ~~office in the municipality in which the sale is to be~~
12 ~~held~~], and must notify the person against whom the
13 execution is issued, [~~if he can be found within the~~
14 ~~municipality or municipalities where the levy was made,~~]
15 or notify any agent who had custody of the property
16 levied upon at the time of levy.

17 (3) ~~Sale-Procedure-Disposition of proceeds.~~ The person
18 making the levy on the day and at the place set for the
19 sale, unless payment has been made of the amount of the
20 judgment and interest and the costs and expenses in
21 connection with the levy, shall sell the property levied
22 upon at public auction to the highest bidder. Sale of
23 property shall not include any real property. He shall
24 deduct from the proceeds of the sale sufficient money for
25 the full payment of his fees and expenses, and shall then

1 pay the person in whose favor the execution was issued,
2 or his counsel, such balance as remains up to the amount
3 due on the execution. If there are any proceeds of the
4 sale left after the deduction and payment directed above,
5 such remaining proceeds shall be paid over to the person
6 against whom the execution was issued. The person making
7 the levy shall then return the writ to the court with a
8 report of his doings thereon, showing the amounts
9 collected and paid out thereon.

10 (4) Postponement of sale. Whenever a request in writing
11 signed by the debtor and creditor for a postponement of
12 the sale to an agreed date and hour is given to the
13 person conducting the sale under execution, such person
14 shall thereupon by public declaration postpone the sale
15 to the day and hour so fixed in such request and at the
16 place originally fixed by the person for the sale. In the
17 case of postponements, notice of each thereof must be
18 given by public declaration by the person conducting the
19 sale at the time and place last appointed for the sale.
20 No other notice of postponed sale need be given.

21 (5) Completion of sale by person other than one making
22 levy. If a chief of police, policeman, or other person
23 duly authorized starts to levy execution and for any
24 reason is prevented from or fails to complete the matter,
25 any chief of police, policeman, or other person duly

1 authorized may complete the levy, sale, and payment of
2 proceeds as provided in this section."

3 Section 37. Section 1410 of title 6 of the Code of the
4 Federated States of Micronesia (Annotated) is hereby amended
5 to read as follows:

6 "Section 1410. Orders in aid of judgment-Hearings.

7 (1) At the hearing provided by section 1409 of this
8 chapter, the debtor may be examined orally before the
9 Court, or the Court may refer the examination [~~to a~~
10 ~~single judge of the Court or~~] to a master to take
11 evidence and report his findings. In either case any
12 evidence properly bearing on the question may be
13 introduced by either party or by the Court[~~7~~] or the
14 [~~single judge or~~] master in the same manner as at the
15 trial of a civil action. Upon having heard the evidence
16 or having received the report of the [~~single judge or~~]
17 master, the Court shall make such order in aid of
18 judgment as is just for the payment of any judgment based
19 on the finding.

20 (2) This order in aid of judgment may provide for the
21 transfer of particular assets at a price determined by
22 the Court, or for the sale of particular assets and
23 payment of the net proceeds to the creditor, or for
24 payments, in specified installments on particular dates
25 or at specified intervals, or for any other method of

1 payment which the Court deems just. The Court shall not
2 order the sale of real property or any interest therein;
3 however, the Court may order that rent payments or the
4 proceeds from a lease be transferred as the Court deems
5 just."

6 Section 38. Section 1414 of title 6 of the Code of the
7 Federated States of Micronesia (Annotated) is hereby amended
8 to read as follows:

9 "Section 1414. Orders in aid of judgment-Application to
10 [community or District] a State court.

11 A judgment creditor who has obtained an execution may,
12 instead of applying to the court in which the action was
13 tried, apply for an order in aid of judgment to the
14 ~~[District court or community]~~ State court within whose
15 jurisdiction the judgment debtor lives or has his usual
16 place of business or employment or where the real
17 property or personal property of the judgment debtor is
18 located. The court so applied to shall then proceed,
19 according to applicable state law and state rules of
20 procedure, with notice to the ~~[opposite]~~ opposing party,
21 hearing, determination, and the issuance of such order in
22 aid of judgment as it deems just~~[, as provided in this~~
23 ~~chapter]."~~

24 Section 39. Section 1415 of title 6 of the Code of the
25 Federated States of Micronesia (Annotated) is hereby amended

1 to read as follows:

2 "Section 1415. Exemptions.

3 The following described property shall be exempt from
4 attachment and execution:

5 (1) Personal and household goods. All necessary household
6 furniture, cooking and eating utensils, and all necessary
7 wearing apparel, bedding, and provisions for household
8 use sufficient for four months.

9 (2) Necessities for trade or occupation. All tools,
10 implements, utensils, two work animals, and equipment
11 necessary to enable the person against whom the
12 attachment or execution is issued to carry on his usual
13 occupation.

14 (3) Land and interests in land. ~~[All interests in land,~~
15 ~~but any interest owned solely by a judgment debtor, in~~
16 ~~his own right, may be ordered sold or transferred under~~
17 ~~an order in aid of judgment if the court making the order~~
18 ~~deems that justice so requires and finds as a fact that~~
19 ~~after the sale or transfer, the debtor will have~~
20 ~~sufficient land remaining to support himself and those~~
21 ~~persons directly dependent on him according to recognized~~
22 ~~local custom and the law of the Trust Territory. No~~
23 ~~person not an indigenous inhabitant of the Trust~~
24 ~~Territory may acquire any interest in such land by sale,~~
25 ~~transfer, or otherwise, except with the prior approval of~~

1 ~~the High Commissioner.]~~ All exemptions for land and
2 interests in land are governed by the law of the State
3 where the land is located. The process for attaching,
4 executing on an order in aid of judgment, or otherwise
5 levying upon land or an interest in land is governed by
6 the law of the State where the land is located."

7 Section 40. Section 1501 of title 6 of the Code of the
8 Federated States of Micronesia (Annotated) is hereby amended
9 to read as follows:

10 "Section 1501. Authority of courts to render.

11 In a case of actual controversy within its jurisdiction,
12 the [~~High Court or a District~~] Supreme Court, upon the
13 filing of an appropriate pleading, may declare the rights
14 and other legal relations of any interested party seeking
15 such declaration, whether or not further relief is or
16 could be sought. The Supreme Court shall not declare the
17 rights or legal relations between any parties regarding
18 real property or any interest therein. Any such
19 declaration shall have the force and effect of a final
20 judgment or decree and shall be reviewable as such.
21 Further necessary or proper relief based on a declaratory
22 judgment or decree may be granted, after reasonable
23 notice and hearing, against any adverse party whose
24 rights have been determined by such judgment."

25 Section 41. Section 1502 of title 6 of the Code of the

1 Federated States of Micronesia (Annotated) is hereby amended
2 to read as follows:

3 "Section 1502. Conciliation jurisdiction.

4 (1) [~~District~~] State and community courts may, at the
5 request of a party to any civil controversy (other than
6 annulment, divorce, or adoption), endeavor to effect an
7 amicable settlement of the controversy, and to that end,
8 may invite the other party or parties to the controversy
9 to appear before the judge for an informal hearing.

10 (2) Such a request shall be made in the [~~District~~] State
11 or community court within whose territorial jurisdiction
12 the other party or the largest number of the other
13 parties live or have their usual places of business or
14 employment.

15 (3) If an agreement in settlement of the controversy is
16 reached, the judge shall reduce it to writing and his
17 report of the settlement agreement, when signed by the
18 parties, shall have the force and effect of a judgment
19 even though the subject matter of the controversy may be
20 beyond the jurisdiction of the court for purposes other
21 than conciliation."

22 Section 42. Section 1503 of title 6 of the Code of the
23 Federated States of Micronesia (Annotated) is hereby amended
24 to read as follows:

25 "Section 1503. Power to grant writs of habeas corpus.

1 Writs of habeas corpus may be granted by the Trial
2 Division of the [~~High~~] Supreme Court or any judge
3 authorized to be assigned by the Chief Justice in the
4 Appellate Division of the [~~High~~] Supreme Court. Every
5 person unlawfully imprisoned or restrained of his liberty
6 under any pretense whatsoever, or any person on behalf of
7 an unlawfully imprisoned individual, may apply for a writ
8 of habeas corpus to inquire into the cause of such
9 imprisonment or restraint."

10 Section 43. Section 1504 of title 6 of the Code of the
11 Federated States of Micronesia (Annotated) is hereby amended
12 to read as follows:

13 "Section 1504. Application for writ.

14 Application for the writ of habeas corpus shall be made
15 to a court or judge authorized to issue the same, or to a
16 judge of a [~~District~~] State court or a clerk of courts,
17 by a written statement under oath signed by the party for
18 whose relief it is intended, or by some person in his
19 behalf. It shall set forth the facts concerning the
20 imprisonment or restraint of the person for whose relief
21 it is intended, and, if known, the name of the person who
22 has custody over him, and by virtue of what claim or
23 authority the restraint or imprisonment is being
24 practiced."

25 Section 44. Section 1505 of title 6 of the Code of the

1 Federated States of Micronesia (Annotated) is hereby amended
2 to read as follows:

3 "Section 1505. Action by clerk of courts upon
4 application for writ.

5 If the application for a writ of habeas corpus is made to
6 a clerk of courts, the clerk shall immediately bring the
7 application to the personal attention of a court or judge
8 authorized to issue the writ, or a judge of the
9 [~~District~~] State court."

10 Section 45. Section 1507 of title 6 of the Code of the
11 Federated States of Micronesia (Annotated) is hereby amended
12 to read as follows:

13 "Section 1507. Preliminary examination and
14 recommendation by [~~District~~] State court judge.

15 If the application for a writ of habeas corpus is heard
16 by a judge of a [~~District~~] State court, he shall, without
17 delay or formality, make preliminary findings of fact and
18 recommendations as to the issuance or denial of the writ,
19 and the disposition of the person detained, and submit
20 these by dispatch or other speedy method to the Chief
21 Justice or to the most accessible court or judge
22 authorized to issue the writ."

23 Section 46. Section 1508 of title 6 of the Code of the
24 Federated States of Micronesia (Annotated) is hereby amended
25 to read as follows:

1 "Section 1508. Issuance or denial of writ.

2 A court or judge hearing the application for a writ of
3 habeas corpus, and authorized to issue the writ, shall,
4 without delay or formality, determine the facts, grant
5 the writ unconditionally, deny the writ, or grant the
6 writ on terms fixed by the court and discharge the person
7 for whose relief the application has been brought, or
8 make any order as to his disposition that law and justice
9 may require. The court or judge authorized to issue the
10 writ and receiving the report and recommendations of a
11 judge of a [~~District~~] State court as provided in section
12 1507 of this chapter, may act upon the matter, by
13 dispatch or other speedy method, on the basis of the
14 [~~District~~] State court judge's report, or may order such
15 further hearing or the submission of such further
16 evidence as he deems law and justice require, and the
17 clerk of courts of the [~~District~~] State in which the
18 matter is pending shall take such action in the matter as
19 the judge or court may direct."

20 Section 47. Section 1510 of title 6 of the Code of the
21 Federated States of Micronesia (Annotated) is hereby amended
22 to read as follows:

23 "Section 1510. Appeals.

24 In a habeas corpus proceeding in which the final order is
25 made by the Trial Division of the [~~High~~] Supreme Court or

1 a Judge thereof, the final order shall be subject to
2 appeal to the Appellate Division of the [~~High~~] Supreme
3 Court, provided notice of appeal is filed within 30 days
4 after entry of the final order. The Court or Judge
5 issuing the final orders may in its or his discretion
6 stay execution of the order, admit the person imprisoned
7 or restrained to bail pending action by the Appellate
8 Division of the [~~High~~] Supreme Court, or direct that the
9 final order take effect pending such action or without
10 waiting for the time for filing such notice of appeal to
11 expire."

12 Section 48. Section 1611 of title 6 of the Code of the
13 Federated States of Micronesia (Annotated) is hereby amended
14 to read as follows:

15 "Section 1611. Jurisdiction of the [~~High~~] Supreme Court.
16 The [~~High~~] Supreme Court shall have concurrent
17 jurisdiction with the [~~District~~] State courts to grant
18 any adoption, and with the community and [~~District~~] State
19 courts to grant any annulment or divorce authorized under
20 this chapter, and may, for cause shown, order any
21 proceeding in annulment, divorce, or adoption pending
22 before another court transferred to the [~~High~~] Supreme
23 Court for disposition. Proceedings in annulment, divorce,
24 or adoption in the [~~High~~] Supreme Court may be filed in
25 any [~~administrative District~~] State within which the

1 matter might have been handled by a community court
2 or a [~~District~~] State court."

3 Section 49. Section 1613 of title 6 of the Code of the
4 Federated States of Micronesia (Annotated) is hereby amended
5 to read as follows:

6 "Section 1613. Proceedings in annulment, divorce, or
7 adoption—Appeal and review; Procedure.

8 (1) All decrees for annulment, divorce, or adoption under
9 this chapter shall be subject to appeal, and in the case
10 of community courts and [~~District~~] State courts to review
11 as in other civil cases, and no such decree shall become
12 absolute or affect the legal status of the parties until
13 the case has been reviewed, if subject to review by the
14 [~~High~~] Supreme Court, and until the period for appeal has
15 expired without any appeal having been filed or until any
16 appeal taken shall have been finally dispatched.

17 (2) Except as otherwise expressly provided by this
18 chapter, annulment, divorce, and adoption proceedings
19 shall be governed by the provisions of law and rules of
20 civil procedure applicable to civil actions."

21 Section 50. Section 1615 of title 6 of the Code of the
22 Federated States of Micronesia (Annotated) is hereby amended
23 to read as follows:

24 "Section 1615. Proceedings in annulment, divorce, or
25 adoption—Confirmation in accordance with recognized custom.

1 When an annulment, divorce, or adoption has been effected
2 in the [~~Trust Territory~~] Federated States of Micronesia
3 in accordance with recognized custom and the validity
4 thereof is questioned or disputed by anyone in such a
5 manner as to cause serious embarrassment to or affect the
6 personal property rights of any of the parties or their
7 children, any party thereto or any of his children may
8 bring a petition in the [~~High~~] Supreme Court for a decree
9 confirming the annulment, divorce, or adoption effected
10 in accordance with recognized custom. Such a petition
11 shall be signed and sworn to by the petitioner
12 personally, and shall be filed in the [~~District~~] State
13 where the annulment, divorce, or adoption was effected.
14 If, after notice to all parties still living and a
15 hearing, the Court is satisfied that the annulment,
16 divorce, or adoption alleged is valid in accordance with
17 recognized custom in the part of the [~~Trust Territory~~]
18 Federated States of Micronesia where it was effected, the
19 [~~High~~] Supreme Court shall enter a decree confirming the
20 annulment, divorce, or adoption and may include in this
21 decree the date it finds the annulment, divorce, or
22 adoption was absolute until the period for appealing has
23 expired without any appeal having been filed or until any
24 appeal taken shall have been filed or until any appeal
25 taken shall have been finally dispatched."

1 Section 51. Section 1616 of title 6 of the Code of the
2 Federated States of Micronesia (Annotated) is hereby amended
3 to read as follows:

4 "Section 1616. Age of majority.

5 All persons, whether male or female, residing in the
6 ~~[Trust Territory]~~ Federated States of Micronesia, who
7 shall have attained the age of eighteen years shall be
8 regarded as of legal age and their period of minority to
9 have ceased."

10 Section 52. Section 1621 of title 6 of the Code of the
11 Federated States of Micronesia (Annotated) is hereby repealed
12 in its entirety.

13 Section 53. Section 1622 of title 6 of the Code of the
14 Federated States of Micronesia (Annotated) is hereby amended
15 to read as follows:

16 "Section 1622. Orders for custody, support, and alimony.

17 In granting or denying an annulment or a divorce, the
18 ~~[court]~~ Supreme Court may make such orders for custody of
19 minor children for their support, for support of either
20 party, and for the disposition of either or both parties'
21 interest in any personal property in which both have
22 interests, as it deems justice and the best interests of
23 all concerned may require. The court may not dispose of
24 real property or any interest therein. While an action
25 for annulment or divorce is pending, the court may make

1 temporary orders covering any of these matters pending
2 final decree. Any decree as to custody or support of
3 minor children or of the parties shall be subject to
4 revision by the court at any time upon motion of either
5 party and such notice, if any, as the court deems justice
6 requires."

7 Section 54. Section 1624 of title 6 of the Code of the
8 Federated States of Micronesia (Annotated) is hereby amended
9 to read as follows:

10 "Section 1624. Annulment-Residency requirements.

11 No annulment shall be granted unless one of the parties
12 shall have resided in the [~~Trust Territory~~] Federated
13 States of Micronesia for the three months immediately
14 preceding the filing of the complaint."

15 Section 55. Section 1627 of title 6 of the Code of the
16 Federated States of Micronesia (Annotated) is hereby amended
17 to read as follows:

18 "Section 1627. Divorce-Residency requirements.

19 No divorce shall be granted unless one of the parties
20 shall have resided in the [~~Trust Territory~~] Federated
21 States of Micronesia for the two years immediately
22 preceding the filing of the complaint."

23 Section 56. Section 1631 of title 6 of the Code of the
24 Federated States of Micronesia (Annotated) is hereby amended
25 to read as follows:

1 "Section 1631. Competency of ~~[District]~~ State courts and
2 ~~[High]~~ Supreme Court.

3 An adoption authorized under this subchapter may be
4 granted by any ~~[District]~~ State court within whose
5 territorial jurisdiction the person or persons requesting
6 the adoption reside or within whose jurisdiction the
7 child resides, or by the Trial Division of the ~~[High]~~
8 Supreme Court in such jurisdiction."

9 Section 57. Section 1634 of title 6 of the Code of the
10 Federated States of Micronesia (Annotated) is hereby amended
11 to read as follows:

12 "Section 1634. Best interests of child to control;
13 Appearance of child.

14 (1) No adoption shall be granted under this subchapter
15 without the child proposed for adoption appearing before
16 the court, and the adoption shall be granted only if the
17 court is satisfied that the interests of the child will
18 be promoted thereby.

19 (2) Whenever an adoption petition is filed by a person
20 who is not a citizen of the ~~[Trust Territory]~~ Federated
21 States of Micronesia for the adoption of a Micronesian
22 child who is either under the age of twelve years or not
23 the petitioner's stepchild, the court shall:

24 (a) determine, after reasonable inquiry, whether any
25 member of the child's immediate or extended family

1 residing in the [~~Trust Territory~~] Federated States of
2 Micronesia, or any other [~~Trust Territory~~] Federated
3 States of Micronesia citizen residing in the State of the
4 Federated States of Micronesia in which the petition is
5 brought, is willing, able, and suitable to adopt the
6 child;

7 (b) give preference in the adoption of a Micronesian
8 child to a [~~Trust Territory~~] Federated States of
9 Micronesia citizen whenever practicable;

10 (c) appoint a guardian ad litem or attorney to
11 represent the child;

12 (d) not issue a final decree until the child has
13 lived in the proposed adoptive home for a length of time
14 sufficient for the court to determine that the placement
15 is satisfactory; and

16 (e) not grant the adoption unless the petitioner has
17 resided in the [~~Trust Territory~~] Federated States of
18 Micronesia for at least three years prior to the filing
19 of the petition.

20 (3) The standards to be applied in judging the interests
21 of a Micronesian child shall be the prevailing social and
22 cultural standards of the Micronesian community from
23 which the child comes or in which the court is located.

24 (4) The term "Micronesian child," as used in this
25 section, shall mean a child born in the [~~Trust Territory~~]

1 Federated States of Micronesia, one or both of whose
2 parents is a [~~Trust Territory~~] Federated States of
3 Micronesia citizen."

4 Section 58. Section 1712 of title 6 of the Code of the
5 Federated States of Micronesia (Annotated) is hereby amended
6 to read as follows:

7 "Section 1712. Definitions.

8 For the purposes of this chapter:

9 (1) "Court" means the Trial Division of the [~~High~~]
10 Supreme Court of the [~~Trust Territory~~] Federated States
11 of Micronesia, and when the context requires means the
12 court of any State as defined in a substantially similar
13 reciprocal law.

14 (2) "District attorney" means the public official in the
15 appropriate place who has the duty to enforce criminal
16 laws relating to the failure to provide for the support
17 of any person.

18 (3) "Duty of support" means a duty of support whether
19 imposed or imposable by law or by order, decree, or
20 judgment of any court, whether interlocutory or final or
21 whether incidental to an action for divorce, separation,
22 separate maintenance, or otherwise, and includes the duty
23 to pay arrearages of support past due and unpaid.

24 (4) "Governor" includes the [~~High Commissioner of the~~]
25 Trust Territory] President of the Federated States of

1 Micronesia and any person performing the functions of
2 Governor or the executive authority of any State covered
3 by this chapter.

4 (5) "Initiating State" means a State in which a
5 proceeding pursuant to this or a substantially similar
6 reciprocal law is commenced. "Initiating court" means the
7 court in which a proceeding is commenced.

8 (6) "Law" includes both common and statutory law.

9 (7) "Obligee" means a person, including a State or
10 political subdivision, to whom a duty of support is owed,
11 or a person, including a State or political subdivision,
12 that has commenced a proceeding for enforcement of an
13 alleged duty of support or for registration of a support
14 order. It is immaterial whether the person to whom a duty
15 of support is owed is a recipient of public assistance.

16 (8) "Obligor" means any person owing a duty of support or
17 against whom a proceeding for the enforcement of a duty
18 of support or registration of a support order is
19 commenced.

20 (9) "Register" means to file in the Registry of Foreign
21 Support Orders.

22 (10) "Registering court" means any court of the [~~Trust~~
23 ~~Territory~~] Federated States of Micronesia in which a
24 support order of a rendering State is registered.

25 (11) "Rendering State" means a State in which the court

1 has issued a support order for which registration is
2 sought or granted in the court of another State.

3 (12) "Responding State" means a State in which any
4 responsive proceeding pursuant to the proceeding in the
5 initiating State is commenced. "Responding court" means
6 the court in which the responsive proceeding is
7 commenced.

8 (13) "State" includes a State, territory, or possession
9 of the United States, the District of Columbia, the
10 Commonwealth of Puerto Rico, the [~~Trust Territory~~]
11 Federated States of Micronesia, and any foreign
12 jurisdiction in which this or a substantially similar
13 reciprocal law is in effect.

14 (14) "Support order" means any judgment, decree, or order
15 of support in favor of an obligee, whether temporary or
16 final, or subject to modification, revocation, or
17 remission, regardless of the kind of action or proceeding
18 in which it is entered."

19 Section 59. Section 1714 of title 6 of the Code of the
20 Federated States of Micronesia (Annotated) is hereby amended
21 to read as follows:

22 "Section 1714. Duties of support regardless of presence
23 or residency.

24 Duties of support arising under the law of the [~~Trust~~
25 ~~Territory~~] Federated States of Micronesia, when

1 applicable under this code, bind the obligor present in
2 the [~~Trust Territory~~] Federated States of Micronesia
3 regardless of the presence or residence of the obligee."

4 Section 60. Section 1721 of title 6 of the Code of the
5 Federated States of Micronesia (Annotated) is hereby amended
6 to read as follows:

7 "Section 1721. Interstate rendition—Authority of [High
8 Commissioner] President.

9 The [~~High Commissioner~~] President of the [~~Trust~~
10 ~~Territory~~] Federated States of Micronesia may:

11 (1) demand of the Governor of another State the surrender
12 of a person found in that State who is charged criminally
13 in the [~~Trust Territory~~] Federated States of Micronesia
14 with the failure to abide by an order of a court ordering
15 him to provide for the support of any person; or

16 (2) surrender on demand by the Governor of another State
17 a person found in the [~~Trust Territory~~] Federated States
18 of Micronesia who is charged criminally in that State
19 with failing to provide for the support of any person.

20 Provisions for extradition of criminals not inconsistent
21 with this chapter apply to the demand even if the person
22 whose surrender is demanded was not in the demanding
23 State at the time of the commission of the crime and has
24 not fled therefrom. The demand, the oath, and any
25 proceedings for extradition pursuant to this section need

1 not state or show that the person whose surrender is
2 demanded has fled from justice or that at the time of the
3 commission of the crime said person was in the demanding
4 State."

5 Section 61. Section 1722 of title 6 of the Code of the
6 Federated States of Micronesia (Annotated) is hereby amended
7 to read as follows:

8 "Section 1722. Interstate rendition—Investigations of
9 circumstances.

10 (1) Before making the demand upon the Governor of another
11 State for the surrender of a person charged criminally in
12 the [~~Trust Territory~~] Federated States of Micronesia with
13 the failure to abide by an order of a court ordering him
14 to provide for the support of a person, the [~~High~~
15 ~~Commissioner~~] President of the [~~Trust Territory~~]
16 Federated States of Micronesia may require the Attorney
17 General of the [~~Trust Territory~~] Federated States of
18 Micronesia to satisfy him that at least sixty days prior
19 thereto the obligee initiated proceedings for support
20 under this chapter or that any such proceeding would be
21 of no avail.

22 (2) If, under a substantially similar act, the Governor
23 of another State makes a demand upon the [~~High~~
24 ~~Commissioner~~] President of the [~~Trust Territory~~]
25 Federated States of Micronesia for the surrender of a

1 person charged criminally in that State with failure to
2 provide for the support of a person, the [~~High~~
3 ~~Commissioner~~] President may require the Attorney General
4 to investigate the demand and to report to him whether
5 proceedings for support have been initiated or would be
6 effective. If it appears to the [~~High Commissioner~~]
7 President that a proceeding would be effective but has
8 not been initiated, he may delay honoring the demand for
9 a reasonable time to permit the initiation of a
10 proceeding.

11 (3) If proceedings have been initiated, and the person
12 demanded has prevailed therein, the [~~High Commissioner~~]
13 President may decline to honor the demand. If the obligee
14 prevailed and the person demanded is subject to a support
15 order, the [~~High Commissioner~~] President may decline to
16 honor the demand if the person demanded is complying with
17 the support order."

18 Section 62. Section 1734 of title 6 of the Code of the
19 Federated States of Micronesia (Annotated) is hereby amended
20 to read as follows:

21 "Section 1734. Jurisdiction.

22 Jurisdiction of any proceeding under this chapter is
23 vested in the Trial Division of the [~~High~~] Supreme
24 Court."

25 Section 63. Section 1735 of title 6 of the Code of the

Federated States of Micronesia (Annotated) is hereby amended
to read as follows:

"Section 1735. Contents and filing of complaint for
support.

(1) The complaint shall be verified and shall state the
name and, so far as known to the obligee, the address and
circumstances of the obligor and the persons for whom
support is sought, and all other pertinent information
and such information as may be required by the [~~Trust~~
~~Territory~~] Federated States of Micronesia rules of civil
procedure. The obligee may include in or attach to the
complaint any information which may help in locating or
identifying the obligor including a photograph of the
obligor, a description of any distinguishing marks on his
person, other names and aliases by which he has been or
is known, the name of his employer, his fingerprints, and
his Social Security number.

(2) The complaint may be filed in the appropriate court
of any jurisdiction in which the obligee resides. The
court shall not decline or refuse to accept and forward
the complaint on the ground that it should be filed with
some other court of this or any other jurisdiction where
there is pending another action for divorce, separation,
annulment, dissolution, habeas corpus, adoption, or
custody between the same parties or where another court

1 has already issued a support order in some other
2 proceeding and has retained jurisdiction for its
3 enforcement."

4 Section 64. Section 1736 of title 6 of the Code of the
5 Federated States of Micronesia (Annotated) is hereby amended
6 to read as follows:

7 "Section 1736. Attorney General to represent obligee.

8 If the [~~Trust Territory~~] Federated States of Micronesia
9 is acting as an initiating State, the Attorney General or
10 his representative, upon the request of the court, shall
11 represent the obligee in any proceeding under this
12 chapter."

13 Section 65. Section 1739 of title 6 of the Code of the
14 Federated States of Micronesia (Annotated) is hereby amended
15 to read as follows:

16 "Section 1739. Costs and fees.

17 An initiating court shall not require payment of either a
18 filing fee or other costs from the obligee but may
19 request the responding court to collect fees and costs
20 from the obligor. A responding court shall not require
21 payment of a filing fee or other costs from the obligee
22 but it may direct that all fees and costs requested by
23 the initiating court and incurred in the [~~Trust~~
24 ~~Territory~~] Federated States of Micronesia when acting as
25 a responding State, including fees for filing of

1 pleadings, service of process, seizure of property,
2 stenographic or duplication service, or other service
3 supplied to the obligor, be paid in whole or in part by
4 the obligor or by the State or political subdivision
5 thereof. These costs or fees do not have priority over
6 amounts due to the obligee."

7 Section 66. Section 1740 of title 6 of the Code of the
8 Federated States of Micronesia (Annotated) is hereby amended
9 to read as follows:

10 "Section 1740. Jurisdiction by arrest.

11 If a court of the [~~Trust Territory~~] Federated States of
12 Micronesia believes that the obligor may flee, it may:

13 (1) as an initiating court, request in its certificate
14 that the responding court obtain the body of the obligor
15 by appropriate process; or

16 (2) as a responding court, obtain the body of the obligor
17 by appropriate process. Thereupon it may release him upon
18 his own recognizance or upon his giving a bond in an
19 amount set by the court to assure his appearance at the
20 hearing."

21 Section 67. Section 1741 of title 6 of the Code of the
22 Federated States of Micronesia (Annotated) is hereby amended
23 to read as follows:

24 "Section 1741. Information agency; Efforts of Attorney
25 General to locate obligors.

1 (1) The Attorney General's Office is designated as the
2 information agency under this chapter. It shall:

3 (a) compile a list of the courts and their addresses
4 in the [~~Trust Territory~~] Federated States of Micronesia
5 having jurisdiction under this chapter and transmit the
6 same to the State information agency of every other State
7 which has adopted this or a substantially similar law;

8 (b) maintain a register of such lists of courts
9 received from other States and transmit copies thereof
10 promptly to every court in the [~~Trust Territory~~]
11 Federated States of Micronesia having jurisdiction under
12 this chapter;

13 (c) distribute copies of this chapter and any
14 amendments thereto and a statement of their effective
15 dates to all other State information agencies; and

16 (d) forward to the court in the [~~Trust Territory~~]
17 Federated States of Micronesia which has jurisdiction
18 over the obligor or his property petitions, certificates,
19 and copies of the act it receives from courts or
20 information agencies of other States.

21 (2) If the Attorney General does not know the location of
22 the obligor or his property in the [~~Trust Territory~~]
23 Federated States of Micronesia, he shall use all means at
24 his disposal to obtain this information, including but not
25 limited to the examination of any official records, as he

1 may deem appropriate.”

2 Section 68. Section 1742 of title 6 of the Code of the
3 Federated States of Micronesia (Annotated) is hereby amended
4 to read as follows:

5 “Section 1742. Duties of the Court and officials of the
6 [Trust Territory] Federated States of Micronesia as responding
7 State-Prosecution of case.

8 (1) After the responding Court receives copies of the
9 complaint, certificate, and act from the initiating court,
10 the Clerk of Courts shall docket the case and notify the
11 ~~[District]~~ State Attorney of his action.

12 (2) The ~~[District]~~ State Attorney shall prosecute the
13 case diligently. He shall take all action necessary in
14 accordance with the laws of the ~~[Trust Territory]~~
15 Federated States of Micronesia to enable the Court to
16 obtain jurisdiction over the obligor or his property and
17 shall request the Clerk of Courts to set a time and place
18 for a hearing and give notice thereof to the obligor in
19 accordance with law.”

20 Section 69. Section 1743 of title 6 of the Code of the
21 Federated States of Micronesia (Annotated) is hereby amended
22 to read as follows:

23 “Section 1743. Duties of the Court and officials of the
24 [Trust Territory] Federated States of Micronesia as responding
25 State-Location of obligors.

1 (1) The [~~District~~] State Attorney on his own initiative
2 shall use all means at his disposal to locate the obligor
3 or his property, and if, because of inaccuracies in the
4 complaint or otherwise, the Court cannot obtain
5 jurisdiction, the [~~District~~] State Attorney shall inform
6 the Court of what he has done and request the Court to
7 continue the case pending receipt of more accurate
8 information or an amended complaint from the initiating
9 court.

10 (2) If the obligor or his property is not found in the
11 [~~District~~] State, and the [~~District~~] State Attorney
12 discovers that the obligor or his property may be found in
13 another [~~District~~] State of the [~~Trust Territory~~]
14 Federated States of Micronesia or in another State, he
15 shall so inform the Court. Thereupon the Clerk of Courts
16 shall forward the documents received from the Court in the
17 initiating jurisdiction [~~to a court in the other District~~
18 or] to a court in the other State or to the information
19 agency or other proper official of the other State with a
20 request that the documents be forwarded to the proper
21 court. All powers and duties provided by this chapter
22 apply to the recipient of the documents so forwarded. If
23 the clerk of a court of the [~~Trust Territory~~] Federated
24 States of Micronesia forwards documents to another court,
25 he shall forthwith notify the initiating court.

1 (3) If the [~~District~~] State Attorney has no information
2 as to the location of the obligor or his property, he
3 shall so inform the initiating court."

4 Section 70. Section 1746 of title 6 of the Code of the
5 Federated States of Micronesia (Annotated) is hereby amended
6 to read as follows:

7 "Section 1746. Testimony of husband and wife.

8 Laws attaching a privilege against the disclosure of
9 communications between husband and wife are inapplicable
10 to proceedings under this chapter. Husband and wife are
11 competent witnesses and may be compelled to testify to any
12 relevant matter including marriage and parentage, the
13 provisions of section 1301 of this title and rule 28 of
14 the [~~Trust Territory~~] Federated States of Micronesia rules
15 of evidence notwithstanding."

16 Section 71. Section 1747 of title 6 of the Code of the
17 Federated States of Micronesia (Annotated) is hereby amended
18 to read as follows:

19 "Section 1747. Rules of evidence.

20 In any hearing for the civil enforcement of this chapter
21 the Court is governed by the rules of evidence set forth
22 in chapter 13 of this title and in the [~~Trust Territory~~]
23 Federated States of Micronesia rules of evidence, except
24 as otherwise provided in this chapter. If the action is
25 based on a support order issued by another court, a

1 certified copy of the order shall be received as evidence
2 of the duty of support, subject only to any defenses
3 available to an obligor with respect to paternity as set
4 forth in section 1751 of this chapter or to a defendant in
5 an action or a proceeding to enforce a foreign money
6 judgment. The determination or enforcement of a duty of
7 support owed to one obligee is unaffected by any
8 interference by another obligee with rights of custody or
9 visitation granted by a court."

10 Section 72. Section 1748 of title 6 of the Code of the
11 Federated States of Micronesia (Annotated) is hereby amended
12 to read as follows:

13 "Section 1748. Orders of support; Authorized;
14 Enforcement.

15 (1) If the responding court finds a duty of support, it
16 may order the obligor to furnish support or reimbursement
17 therefor and subject the property of the obligor to the
18 order. Support orders made pursuant to this chapter shall
19 require that payments be made to the clerk of the court of
20 the responding State.

21 (2) The Court and [~~District~~] State Attorney of any
22 [~~District~~] State of the [~~Trust Territory~~] Federated States
23 of Micronesia in which the obligor is present or has
24 property shall have the same powers and duties to enforce
25 the order as have those of the [~~District~~] State in which

1 it was first issued. If enforcement is impossible or
2 cannot be completed in the [~~District~~] State in which the
3 order was issued, the [~~District~~] State Attorney shall send
4 a certified copy of the order to the [~~District~~] State
5 Attorney of any [~~District~~] State in which it appears that
6 proceedings to enforce the order would be effective. The
7 [~~District~~] State Attorney to whom the certified copy of
8 the order is forwarded shall proceed with enforcement and
9 report the results of the proceedings to the court first
10 issuing the order."

11 Section 73. Section 1755 of title 6 of the Code of the
12 Federated States of Micronesia (Annotated) is hereby amended
13 to read as follows:

14 "Section 1755. Application of payments made under orders
15 of another court.

16 A support order made by a court of the [~~Trust Territory~~]
17 Federated States of Micronesia pursuant to this chapter
18 does not nullify and is not nullified by a support order
19 made by a court of another State pursuant to a
20 substantially similar act or any other law, regardless of
21 priority of issuance, unless otherwise specifically
22 provided by the court. Amounts paid for a particular
23 period pursuant to any support order made by a court of
24 another State shall be credited against the amounts
25 accruing or accrued for the same period under any support

1 order made by a court of the [~~Trust Territory~~] Federated
2 States of Micronesia."

3 Section 74. Section 1757 of title 6 of the Code of the
4 Federated States of Micronesia (Annotated) is hereby amended
5 to read as follows:

6 "Section 1757. [~~Interdistrict~~] Interstate application.

7 This chapter applies if both the obligee and the obligor
8 are in the [~~Trust Territory~~] Federated States of
9 Micronesia but in different [~~Districts~~] States. If the
10 court of the [~~District~~] State in which the complaint is
11 filed finds that the complaint sets forth facts from which
12 it may be determined that the obligor owes a duty of
13 support and finds that a court of another [~~District~~] State
14 in the [~~Trust Territory~~] Federated States of Micronesia
15 may obtain jurisdiction over the obligor or his property,
16 the clerk of courts shall send the complaint and a
17 certification of the findings to the court of the
18 [~~District~~] State in which the obligor or his property is
19 found. The clerk of courts of the [~~District~~] State
20 receiving these documents shall notify the [~~District~~]
21 State Attorney of their receipt. The [~~District~~] State
22 Attorney and the court in the [~~District~~] State to which
23 the copies are forwarded then shall have duties
24 corresponding to those imposed upon them when acting for
25 the [~~Trust Territory~~] Federated States of Micronesia as a

1 responding State."

2 Section 75. Section 1758 of title 6 of the Code of the
3 Federated States of Micronesia (Annotated) is hereby amended
4 to read as follows:

5 "Section 1758. Appeals.

6 If the Attorney General is of the opinion that a support
7 order is erroneous and presents a question of law
8 warranting an appeal in the public interest, he may:

9 (1) perfect an appeal to the proper appellate court if
10 the support order was issued by a court of the [~~Trust~~
11 ~~Territory~~] Federated States of Micronesia; or

12 (2) if the support order was issued in another State,
13 cause the appeal to be taken in the other State. In either
14 case, expenses of appeal may be paid on his order from
15 funds appropriated for his office."

16 Section 76. Section 1802 of title 6 of the Code of the
17 Federated States of Micronesia (Annotated) is hereby amended
18 to read as follows:

19 "Section 1802. Commitment of incompetents—Authorized—
20 Prerequisites; Orders.

21 (1) The Trial Division of the [~~High~~] Supreme Court, or
22 any [~~District~~] State court, may, after hearing, commit an
23 insane person within its jurisdiction to any hospital for
24 the care and keeping of the insane in the [~~Trust~~
25 ~~Territory~~] Federated States of Micronesia, or if the court

1 deems best, to a member of the insane person's family
2 lineage or clan, who may thereafter restrain the insane
3 person to the extent necessary for his own safety and that
4 of the public.

5 (2) Such commitment of an insane person shall be made
6 only on the testimony of two or more witnesses who
7 personally testify in open court and at least one of whom
8 is a doctor of medicine or medical practitioner authorized
9 to practice medicine in the [~~Trust Territory~~] Federated
10 States of Micronesia. Before testifying, the medical
11 witness shall have personally examined the person sought
12 to be committed, and shall establish to the satisfaction
13 of the court that the person is insane.

14 (3) Except when the court is satisfied that the delay
15 incident to giving such notice will be detrimental to the
16 public interest or the welfare of the patient, such a
17 commitment shall not be made until after notice to the
18 allegedly insane person's husband or wife, if any, or one
19 of his parents or one of his children, or next of kin, if
20 any, as determined by local custom.

21 (4) In making such commitment the court may make such
22 order as it deems in the best interest of the public and
23 of the patient for the patient's temporary custody and
24 transportation to the hospital."

25 Section 77. Section 1803 of title 6 of the Code of the

1 Federated States of Micronesia (Annotated) is hereby amended
2 to read as follows:

3 "Section 1803. Commitment of incompetents—Temporary
4 commitments.

5 (1) The Trial Division of the [~~High~~] Supreme Court, any
6 [~~District~~] State court, or any community court, may, after
7 hearing, commit for observation of possible mental illness
8 any person within its jurisdiction. Such commitment shall
9 be made only after testimony presented personally in open
10 court has been received from at least one doctor or
11 medical practitioner authorized to practice medicine in
12 the [~~Trust Territory~~] Federated States of Micronesia, or
13 from a nurse, health aide, or nurse's aide, who has
14 personally examined the person sought to be committed,
15 indicating to the satisfaction of the court that the
16 public welfare or the interest of the person demands such
17 commitment; provided, that the court shall, whenever
18 practicable, endeavor to secure the testimony of a doctor
19 or medical practitioner.

20 (2) Such commitment for observation may be to any person
21 or institution willing to accept the patient, and shall
22 only authorize the patient's detention for a period of not
23 more than thirty days if the services of a doctor or
24 medical practitioner are reasonably available. If such
25 services are not reasonably available, commitment for

1 observation may authorize the patient's detention until he
2 may be brought to a doctor or medical practitioner or
3 until a doctor or a medical practitioner visits the
4 community in which the patient is detained, and for not
5 more than thirty days thereafter. Notice of each such
6 commitment for observation shall be sent by the court
7 making the commitment to the [~~District~~] State director of
8 health services by the quickest means practicable."

9 Section 78. Section 1804 of title 6 of the Code of the
10 Federated States of Micronesia (Annotated) is hereby amended
11 to read as follows:

12 "Section 1804. Commitment of incompetents-Transfers.

13 Any person committed under this chapter may be
14 transferred to any institution deemed suitable for his
15 care by order of the director of Health Services for the
16 [~~Trust Territory~~] Federated States of Micronesia or,
17 within any one [~~District~~] State, by the [~~district~~] state
18 director of health services."

19 Section 79. Section 1805 of title 6 of the Code of the
20 Federated States of Micronesia (Annotated) is hereby amended
21 to read as follows:

22 "Section 1805. Commitment of incompetents-Release.

23 (1) By the court. The husband, wife, parent, or child, or
24 any of the next of kin as determined by local custom of
25 any person committed for observation or as insane under

1 this chapter, may at any time petition the Trial Division
2 of the [~~High~~] Supreme Court or the [~~District~~] State court
3 of the [~~District~~] State where the patient is detained,
4 requesting that the commitment be terminated or the
5 patient paroled, and the court may, after notice to the
6 [~~District~~] State director of health services and to the
7 person in charge of the hospital or other place where the
8 patient is detained, and after public hearing, make such
9 order for the release of the patient or his parole under
10 limited supervision or under specified conditions, if any,
11 as it deems appropriate.

12 (2) By medical authorities. The doctor in charge of any
13 hospital for the insane in the [~~Trust Territory~~] Federated
14 States of Micronesia may discharge or parole on such
15 conditions as he deems best any patient, except one held
16 on order of a court having criminal jurisdiction in a
17 proceeding arising out of a criminal offense as follows:

18 (a) upon filing with the clerk of courts in the
19 [~~District~~] State in which the hospital is located a
20 written certificate by the doctor in charge that such
21 patient is considered to be recovered, and airmailing a
22 copy of this certificate, postage prepaid, to the clerk
23 of courts of the [~~District~~] State from which the patient
24 was committed, if he was committed in another [~~District~~]
25 State.

1 (b) upon filing with the clerk of courts of the
2 ~~[Districts]~~ State in which the hospital is located a
3 written certificate by the doctor in charge that such
4 patient, while not recovered, is considered in remission
5 and is not deemed dangerous to himself or others and is
6 not likely to become a public charge, and airmailing a
7 copy of this certificate, postage prepaid, to the clerk
8 of courts of the ~~[District]~~ State from which the patient
9 was committed, if he was committed in another ~~[District]~~
10 State.

11 (c) upon transfer of such patient to an institution
12 for care of mental cases outside of the ~~[Trust Territory]~~
13 Federated States of Micronesia.

14 (3) Temporary leave of absence. The doctor in charge of
15 any hospital for the insane in the ~~[Trust Territory]~~
16 Federated States of Micronesia may permit leave of absence
17 for a stated period to any of his hospital patients, under
18 conditions that are satisfactory to the doctor, when in
19 his judgment absence on leave will not be detrimental to
20 the public welfare and will be of benefit to such patient.
21 The doctor in charge of the hospital for the insane from
22 which a patient is absent on leave may, even before the
23 period stated in the leave has expired, terminate the
24 leave and authorize and direct the physical return of such
25 patient to the hospital whenever in the judgment of the

1 doctor the return of the patient would be in the best
2 interest of the public and the patient.

3 (4) By person in charge of one committed for observation.
4 The person to whom or the person in charge of the
5 institution to which a person has been temporarily
6 committed for observation under this code may release such
7 a patient whenever the person to whom or the person in
8 charge of the institution to which the patient has been
9 temporarily committed, deems such release is safe."

10 Section 80. Title 6 of the Code of the Federated States
11 of Micronesia (Annotated) is hereby amended by adding a new
12 section 1901, within a new chapter 19, to read as follows:

13 "Section 1901. Statutory interpretation.

14 As used in this title, the terms "community" and
15 "municipal" shall be interpreted to mean the courts of the
16 States."

17 Section 81. This act shall become law upon approval by
18 the President of the Federated States of Micronesia or upon its
19 becoming law without such approval.

20
21 Date: 11/10/25

Introduced by: /s/ Yoslyn G. Sigrah
Yoslyn G. Sigrah