TWENTY-FOURTH CONGRESS OF THE FEDERATED STATES OF MICRONESIA

SECOND SPECIAL SESSION, 2025 CONGRESSIONAL BILL NO. 24-85

P.C. NO. 24-433 **PUBLIC LAW NO. 24-133**

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on state courts the exclusive jurisdiction over cases where an interest in land is at issue; to update certain outdated provisions and references; and for other purposes.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:

Section 1. Section 122 of title 6 of the Code of the Federated States of Micronesia (Annotated) is hereby amended to read as follows:

"Section 122. Prepayment for service.

Except when the process is issued on behalf of the Federated States of Micronesia or an officer or agency thereof, or under section 1014 of this title, any chief of police, policeman, or other person authorized to serve or execute process may require the person requesting him to act to prepay his fees and estimated expenses or give reasonable security therefor before serving or executing any process."

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

"Section 123. Disposition of proceeds.

Each chief of police, policeman, or other person authorized to serve or execute process, shall be entitled to retain for his own use the fees authorized in this subchapter, provided he is not an employee of the Federated States of Micronesia as a member of the national police or otherwise when the services are performed. If he is such an employee, he shall remit monthly to the Secretary of Finance and Administration all fees collected for services and travel in servicing or executing process, less any reasonable expenses actually paid by him personally for travel in connection with these duties. Being a salaried employee of a municipality, however, shall not prevent a policeman or other authorized person from retaining his fees for his own use."

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

"Section 131. Jurisdiction over acts of nonresidents.

Any person, corporation, or legal entity, whether or not a citizen or resident of the Federated States of

Micronesia, who in person or through an agent does any of the acts enumerated in this subchapter, thereby submits himself or its personal representative to the jurisdiction of the courts of the Federated States of Micronesia as to any cause of action arising from:

(1) the transaction of any business within the Federated States of Micronesia;

(2) the operation of a motor vehicle within the Federated States of Micronesia;

(3) the operation of a vessel or craft within the territorial waters or airspace of the Federated States of Micronesia;

(4) the commission of a tortious act within the Federated States of Micronesia;

(5) contracting to insure any person, personal property, or risk located within the Federated States of Micronesia at the time of contracting;

(6) entering into an express or implied contract, by mail or otherwise, with a resident of the Federated States of Micronesia to be performed in whole or in part by either party in the Federated States of Micronesia;

(7) acting within the Federated States of Micronesia as director, manager, trustee, or other officer of any corporation organized under the laws of or having a place of business within the Federated States of

Micronesia, or as executor or administrator of any estate within the Federated States of Micronesia;

(8) causing injury to persons or property within the Federated States of Micronesia arising out of an act or omission outside of the Federated States of Micronesia by the defendant, provided in addition, that at the time of the injury either:

(a) the defendant was engaged in the solicitation or sales activities within the Federated States of Micronesia, or

(b) products, materials, or things processed, serviced, or manufactured by the defendant anywhere were used or consumed within the Federated States of Micronesia; and

(9) living in the marital relationship within the Federated States of Micronesia notwithstanding subsequent departure from the Federated States of Micronesia, as to all obligations arising for alimony, child support or personal property rights under chapter 16 of this title, if the other party to the marital relationship continues to reside in the Federated States of Micronesia."

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

"Section 132. Personal service outside the Federated States of Micronesia.

Service of process may be made upon any person subject to the jurisdiction of the courts of the Federated States of Micronesia under this subchapter by personally serving the summons upon the defendant outside the Federated States of Micronesia. Such service has the same force and effect as though service had been personally made within the Federated States of Micronesia."

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

"Section 133. Manner of service.

Service of summons shall be made under this subchapter in like manner as service within the Federated States of Micronesia by any officer or person authorized to make service of summons in the State or jurisdiction where the defendant is served. An affidavit of the server shall be filed with the court issuing said summons stating the time, manner, and place of service. The court may consider the affidavit or any other competent proofs in determining whether service has been properly made."

Section 6. Section 134 of title 6 of the Code of the

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

"Section 134. Default.

No default shall be entered until the expiration of at least 30 days after service. A default judgment rendered on service made under this subchapter may be set aside only on a showing which would be timely and sufficient to set aside a default judgment entered upon personal service within the Federated States of Micronesia."

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

"Section 201. Order to appear or plead.

In any action in the Supreme Court for annulment, divorce, or adoption or to enforce or remove any lien upon or claim to personal property within the Federated States of Micronesia, or to adjudicate title to any interest in such personal property, where any defendant cannot be served within the Federated States of Micronesia, or does not voluntarily appear, the court may order the absent defendant to appear or plead by a certain day."

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

"Section 202. Personal service of order.

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

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

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

If an absent defendant does not appear or plead within the time allowed, the court may proceed as if the absent defendant had been served with process within the Federated States of Micronesia, but any adjudication shall, as regards the absent defendant without appearance, affect only the personal property or status which is the subject of the action."

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

"Section 301. General provisions.

(1) Except as otherwise provided, a civil action in which one of the defendants lives in the Federated States of Micronesia shall be brought in a court within whose jurisdiction the defendant or the largest number of defendants live or have their usual places of business or employment.

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

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

(4) A civil action against a defendant who does not live in the Federated States of Micronesia may be brought in a court within whose jurisdiction the defendant can be served or his personal property can be attached.

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

Section 11. Section 302 of title 6 of the Code of the Federated States of Micronesia (Annotated) is hereby amended to

read as follows:

"Section 302. Admiralty and maritime.

Suit in an admiralty and maritime matter shall be brought in the State within which the defendant can be served, or within which his personal property can be attached, or, when the suit is against personal property itself, in the State within which the ship, goods, or other thing involved can be seized."

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

"Section 303. Actions brought in the Supreme Court.

(1) An action in the Supreme Court to enforce or remove any lien upon or claim to personal property within the Federated States of Micronesia, or to adjudicate title to any interest in such property, shall be brought in the State where the property or some part of it is located.

(2) Any other action in the Supreme Court in which one of the parties is a resident of the Federated States of Micronesia shall be brought in the State in which one of the parties thereto lives or has his usual place of business or employment or, if the action is based upon a wrong not connected with a contract, it may be brought in the State in which the cause of action arose.

(3) In all other cases, actions in the Supreme Court may be brought in the State within which any defendant can be served or his personal property attached."

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

"Section 304. Change of venue.

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

(2) If a matter is brought in the wrong venue, the court 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 Supreme Court, if it deems the interests of justice will be served thereby, may hear any matter in a State other than that in which it is brought, or may hear it partly in one State and partly in another State or States, or may transfer it from one 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 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 stands in the place of a parent pursuant to customary law, such damages shall include his mental pain and suffering for the loss of such child, without regard to provable pecuniary damages.

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

(3) A personal representative appointed in the Federated States of Micronesia may, with the consent of the court making such appointment, at any time before or after the commencement of the suit, settle with the defendant the amount to be paid."

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

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

"Section 802. Limitation of twenty years.

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

(a) actions upon a judgment;

(b) actions against the Federated States of Micronesia for the recovery of land or any interest therein, which actions may only be brought in the Trial Division of the Supreme Court in the state where the property is located.

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

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

"Section 803. Limitation of two years.

The following actions shall be commenced only within two

years after the cause of action accrues:

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

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

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

(4) actions for injury to or for the death of one caused by the wrongful act or neglect of another, except as otherwise provided in chapter 5 of this title, or a depositor against a bank for the payment of a forged or raised check, or a check which bears a forged or unauthorized endorsement."

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

"Section 808. Extension of time by absence from the Federated States of Micronesia.

If at the time a cause of action accrues against any person he is outside of the Federated States of Micronesia, such action may be commenced within the

times limited in this chapter after he comes into the Federated States of Micronesia. If, after a cause of action has accrued against a person he departs from and resides outside of the Federated States of Micronesia, the time of his absence shall be excluded in determining the time limited for commencement of the action."

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

"Section 902. When appeals may be taken.

Any appeal authorized by law may be taken by filing a notice of appeal with the presiding judge of the court from which the appeal is taken, or with the clerk of the court for the State in which the court was held, within 30 days after the imposition of sentence or entry of the judgment, order, or decree appealed from, or within such longer time as may be prescribed by rules of procedure adopted by the Chief Justice of the Supreme Court of the Federated States of Micronesia."

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

"Section 903. Right of Federated States of Micronesia Government to appeal.

(1) In a criminal case, the Government of the

Federated States of Micronesia shall have the right of appeal only when a written enactment intended to have the force and effect of law has been held invalid. Action on any such appeal shall be limited as provided in section 905 of this chapter.

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

Section 22. Section 904 of title 6 of the Code of the Federated States of Micronesia (Annotated) is hereby amended to read as follows:

"Section 904. Review of State and community courts' decisions.

The Trial Division of the Supreme Court shall review on the record every final decision of the State courts and the community courts in annulment, divorce, and adoption cases in which no appeal has been taken, and it may, in its discretion, review on the record any other final decision of a State or community court in which no appeal has been taken."

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

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

(1) The Supreme Court on appeal or review and the

State court on appeal shall have power to affirm, modify, set aside, or reverse the judgment or order appealed from or reviewed and to remand the case with such directions for a new trial or for the entry of judgment as may be just.

(2) The findings of fact of the Trial Division of the Supreme Court in cases tried by it shall not be set aside by the Appellate Division of that court unless clearly erroneous, but in all other cases the appellate or reviewing Court may review the facts as well as the law.

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

Section 24. Section 1011 of title 6 of the Code of the Federated States of Micronesia (Annotated) is hereby amended to

read as follows:

"Section 1011. Witness fees for travel.

(1) Except as otherwise provided in this chapter, every person attending as a witness in any judicial proceeding shall be entitled to receive three cents per mile for going from and returning to his place of residence or usual place of business or employment, whichever is nearer, to the place where he is to appear as a witness, unless suitable transportation is provided without 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 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 Federated States of Micronesia (Annotated) is hereby amended to read as follows:

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

(1) Any court may authorize the commencement, prosecution, or defense of any case, action, or proceeding, civil or criminal, or any appeal therein, without prepayment of fees for serving of process, jury fees, witness fees, or filing fees, or giving security therefore by a permanent resident of the Federated States of Micronesia who makes a statement under oath that he is unable to pay such fees or give security therefor. This statement under oath shall state the nature of the case, action, or proceedings, defense, or appeal, and that the person making the statement

believes that he is entitled to relief.

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

(3) The court may dismiss the case, action, or proceeding if the statement that the person is unable to pay fees is untrue, or if the court is satisfied that the case, action, or proceeding is malicious or has no substantial basis.

(4) The court before whom any criminal case is pending or a judge thereof may order at any time that a witness summons be issued and served without prepayment of fees upon request of an accused who cannot pay witness fees. The request shall be supported by a statement under oath in which the accused shall state the name and address of each witness and the testimony which he is expected by the accused to give if summoned, and shall show that the evidence of the witness is material to the defense, that the accused cannot safely go to the trial without the witness, and that the accused is actually unable to pay the fees of the witness. If the court or judge orders the witness summons to be issued and served without prepayment of

fees the fees of the witness so summoned shall be paid in the same manner in which similar fees are paid in case of a witness summoned on behalf of the Government.

(5) In the event that a court authorizes a party to proceed without payment of fees pursuant to this section, the director of Court Administration of the Supreme Court shall pay all fees which would otherwise be due under subsection (3) of section 1015 of this chapter to the court reporter or other person who prepares a transcript. Such payment shall be made from funds appropriated for the operation of the judiciary and allocated to the State in which the proceeding appealed from was held."

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

"Section 1015. Schedule of court fees.

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

(1) Filing fees in civil actions.

(a) for filing of notice of appeal to the Appellate Division of the Supreme Court, five dollars;

(b) for filing of notice of appeal from the State

court to the Trial Division of the Supreme Court, one dollar;

(c) for trial in the Trial Division of the Supreme Court, two dollars and fifty cents;

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

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

(f) for filing of complaint in a State court or community court under the small claims judgment, fifty cents;

(g) for filing of complaint in the Trial Division of the Supreme Court, one dollar.

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

(3) Transcripts of evidence and notes of hearing. For a transcript of evidence in case of appeal from the Trial Division of the Supreme Court in either criminal or civil cases, one dollar per page, or part thereof, for the original and two copies ordered at the same time, and fifty cents per page, or part thereof, for each additional copy ordered at the same time. Any party

desiring to raise an issue on appeal from the Trial Division to the Appellate Division of the Supreme Court depending on the whole or any part of the evidence, shall order at his own expense an original and not less than two copies of the transcript of evidence, the original for the court, one copy for the party ordering the transcript, and one copy for each of the opposite parties."

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

"Section 1016. Disposition of court fees.

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

(2) All court fees collected by any clerk of courts under subsections (1) or (2) of section 1015 of this chapter, or received by him from any community court, shall be remitted monthly or as more often as may be directed by the Chief Justice, to the Secretary of Finance and Administration through the State finance officer.

(3) All court fees collected by any clerk of courts

under subsection (3) of section 1015 of this chapter shall be paid to the court reporter or other person who prepares the transcript, in addition to the regular compensation provided to such reporter or other person."

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

"Section 1017. Allocation of costs.

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

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

"Section 1021. Court fines.

All fines imposed by any court shall be paid into the

Treasury of the Federated States of Micronesia; except that any fine imposed by any court under the authority of any State or municipal law shall be paid into the treasury of the jurisdiction which enacted the law."

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

"Section 1022. Civil fines.

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

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

Section 31. Section 1402 of title 6 of the Code of the Federated States of Micronesia (Annotated) is hereby repealed in

its entirety.

Section 32. Section 1403 of title 6 of the Code of the Federated States of Micronesia (Annotated) is hereby amended to read as follows:

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

(1) Judgment for any form of relief other than the payment of money, after the time for appeal therefrom has expired without notice of appeal being filed or after any appeal duly taken has been finally determined or after an order has been entered that an appeal shall not stay the judgment, may be enforced by contempt proceedings; provided, that enforcement at such time is required to prevent irreparable injury or multiple damage to the interests of the winning party and is otherwise in the interests of justice.

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

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

"Section 1404. Other methods of enforcement. Enforcement of judgment may also be effected, if the Trial Division of the Supreme Court deems justice requires and so orders by the appointment of a receiver, or receivers, by taking possession of personal property and disposing of it in accordance with the orders of the Court, or by a civil action on the judgment, or in any other manner known to American common law or common in courts in the United States, except that no real property or interest therein shall be subject to an order or action under this section."

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

"Section 1405. Writs of attachment.

(1) Writs of attachment shall be issued by the Trial Division of the Supreme Court only for special cause shown, supported by statement under oath. Such writs when so issued shall authorize and require the chief of police, any policeman, or other person named therein, to attach and safely keep so much of the personal property of the person against whom the writ is issued as will be sufficient to satisfy the demand set forth in the action, including interest and costs. The chief of police, policeman, or other person named in the writ

shall not attach any personal property which is exempt from attachment, any kinds or types of personal property which the Court may specify in the writ, nor any real property or interest therein.

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

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

"Section 1406. Release and modification.

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

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

"Section 1408. Levying execution.

Every chief of police, policeman, or other person duly authorized receiving a writ of execution issued by the Trial Division of the Supreme Court, shall levy or cause a chief of police or policeman to levy execution as follows:

(1) Demand of payment—Seizure of personal property. He shall demand of the person against whom the execution is issued, if he may be found within the State where the levy is being attempted, that the person pay the execution or exhibit sufficient property subject to execution. If such person has property of a kind exempt from execution but to an amount exceeding the exemption, he may select the portion of this property provided by law which he desires to retain under the exemption, providing he makes this selection known promptly to the person making the levy. Otherwise, the person making the levy shall make the selection. If the person against whom the execution is issued does not pay the execution in full, including interest and costs and expenses thereof, the person making the levy shall take into his possession property of the person against whom the execution is issued, not exempt from execution, sufficient in his opinion to cover the amount of the execution. He shall take first any property under attachment in the action in which the execution was

issued; next, property, if any, indicated by the person against whom the execution was issued. He may, if he thinks best, remove the property to a safe place, or place a caretaker in charge of it. He shall make a list of the property levied upon. No real property or interest therein shall be levied upon.

(2) Notice of sale. The person making the levy shall, after levy, give public notice of the sale at least seven days in advance of the time and place of sale, as required by the laws of the State in which the levy was made, by posting a written notice of the sale in a conspicuous place, and must notify the person against whom the execution is issued, or notify any agent who had custody of the property levied upon at the time of levy.

(3) Sale—Procedure—Disposition of proceeds. The person making the levy on the day and at the place set for the sale, unless payment has been made of the amount of the judgment and interest and the costs and expenses in connection with the levy, shall sell the property levied upon at public auction to the highest bidder. Sale of property shall not include any real property. He shall deduct from the proceeds of the sale sufficient money for the full payment of his fees and expenses, and shall then pay the person in whose favor the execution

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

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

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

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

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

"Section 1410. Orders in aid of judgment—Hearings.

(1) At the hearing provided by section 1409 of this chapter, the debtor may be examined orally before the Court, or the Court may refer the examination to a master to take evidence and report his findings. In either case any evidence properly bearing on the question may be introduced by either party or by the Court or the master in the same manner as at the trial of a civil action. Upon having heard the evidence or having received the report of the master, the Court shall make such order in aid of judgment as is just for the payment of any judgment based on the finding.

(2) This order in aid of judgment may provide for the transfer of particular assets at a price determined by the Court, or for the sale of particular assets and payment of the net proceeds to the creditor, or for payments, in specified installments on particular dates or at specified intervals, or for any other method of payment which the Court deems just. The Court shall not order the sale of real property or any interest therein;

however, the Court may order that rent payments or the proceeds from a lease be transferred as the Court deems just."

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

"Section 1414. Orders in aid of judgment—Application to a State court.

A judgment creditor who has obtained an execution may, instead of applying to the court in which the action was tried, apply for an order in aid of judgment to the State court within whose jurisdiction the judgment debtor lives or has his usual place of business or employment or where the real property or personal property of the judgment debtor is located. The court so applied to shall then proceed, according to applicable state law and state rules of procedure, with notice to the opposing party, hearing, determination, and the issuance of such order in aid of judgment as it deems just."

Section 39. Section 1415 of title 6 of the Code of the Federated States of Micronesia (Annotated) is hereby amended to read as follows:

"Section 1415. Exemptions.

The following described property shall be exempt from

attachment and execution:

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

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

(3) Land and interests in land. All exemptions for land and interests in land are governed by the law of the State where the land is located. The process for attaching, executing on an order in aid of judgment, or otherwise levying upon land or an interest in land is governed by the law of the State where the land is located."

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

"Section 1501. Authority of courts to render.

In a case of actual controversy within its jurisdiction, the Supreme Court, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such

declaration, whether or not further relief is or could be sought. The Supreme Court shall not declare the rights or legal relations between any parties regarding real property or any interest therein. Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such. Further necessary or proper relief based on a declaratory judgment or decree may be granted, after reasonable notice and hearing, against any adverse party whose rights have been determined by such judgment."

Section 41. Section 1502 of title 6 of the Code of the Federated States of Micronesia (Annotated) is hereby amended to read as follows:

"Section 1502. Conciliation jurisdiction.

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

(2) Such a request shall be made in the State or community court within whose territorial jurisdiction the other party or the largest number of the other parties live or have their usual places of business or employment.

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

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

"Section 1503. Power to grant writs of habeas corpus. Writs of habeas corpus may be granted by the Trial Division of the Supreme Court or any judge authorized to be assigned by the Chief Justice in the Appellate Division of the Supreme Court. Every person unlawfully imprisoned or restrained of his liberty under any pretense whatsoever, or any person on behalf of an unlawfully imprisoned individual, may apply for a writ of habeas corpus to inquire into the cause of such imprisonment or restraint."

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

"Section 1504. Application for writ.

Application for the writ of habeas corpus shall be made

to a court or judge authorized to issue the same, or to a judge of a State court or a clerk of courts, by a written statement under oath signed by the party for whose relief it is intended, or by some person in his behalf. It shall set forth the facts concerning the imprisonment or restraint of the person for whose relief it is intended, and, if known, the name of the person who has custody over him, and by virtue of what claim or authority the restraint or imprisonment is being practiced."

Section 44. Section 1505 of title 6 of the Code of the Federated States of Micronesia (Annotated) is hereby amended to read as follows:

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

If the application for a writ of habeas corpus is made to a clerk of courts, the clerk shall immediately bring the application to the personal attention of a court or judge authorized to issue the writ, or a judge of the State court."

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

"Section 1507. Preliminary examination and recommendation by State court judge.

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

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

"Section 1508. Issuance or denial of writ.

A court or judge hearing the application for a writ of habeas corpus, and authorized to issue the writ, shall, without delay or formality, determine the facts, grant the writ unconditionally, deny the writ, or grant the writ on terms fixed by the court and discharge the person for whose relief the application has been brought, or make any order as to his disposition that law and justice may require. The court or judge authorized to issue the writ and receiving the report and recommendations of a judge of a State court as provided in section 1507 of this chapter, may act upon the matter, by dispatch or other speedy method, on the basis of the State court judge's report, or may order

such further hearing or the submission of such further evidence as he deems law and justice require, and the clerk of courts of the State in which the matter is pending shall take such action in the matter as the judge or court may direct."

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

"Section 1510. Appeals.

In a habeas corpus proceeding in which the final order is made by the Trial Division of the Supreme Court or a Judge thereof, the final order shall be subject to appeal to the Appellate Division of the Supreme Court, provided notice of appeal is filed within 30 days after entry of the final order. The Court or Judge issuing the final orders may in its or his discretion stay execution of the order, admit the person imprisoned or restrained to bail pending action by the Appellate Division of the Supreme Court, or direct that the final order take effect pending such action or without waiting for the time for filing such notice of appeal to expire."

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

"Section 1611. Jurisdiction of the Supreme Court.

The Supreme Court shall have concurrent jurisdiction with the State courts to grant any adoption, and with the community and State courts to grant any annulment or divorce authorized under this chapter, and may, for cause shown, order any proceeding in annulment, divorce, or adoption pending before another court transferred to the Supreme Court for disposition. Proceedings in annulment, divorce, or adoption in the Supreme Court may be filed in any State within which the matter might have been handled by a community court or a State court."

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

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

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

(2) Except as otherwise expressly provided by this

chapter, annulment, divorce, and adoption proceedings shall be governed by the provisions of law and rules of civil procedure applicable to civil actions."

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

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

When an annulment, divorce, or adoption has been effected in the Federated States of Micronesia in accordance with recognized custom and the validity thereof is questioned or disputed by anyone in such a manner as to cause serious embarrassment to or affect the personal property rights of any of the parties or their children, any party thereto or any of his children may bring a petition in the Supreme Court for a decree confirming the annulment, divorce, or adoption effected in accordance with recognized custom. Such a petition shall be signed and sworn to by the petitioner personally, and shall be filed in the State where the annulment, divorce, or adoption was effected. If, after notice to all parties still living and a hearing, the Court is satisfied that the annulment, divorce, or adoption alleged is valid in accordance with recognized

custom in the part of the Federated States of Micronesia where it was effected, the Supreme Court shall enter a decree confirming the annulment, divorce, or adoption and may include in this decree the date it finds the annulment, divorce, or adoption was absolute until the period for appealing has expired without any appeal having been filed or until any appeal taken shall have been filed or until any appeal taken shall have been finally dispatched."

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

"Section 1616. Age of majority.

All persons, whether male or female, residing in the Federated States of Micronesia, who shall have attained the age of eighteen years shall be regarded as of legal age and their period of minority to have ceased."

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

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

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

In granting or denying an annulment or a divorce, the Supreme Court may make such orders for custody of minor children for their support, for support of either party, and for the disposition of either or both parties' interest in any personal property in which both have interests, as it deems justice and the best interests of all concerned may require. The court may not dispose of real property or any interest therein. While an action for annulment or divorce is pending, the court may make temporary orders covering any of these matters pending final decree. Any decree as to custody or support of minor children or of the parties shall be subject to revision by the court at any time upon motion of either party and such notice, if any, as the court deems justice requires."

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

"Section 1624. Annulment-Residency requirements.

No annulment shall be granted unless one of the parties shall have resided in the Federated States of Micronesia for the three months immediately preceding the filing of the complaint."

Section 55. Section 1627 of title 6 of the Code of the Federated States of Micronesia (Annotated) is hereby amended to

read as follows:

"Section 1627. Divorce-Residency requirements.

No divorce shall be granted unless one of the parties shall have resided in the Federated States of Micronesia for the two years immediately preceding the filing of the complaint."

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

"Section 1631. Competency of State courts and Supreme Court.

An adoption authorized under this subchapter may be granted by any State court within whose territorial jurisdiction the person or persons requesting the adoption reside or within whose jurisdiction the child resides, or by the Trial Division of the Supreme Court in such jurisdiction."

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

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

(1) No adoption shall be granted under this subchapter without the child proposed for adoption appearing before the court, and the adoption shall be

granted only if the court is satisfied that the interests of the child will be promoted thereby.

(2) Whenever an adoption petition is filed by a person who is not a citizen of the Federated States of Micronesia for the adoption of a Micronesian child who is either under the age of twelve years or not the petitioner's stepchild, the court shall:

(a) determine, after reasonable inquiry, whether any member of the child's immediate or extended family residing in the Federated States of Micronesia, or any other Federated States of Micronesia citizen residing in the State of the Federated States of Micronesia in which the petition is brought, is willing, able, and suitable to adopt the child;

(b) give preference in the adoption of a Micronesian child to a Federated States of Micronesia citizen whenever practicable;

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

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

(e) not grant the adoption unless the petitioner has resided in the Federated States of Micronesia for at

least three years prior to the filing of the petition.

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

(4) The term "Micronesian child," as used in this section, shall mean a child born in the Federated States of Micronesia, one or both of whose parents is a Federated States of Micronesia citizen."

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

"Section 1712. Definitions.

For the purposes of this chapter:

(1) "Court" means the Trial Division of the Supreme Court of the Federated States of Micronesia, and when the context requires means the court of any State as defined in a substantially similar reciprocal law.

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

(3) "Duty of support" means a duty of support whether imposed or imposable by law or by order, decree, or

judgment of any court, whether interlocutory or final or whether incidental to an action for divorce, separation, separate maintenance, or otherwise, and includes the duty to pay arrearages of support past due and unpaid.

(4) "Governor" includes the President of the Federated States of Micronesia and any person performing the functions of Governor or the executive authority of any State covered by this chapter.

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

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

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

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

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

(10) "Registering court" means any court of the Federated States of Micronesia in which a support order of a rendering State is registered.

(11) "Rendering State" means a State in which the court has issued a support order for which registration is sought or granted in the court of another State.

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

(13) "State" includes a State, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Federated States of Micronesia, and any foreign jurisdiction in which this or a substantially similar reciprocal law is in effect.

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

Section 59. Section 1714 of title 6 of the Code of the

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

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

Duties of support arising under the law of the Federated States of Micronesia, when applicable under this code, bind the obligor present in the Federated States of Micronesia regardless of the presence or residence of the obligee."

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

"Section 1721. Interstate rendition—Authority of President.

The President of the Federated States of Micronesia may:

(1) demand of the Governor of another State the surrender of a person found in that State who is charged criminally in the Federated States of Micronesia with the failure to abide by an order of a court ordering him to provide for the support of any person; or

(2) surrender on demand by the Governor of another State a person found in the Federated States of Micronesia who is charged criminally in that State with failing to provide for the support of any person.

Provisions for extradition of criminals not inconsistent

with this chapter apply to the demand even if the person whose surrender is demanded was not in the demanding State at the time of the commission of the crime and has not fled therefrom. The demand, the oath, and any proceedings for extradition pursuant to this section need not state or show that the person whose surrender is demanded has fled from justice or that at the time of the commission of the crime said person was in the demanding State."

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

"Section 1722. Interstate rendition—Investigations of circumstances.

(1) Before making the demand upon the Governor of another State for the surrender of a person charged criminally in the Federated States of Micronesia with the failure to abide by an order of a court ordering him to provide for the support of a person, the President of the Federated States of Micronesia may require the Attorney General of the Federated States of Micronesia to satisfy him that at least sixty days prior thereto the obligee initiated proceedings for support under this chapter or that any such proceeding would be of no avail.

(2) If, under a substantially similar act, the Governor of another State makes a demand upon the President of the Federated States of Micronesia for the surrender of a person charged criminally in that State with failure to provide for the support of a person, the President may require the Attorney General to investigate the demand and to report to him whether proceedings for support have been initiated or would be effective. If it appears to the President that a proceeding would be effective but has not been initiated, he may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

(3) If proceedings have been initiated, and the person demanded has prevailed therein, the President may decline to honor the demand. If the obligee prevailed and the person demanded is subject to a support order, the President may decline to honor the demand if the person demanded is complying with the support order."

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

"Section 1734. Jurisdiction.

Jurisdiction of any proceeding under this chapter is vested in the Trial Division of the Supreme Court."

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

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

"Section 1736. Attorney General to represent obligee. If the Federated States of Micronesia is acting as an initiating State, the Attorney General or his representative, upon the request of the court, shall represent the obligee in any proceeding under this chapter."

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

"Section 1739. Costs and fees.

An initiating court shall not require payment of either a filing fee or other costs from the obligee but may request the responding court to collect fees and costs from the obligor. A responding court shall not require payment of a filing fee or other costs from the obligee but it may direct that all fees and costs requested by the initiating court and incurred in the Federated States of Micronesia when acting as a responding State,

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

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

"Section 1740. Jurisdiction by arrest.

If a court of the Federated States of Micronesia believes that the obligor may flee, it may:

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

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

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

"Section 1741. Information agency; Efforts of Attorney

General to locate obligors.

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

(a) compile a list of the courts and their addresses in the Federated States of Micronesia having jurisdiction under this chapter and transmit the same to the State information agency of every other State which has adopted this or a substantially similar law;

(b) maintain a register of such lists of courts received from other States and transmit copies thereof promptly to every court in the Federated States of Micronesia having jurisdiction under this chapter;

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

(d) forward to the court in the Federated States of Micronesia which has jurisdiction over the obligor or his property petitions, certificates, and copies of the act it receives from courts or information agencies of other States.

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

he may deem appropriate."

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

"Section 1742. Duties of the Court and officials of the Federated States of Micronesia as responding State—Prosecution of case.

(1) After the responding Court receives copies of the complaint, certificate, and act from the initiating court, the Clerk of Courts shall docket the case and notify the State Attorney of his action.

(2) The State Attorney shall prosecute the case diligently. He shall take all action necessary in accordance with the laws of the Federated States of Micronesia to enable the Court to obtain jurisdiction over the obligor or his property and shall request the Clerk of Courts to set a time and place for a hearing and give notice thereof to the obligor in accordance with law."

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

"Section 1743. Duties of the Court and officials of the Federated States of Micronesia as responding State—Location of obligors.

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

(2) If the obligor or his property is not found in the State, and the State Attorney discovers that the obligor or his property may be found in another State of the Federated States of Micronesia or in another State, he shall so inform the Court. Thereupon the Clerk of Courts shall forward the documents received from the Court in the initiating jurisdiction to a court in the other State or to the information agency or other proper official of the other State with a request that the documents be forwarded to the proper court. All powers and duties provided by this chapter apply to the recipient of the documents so forwarded. If the clerk of a court of the Federated States of Micronesia forwards documents to another court, he shall forthwith notify the initiating court.

(3) If the State Attorney has no information as to the location of the obligor or his property, he shall so

inform the initiating court."

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

"Section 1746. Testimony of husband and wife.

Laws attaching a privilege against the disclosure of communications between husband and wife are inapplicable to proceedings under this chapter. Husband and wife are competent witnesses and may be compelled to testify to any relevant matter including marriage and parentage, the provisions of section 1301 of this title and rule 28 of the Federated States of Micronesia rules of evidence notwithstanding."

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

"Section 1747. Rules of evidence.

In any hearing for the civil enforcement of this chapter the Court is governed by the rules of evidence set forth in chapter 13 of this title and in the Federated States of Micronesia rules of evidence, except as otherwise provided in this chapter. If the action is based on a support order issued by another court, a certified copy of the order shall be received as evidence of the duty of support, subject only to any defenses available to an

obligor with respect to paternity as set forth in section 1751 of this chapter or to a defendant in an action or a proceeding to enforce a foreign money judgment. The determination or enforcement of a duty of support owed to one obligee is unaffected by any interference by another obligee with rights of custody or visitation granted by a court."

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

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

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

(2) The Court and State Attorney of any State of the Federated States of Micronesia in which the obligor is present or has property shall have the same powers and duties to enforce the order as have those of the State in which it was first issued. If enforcement is impossible or cannot be completed in the State in which the order was issued, the State Attorney shall send a

certified copy of the order to the State Attorney of any State in which it appears that proceedings to enforce the order would be effective. The State Attorney to whom the certified copy of the order is forwarded shall proceed with enforcement and report the results of the proceedings to the court first issuing the order."

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

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

A support order made by a court of the Federated States of Micronesia pursuant to this chapter does not nullify and is not nullified by a support order made by a court of another State pursuant to a substantially similar act or any other law, regardless of priority of issuance, unless otherwise specifically provided by the court. Amounts paid for a particular period pursuant to any support order made by a court of another State shall be credited against the amounts accruing or accrued for the same period under any support order made by a court of the Federated States of Micronesia."

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

"Section 1757. Interstate application.

This chapter applies if both the obligee and the obligor are in the Federated States of Micronesia but in different States. If the court of the State in which the complaint is filed finds that the complaint sets forth facts from which it may be determined that the obligor owes a duty of support and finds that a court of another State in the Federated States of Micronesia may obtain jurisdiction over the obligor or his property, the clerk of courts shall send the complaint and a certification of the findings to the court of the State in which the obligor or his property is found. The clerk of courts of the State receiving these documents shall notify the State Attorney of their receipt. The State Attorney and the court in the State to which the copies are forwarded then shall have duties corresponding to those imposed upon them when acting for the Federated States of Micronesia as a responding State."

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

"Section 1758. Appeals.

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

(1) perfect an appeal to the proper appellate court if the support order was issued by a court of the Federated States of Micronesia; or

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

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

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

(1) The Trial Division of the Supreme Court, or any State court, may, after hearing, commit an insane person within its jurisdiction to any hospital for the care and keeping of the insane in the Federated States of Micronesia, or if the court deems best, to a member of the insane person's family lineage or clan, who may thereafter restrain the insane person to the extent necessary for his own safety and that of the public.

(2) Such commitment of an insane person shall be made only on the testimony of two or more witnesses who personally testify in open court and at least one of whom is a doctor of medicine or medical practitioner authorized to practice medicine in the Federated States

of Micronesia. Before testifying, the medical witness shall have personally examined the person sought to be committed, and shall establish to the satisfaction of the court that the person is insane.

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

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

Section 77. Section 1803 of title 6 of the Code of the Federated States of Micronesia (Annotated) is hereby amended to read as follows:

"Section 1803. Commitment of incompetents—Temporary commitments.

(1) The Trial Division of the Supreme Court, any State court, or any community court, may, after hearing, commit for observation of possible mental illness any person within its jurisdiction. Such commitment shall be made only after testimony presented personally in open

court has been received from at least one doctor or medical practitioner authorized to practice medicine in the Federated States of Micronesia, or from a nurse, health aide, or nurse's aide, who has personally examined the person sought to be committed, indicating to the satisfaction of the court that the public welfare or the interest of the person demands such commitment; provided, that the court shall, whenever practicable, endeavor to secure the testimony of a doctor or medical practitioner.

(2) Such commitment for observation may be to any person or institution willing to accept the patient, and shall only authorize the patient's detention for a period of not more than thirty days if the services of a doctor or medical practitioner are reasonably available. If such services are not reasonably available, commitment for observation may authorize the patient's detention until he may be brought to a doctor or medical practitioner or until a doctor or a medical practitioner visits the community in which the patient is detained, and for not more than thirty days thereafter. Notice of each such commitment for observation shall be sent by the court making the commitment to the State director of health services by the quickest means practicable."

Section 78. Section 1804 of title 6 of the Code of the

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

"Section 1804. Commitment of incompetents—Transfers. Any person committed under this chapter may be transferred to any institution deemed suitable for his care by order of the director of Health Services for the Federated States of Micronesia or, within any one State, by the state director of health services."

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

"Section 1805. Commitment of incompetents—Release.

(1) By the court. The husband, wife, parent, or child, or any of the next of kin as determined by local custom of any person committed for observation or as insane under this chapter, may at any time petition the Trial Division of the Supreme Court or the State court of the State where the patient is detained, requesting that the commitment be terminated or the patient paroled, and the court may, after notice to the State director of health services and to the person in charge of the hospital or other place where the patient is detained, and after public hearing, make such order for the release of the patient or his parole under limited supervision or under specified conditions, if any, as it

deems appropriate.

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

(a) upon filing with the clerk of courts in the State in which the hospital is located a written certificate by the doctor in charge that such patient is considered to be recovered, and airmailing a copy of this certificate, postage prepaid, to the clerk of courts of the State from which the patient was committed, if he was committed in another State.

(b) upon filing with the clerk of courts of the State in which the hospital is located a written certificate by the doctor in charge that such patient, while not recovered, is considered in remission and is not deemed dangerous to himself or others and is not likely to become a public charge, and airmailing a copy of this certificate, postage prepaid, to the clerk of courts of the State from which the patient was committed, if he was committed in another State.

(c) upon transfer of such patient to an institution for care of mental cases outside of the

Federated States of Micronesia.

(3) Temporary leave of absence. The doctor in charge of any hospital for the insane in the Federated States of Micronesia may permit leave of absence for a stated period to any of his hospital patients, under conditions that are satisfactory to the doctor, when in his judgment absence on leave will not be detrimental to the public welfare and will be of benefit to such patient. The doctor in charge of the hospital for the insane from which a patient is absent on leave may, even before the period stated in the leave has expired, terminate the leave and authorize and direct the physical return of such patient to the hospital whenever in the judgment of the doctor the return of the patient would be in the best interest of the public and the patient.

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

Section 80. Title 6 of the Code of the Federated States of Micronesia (Annotated) is hereby amended by adding a new section

1901, within a new chapter 19, to read as follows:

"Section 1901. Statutory interpretation.

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

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

October 27, 2026

/s/ Wesley W. Simina
Wesley W. Simina
President
Federated States of Micronesia