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CNMI SUPERIOR COURT
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For Publication

**IN THE SUPERIOR COURT
OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

IN THE MATTER OF ADOPTION OF) **FCD-AD CIVIL ACTION NO. 08-0152(R).**
R.N.D.,)
A MINOR CHILD,)
BY FRANCISCO MARATITA TAISACAN) **ORDER DENYING ADOPTION**
AND JUANITA MUNDO TAISACAN,) **PETITIONERS.**

THIS MATTER came on for hearing May 9, 2008 on petitioner's motion for adoption. Petitioners were present and represented themselves in Court. Having carefully considered the evidence and arguments presented at the hearing the Court hereby denies the petition for adoption of the minor child R.N.D. The Court denies the petition because the minor child has not been present in this jurisdiction since 2002 and the Court does not think it proper to divest the Nevada courts of their rightful jurisdiction over this adoption proceeding.

In order for this Court to grant the petition for adoption the petitioners must satisfy a list of criteria. While the petitioners correctly submitted documentation, petitions, and consent of the natural parents they did not sufficiently explain the child's absence from this jurisdiction for the last 5 years. If the child currently resided in the CNMI and had done so for the last five years the Court would have granted the petition. However an absence of five years is an extended length of time for the child to have been absent from the jurisdiction. This Court does not want to set a precedent of granting adoptions over children who no longer are present nor reside in the jurisdiction.

Had this case been brought before a Nevada court (the appropriate jurisdiction as that is the residence of the minor child), and the Nevada court had deferred to the CNMI courts then this petition would have been granted. As this petition stands now this Court can not grant the petition for adoption based on the evidence presented by the parties at the hearing. The minor child has been

1 living with her siblings in Nevada for the past five years and has surely developed strong familial
2 bonds where she is currently residing. The Court does not think it would be in the best interest of
3 the child to remove her from her siblings and the life she has known for the last five years in order
4 to give her grandparents parental rights. Additionally the Court was not given an opportunity to
5 speak with the child to determine if this adoption comported with her desires and interests. On the
6 basis that the Court can not exercise jurisdiction over someone who has been so long absent as well
7 as the Court's determination that this adoption would not be in the best interests of the child this
8 petition for adoption is hereby denied.

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11 So Ordered this 19th day of May, 2008.

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14 /s/ _____

15 JUAN T. LIZAMA, Associate Judge
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