IN THE MATTER OF THE ADOPTION OF S.N.F, a minor child

STEVEN CARRARA,
Appellant

CIVIL APPEAL NO. 11-035
Common Pleas Case No. 11-033

Supreme Court, Appellate Division
Republic of Palau

Decided: May 12, 2012

[1] **Statutory Interpretation:** Plain meaning

The well-trod first step in statutory interpretation is to ascertain the plain meaning of the statute's language. If the language of a statute is clear, we need inquire no further.

[2] **Family Law:** Adoption

In the context of familial relationships, "natural" means "being a relation by actual consanguinity or kinship by descent as distinguished from adoption."

[3] **Family Law:** Adoption

A majority of American jurisdictions hold that it would be an absurd result to terminate the first parent's rights when she consents to share those rights with another.

Counsel for Appellant: Siegfried B. Nakamura

BEFORE: ARTHUR NGIRAKLSONG, Chief Justice; KATHLEEN M. SALII,

Associate Justice; ALEXANDRA F. FOSTER, Associate Justice.

Appeal from the Court of Common Pleas, the Honorable HONORA E. REMENGESAU RUDIMCH, Senior Judge, presiding.

PER CURIAM:

Steven Carrara appeals the determination by the Court of Common Pleas that he is unable to adopt S.N.F., the minor adopted child of his significant other and S.N.F.'s biological aunt, Teiko Florencio.

BACKGROUND

Florencio adopted S.N.F. in 2003 and his biological parents' rights were then terminated. Carrara is Florencio's long-time partner, but the two are not married. He has been in S.N.F.'s life as a de facto stepfather for approximately ten years. On February 16, 2011, Carrara filed a petition with the Court of Common Pleas to adopt S.N.F. Florencio filed her written consent to share parental rights and responsibilities with Carrara. The Court of Common Pleas held a hearing on the matter and determined that (1) Carrara is eligible to adopt under statute, but (2) because Carrara is not married to Florencio, the law further requires the termination of Florencio's parental rights if Carrara adopts S.N.F. Because Florencio declined to have her parental rights terminated, the court denied Carrara's petition. Carrara timely appealed. There is no appellee in this matter.

STANDARD OF REVIEW

This case presents a narrow question of statutory interpretation, which is a matter of law reviewed *de novo*. *Isechal v. ROP*, 15 ROP 78, 79 (2008).

ANALYSIS

The only issue in this case is whether the Court of Common Pleas was correct to conclude that the adoption statute requires the termination of Florencio's parental rights if Carrara's petition is granted. We conclude that the court erred.

Title 21 of the Palau National Code provides in relevant part:

> **§ 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 . . . reason of the adoption.
>
> …
>
> **§ 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.

In rejecting Carrara's petition, the Court of Common Pleas first determined that Carrara was eligible to adopt under the language of § 402 because he was a suitable person who is not married. However, the court went on to read § 408 as requiring the termination of Florencio's parental rights. Although it noted that the "plain language of section 408" requires the termination only of "natural," meaning biological, parents' rights, the court rejected the literal meaning because it "would produce an incongruous and absurd result in a case where a child has a first set of adoptive parents." Accordingly, the court read the statute "more broadly to apply to legal parents" as well as biological parents. Because Carrara and Florencio are not married, the court further concluded that an exception to § 408 for stepparents did not apply. *See* 21 PNC § 402.

[1, 2] The well-trod first step in statutory interpretation is to ascertain the plain meaning of the statute's language. *Lin v. ROP*, 13 ROP 55, 58 (2006). If the language of a statute is clear, we need inquire no further. Section 408 applies only to the rights of "natural parents." In the context of familial relationships, "natural" means "being a relation by actual consanguinity or kinship by descent as distinguished from adoption." *Webster's Third New International Dictionary* 1506 (1981). Florencio is not S.N.F's parent by blood. As S.N.F.'s adopted mother, Florencio, falls squarely outside the purview of § 408's plain language.

Although there is likely some "incongru[ity]," as the Court of Common Pleas phrased it, in finding that first-adoptive parents are free from § 408's mandate whereas natural parents might not be, we leave to another day the determination of whether § 408 requires the termination of a biological parent's rights when she consents to the adoption by her significant other.[1] Florencio is not covered by § 408's plain language, and that ends our inquiry.

CONCLUSION

For the foregoing reasons, we **REVERSE** the Court of Common Pleas' determination that Carrara's adoption of S.N.F. would require the termination of Florencio's parental rights. We **REMAND** for proceedings consistent with this opinion.

[1] **[3]** Appellant argues that, even if § 408 applies to Carrara and Florencio, the court should nonetheless allow the adoption because it would be an absurd result to terminate the first parent's rights when she consents to share those rights with another. This approach is consonant with a majority of American jurisdictions. *In re Adoption of Infant K.S.P.*, 804 N.E. 2d 1253 (Ind. Ct. App. 2004); *In re Adoption of R.B.F.*, 803 A.2d 1195 (Pa. 2002); *In re Jacob*, 660 N.E.2d 397 (N.Y. 1995); *In re M.M.D.*, 662 A.2d 837 (D.C. 1995); *In re Petition of K.M. & D.M.*, 653 N.E. 2d 888 (Ill. App. Ct. 1995); *In re Adoption of Two Children by H.N.R.*, 666 A.2d 535 (N.J. Super. Ct. App. Div. 1995); *Adoptions of B.L.V.B. & E.L.V.B.*, 628 A.2d 1271 (Vt. 1993); *Adoption of Tammy*, 619 N.E. 2d 315 (Mass. 1993); *but see In re Adoption of Luke*, 640 N.W.2d 374 (Neb. 2002); *In re Adoption of Jane Doe*, 719 N.E.2d 1071 (Ohio Ct. App. 1998); *In re Adoption of T.K.J.*, 931 P.2d 488 (Colo. App. 1996) (abrogated by statute); *In Interest of Angel Lace M.*, 516 N.W. 2d 678 (Wis. 1994). However, that question is not before us.