

NATIONAL FRAMEWORK ON EARLY CHILDHOOD 21 PNC ' 706

REPUBLIC OF PALAU

TITLE 21 DOMESTIC RELATIONS

Chapter 1 General Provisions

- § 101. Proceedings for annulment, divorce, or adoption; petitions.
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- § 103. Same; local custom recognized.
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§ 101. Proceedings for annulment, divorce, or adoption; petitions.

(a) All proceedings for annulment, divorce, or adoption shall be commenced by petition signed and sworn to by the petitioner or petitioners personally, except that the Court of Common Pleas may accept an oral petition under oath if it deems best.

(b) The petition shall set forth sufficient facts as to the residence of the parties to show jurisdiction.

(c) A petition for annulment or divorce shall, so far as practicable, include:

(1) The date and place of marriage of the parties;

(2) The cause for the annulment or divorce;

(3) The approximate date and place where the cause of annulment or divorce occurred if the cause consists of individual acts, otherwise sufficient details as to cause to identify with reasonable certainty the facts relied upon; and

(4) A statement as to any prior application which is known to have been made by either party for annulment or divorce of the marriage in question or for separation under it, in this or any other jurisdiction, and the result of such application, if known.

(d) Service of petitions filed under this section shall be made upon any respondent or respondents in the manner provided by law for service of complaints. In such cases, any respondent or respondents shall be accorded such time to file an answer to the petition as may be provided by law for filing an answer to a complaint.

Source

39 TTC § 2, § 2(3), divided into subsections and section modified.

§ 102. Same; appeal and review.

(a) All decrees for annulment, divorce, or adoption under this title shall be subject to appeal, and no such decree shall become absolute or affect the legal status of the parties until the period for appeal has expired without any appeal having been filed or until any appeal taken shall have been finally dispatched.

(b) Except as otherwise expressly provided by this title, annulment, divorce and adoption proceedings shall be governed by the provisions of law and the Courts of Republic of Palau Rules of Civil Procedure applicable to civil actions.

Source

(Code 1966, § 713.) 39 TTC § 3, modified.

§ 103. Same; local custom recognized.

Nothing contained in this title, except for the provisions of section 104 of this chapter, shall apply to any annulment, divorce, or adoption effected in accordance with local custom, nor shall any restrictions or limitations be imposed upon the granting of annulments, divorces, or adoptions in accordance with local custom.

Source

(Code 1966, § 714.) 39 TTC § 4.

§ 104. Same; confirmation in accordance with recognized custom.

(a) When an annulment, divorce, or adoption has been effected in the Republic 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 property rights of any of the parties or their children, any party thereto or any of his children may bring a petition in the Trial Division of 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.

(b) 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 Republic, the court shall enter a decree confirming the annulment, divorce, or adoption. The court 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

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have been filed, or until any appeal taken shall have been finally dispatched.

Source

(Code 1966, § 715; P.L. No. 4C-56, § 3.) 39 TTC § 5, divided into subsections and modified.

§ 105. Age of majority.

All persons, whether male or female, residing in the Republic, who shall have attained the age of 18 years shall be regarded as of legal age and their period of minority to have ceased.

Source

39 TTC § 6, modified.

Chapter 2 Marriage

§ 201. Marriage between two noncitizens or noncitizen and citizen; requisites of marriage contract.

§ 202. Same; license.

§ 203. Same; ceremony.

§ 204. Marriage between citizens.

§ 205. Records; certificates; register; forms.

§ 201. Marriage between two noncitizens or noncitizen and citizen; requisites of marriage contract.

In order to make valid the marriage contract between two noncitizens or between a noncitizen and a citizen of the Republic, it shall be necessary that:

(a) the male at the time of contracting the marriage be at least 18 years of age and the female at least 16 years of age, and if the female is less than 18 years of age she must have the consent of at least one of her parents or her guardian;

(b) neither of the parties has a lawful spouse living; and

(c) a marriage ceremony be performed by a duly authorized person as provided in this chapter.

Source

(Code 1966, § 690.) 39 TTC § 51, modified.

§ 202. Same; license.

(a) The President or his designee is authorized to grant a license for marriage between two noncitizens or between a noncitizen and a citizen of the Republic. Upon the filing of an application for such a license, the President or his designee shall collect from the parties making the application the sum of \$100.00, to be remitted to the National Treasury.

(b) In order to obtain a license to marry, the parties shall file with the President an application in writing setting forth as to each party: his or her full name, age, citizenship, residence, occupation (if any), whether previously married, and the manner of dissolution of such prior marriage or marriages. If the statements in the application are satisfactory and it appears that the parties are free to marry, the President shall issue to the parties a license to marry.

(c) Nothing in this section shall be construed to prevent the issuance of a license to marry to two citizens of the Republic.

Source

(Code 1966, § 691.) 39 TTC § 52, 52(2) divided into new subsections (b) and (c), as amended by RPPL 3-16 § 1, modified.

§ 203. Same; ceremony.

The presence of at least two witnesses is required for the celebration of a marriage between two noncitizens or between a noncitizen and a citizen. The marriage ceremony shall be performed in the Republic. The marriage rite may be performed and solemnized by an ordained minister, a judge [or] justice, the President, or by any person authorized by law to perform marriages, upon presentation to him of a license to marry as prescribed in section 202 of this chapter. The person solemnizing a marriage may receive a fee to be stipulated by the parties, or the gratification tendered to him.

Source

(Code 1966, § 692.) 39 TTC § 53, modified.

§ 204. Marriage between citizens.

Marriage contracts between parties, both of whom are citizens of the Republic, solemnized in accordance with recognized custom, shall be valid. A notice of such marriage, showing the names and addresses of the persons married, their ages and the date of marriage, shall be sent to the Clerk of Courts, who shall, upon receipt thereof, record the same in the marriage register.

Source

(Code 1966, § 694.) 39 TTC § 55, modified.

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§ 205. Records; certificates; register; forms.

(a) It shall be the duty of every person authorized to perform marriages:

(1) to make and preserve a record of every marriage performed by him, regardless of the citizenship of the parties, showing the names of the persons married, their places of residence, and the date of marriage; and

(2) to deliver to the bride immediately after the ceremony a certificate of the record of such marriage, signed by him, two witnesses (if there were as many as two), and the persons married.

(b) Not later than 10 days after the ceremony, the person authorized to perform the marriage shall send a copy of the marriage certificate to the Clerk of Courts to be recorded in the marriage register.

(c) Forms issued by the President for such marriage certificates shall be used when available, but lack of such forms shall not excuse failure to provide the bride with the certificate and the Clerk of Courts with the copy required above in substantially the same form, and containing the same information as in the forms issued by the President.

Source

(Code 1966, § 693.) 39 TTC § 54, divided into subsections and modified.

Chapter 3 Annulment and Divorce

Subchapter I General Provisions

§ 301. Competency of courts.

§ 302. Orders for custody, support and alimony.

§ 303. Effect of decree.

§ 301. Competency of courts.

An annulment or a divorce authorized by this chapter may be granted by any court within whose jurisdiction either of the parties has resided for three months immediately prior to the filing of the complaint.

Source

(Code 1966, § 702.) 39 TTC § 101, modified.

§ 302. Orders for custody, support and alimony.

In granting or denying an annulment or a divorce, the 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 property in which both have interests, as it deems justice and the best interests of all concerned may require. 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.

Source

(Code 1966, § 704.) 39 TTC § 103.

§ 303. Effect of decree.

The effect of a decree of annulment or divorce when it has become absolute shall be to restore the parties to the state of unmarried persons so far as the marriage in question is concerned.

Source

(Code 1966, § 705.) 39 TTC § 104.

**Subchapter II
Annulment**

§ 311. Authorized; grounds.

§ 312. Residency requirements.

§ 313. Legitimacy of children.

§ 311. Authorized; grounds.

A decree annulling a marriage may be rendered on any ground existing at the time of the marriage which makes the marriage illegal and void or voidable. A court may, however, refuse to annul a marriage which has been ratified and confirmed by voluntary cohabitation after the obstacle to the validity of the marriage has ceased, unless the public interest requires that the marriage be annulled.

Source

(Code 1966, § 695) 39 TTC § 151.

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§ 312. Residency requirements.

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

Source

(Code 1966, § 696) 39 TTC § 152, modified.

§ 313. Legitimacy of children.

The children of a marriage annulled under this chapter shall be legitimate.

Source

(Code 1966, § 697) 39 TTC § 153, modified.

Subchapter III Divorce

§ 331. Grounds.

§ 332. Residency requirements.

§ 333. Forgiveness as defense.

§ 334. Procurement or connivance as defense.

§ 335. Child support.

§ 331. Grounds.

Divorces from marriage may be granted under this chapter for the following causes and no other:

(a) adultery.

(b) the guilt of either party toward the other of such cruel treatment, neglect or personal indignities, whether or not amounting to physical cruelty, as to render the life of the other burdensome and intolerable and their further living together unsupportable.

(c) wilful desertion continued for a period of not less than one year.

(d) habitual intemperance in the use of intoxicating liquor or drugs continued for a period of not less than one year.

(e) the sentencing of either party to imprisonment for life or for three years or more. After divorce for such cause, no pardon granted to the party so sentenced shall affect such divorce.

- (f) the insanity of either party where the same has existed for three years or more.
- (g) the contracting by either party of leprosy.
- (h) the separation of the parties for two consecutive years without cohabitation, whether or not by mutual consent.
- (i) wilful neglect by the husband to provide suitable support for his wife when able to do so or when failure to do so is because of his idleness, profligacy or dissipation.

Source

(Code 1966, § 698.) 39 TTC § 201.

§ 332. Residency requirements.

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

Source

(Code 1966, § 699.) 39 TTC § 202, modified.

§ 333. Forgiveness as defense.

(a) No divorce shall be granted where the ground for the divorce has been forgiven by the injured party. Such forgiveness may be shown by express proof or by the voluntary cohabitation of the parties with knowledge of the fact and restoration of the forgiving party to all marital rights. Such forgiveness implies a condition that the forgiving party must be treated with conjugal kindness.

(b) Forgiveness is revoked, and the original ground for divorce is revived, if the party forgiven commits an act constituting a like or other ground for divorce or is guilty of conjugal unkindness sufficiently habitual and gross to show that the conditions of forgiveness have not been accepted in good faith or have not been fulfilled.

Source

(Code 1966, § 700.) 39 TTC § 203, divided into subsections and modified.

§ 334. Procurement or connivance as defense.

No divorce for the cause of adultery shall be granted where the offense has been committed by the procurement or with the connivance of the plaintiff.

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Source

(Code 1966, § 701.) 39 TTC § 204.

§ 335. Child support.

(a) Any person legally married, either by law or in accordance with established custom, who causes such marriage to terminate, either on his own initiative or for any of the reasons enumerated in section 331, subsections (a), (b), (c), (d) or (i) of this title, shall provide support for each child of that marriage under 18 years of age, including offspring born of that union and children adopted legally or in accordance with established custom during the time of the marriage. The amount of money or the value of the goods for support shall be determined by a court of competent jurisdiction.

(b) Any biological parent of a child under 18 years of age shall provide support for that child unless the child is adopted legally or in accordance with established custom.

(c) If a child is too young to receive what is given for his support, then such support shall be given to the spouse or biological parent having custody of the child to use solely for the benefit of the child or to any other custodian selected by the court. Such custodian, as selected above, or the spouse or biological parent having custody of the child, shall be prohibited from using the support for his or her own benefit; such support is to be used solely for the benefit of the child.

(d) If a biological parent provides support for a child under this section, that parent shall have a corresponding right to visitation with the child.

(e) Nothing in this section shall nullify or alter any established custom for the payment of olmesumech or the provision of children's money (ududir ar ngalk), nor contradict the provisions of section 302 of this title.

Source

PDC § 402, divided into subsections and modified. Subsection (c) amended by RPPL 4-31 § 1.
Subsections (b) and (d) added by RPPL 4-31 § 1.

Chapter 4 Adoption

§ 401. Competency of court.

§ 402. Adoption by decree.

§ 403. Persons to be notified or consents to be obtained.

§ 404. Consent of child over 12 required.

§ 405. Appearance of child.

§ 406. Best interests of the child to control.

§ 407. Effect of decree.

§ 408. Rights and duties of adopting and natural parents.

§ 409. Inheritance rights of adopted child.

§ 401. Competency of court.

An adoption authorized under this chapter may be granted by any court within whose jurisdiction the person or persons requesting the adoption reside or within whose jurisdiction the child resides.

Source

(Code 1966, § 709; P.L. No. 4C-56, § 5.) 39 TTC § 251, modified.

§ 402. Adoption by decree.

(a) Any suitable person who is not married, or is married to the father or mother of a child, or a husband and wife jointly may by decree of court adopt a child not theirs by birth. The decree may provide for change of the name of the child. If the child is adopted by a person married to the father or mother of the child, the same rights and duties which previously existed between such natural parent and child shall be and remain the same, subject, however, to the rights acquired by and the duties imposed upon the adopting parent by reason of the adoption.

(b) The term "child," as used in this chapter and in section 104 of this title, shall refer to the parent-child relationship.

Source

(Code 1966, § 706.) 39 TTC § 252, modified.

§ 403. Persons to be notified or consents to be obtained.

No adoption shall be granted without either the written consent of, or notice to, each of the known living legal parents who has not been adjudged insane or incompetent or has not abandoned the child for a period of six (6) months.

Source

(Code 1966, § 707; P.L. No. 4C-56, § 6.) 39 TTC § 253, made into two sections and modified.

§ 404. Consent of child over 12 required.

Adoption of a child of over the age of twelve (12) years shall not be granted without the consent of the child.

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Source

(Code 1966, § 707; P.L. No. 4C-56, § 6.) 39 TTC § 253, made into two sections and modified.

§ 405. Appearance of child.

No adoption shall be granted under this title without the child proposed for adoption appearing before the court.

Source

(Code 1966, § 708.) 39 TTC § 254, made into two sections and modified.

§ 406. Best interests of the child to control.

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

Source

(Code 1966, § 708.) 39 TTC § 254, made into two sections and modified.

§ 407. Effect of decree.

After a decree of adoption has become absolute, the child adopted and the adopting parents shall hold towards each other the legal relation of parent and child and have all the rights and be subject to all the duties of that relationship.

Source

39 TTC § 255, divided into three sections and modified.

§ 408. Rights and duties of adopting and natural parents.

The natural parents of the adopted child are, from the time of adoption, relieved of all parental duties toward the child and all responsibilities for the child so adopted, and have no right over it.

Source

39 TTC § 255, divided into three sections and modified.

§ 409. Inheritance rights of adopted child.

A child adopted under this title shall have the same rights of inheritance as a person adopted in accordance with recognized custom at the place where the land is situated in the case of real estate, and at the place where the decedent was a resident at the time of his death in the case of

personal property. Where there is no recognized custom as to rights of inheritance of adopted children, a child adopted under this chapter shall inherit from his adopting parents the same as if he were the natural child of the adopting parents, and he may also inherit from his natural parents and kindred the same as if no adoption had taken place.

Source

39 TTC § 255, divided into three sections and modified.

Chapter 5 Reciprocal Enforcement of Support

Subchapter I General Provisions

§ 501. Purposes.

§ 502. Definitions.

§ 503. Remedies of chapter in addition to those now existing.

§ 504. Duties of support regardless of presence or residency.

§ 501. Purposes.

The purposes of this chapter are to improve and extend by reciprocal legislation the enforcement of duties of support and to make uniform the law with respect thereto.

Source

(P.L. No. 4C-37, § 1.) 39 TTC § 301.

§ 502. Definitions.

In this chapter:

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

(b) "District attorney or Attorney General" 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.

(c) "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.

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- (d) "Initiating court" means the court in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced.
- (e) "Initiating state" means a state in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced.
- (f) "Law" includes both common and statutory law.
- (g) "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.
- (h) "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.
- (i) "Register" means to file in the registry of foreign support orders.
- (j) "Registering court" means any court of the Trust Territory in which a support order of a rendering state is registered.
- (k) "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.
- (l) "Responding court" means the court in which the responsive proceeding pursuant to the proceeding in the initiating court is commenced.
- (m) "Responding state" means a state in which any responsive proceeding pursuant to the proceeding in the initiating state is commenced.
- (n) "State" includes a state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory or any political entity that was formerly an administrative district of the Trust Territory, and any foreign jurisdiction in which this or a substantially similar reciprocal law is in effect.
- (o) "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.

Source

(P.L. No. 4C-37, § 1.) 39 TTC § 302, § 302(3) omitted since all references to "Governor" changed to "chief executive officer"; terms put in alphabetical order and section modified.

§ 503. Remedies of chapter in addition to those now existing.

The remedies herein provided are in addition to and not in substitution for any other remedies.

Source

(P.L. No. 4C-37, § 1.) 39 TTC § 303.

§ 504. Duties of support regardless of presence or residency.

Duties of support arising under the law of the Republic, when applicable under this Code, bind the obligor present in the Republic regardless of the presence or residence of the obligee.

Source

(P.L. No. 4C-37, § 1.) 39 TTC § 304, modified.

**Subchapter II
Criminal Enforcement**

§ 521. Interstate rendition; authority of President.

§ 522. Same; investigations of circumstances.

§ 521. Interstate rendition; authority of President.

The President may:

(a) demand of the chief executive officer of another state the surrender of a person found in that state who is charged criminally in the Republic with the failure to abide by an order of a court ordering him to provide for the support of any person; or

(b) surrender on demand by the chief executive officer of another state a person found in the Republic 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.

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Source

(P.L. No. 4C-37, § 1.) 39 TTC § 351, modified.

§ 522. Same; investigations of circumstances.

(a) Before making the demand upon the chief executive officer of another state for the surrender of a person charged criminally in the Republic with the failure to abide by an order of a court ordering him to provide for the support of a person, the President may require the Attorney General of the Republic to satisfy him that at least 60 days prior thereto the obligee initiated proceedings for support under this chapter, or that any such proceeding would be of no avail.

(b) If, under a substantially similar Act, the chief executive officer of another state makes a demand upon the President 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.

(c) 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.

Source

(P.L. No. 4C-37, § 1.) 39 TTC § 352, modified.

Subchapter III Civil Enforcement

§ 541. Choice of law.

§ 542. Rights of jurisdiction or political subdivision furnishing support.

§ 543. How duties of support enforced.

§ 544. Jurisdiction.

§ 545. Contents and filing of complaint for support.

§ 546. Attorney General to represent obligee.

§ 547. Complaint on behalf of minor.

§ 548. Duty of initiating court.

§ 549. Costs and fees.

§ 550. Jurisdiction by arrest.

§ 551. Information agency; efforts of Attorney General to locate obligors.

§ 552. Duties of the court and officials of the Republic as responding state; prosecution of case.

§ 553. Same; location of obligors.

§ 554. Continuance of case.

§ 555. Waiver of privilege against self-incrimination and immunity from criminal prosecution.

§ 556. Testimony of husband and wife.

§ 557. Rules of evidence.

§ 541. Choice of law.

Duties of support applicable under this chapter are those imposed under the laws of any jurisdiction where the obligor was present for the period during which support is sought. The obligor is presumed to have been present in the responding jurisdiction during the period for which support is sought until otherwise shown.

Source

(P.L. No. 4C-37, § 1.) 39 TTC § 401.

§ 542. Rights of jurisdiction or political subdivision furnishing support.

If a state or a political subdivision thereof furnishes support to an individual obligee, it has the same right to initiate a proceeding under this chapter as the individual obligee for the purpose of securing reimbursement for support furnished and of obtaining continuing support.

Source

(P.L. No. 4C-37, § 1.) 39 TTC § 402.

§ 543. How duties of support enforced.

All duties of support, including the duty to pay arrearages, are enforceable by an action under this chapter, including a proceeding for contempt. The defense that the parties are immune to suit because of their relationship as husband and wife or parent and child is not available to the obligor.

Source

(P.L. No. 4C-37, § 1.) 39 TTC § 403.

§ 544. Jurisdiction.

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

Source

(P.L. No. 4C-37, § 1.) 39 TTC § 404, modified.

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§ 545. Contents and filing of complaint for support.

(a) 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 Courts of the Republic of Palau 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.

(b) 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.

Source

(P.L. No. 4C-37, § 1.) 39 TTC § 405, modified.

§ 546. Attorney General to represent obligee.

If the Republic 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.

Source

(P.L. No. 4C-37, § 1.) 39 TTC § 406, modified.

§ 547. Complaint on behalf of minor.

A complaint on behalf of a minor obligee may be executed and filed by a person having legal custody of the minor without appointment as guardian ad litem.

Source

(P.L. No. 4C-37, § 1.) 39 TTC § 407.

§ 548. Duty of initiating court.

If the initiating court finds that the complaint sets forth facts from which it may be determined that the obligor owes a duty of support and that a court of the responding state may obtain

jurisdiction of the obligor or his property, it shall so certify and cause three copies of the complaint and its certificate and one copy of this chapter to be sent to the responding court. Certification shall be in accordance with the requirements of the initiating state. If the name and address of the responding court is unknown and the responding state has an information agency comparable to that established in the initiating state, it shall cause the copies to be sent to the state information agency or other proper official of the responding state, with a request that the agency or official forward them to the proper court and that the court of the responding state acknowledge their receipt to the initiating court.

Source

(P.L. No. 4C-37, § 1.) 39 TTC § 408.

§ 549. 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 Republic 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.

Source

(P.L. No. 4C-37, § 1.) 39 TTC § 409, modified.

§ 550. Jurisdiction by arrest.

If a court of the Republic believes that the obligor may flee, it may:

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

(b) as a responding court, obtain the body of the obligor by appropriate process. There upon 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.

Source

(P.L. No. 4C-37, § 1.) 39 TTC § 410, modified.

§ 551. Information agency; efforts of Attorney General to locate obligors.

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

(1) compile a list of the courts and their addresses in the Trust Territory 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;

(2) maintain a register of such lists of courts received from other states and transmit copies thereof promptly to every court in the Trust Territory having jurisdiction under this chapter;

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

(4) forward to the court in the Trust Territory 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.

(b) If the Attorney General does not know the location of the obligor or his property in the Trust Territory, 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.

Source

(P.L. No. 4C-37, § 1.) 39 TTC § 411, modified.

§ 552. Duties of the court and officials of the Republic as responding state; prosecution of case.

(a) 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 Attorney General of his action.

(b) The Attorney General shall prosecute the case diligently. He shall take all action necessary in accordance with the laws of the Republic 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.

Source

(P.L. No. 4C-37, § 1.) 39 TTC § 412, modified.

§ 553. Same; location of obligors.

(a) The Attorney General on his own initiative shall use all means at his disposal to locate the obligor or his property. If, because of inaccuracies in the complaint or otherwise, the court cannot obtain jurisdiction, the Attorney General 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.

(b) If the obligor or his property is not found in the Republic, and the Attorney General discovers that the obligor or his property may be found 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 Courts forwards documents to another court, he shall forthwith notify the initiating court.

(c) If the Attorney General has no information as to the location of the obligor or his property, he shall so inform the initiating court.

Source

(P.L. No. 4C-37, § 1.) 39 TTC § 413, modified.

§ 554. Continuance of case.

If the obligee is not present at the hearing and the obligor denies owing the duty of support alleged in the petition or offers evidence constituting a defense, the court, upon request of either party, may continue the case for further hearing and the submission of evidence by both parties by deposition or by appearing in person before the court. The court may designate the judge or justice of the initiating court as a person before whom a deposition may be taken.

Source

(P.L. No. 4C-37, § 1.) 39 TTC § 414.

§ 555. Waiver of privilege against self-incrimination and immunity from criminal prosecution.

If at the hearing the obligor is called for examination as an adverse party and he declines to answer upon the ground that his testimony may tend to incriminate him, the court may require him to answer. In such event he is immune from criminal prosecution with respect to matters revealed by his testimony, except for perjury committed in this testimony.

Source

(P.L. No. 4C-37, § 1.) 39 TTC § 415, modified.

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§ 556. 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 chapter 40 of Title 14 of this Code and rule 501 of the Courts of the Republic of Palau Rules of Evidence notwithstanding.

Source

(P.L. No. 4C-37, § 1.) 39 TTC § 416, modified.

§ 557. 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 40 of Title 14 of this Code and the Courts of Republic of Palau 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 574 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.

Source

(P.L. No. 4C-37, § 1.) 39 TTC § 417, modified.

Subchapter IV Orders of Support

§ 571. Orders of support; authorized; enforcement.

§ 572. Same; responding court to transmit copies to initiating court.

§ 573. Same; additional powers of responding court.

§ 574. Paternity.

§ 575. Forwarding of payments and payment records by responding court.

§ 576. Receipt and disbursement of payments by initiating court.

§ 577. Proceedings not to be stayed.

§ 578. Application of payments made under orders of another court.

§ 579. Jurisdictional effect of participation in proceeding.

§ 580. Application between states in Trust Territory.

§ 581. Appeals.

§ 571. Orders of support; authorized; enforcement.

(a) 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.

(b) The court and district attorney or attorney general of any state in the Trust Territory 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 the Trust Territory in which it was first issued. If enforcement is impossible or cannot be completed in the state in which the order was issued, the district attorney or attorney general shall send a certified copy of the order to the district attorney or attorney general of any state in the Trust Territory in which it appears that proceedings to enforce the order would be effective. The district attorney or attorney general 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.

Source

(P.L. No. 4C-37, § 1.) 39 TTC § 418, divided into subsections and modified.

§ 572. Same; responding court to transmit copies to initiating court.

The responding court shall cause a copy of all support orders to be sent to the initiating court.

Source

(P.L. No. 4C-37, § 1.) 39 TTC § 419.

§ 573. Same; additional powers of responding court.

In addition to the foregoing powers, a responding court may subject the obligor to any terms and conditions proper to assure compliance with its orders. In particular, it may:

- (a) require the obligor to furnish a cash deposit or a bond of a character and amount to be specified by the court to assure payment of any amount due;
- (b) require the obligor to report personally and to make payments at specified intervals to the clerk of courts; and
- (c) punish under the power of contempt the obligor who violates any order of the court.

Source

(P.L. No. 4C-37, § 1.) 39 TTC § 420, modified.

§ 574. Paternity.

If the obligor asserts as a defense that he is not the father of the child for whom support is sought and it appears to the court that the defense is not frivolous, and if both of the parties are present at the hearing, or the proof required in the case indicates that the presence of either or both of the parties is not necessary, the court may adjudicate the paternity issue. Otherwise the court may adjourn the hearing until the paternity issue has been adjudicated.

Source

(P.L. No. 4C-37, § 1.) 39 TTC § 421, modified.

§ 575. Forwarding of payments and payment records by responding court.

A responding court has the following duties, which may be carried out through the clerk of courts:

- (a) to transmit to the initiating court any payment made by the obligor pursuant to any order of the court or otherwise; and
- (b) to furnish to the initiating court upon request a certified statement of all payments made by the obligor.

Source

(P.L. No. 4C-37, § 1.) 39 TTC § 422.

§ 576. Receipt and disbursal of payments by initiating court.

An initiating court shall receive and disburse forthwith all payments made by the obligor or sent by the responding court. This duty may be carried out through the clerk of courts.

Source

(P.L. No. 4C-37, § 1.) 39 TTC § 423.

§ 577. Proceedings not to be stayed.

A responding court shall not stay the proceedings or refuse a hearing under this chapter because of any pending or prior action or proceeding for divorce, separation, annulment, dissolution, habeas corpus, adoption, or custody in this or any other jurisdiction. The court shall hold a hearing and may issue a support order pendente lite. In aid thereof it may require the obligor to give a bond for the prompt prosecution of the pending proceeding. If the other action or proceeding is concluded before the hearing in the instant proceeding and the judgment therein

provides for the support demanded in the complaint being heard, the court must conform its support order to the amount allowed in the other action or proceeding. Thereafter the court shall not stay enforcement of its support order because of the retention of jurisdiction for enforcement purposes by the court in the other action or proceeding.

Source

(P.L. No. 4C-37, § 1.) 39 TTC § 424.

§ 578. Application of payments made under orders of another court.

A support order made by a court of the Republic 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 Republic.

Source

(P.L. No. 4C-37, § 1.) 39 TTC § 425, modified.

§ 579. Jurisdictional effect of participation in proceeding.

Participation in any proceeding under this chapter does not confer jurisdiction upon any court over any of the parties thereto in any other proceeding.

Source

(P.L. No. 4C-37, § 1.) 39 TTC § 426.

§ 580. Application between states in Trust Territory.

This chapter applies if both the obligee and the obligor are in the Trust Territory but in different states of the Trust Territory. 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 Trust Territory 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 district attorney or attorney general of their receipt. The district attorney or attorney general and the court in the state to which the copies are forwarded then shall have duties corresponding to those imposed upon them when acting as a responding state.

Source

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(P.L. No. 4C-37, § 1.) 39 TTC § 427, modified.

§ 581. 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:

- (a) perfect an appeal to the proper appellate court if the support order was issued by a court of the Republic, or
- (b) 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.

Source

(P.L. No. 4C-37, § 1.) 39 TTC § 428, modified.

Chapter 6 Child Abuse

- § 601. Declaration of policy.
- § 602. Definitions.
- § 603. Reporting procedure.
- § 604. Immunity of reporting persons from liability.
- § 605. Privilege not applicable.
- § 606. Special circumstance testimony.
- § 607. Statute of limitations exemption.
- § 608. Violations; penalties
- § 609. Confidential nature of identities of child victims and witnesses.

§ 601. Declaration of policy.

It is the policy of the National Government to provide for the protection of children who are subject to abuse, sexual abuse, or neglect and who, in the absence of appropriate reports concerning their conditions and circumstances, may be further abused, sexually abused or neglected by the conduct of those responsible for their care and protection.

Source

(P.L. No. 7-131, § 1.) 39 TTC § 451, as amended by RPPL 3-66 § 1(1).

§ 602. Definitions.

In this chapter, unless the specific content indicates otherwise:

(a) "Abuse" means any willful or negligent act or punishment which results in harm or threat of harm to the physical or mental health of a child which leads to consequences including, but not limited to, death, fractures, burns, bleeding, disfigurement, severe bruises, severe psychological or emotional trauma, or illness not explainable on the basis of a disorder or natural occurrence.

(b) "Child" means any person under sixteen (16) years of age.

(c) "Neglect" means any willful or negligent act which results in the failure to provide a child who is in the person's custody, with adequate nutrition, medical care, clothing, shelter, proper supervision or other basic needs which results in the child's physical or mental health being threatened or harmed.

(d) "Responsible official" means any physician, dentist, intern, health assistant, medex, nurse or practical nurse, any school teacher or other school official, any day care worker, and any peace officer or law enforcement official.

(e) "Sexual Abuse" means willfully or knowingly involving a child in sexual activity, including but not limited to the inducement or coercion of a child to engage in any unlawful sexual activity, the exploitative use of a child in prostitution or other unlawful sexual practices, or the exploitative use of children in pornographic performances and materials.

(f) "Sexual Activity" includes but is not limited to sexual intercourse, sodomy, masturbation, cunnilingus, fellatio, and fondling.

(g) "Adult Attendant" means an adult guardian, parent, relative, or advocate for the child, including a court appointed guardian ad litem, who accompanies the child throughout the judicial process for the purpose of providing emotional support to the child.

Source

(P.L. No. 7-131, § 2.) 39 TTC § 452, terms put in alphabetical order and section modified.
Amended by RPPL 3-66, § 1(2). RPPL 7-55 § 2 amended subsections (b) and (e) and added subsections (f) and (g), modified.

§ 603. Reporting procedure.

(a) Every responsible official examining, attending, teaching or treating a child and having reason to believe that such child has suffered abuse as defined in this chapter, shall report the matter within forty eight (48) hours to the Attorney General's Office, except when the report is to

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be made to a different person under subsection (c) or (d).

(b) If the report is not made in writing in the first instance, it shall be reduced to writing by the maker within forty eight (48) hours thereof. The report shall contain the name and address of the child and his or her parents or other persons responsible for his or her care if known, the child's age, the nature and extent of the child's injuries, including any evidence of previous injuries, and any other information that the maker of the report believes might be helpful in establishing the cause of the injuries and the identity of the person or persons responsible thereof.

(c) When attendance with respect to a child is pursuant to the performance of services as a member of the staff of a hospital or a government medical facility, such staff member shall immediately notify the Director of the Bureau of Public Health or Clinical Services or their designees who shall make the report to the Attorney General's Office within forty eight (48) hours of initial notification.

(d) If the person attending a child is a school teacher or other school official he shall report such abuse, sexual abuse, or neglect to his supervisor or other person in charge of the school and such matter shall be then be promptly reported by the latter to the Attorney General's Office within forty eight (48) hours when the supervisor or other person in charge received initial report.

(e) After receiving a report of child abuse, sexual abuse or neglect the Attorney General's Office shall investigate, prepare and finalize a criminal case report. The Attorney General shall have discretion as to which cases to file. Notwithstanding the above, the Attorney General shall keep a case file of all filed and non-filed cases and shall submit a yearly report to the Minister of Justice on child abuse cases filed or not filed. Whenever the Attorney General's Office has probable cause to believe that a child is in danger of being abused or neglected, the Attorney General's Office may cause the child to be placed in protective custody.

(f) An out-of-court statement made by a child under the age of twelve (12) years describing any act of sexual abuse or physical abuse performed with, on, or to the child by another is admissible in evidence at trial through the testimony of the person or persons to whom made if:

(1) the child is available for cross-examination in the proceeding;

(2) the court finds that the time, content, and circumstances of the statement and the reliability of the person to whom the statement is made provide sufficient indicia of reliability; and

(3) the defendant has been given ten (10) days notice of the intention of the Republic to offer the statement, an opportunity to inspect the statement, and an opportunity to object to the statement's admissibility after being informed of the time, place, and circumstances of the statement.

Source

(P.L. No. 7-131, § 3.) 39 TTC § 454. RPPL 3-66, § 1(3) added sections (a) and (d) and amended subsection (e). The entire section amended by RPPL 7-55 § 3, modified.

§ 604. Immunity of reporting persons from liability.

Anyone participating in good faith in the making of a report pursuant to this chapter shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Likewise, any such participant shall have full immunity with respect to any evidence, oral or written, or any other testimony which he or she might provide in any judicial proceeding resulting from such report.

Source

(P.L. No. 7-131, § 4.) 39 TTC § 454.

§ 605. Privilege not applicable.

In any proceeding resulting from a report made pursuant to this chapter, or in any proceeding where such a report or any contents thereof are sought to be introduced in evidence, such report or contents or any other fact or facts related thereto or to the condition of the child who is the subject of the report shall not be excluded on the ground that the matter is or may be the subject of a privilege as to communications, between husband and wife, between physician and patient, or of one spouse not to testify against, or be testified against by, the other spouse.

Source

(P.L. No. 7-131, 15.) 39 TTC § 455, as amended by RPPL 3-66, § 1(4).

§ 606. Special circumstance testimony.

(a) Testimony Outside the Courtroom. On motion of the attorney for the government in a criminal proceeding alleging of sexual abuse or physical abuse performed with, or on a child age twelve (12) or younger, the Court may, to minimize the emotional trauma to the child victim, order that the child's testimony be taken in a room other than the courtroom, with only the judge, attorneys, the defendant, necessary court personnel, and an adult attendant for the child present.

(b) Testimony Outside the Physical Presence of the Defendant. In any criminal proceeding alleging acts of sexual abuse or physical abuse performed with or on a child age twelve (12) or younger, either party may request and the Court may order that the child's testimony be taken in a room outside the courtroom with only judge, attorneys, necessary court personnel, and an adult attendant for the child present. Such an order shall be predicated on a finding by a preponderance of the evidence that the child testifying in the defendant's physical presence may cause the child

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serious emotional trauma, serious emotional distress, or unduly impair the child's ability to testify. The taking of the child's testimony shall be televised via one-way closed circuit television to the defendant in the courtroom, provided that the defendant is in simultaneous two-way audio contact with his or her attorney at all times. In determining whether to allow testimony outside the physical presence of the defendant, the Court may consider the following evidence:

- (1) the testimony of parents;
- (2) the testimony of relatives;
- (3) the testimony of guardians;
- (4) the testimony of investigators for the government;
- (5) the testimony of expert witnesses;
- (6) the Court's own *in camera* examination of the child; and
- (7) other information in the Court's discretion.

Source

(P.L. No. 7-131, § 6.) 39 TTC 1456, as amended by RPPL 3-66 § 1(5). Amended in its entirety by RPPL 7-55 § 4, modified. This section was originally titled "Violations; penalties."

§ 607. Statute of limitations exemption.

Prosecution of an offense involving alleged acts of sexual abuse of a child under the age of sixteen (16) shall be commenced within three (3) years after the victim's twenty first (21st) birthday, or after the date the offense is reported to the Office of the Attorney General, whichever is earlier. This section shall not be construed to revive any causes of action which are time-barred as of the effective date of this chapter. However, in all instances in which causes of action have not run as of the effective date of this chapter, such causes of action shall be subject to a statute of limitations period that extends three (3) years after the victim's twenty first (21st) birthday, or after the date the offense is reported to the Office of the Attorney General, whichever is earlier.

Source

RPPL 7-55 § 5, modified.

Section 608. Violations; penalties.

(a) Every person who shall abuse or neglect a child shall be guilty of a felony and upon

conviction shall be fined not less than one thousand dollars (\$1,000), or imprisoned for not more than five (5) years in prison, or both.

(b) Any person who is found guilty of sexual abuse shall be fined not less than five thousand dollars (\$5,000) and not more than fifty thousand dollars (\$50,000), fifty percent (50%) of which shall be awarded to the victim or guardian or next-of-kin, and/ or imprisoned for six (6) months to twenty-five (25) years, or both, with the sentence and fine to be determined by the court based on the totality of circumstances.

(c) The name and address of convicted sexual abuse/offense violators shall be published by the Attorney General's Office, not less than forty-eight (48) hours after release from custody of the Bureau of Public Safety if the offender is in full-time custody, or not less than forty-eight (48) hours [after] conviction if the offender is in part-time custody or may otherwise interact with the public, as in a work release or other program.

(d) Any person or responsible official who knowingly and willfully refuses or fails to report cases of child abuse or neglect to the Attorney General's Office or to the Director of Public Health or Director of Clinical services shall be guilty of the crime of Accessory and is punishable by imprisonment not exceeding one (1) year or by fine not exceeding one thousand dollars (\$1,000), or by both.

(e) The Attorney General may bring actions to recover civil penalties pursuant to this chapter. From the amounts collected for each case, an amount equal to the costs of pursuing the action shall be deposited in the ROP National Treasury, and the remainder shall be deposited in the Victims of Crime Assistance Fund, which is hereby created in the National Treasury. Amounts deposited in the Victims of Crime Assistance Fund may be used only for the purpose of child advocacy programs, prevention of child abuse and spouse abuse programs upon appropriation by the Olbiil Era Kelulau.

Source

RPPL 7-55 § 6 using the title formally used for § 606, modified.

§ 609. Confidential nature of identities of child victims and witnesses.

In all matters proceeding under this chapter the names of child victims and witnesses shall be indicated by initials only in all documents filed with the Court or in any document obtainable by the public. Courts maintain the discretion to seal any document, exhibit, or case file *sua sponte*. If the Court seals a document or exhibit after it has already been included in the public file, the clerk shall remove the document from both the paper public files and, if applicable, electronic files, as soon as the order sealing the document is entered. Courts should assess whether privacy or law enforcement concerns, or other good cause, justify filing the document under seal. In all matters proceeding under this section or in files maintained by the Attorney General's Office,

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investigators, counsel, Court, or responsible officials related to matters proceeding under this chapter, the names of child victims and witnesses, and relevant documents and exhibits, shall be made available only as needed to report, investigate, prosecute, or defend the matter. Any person who discloses such information intentionally, willfully, knowingly, or recklessly, beyond what is necessary to report, investigate, prosecute, or defend the matter, or to treat or examine the victim, shall be guilty of the crime of disclosure of confidential information and may be fined up to one thousand dollars (\$1,000).

Source

RPPL 7-55 § 7, modified.

Chapter 7

Palau National Framework on Early Childhood

§ 701. Short title.

§ 702. Purpose.

§ 703. Definitions.

§ 704. Establishment of a Palau National Framework on Early Childhood Council.

§ 705. Powers, duties and functions of the National Framework on Early Childhood Council.

§ 706. Monitoring, Reporting and Evaluation by the Ministry of Health.

§ 701. Short title.

This chapter may be cited as the "Palau National Framework on Early Childhood".

Source

RPPL 8-3 § 1.

§ 702. Purpose.

This chapter shall be construed and applied to promote its underlying purposes and policies.

The purposes and policies of this chapter are as follows:

- (a) to develop and implement quality services to all children, including children with special needs, by creating a nationwide early childhood comprehensive system based on a collaborative agreement between community-based organizations, government agencies and interagency support groups;
- (b) to improve the health and education of children in the Republic of Palau;
- (c) to increase family knowledge, skills and participation in activities that prevent illness

and promote health as well as activities that facilitate education, especially in early childhood;

(d) to protect children from any means of exploitation and other vulnerabilities;

(e) to provide access to a continuum of comprehensive, high quality early childhood programs that meet standards established by the United States Government, the Republic of Palau Government, and international organizations, promote school readiness, and address the needs of the child and family, which may include access to services for families with children with special needs;

(f) to create affordable options for high quality early childhood care, health and education services that are designed flexibly to meet the various needs of families; and

(g) to ensure smooth and effective transition from early childhood to primary school.

Source
RPPL 8-3 § 3.

§ 703 Definitions.

(a) "Council" means the Palau National Framework on Early Childhood Council.

(b) "Early Childhood" means the years from birth through age 7.

(c) "Transition year" means the earliest year of primary education, for a child aged 5 to 7.

(d) "Child" means a person who has not reached the age of majority as defined in 21 PNC § 105.

(e) "Child with Special Needs" means any disabled child entitled to special assistance appropriate to his or her condition under Article 23, § 2 of the [International] Convention on the Rights of the Child.

(f) "Minister" means the Minister of Health or person designated to compile information, prepare reports, or perform any functions required or permitted under this chapter.

(g) "Health" means the state of optimal physical, mental, social and spiritual well-being, and not merely the absence of disease and infirmity.

(h) "Family" means a group consisting of parents and their children. It also means a group of persons connected by blood, by affinity, or by law.

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- (i) "Development" means the process of growth and differentiation.
- (j) "Early Childhood Comprehensive System" means an integrated and evidence-based and community-based program that employs a variety of effective approaches to enhance a child's early growth and development, which includes but is not limited to early learning/literacy and other quality experiences.
- (k) "Palau national framework on early childhood" means a framework for the education and care of all children within the Republic of Palau, which shall include, but not be limited to, providing a formal structured educational environment that uses all available resources within the Republic of Palau.

Source

RPPL 8-3 § 4, modified.

§ 704. Establishment of a Palau National Framework on Early Childhood Council.

- (a) There is hereby established an entity called the Palau National Framework on Early Childhood Council, hereinafter referred to as the "Council."
- (b) Members of the Council shall include the following:
 - (1) two (2) representatives of the Bureau of Public Health of the Ministry of Health, appointed by the Minister of Health, one of whom shall be from the Family Health Unit of the Bureau of Public Health;
 - (2) one (1) representative of the Ministry of Education, appointed by the Minister of Education, who shall be from the Special Education Program;
 - (3) one (1) representative of the Palau Community College, appointed by the President of that institution;
 - (4) one (1) representative of the Palau Community Action Agency, appointed by the Executive Director of that organization, who shall be from the Head Start Program;
 - (5) one (1) representative of the Ministry of Community and Cultural Affairs, appointed by the Minister of Community and Cultural Affairs;
 - (6) one (1) representative of Mechesil Belau; and
 - (7) one (1) representative of Rubekul Belau.

(c) Each member of the Council shall execute and adhere to a collaborative agreement that defines the role and organization of the collaborative groups in the council.

(d) The term of the members of the Palau National Framework on Early Childhood Council shall be provided for in its rules and regulations.

Source

RPPL 8-3 § 5, modified.

§ 705. Powers, duties and functions of the National Framework on Early Childhood Council.

(a) The Palau National Framework on Early Childhood Council shall have the following powers, duties and functions:

(1) establish the basic guidelines and procedures for the implementation of Palau National Framework on Early Childhood;

(2) develop a plan for a comprehensive and unified system of early childhood care for the Republic of Palau;

(3) conduct a periodic survey and evaluation of early care programs;

(4) coordinate and communicate regularly and provide recommendations to the Ministry of Health and all other collaborative agencies;

(5) meet at least four times in the year following enactment of this chapter; and

(6) shall within one year of enactment of this chapter submit to both houses of the Olbiil Era Kelulau a report on the guidelines, plans, and surveys. The report shall include recommendations for legislation and corresponding funding requirements.

Source

RPPL 8-3 § 6.

§ 706. Monitoring, reporting and evaluation by Ministry of Health.

(a) The Ministry of Health shall designate an existing entity to serve as the monitoring agency of the Palau National Framework on Early Childhood Council.

(b) The Ministry of Health shall design an internal monitoring and reporting system that allows continuous feedback and focus on quality improvement of the various components within the

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Palau National Framework on Early Childhood.

(c) The essential purpose is to test the system:

- (1) to ensure that it works in a timely and adequate manner;
- (2) to identify where changes may be necessary;
- (3) to measure accountability, efficiency and efficacy of the system; and
- (4) to provide decision makers and stakeholders with data and reports that will support their abilities to make the best decisions possible for the children and families in the Republic of Palau.

(d) The Ministry of Health may contract an external evaluator to assess the progress of the programs within the Palau National Framework on Early Childhood.

Source
RPPL 8-3 § 7.