

THE THIRTY-THIRD LEGISLATURE OF AMERICAN SAMOA

Third Regular Session

Begun and held at Fagatogo, Tutuila, American Samoa
on Monday, the thirteenth day of January
two thousand and fourteen

AN ACT EXPANDING THE DEFINITIONS AND FURTHER CRIMINALIZING THE ACTS OF CHILD ABUSE AND CHILD NEGLECT; AMENDING SECTIONS 45.0103, 45.0301, 45.0302, 45.0352, 45.0354, 45.0355, 45.0403, 45.0413, 45.0414, 45.0420, 45.0421, 45.0501, 45.1501, 45.2001, 45.2021, 45.2023 AND 46.3811 A.S.C.A.; AND CREATING A SECTION 46.3812 A.S.C.A.

Preamble:

WHEREAS, the children of American Samoa are the island's most precious resource as our future leaders, protectors, and citizens; and

WHEREAS, our children's physical and emotional well-being and development grow and thrive in safe, loving, and nurturing homes that are headed by competent and responsible parents; and

WHEREAS, if a home becomes insecure and a haven for abuse and neglect, and if parents become the source of danger to the children, American Samoa will not ignore child abuse and neglect as doing so would jeopardize our future; and

WHEREAS, without adequate and responsive prevention and treatment measures in place, our children's lives would be endangered and their potential unrealized as many would only end up on the streets, in mental health systems, in juvenile systems, or in the criminal system, becoming a burden on our system or even a future threat to our safety, and

WHEREAS, the prevention and treatment of child abuse, neglect and endangerment are essential to the optimum development of our children and our country; and

WHEREAS, it is in the best interest of our children and American Samoa that child abuse, neglect and endangerment be promptly identified, reported, investigated, and prosecuted; and, that treatment and assistance be provided to children who are healing from abuse, neglect, and endangerment; and

WHEREAS, the Legislature finds that all children in the territory of American Samoa should be protected by the government against all forms of abuse, neglect and endangerment by their parents, guardians, or any other person charged with their care; and

WHEREAS, to accomplish this goal, it is appropriate to clarify the agencies and protocols involved in preventing, treating, and protecting children from abuse and neglect.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. 45.0103 is amended to read:

“45.0103 Definitions.

As used in this title, unless the context otherwise requires, the following definitions apply:

(1) “Adjudicatory hearing” means a hearing to determine whether the allegations of a petition under paragraph (a)(1) or (a)(2) of 45.0115 are supported by evidence beyond a reasonable doubt or the allegations of a petition under paragraph (a)(3) of 45.0115 are supported by a preponderance of the evidence.

(2) “Adult” means a person 18 years of age or older. However, any person 18 years of age or over falling under the continuing jurisdiction of the court, or who is before the court for an alleged delinquent act committed prior to his 18th birthday, or concerning whom a petition has been filed for his adoption other than under this title, shall be referred to as a child.

(3) “Child” means a person under 18 years of age ~~or a mentally retarded,~~ person whose mental capacity has been determined by a health professional to be that of someone under the age of 18, or a developmentally disabled person regardless of age.

(4) “Child care center” means a facility approved under law: if the facility is located in another State or Territory, it shall be licensed or approved as required by law in that state or territory.

(5) “Child in need of supervision” means any child:

(A) who is repeatedly absent from school in violation of the requirements of 16.0302;

(B) who has run away from home or is otherwise beyond the control of his parent, guardian, or other legal custodial; or

(C) whose behavior or condition is such as to endanger his own or other welfare.

(6) “Child placement agency” means an agency approved under law. If the agency is located in another state or territory, it shall be licensed or approved as required by law in that state or territory.

(7) “Commit” means to transfer legal custody.

(8) “Court” means the Trial Division of the High Court of American Samoa, except for uncontested adoptions under 45.0420 through 45.0431 then court

means the District Court.

(9) (A) "Delinquent child" means any child 10 years of age or older who, regardless of where the violation occurred, has violated:

(I) any federal, state, or territorial law;

(II) any ordinance, the penalty for which may be a jail sentence; or

(III) any lawful order of the court made under this title.

(B) This definition does not apply to:

(I) children 14 years of age or older who allegedly commit crimes of violence;

(II) children who within the previous 2 years have been adjudicated a delinquent child, and the act for which the child was adjudicated a delinquent would have been a felony if committed by an adult or punishable by a maximum punishment of life imprisonment or death; or

(III) children 14 years of age or older who allegedly commit any felony subsequent to any other felony which was the subject of a hearing in which the child was certified for criminal proceedings as an adult.

(C) A child who violates any traffic law or regulation shall be designated a "juvenile traffic offender" and shall not be designated a delinquent unless it be so ordered by the court after hearing the evidence.

(10) "Deprivation of custody" means transfer of legal custody by the court from a parent or a previous legal custodian to another person, agency or institution.

(11) "Detention" means the temporary care of a child who requires secure custody in physically restricting facilities pending court disposition or an execution of a court order for placement or commitment. Juvenile detention facilities are designated by the Court.

(12) "Diagnostic and evaluation centers" means places for the examination and study of persons committed to the custody of the Department of Public Safety, Corrections Bureau.

(13) "Dispositional hearing" means a hearing to determine what order of disposition should be made concerning a child adjudicated as delinquent, in need of supervision, or neglected or dependent. The hearing may be part of the proceeding which includes the adjudicatory hearing or it may be held at a time subsequent to the adjudicatory hearing.

(14) "Family care home" means a facility approved under law. If the facility is located in another state or territory, it shall be licensed or approved as required by law in that state or territory.

(15) "Group care facilities and homes" means places other than foster family care homes providing care for small groups of children.

(16) "Guardianship of the person" means the duty and authority vested by Court action to make major decisions affecting a child including, but not limited to:

(A) the authority to consent to marriage, to enlistment in the armed forces, and to medical or surgical treatment;

(B) the authority to represent a child in legal actions and to make other decisions of substantial legal significance concerning the child;

(C) the authority to consent to the adoption of a child when parental rights have been terminated by judicial decree; and

(D) the rights and responsibilities of legal custody when legal custody has not been vested in another person, agency, or institution.

(17) "Half-way houses" means group care facilities for children who have been placed on probation or parole under the terms of this title.

(18) (A) "Legal custody" means the right to the care, custody, and control of a child and the duty to provide food, clothing, shelter, ordinary medical care, education, and discipline for a child and, in an emergency, to authorize surgery or other extraordinary care. Legal custody may be taken from a parent only by Court action.

(B) For purposes of determining the residence of a child, guardianship is in the person to whom legal custody has been granted by the Court.

(19) "Neglected or dependent child" means a child:

(A) whose parent, guardian, or legal custodian has abandoned him or has subjected him to mistreatment or abuse or whose parent, guardian, or legal custodian has suffered or allowed another to mistreat or abuse the child without taking lawful means to stop such mistreatment or abuse and to prevent it from recurring;

(B) who lacks proper parental care through the actions or omissions of the parent, guardian, or legal custodian;

(C) whose environment is injurious to his welfare;

(D) whose parent, guardian, or legal custodian fails or refuses to provide proper or necessary subsistence, education, medical care, or any other care necessary for his health, guidance, or well-being; or

(E) who is homeless, without proper care, or not domiciled with his parent, guardian, or legal custodian through no fault of his parent, guardian, or legal custodian.

(20) "Normal parental discipline" means all actions by parents, such as administration of blows by hand, strap, or light switch upon the buttocks, or any firm handling, scolding or light taps, insufficient to seriously bruise or produce medical injury or disability.

(21) "Parent" means either a natural parent of a legitimate child, or a parent by adoption, or the natural parent of an illegitimate child. A child born to a woman married at the time of its conception or birth is presumed to be the legitimate child of her husband. In the event that the mother is legally married to a different man at the time of birth than she was at the time of conception, the child is presumed to be the legitimate child of her husband at the time of conception. If this presumption is legally rebutted and no contrary determination is made, the man to whom the mother is married at the time of the child's birth is presumed to be the legitimate father of the child. The father of an illegitimate child has no parental rights to the child unless he, prior to entry of a decree of adoption, has acknowledged the child as his own by affirmatively asserting paternity as follows:

(A) causing his name to be affixed to the birth certificate of the child;

- (B) paying medical or hospital bills associated with the birth of the child;
- (C) paying support for the child; or
- (D) otherwise asserting his paternity in writing.

(22) "Protective supervision" means a legal status created by Court order under which the child is permitted to remain in his home or is placed with a relative or other suitable person, and supervision and assistance is provided by the Court, Department of Health Human and Social Services or other agency designated by the Court.

(23) "Receiving center" means a facility used to provide temporary detention and care for children by the Corrections Bureau pending placement in a training school, camp, or other facility.

(24) "Residual parental rights and responsibilities" means those rights and responsibilities remaining with the parent after legal custody, guardianship of the person, or both have been vested in another person, agency, or institution, including, but not limited to: the responsibility for support, the right to consent to adoption, the right to reasonable visitation unless restricted by the court, and the right to determine the child's religious affiliation.

(25) "Shelter" means the temporary care of a child in physically unrestricting facilities pending Court disposition or execution of a court order for placement. Juvenile shelter facilities are designated by the Court.

(26) "Termination of parental rights" means the permanent elimination by Court order of all parental rights and duties, including residual parental rights and responsibilities.

(27) "Training schools" means institutions providing care, education, treatment, and rehabilitation for children in a closed setting."

Sec 2. 45.0301 is amended to read:

"45.0301 Referral to Attorney General--Petition.

(a) Whenever it appears to a law enforcement officer or any other person that a child is or appears to be within the Court's jurisdiction, as under paragraph (a)(l) of 45.0115, the law enforcement officer or other person may refer the matter conferring or appearing to confer jurisdiction to the Attorney General who determines whether the interests of the child or of the community require that further action be taken.

(b) If the Attorney General determines that the interests of the child or of the community require that further action be taken, he may file a petition in delinquency on the form specified in 45.0310, which shall be accepted by the Court.

(c) If the Attorney General is unable to determine whether the interests of the child or of the community require that further action be taken he may refer the matter to the juvenile probation officer, the Department of Health Human and Social Services, or other agency designated by the court for a preliminary investigation and recommendations as to filing a petition under paragraph (a)(l) of

45.0115 or as to initiating an informal adjustment under paragraphs (3) of 45.0302 and 45.0303.

(d) After the filing of a petition alleging that the child is within the Court's jurisdiction, as provided in paragraph (a)(1) of 45.0115, the Court may conduct a preliminary hearing to determine if there is probable cause to believe that the facts alleged in the petition bring the child within the Court's jurisdiction."

Sec 3. 45.0302 is amended to read:

"45.0302 Referral to court--Preliminary investigation.

Whenever it appears to a law enforcement officer or other person that a child is or appears to be within the Court's jurisdiction, as provided in paragraph (a)(2) or (a)(3) of 45.0115, the law enforcement officer or other person may refer the matter to the Court, which shall have a preliminary investigation made to determine whether the interests of the child or of the community require that further action be taken. This investigation shall be made by the juvenile probation officer, the Department of ~~Health~~ Human and Social Services, or any other agency designated by the Court. On the basis of the preliminary investigation, the Court may:

(1) decide that no further action is required, either in the interests of the public or of the child;

(2) authorize a petition to be filed; or

(3) make whatever informal adjustment is practicable without a petition if:

(A) the child and his parents, guardian, or other legal custodian were informed of their constitutional and legal rights including being represented by counsel at every stage of the proceedings;

(B) the facts are admitted and establish prima facie jurisdiction, except that the admission shall not be used in evidence if a petition is filed; and

(C) written consent is obtained from the parents, guardian, or other legal custodian and also from the child, if of sufficient age and understanding."

Sec 4. 45.0352 is amended to read:

"45.0352 Child in need of supervision--Disposition.

(a) When a child has been adjudicated as being in need of supervision, the Court enters a decree of disposition containing 1 or more of the following provisions which the Court finds appropriate:

(1) The Court may place the child on probation or under protective supervision in the legal custody of 1 or both parents or the guardian under conditions the Court may impose.

(2) The Court may place the child in the legal custody of a relative or other suitable person under conditions the Court may impose, which may include placing the child on probation or under protective supervision.

(3) The Court may require as a condition of probation that the child report for assignment to a supervised work program or place the child in a child care facility which shall provide a supervised work program, if:

(A) the child is not deprived of the schooling which is appropriate to his age, needs, and specific rehabilitative goals;

(B) the supervised work program is of a constructive nature designed to promote rehabilitation, is appropriate to the age level and physical ability of the child, and is combined with counseling from a juvenile officer or other guidance personnel; or

(C) the supervised work program assignment is made for a period of time consistent with the child's best interest, but not exceeding 180 days.

(4) The Court may place legal custody in the Department of Health Human and Social Services, or a child placement agency for placement in a family care home or child care facility, or it may place the child in a child care center.

(5) The Court may order that the child be examined or treated by a physician, surgeon, psychiatrist, or psychologist, or that he receive other special care, and may place the child in a suitable facility for those purposes.

(6) The Court may require the child to pay for any damage done to persons or property, upon conditions the Court may consider best when the payment can be enforced without serious hardship or injustice to the child.

(7) Court ordered placement for a child committed under this section shall not exceed 2 years; except, that the committing Court may renew the placement for an additional period not to exceed 2 years, upon recommendation of the placement agency.

(8) When the placement agency determines that a child committed under this section should be released, it shall notify the committing Court in writing, setting forth the reasons why the child should be released.

(9) Upon receipt of that notification, the Court may:

(A) enter an order releasing the child from commitment to the placement agency, either unconditionally or under conditions the Court may impose;

(B) enter an order releasing the child from the jurisdiction of the Court;

(C) enter an order continuing the commitment of the child;

(D) hold a hearing on the request for release after due notice has been given to all parties involved; or

(E) enter any combination of the orders included in subparagraphs (A) to (C) which the Court finds appropriate and which are not mutually exclusive.

(10) When the Court enters an order releasing the child from commitment to the placement agency, the agency immediately returns the child to the court."

Sec 5. 45.0354 is amended to read:

"45.0354 Neglected or dependent child--Disposition.

When a child has been adjudicated to be neglected or dependent, the Court shall enter a decree of disposition. When the decree does not terminate parental rights, it shall include 1 or more of the following provisions which the Court finds appropriate:

(a) The Court may place the child in the legal custody of 1 or both parents or the guardian, with or without protective supervision, under conditions the Court

may impose, under 45.0346.

(b) The Court may place the child in the legal custody of a relative or other suitable person, with or without protective supervision, under conditions the Court may impose, under 45.0346.

(c) The Court may place legal custody in a child placement agency for placement in a family care home, the ~~d~~Department of ~~health~~ Human and Social Services, or other child care facility.

(d) The Court may order that the child be examined or treated by a physician, surgeon, psychiatrists, or psychologist or that he receive other special care and may place the child in a suitable facility for those purposes.”

Sec 6. 45.0355 is amended to read:

“45.0355 Neglected or dependent child--Termination of parental rights.

In a disposition as provided in 45.0354:

(a) The Court may enter a decree terminating all parental rights of 1 or both parents in the child when it finds that the best interests and welfare of the child so require.

(b) Upon the entry of a decree terminating the legal rights of both parents, of the sole surviving parent, or of the mother of a child born out of wedlock, the Court may:

(1) vest the Department of ~~Health~~ Human and Social Services or a child placement agency with the legal custody and guardianship of the person of a child for the purposes of placing the child for adoption; or

(2) make any other disposition provided under (a)(2), (3), or (4) above that the Court finds appropriate.

(c) Upon the entry of a decree terminating the parental rights of 1 parent, the Court may:

(1) leave the child in the legal custody of the other parent and discharge the proceedings; or

(2) make any other disposition under (a) above that the Court finds appropriate.”

Sec 7. 45.0403 is amended to read:

“45.0403 Final order of relinquishment.

(a) If the Court terminates parental rights of both parents or of the only living parent, the Court, after taking into account the racial, cultural, and religious background of the child, shall order guardianship of the person and legal custody transferred to:

(1) the Department of ~~Health~~ Human and Social Services;

(2) a child placement agency;

(3) a relative of the child; or

(4) an individual of good moral character.

(b) The Court considers, but shall not be bound by, a request that

guardianship be placed in a grandparent, aunt, uncle, brother, or sister of the child.

(c) The order of relinquishment sets forth all pertinent facts brought at the hearing and, in addition, it states that the Court is satisfied that the counsel and guidance provided for in subsection (d) of 45.0402 has been offered the relinquishing parent or parents.

(d) A final order of relinquishment divests the relinquishing parent or parents of all legal rights and obligations they may have with respect to the child relinquished. The order releases the relinquished child from all legal obligations with respect to the relinquishing parent or parents.

(e) The fact that the relinquishing parent or parents are minors in no way affects the validity of the final order of relinquishment.

(f) A person having a living spouse from whom he is not legally separated shall petition jointly with that spouse, unless that spouse is the natural parent of the child to be adopted or has previously adopted the child."

Sec 8. 45.0413 is amended to read:

"45.0413 Placement for purposes of adoption.

No placement of any child legally available for adoption under paragraph (a)(1), (a)(2), (a)(3) or subsection (d) of 45.0412 may be made for the purposes of adoption except by the Court, the Department of ~~Health~~ Human and Social Services, a child placement agency or institution, or an individual in whom guardianship of the person of the child has been placed by the Court."

Sec 9. 45.0414 is amended to read:

"45.0414 Written consent and report.

(a) Unless the placement is made by the Court or in accordance with the law of another State or Territory, written consent of the Department of ~~Health~~ Human and Social Services, agency, or individual to the proposed adoption, as required by 45.0412, shall be filed with the petition to adopt.

(b) In placements by the Department of ~~Health~~ Human and Social Services, or child placement agencies there shall be filed, in addition to the written consent, a written report showing the following:

(1) the physical and mental health, emotional stability, and moral integrity of the petitioner and the ability of the petitioner to promote the welfare of the child; but no physical examination shall be required of any person who in good faith relies upon spiritual means or prayer in the free exercise of religion to prevent or cure disease unless there is reason to believe the person's physical condition is such that he would be unable to take care of the child;

(2) the physical and mental condition of the child;

(3) the child's family background, including the names of parents and other identifying data regarding the parents, if obtainable;

(4) reasons for the termination of parental rights in the child;

(5) the suitability of the adoption of this child by this petitioner and the child's own disposition toward the adoption in any case in which the child's age

makes this feasible; and

(6) the length of time the child has been in the care and custody of the petitioner.

(c) Any party to the adoption proceeding may be entitled to see the report required under subsection (b), except that the names of parents and adoptive parents and any means of identifying either are not made available except upon order of the Court.”

Sec 10. 45.0420 is amended to read:

“45.0420 Petition for adoption.

(a) The petition for adoption is filed not later than 30 days after the date on which the child is first placed in the home of the adoptive applicants for the purpose of adoption unless the Court finds that there was reasonable cause or excusable neglect for not filing the petition. The Court then fixes a date for the hearing.

(b) Every petition for adoption of a child shall be verified by the petitioner, and shall be entitled substantially as follows: “In the matter of the petition of... for the adoption of a child”. It contains:

(1) the name, date and place of birth; race, and place of residence of each petitioner, including the unmarried name of the adopting mother, and the date of marriage, if any, of the petitioners;

(2) the name, date and place of birth, and place of residence, if known by the petitioner, of the child to be adopted;

(3) the relationship, if any, of the child to the petitioner;

(4) the full name by which the child will be known after adoption;

(5) the full description of the property, if any, of the child;

(6) the names of the parents of the child, and the address of each living parent, if known to the petitioner;

(7) the names and addresses of the guardian of the person and the guardian of the estate of the child, if any have been appointed;

(8) the name of the agency or person to whom the custody of the child has been given by proper order of Court;

(9) the length of time the child has been in the care and custody of the petitioner;

(10) names of other children, both natural and adopted and both living and dead, of the adopting parents; and

(11) the residence and occupation of each petitioner at or about the time of the birth of the child.

(c) If the adoption placement is made by the Department of Health Human and Social Services or a child placement agency, the information required under paragraphs (b)(2) and (b)(6) is not included in the petition but is transmitted to the Court as part of the report required in 45.0414.

(d) A statement of any fee charged relative to the adoption is submitted to the Court with the petition and states that no additional fees are charged.”

Sec 11. 45.0421 is amended to read:

“45.0421 Petition--Written reports.

Except for stepparent adoptions and those cases in which placement for adoption has been made by the Court, or by an individual in whom guardianship of the person of the child has been placed by the Court, or in accordance with the law of another State or Territory, if a petition for the adoption of a child is not accompanied by the written consent and report of the Department of ~~Health~~ Human and Social Services or a child placement agency, the Court orders the Department of ~~Health~~ Human and Social Services, a child placement agency, or the Probation Department of the Court to make an investigation and file a written report substantially in the form outlined in subsection (b) of 45.0414, including a recommendation as to whether the adoption should be decreed.”

Sec 12. 45.0501 is amended to read:

“45.0501 Juvenile probation office--Service agreements.

(a) The High Court is authorized to establish a juvenile probation office.

(b) The High Court is also authorized to appoint juvenile probation officers and other professionals as may be required.

(c) (1) The High Court is authorized to enter into agreement with the Department of ~~Health~~ Human and Social Services, other public agencies, private nonprofit agencies, or with other Courts to provide supervision or other services for children placed on probation by the Court.

(2) The conditions and terms of these agreements are set forth in writing, including any payments to be made by the Court for the services provided.

(3) Any agreement made under this subsection may be terminated upon 90 days written notice by either party.”

Sec 13. 45.1501 is amended to read:

“45.1501 Persons who may initiate proceedings-Limitations.

(a) Proceedings to establish the paternity of a child and to compel support under this chapter may be commenced by the mother, whether a minor or not, by the child’s guardian of the person, or, if the mother or the child is a public charge, by the Department of ~~Health~~ Human and Social Services.

(b) No proceeding under this chapter may be initiated after the child is 5 years of age or older unless paternity has been acknowledged by the father in writing or by furnishing support.”

Sec 14. 45.2001 is amended to read:

“45.2001 Definitions.

As used in this chapter unless the context otherwise requires:

(a)(1) “Abuse” or “child abuse or neglect” means an act or omission in one of the following categories which seriously threatens the health or welfare of a child:

(A) when a child exhibits evidence of serious bruising, bleeding, malnutrition,

failure to thrive, mental injury, burns, fracture of a bone, subdural hematoma, soft tissue swelling, or death, and the condition or death is not justifiably explained, or where the history given concerning the condition or death is at variance with the degree or type of the condition or death, or circumstances indicate that the condition or death may not be the product of an accidental occurrence;

(B) when a child is subject to the sexual offenses contained in 46.3601 to 46.3617 and 46.3802, or is allowed, permitted, or encouraged by the child's parents, legal guardian, custodian, or any other person responsible for the child's health and welfare, to engage in prostitution or be the subject of obscene or pornographic photographing, filming, or depicting;

(C) any case in which the child's parents, legal guardians, custodians or any other person responsible for the child's health and welfare fail to take the action to provide adequate food, clothing, shelter, medical care, or supervision that a prudent parent would take.

(2) In all cases, those investigating reports of child abuse shall take into account accepted child rearing practices of the culture. Nothing in subparagraph (a)(1)(B) refers to acts which could be construed to be a reasonable exercise of parental discipline as defined in subsection (20) of 45.0103.

(b) "Agency" means Child Protection Agency of the Department of Human Resources and Social Services.

(c) "Department" means the Department of Public Safety.

(d) "Neglect" means acts which can reasonably be construed to fall under the definition of "child abuse or neglect" as defined in subsection (a) above.

(e) "Receiving agency" means the Department of Health Human and Social Services or law enforcement agency first receiving a report of alleged child abuse.

(f) "Responsible person" means a child's parent, legal guardian, or custodian, any employee of a residential facility, any staff person providing out-of-home care or under any other settings in which children are provided care, or any other person responsible for the child's health and welfare.

(g) "Unfounded report" means any report made under this chapter which is not supported by some credible evidence."

Sec 15. 45.2021 is amended to read:

"45.2021 Central registry--Telephone number for reporting cases.

There is a single telephone number that all persons, whether mandated by law or not, may use to report cases of suspected child abuse, sexual abuse, or neglect and that all persons so authorized by this chapter may use for determining the existence of prior records in order to evaluate the condition or circumstances of the child before them. The oral telephone reports are immediately transmitted by the central registry to the Director of Health Human and Social Services together with any previous report concerning the subject of the report or any other pertinent information."

Sec 16. 45.2023 is amended to read:

“45.2023 Central registry-Availability of information.

Reports made under this chapter as well as any other information obtained, and reports written or photographs taken concerning those reports in the possession of the department and agency are confidential and are made available only to:

- (1) Attorney General at all times;
- (2) a physician who has before him a child whom he reasonably believes may have been abused, sexually abused, or neglected;
- (3) a person authorized to place a child in protective custody when that person has before him a child whom he reasonably believes may have been abused, sexually abused, or neglected and that person requires the information to determine whether to place the child in protective custody;
- (4) another duly authorized agency having responsibility for the care or supervision of the subject or a report;
- (5) any person who is the subject of a report;
- (6) a Court where it determines that information is necessary for the determination of an issue before the Court; or
- (7) any person engaged in bona fide research after a showing that such information is essential to the research and after first obtaining written permission from both the Director of ~~Health~~ Human and Social Services and the child through its representative.”

Sec 17. 46.3811 is amended to read:

“46.3811 Abuse of a child.

~~(a) Abuse of a child has the meaning specified in subsection (a) 45.2001. A person commits the crime of “child abuse” or “abuse of a child” if he purposely or knowingly:~~

- ~~(1) causes injury to a child by unreasonable force by:
 - ~~(A) burning, biting, or cutting a child;~~
 - ~~(B) striking a child with a closed fist;~~
 - ~~(C) shaking, kicking, or throwing the child;~~
 - ~~(D) interfering with the child’s breathing;~~
 - ~~(E) threatening a child with a dangerous instrument or injuring a child with such a dangerous instrument. For purposes of this chapter, a dangerous instrument means any instrument, article, or substance which, under the circumstances in which it is used, is readily capable of causing death or serious physical injury; or~~
 - ~~(F) other act that creates a substantial risk of harm or death to a child. The acts in subparagraphs (A) through (F) may be evidenced by any skin bruising, bleeding, malnutrition, dehydration, burns, fracture of any bone, subdural hematoma, soft tissue swelling, injury to any internal organ or any physical condition that imperils the health or welfare of the victim, or can lead to death; or~~~~
- (2) inflicts serious emotional damage to a child which is injury to the emotional condition of a child as evidenced by severe anxiety, depression, withdrawal, substantial change in behavior, emotional response, cognition or untoward

aggressive behavior, and such injury is diagnosed by a medical doctor or psychologist.

(b) Abuse of a child is a class D felony.”

Sec 18. There is created a section 46.3812 which reads:

“46.3812 Child neglect.

(a) A parent, guardian, or other person legally charged with the care or custody of a child is guilty of “Neglect or Child Neglect” if he purposely or knowingly:

(1) fails or refuses to provide a child with necessary food, clothing, shelter, mental health, guidance, or well being;

(2) fails to provide the necessary education to a child as required by 16.0302;

(3) fails to protect a child from conditions or actions that seriously endanger or can be injurious to a child’s physical, mental, or emotional health;

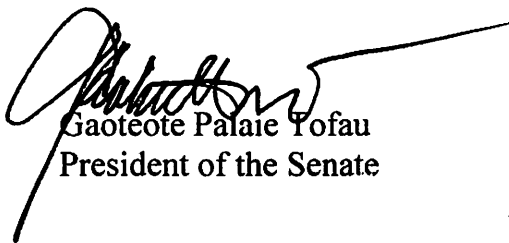
(4) fails to provide the necessary supervision or childcare arrangements for a child;

(5) uses an illegal substance while pregnant, as may be evidenced by the presence of illegal substance in the child’s or mother’s bodily fluids or bodily substances, withdrawal symptoms in the child at birth, or medical effects or developmental delays during the child’s first year of life that medically indicate prenatal exposure to a controlled substance; or

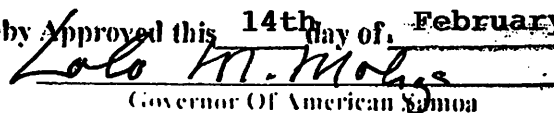
(6) abandons or ceases providing care for a child without making appropriate provisions for substitute care.

(b) A parent, guardian, or other person legally charged with the care or custody of a child is guilty of Child Neglect if he knowingly allows another to mistreat or abuse a child through acts prohibited in paragraphs 1 through 6 above, and he is reasonably able to prevent it from occurring.

(c) Child neglect is a Class A misdemeanor.”


Gaoteote Palaie Tofau
President of the Senate


Savali Talavou Ale
Speaker, House of Representatives

Hereby Approved this 14th day of February 20 14

Governor Of American Samoa

NOFOAIGA TOLUSEFULU-TOLU FONOFAITULAFONO AMERIKA SAMOA

Fono Tele Lona Tolu

Nofoia ma usuia i Fagatogo, Tutuila, Amerika Samoa
Aso Gafua, aso sefulutolu o Ianuari
lua afe sefulu fā

O SE TULAFONO E FAALAUATELE AI UIGA O UPU MA SAGA AVEA AI MA SOLITULAFONO GAOIOIGA I LE SAUAINA/FAATAUMA'OI MA LE TUULAFOA'I O FANAU; SUIA AI MAGA 45.0103, 45.0301, 45.0302, 45.0352, 45.0354, 45.0355, 45.0403, 45.0413, 45.0414, 45.0420, 45.0421, 45.0501, 45.1501, 45.2001, 45.2021, 45.2023, MA LE 46.3811 T.T.A.S. MA FAAVAE AI SE MAGA 46.3812 T.T.A.S.

Faatomuaga:

- TALUAI, o fanau a Amerika Samoa o le alamanuia aupito taua lea ona o tatou taitai ia o le lumana'i, o e puipui le atunuu, ma o tagatanuu foi; ma
- TALUAI, o le tutupu a'e ma le soifua lelei o a tatou fanau e ola lauusi i totonu o aiga e saogalemu, tumu i le alofa ma faafailele lelei ai e ni matua faitama; ma
- TALUAI, afai ua le malu i le aiga ma ua avea le aiga ma nofoaga o le sau ma le tuulafoa'ina, ma afai o matua o le pogai lea o le sauaina, e le tuumamaina la e Amerika Samoa le soonafai o fanau aua afai o lea o lona uiga la ua lamatia ai le lumanai; ma
- TALUAI, a aunoa ma ni puipuiga ia lava ma faia ni aiaiga e fo'ia ai, o lona uiga o le a lamatia le ola o tatou fanau ma o le a le mafai foi ona faailoaina ni mea latou mafai ona faia ona o le toatele o le a savalia le ala, o totonu o nofoaga mo tagata afaina le mafaufau, o fale e tuu ai tamaiti solitulafono, poo nofoaga e ave i ai solitulafono mamafa, ma fai ai ma avega mamafa pe lamatia ai foi le saogalemu; ma
- TALUAI, o le puipuia ma le togafitia o le faataugaina o tamaiti, o le tuulafoaina ma le lamatia o lo latou soifua e matua alagatatau lava mo le atina'ega o tatou fanau ma lo tatou atunuu; ma

TALUAI, mo le saogalemu o fanau e tatau lava ona faailoa vave, lipotia, suesueina ma faamasinoina le sauaina, tuulafoaina, ma le lamatia o fanau; ma, ua tatau ona avatua le fesoasoani ma le togafitiga i fanau o loo tau faatea ese le afaina mai sauaga, tuulafoaina ma le ola lamatia; ma

TALUAI, ua silafia e le Fono e tatau ona puipuia e le malo fanau uma mai soo se ituaiga o faiga faatauga, o le tuulafoaina ma le lamatia e o latou matua, o e o loo vaaia latou, poo se isi lava tagata o loo tuuina atu i ai le vaaiga o tamaiti; ma

TALUAI, ina ia maua le sini o lenei faamoemoe, e tatau ona faamanino vaega uma ma faiga o loo aafia i le togafitia ma le puipui o fanau mai le sauaina ma le tuulafoa'ina.

IA FAATULAFONOINA E LE FONOFAITULAFONO A AMERIKA SAMOA:

Maga 1. 45.0103 ua suia nei e faitauina faapea:

“45.0103 Uiga o upu.

E pei ona faaaogaina i lenei ulutala, sei vagana ai e ese se mea o loo manaomia mai, o uiga nei o upu e faaaogaina ai:

(1) “Iloiloga e iloa ai” o lona uiga o se iloiloga e fai ai se faaiuga pe mata o tuuaiga o loo fai ai se tagi i lalo o parakalafa (a)(1) poo le (a)(2) o le 45.0115 e matua lagolagoina i mau faamaonia i se tulaga e matua leai se masalosaloga talafeagai poo tuuaiga foi i lalo o le parakalafa (a)(3) o le 45.0115 e lagolagoina i le matua mausali ma le mauaa o mau faamaonia.

(2) “Tagata matua” o lona uiga o se tagata 18 tausaga pe sili atu le matua. Ui o lea, soo se tasi e 18 tausaga pe sili atu e pa’u i lalo o le vaavaaiga faifaipea a le faamasinoga, poo loo i luma foi o le faamasinoga ona o se solitulafono na tuua’ia ai i le taimi a o lei atoa lona 18 tausaga, pe aafia foi i se talosaga ua faaulu mo lona vaetamaina e ese mai ai i lalo o lenei ulutala, e ta’ua lava ia o le tamaititi.

(3) “Tamaititi” o lona uiga o se tasi e lei atoa le 18 tausaga ~~poo se tagata foi e vaivai lona mafaufau, tagata ua uma ona faia o se faaiuga a se fomai o lona mafaufau e tutusa ma se tasi e lei atoa le 18 tausaga, poo se faaletonu lona tino e le mafai ai ona galue, tusa lava pe fia ona tausaga.~~

(4) “Nofoaga e tausia ai tamaiti” o lona uiga o se nofoaga/fale ua pasia e le tulafono: afai o le fale e tu i se tasi Setete poo se Teritori, e tatau ona laiseneina pe pasia e pei ona manaomia i tulafono a lena setete poo le teritori.

(5) “Tamaititi e manaomia ona vaaia” o lona uiga soo se tamaititi:

(A) e tia’i a’oga pea lava ia e solia ai manaoga o le 16.0302;

(E) ua sola ese ma le aiga poo ua le mafai foi e ona matua, o le o loo vaaia, poo se isi lava foi tagata o loo tausia faaletulafono, ona pulea; poo

(I) o lana amio poo le tulaga foi o i ai e lamatia ai lona lava ola poo le soifua foi o nisi.

(6) “Le vaega latou te tuuina tamaiti i nisi nofoaga” o lona uiga o se vaega e faamaonia e le tulafono. Afai o lea vaega e tu i se tasi setete poo se teritori, e tatau ona laisene pe faamaonia foi e tusa ma le tulafono a lena setete poo le teritori.

(7) “Tuuina” o lona uiga o le fesuia’ia o le tausiga faaletulafono.

(8) “Faamasinoga” o lona uiga o le Vaega o Faamasinoga a le Faamasinoga Maualuga a Amerika Samoa, sei vagana ai ni vaetamaina e leai se tetee i lalo o le 45.0420 e oo i le 45.0431 ona faauigaina loa lea o le faamasinoga o le Faamasinoga Faaitumalo (Maulalo);

(9)(A) “Tamaititi solitulafono” o lona uiga o se tamaititi 10 tausaga pe sili atu ua ia solia tulafono nei, tusa lava poo fea na tupu ai lea mea:

(I) soo se tulafono a le malotele, setete, poo se teritori;

(II) soo se poloaiga, o lona faasalaga o le falepuipui; poo

(III) soo se faatonuga a le faamasinoga e tusa ma le tulafono i lalo o lenei ulutala.

(E) O lenei uiga e le faaaogaina i:

(I) tamaiti e 14 tausaga pe sili atu e tuua’ia i le solia o tulafono o le faatupu misa;

(II) tamaiti sa faamaonia le solia o tulafono i tausaga e lua ua mavae, ma o le mataupu na aafia ai o se solitulafono mamafa pe ana faapea o se tagata matua, pe mafai foi ona faasalaina ai i le falepuipui i le olaga atoa poo le oti; poo

(III) o tamaiti 14 tausaga pe sili atu na tuua’ia i se solitulafono mamafa e mulimuli mai se isi lava solitulafono mamafa sa fai ma ala o se iloiloga sa faia ai se iuga ina ia faamasinoina e pei o se tagata matua.

(I) o se tamaititi e soli se tulafono poo se tuutuuga foi tau taavale e ta’ua ia o se “tamaititi solitulafono tau taavale” ma o le a le mafai ona ta’ua ia o se tamaititi solitulafono sei vagana ua faatonuina faapena e le faamasinoga ina ua uma ona fofogaina ni molimau faamaonia.

(10) “Aveesea o le vaavaaiga” o lona uiga o le suia o le vaaiga faaletulafono e le faamasinoga mai le matua poo le sa ia vaaia faaletulafono ma tuu i se tasi tagata, o se vaega poo se nofoaga.

(11) “Taofia” o lona uiga o le vaaia le tumau o se tamaititi e manaomia le vaaiga saogalemu i se fale e le soona saoloto ai e faatalitali ai se iloiloga a le faamasinoga poo le faatinoina o se faatonuga a le faamasinoga mo le tuuina i se nofoaga. O fale e taofia ai tamaiti solitulafono e filifili mai e le Faamasinoga.

(12) “Nofoaga e suesue ai ma vaaia” o lona uiga o nofoaga e faia ai suega ma vaavaai lelei ai tagata o loo tuu i le vaaiga a le Falepuipui, Matagaluega o le Saogalemu Lautele.

(13) “Iloiloga o le faavasegaina” o lona uiga o se iloiloga e iloa ai poo le a tonu le mea e fai i se tamaititi ua faia i ai se faaiuga ua solitulafono, e moomia le vaavaaia, pe tuulafoai pe faalagolago foi i se tasi. O le iloiloga e mafai ona fai ma vaega o le taualumaga e aofia ai ma le iloiloga e iloa ai, pe faia foi i se taimi pe a uma le iloiloga lea mo se faaiuga pe ua soli le tulafono.

(14) “Aiga e vaaia ai” o lona uiga o se fale e faamaonia e le tulafono. Afai o le fale e tu i se tasi setete poo se teritori, e tatau ona laiseneina pe pasia e tusa ai ma le tulafono i lena lava setete poo le teritori.

(15) “Fale ma aiga e tausia ai ni vaega o tagata” o lona uiga o nofoaga e ese mai ai fale o aiga e tausia ai tamaiti e tausia ai ni vaega toaititi o tamaiti.

(16) “Vaaia o le tagata” o lona uiga o le tiute ma le pule e tuuina mai e le Faamasinoga e faia ai faaiuga tetele e aafia ai se tamaititi e aofia ai, ae le gata ai:

(A) le pule e malie ai i se faaipoipoga, o le alu i vaega’au a le malo, ma le faia o ni togafitiga poo se taotoga i le falemai;

(E) le pule e fai ai ma sui o se tamaititi i ni mataupu tau tulafono ma le faia o isi faaiuga taua faaletulafono e aafia ai le tamaititi;

(I) le pule e malie ai i le vaetamaina o se tamaititi ina ua uma ona aveese o le aia o matua e ala i se faatonuga a le faamasinoga; ma

(O) o aia ma matafaioi o le vaaiga faaletulafono pe afai e lei tuuina atu lea i se tagata, se vaega, poo se faalapotopotoga lautele.

(17) “Fale faatalitali” o lona uiga o ni fale e tausia ai tamaiti ua tuu faanofovaavaaia ai poo le palolo foi i lalo o tuutuuga o lenei ulutala.

(18)(A) “Tausiga/Vaaiga faaletulafono” o lona uiga o le aia e tausi ai, vaaia ma pulea se tamaititi ma le tiute o le saunia o meaai, o lavalava, o le mea e nofo ai, o le tausiga masani tau falemai, a’oga, ma le a’oa’iga o se tamaititi ma, i taimi o se faalavelave faafuasei, ia faataga se ta’otoga poo se isi ituaiga tausiga maoa’e. O le vaaiga faaletulafono na o le pau lava le ala e aveeseina ai mai matua o se iuga mai le Faamasinoga.

(E) Mo le sailia o le mea e nofo ai se tamaititi, o loo i ai pea le vaaiga i le tagata na ave i ai e le Faamasinoga le vaaia faaletulafono o le tamaititi.

(19) “Tamaititi Tuulafoai pe faalagolago foi i se tasi” o lona uiga o se tamaititi:

(A) ua lafoai e lona matua, o se tagata sa vaaia, poo se tagata foi na tausia ia faaletulafono poo ua sauaina foi poo ua le faia lelei poo ua faataga foi e se tasi o i latou ia o loo ta’ua se tasi tagata e soona faia pe sauaina le tamaititi e aunoa ma le uia o ni auala faaletulafono e taofi ai ia faiga ma puipuia ai mai le toe tupu;

(E) e lei se tausiga lelei faamatua e ala i gaoioiga poo le lē faia foi o tiute o le matua, le tagata tausi, poo le tagata foi e vaaia faaletulafono;

(I) o lona siomaga e afaina ai lona soifua lelei;

(O) e le faia e lona matua, le tagata e tausia poo lē e vaaia faaletulafono se tausiga e talafeagai ai pe musu foi e avatua i le tamaititi le tausiga e tatau ai, o le a’oga, tausiga tau falemai, poo se isi lava tausiga e tatau ai mo lona soifuamaloloina, ta’ita’iga, poo le ola lelei; poo

(U) e leai se mea e nofo ai, leai se tausiga lelei, pe le nofo i ona matua, le tagata e tausia poo le tagata e vaaia faaletulafono e le ona o se sisi o matua, o le tagata e tausia poo lē e vaaia faaletulafono.

(20) “A’oa’iga masani faamatua” o lona uiga o gaoioiga uma a matua, e pe sasa i lima, o se fusipa’u, poo se sasa mama i le tino, poo se isi faiga faapena, ‘ote poo se sasa e le matuia ai se afaina o le tino pe ave ai foi i le falemai poo se manu’a matuia ua afaina ai.

(21) “Matua” o lona uiga o se matua moni lava o se tamaititi mai se ulugalii faaipoipo, poo se matua e ala i le vaetamaina, poo se matua foi o se tamaititi e lei faaipoipo ona matua. O se tamaititi na faia e se fafine na faaipoipo i le taimi na maitaga ai poo le taimi foi na fanau ai e ta’u lava lea o se tamaititi a lona to’alua e tusa ai ma le tulafono. Afai o le tina e faaipoipo i se isi tamaloa i le taimi e fanau ai le tamaititi e ese mai ai le tamaloa sa i ai i le taimi na ma’i ai, o lona to’alua lava la i le taimi na ma’i ai e ta’u lea o le tama o le tamaititi. Afai e fesiligia lea itu faaletulafono ma e leai foi se isi faaiuga e ese ai e faia, ona avea lea o le tamaloa o loo faaipoipo i ai le tina i le taimi e fanau ai ma tama o le tamaititi. O le tama o se tamaititi na fanau ae lei faaipoipo ma le tina, e leai sona aia faamatua i le tamaititi sei vagana, a o lei faia se faaiuga i le vaetamaina, ua uma ona ia faailoa o ia e ana le tamaititi e ala i le faailoaina o mea nei:

(A) tuu lona igoa i le pepafanau o le tamaititi;

(E) totogi le pili o le falemai mo le fanauga o le tamaititi;

(I) totogi le tausiga o le tamaititi; poo

(O) pe ta’u foi i sana tusitusiga o ia le tama o le pepe.

(22) “Vaaia mo le Puipuia” o lona uiga o se tulaga faaletulafono e faia e ala i se poloaiga a le Faamasinoga e faataga ai le tamaititi e nofo i lona aiga pe ave foi i se tagata o lona aiga poo se isi tagata talafeagai ai, ma o le vaavaaia ma le fesoasoani e maua mai le Faamasinoga, Matagaluega o le Soifuamaloloina Auaunaga tau le Soifua ma le Manuia Lautele poo se isi vaega e filifilia e le Faamasinoga.

(23) “Nofoaga e talia mai” o lona uiga o se vaega/fale e faaoga e tausia ma taofia ai le tumau tamaiti e le Vaega o Falepuipui e faatalitali ai le tuuina atu i se a’oga e toleni ai, se mea e nonofo ai mo se taimi puupuu, poo se isi nofoaga.

(24) “Aia e totoe o matua ma isi a latou matafaioi” o lona uiga o aia ma fatuaiga o loo totoe pea i matua pe a mavae le tuuina atu le vaaiga faaletulafono, le tausiga poo mea uma foi e lua, i se tasi tagata, o se vaega, poo se faalapotopotoga/vaega lautele, e aofia ai, ae le gata ai: le tiute o le lagolago,

le aia e malie atu ai i se vaetamaina, o le aia e alu ai e asi sei vagana ua faasā mai e le faamasinoga, ma le aia e ta’u mai ai le lotu e lotu ai le tamaititi.

(25) “Fale e malu ai” o lona uiga o le tausiga lē tumau o se tamaititi i ni fale e lē faasasaina e faatali ai se faaiuga mai le Faamasinoga poo le faatino foi o se poloaiga a le faamasinoga mo fale e tuu ai Tamaiti aafia i le tulafono.

(26) “Faamutaina o aia faamatua” o lona uiga o le aveeseina e ala i se poloaiga a le Faamasinoga o aia ma tiute faamatua, e aofia ai ma aia ma tiute sa totoa i matua.

(27) “Aoga e toleni ai” o lona uiga o a’oga e maua ai le vaaia lelei, o le aoaoina, ma le toe fuata’iina o le olaga o fanau i se nofoaga puipuia.”

Maga 2. 45.0301ua suia e faitauina:

“45.0301 Tuuina atu i le Loia Sili-Talosaga.

(a) Soo se taimi e foliga mai ai i le vaaiga a se leoleo/ofisa faamalosi tulafono poo se isi foi lava tagata e faapea o se tamaititi o loo i lalo o le puipuiga a le Faamasinoga, e pei ona taua i le parakalafa (a)(1) o le 45.0115, e mafai i lea ofisa faamalosi tulafono poo le isi foi tagata lea na avatua le mataupu i le Loia Sili, o ia lea e faia le faaiuga pe mata o lea mataupu e manaomia ona faia o se tasi gaoioiga mo le lelei o le tamaititi poo le lautele foi.

(e) Afai e manatu le Loia Sili e tataua ona faia o se tasi gaoioiga mo le lelei o le tamaititi poo le lautele foi, e mafai ona ia faaulu se talosaga i le pepa lea o loo faailoa faapitoa mai le 45.0310, lea o le a talia e le Faamasinoga.

(i) Afai e le mafai e le Loia Sili ona aumai se faaiuga pe faia se isi gaoioiga mo le lelei o le tamaititi poo le lautele foi e mafai ona ia avatua o le mataupu i le ofisa faanofovaavaia o tamaiti le taupulea, o le Matagaluega o le Soifuamaloloina Auaunaga mo Tagata ma le Soifua Manuia Lautele, poo se isi vaega e tofia e le faamasinoga mo se uluai suesuega ma fautuaga e faatatau i le faauluina o se talosaga i lalo o le parakalafa (a)(1) o le 45.0115 poo le amataina o se fetuunaiga i lalo o parakalafa (3) o le 45.0302 ma le 45.0303.

(o) A uma ona faila o se talosaga e faapea mai ai o le tamaititi o loo i totonu o le pule a le faamasinoga, e pei ona aiaia i le parakalafa (a)(1) o le 45.0115, e mafai ona faia e le Faamasinoga se uluai iloiloga e iloa ai pe i ai se mafuaga e talitonu ai o mea o loo ta’ua i le talosaga e aumai ai le tamaititi i totonu o le puleaga a le Faamasinoga.”

Maga 3. 45.0302 ua suia e faitauina:

“45.0302 Avatua i le faamasinoga-Uluai suesuega.

Soo se taimi e foliga mai ai i se leoleo/ofisa faamalosi tulafono poo se isi tagata o se tamaititi o loo i lalo o le vaaiga a le Faamasinoga, e pei ona i lalo o le parakalafa (a)(2) poo le (a)(3) o le 45.0115, e mafai e le leoleo lea poo le isi foi tagata ona avatu o le mataupu i le Faamasinoga, o ia lea o le a faia se uluai suesuega ina ia iloa ai pe mata e tataua ona faia se isi gaoioiga mo le lelei o le

tamaititi poo le lautele foi. O le suesuega lea e faia e le ofisa faanofovaavaaia o tamaiti amio le taupulea, o le Matagaluega o le ~~Soifuamaloloina~~ Auaunaga mo Tagata ma le Soifua Manuia Lautele, poo se isi lava vaega e tofia e le Faamasinoga. I le faavae ai la i le uluai suesuega, e mafai e le Faamasinoga:

(1) ona faia o se faaiuga pe mata e manaomia se isi gaioiga, pe mo le lelei o le lautele poo le tamaititi;

(2) faataga se talosaga e faauluina; poo

(3) faia soo se fetuunaiga e manatu e talafeagai e aunoa ma se talosaga pe afai:

(A) sa faailoa i le tamaititi ma ona matua, o le tagata e vaaia, poo se isi tagata e vaaia faaletulafono o latou aia faaletulafono ma le faavae e aofia ai le faia o se loia fautua i laasaga uma o tualumaga;

(E) e faauluina faamatalaga moni ma faavae le pule vaavaaia, vagana ai e le faaaogaina faamatalaga moni ia pe afai e faauluina se talosaga; ma

(I) ua maua mai se maliega tusitusia mai matua, o le tagata e tausia, poo se isi tagata e vaaia faaletulafono ma le tamaititi, pe afai ua lava lona matua ma lona malamalama.”

Maga 4. 45.0352 ua suia e faitauina:

“45.0352 Tamaititi e manaomia le vaavaai- I’uga i le tulaga o le tamaititi.

(a) Afai e faia se faaiuga o se tamaititi e manaomia le vaavaaia, e tuu mai e le Faamasinoga se faaiuga o le tulaga o le tamaititi e aofia ai se tasi pe sili atu o aiaiga nei e manatu le Faamasinoga e tatau ai:

(1) E mafai e le Faamasinoga ona tuu o le tamaititi faanofovaavaaia pe i lalo o le taitaiga puipuia i le vaaiga faaletulafono a se tasi o matua poo matua uma foi poo le tagata e tausia i lalo o tuutuuga e faaono tuuina mai e le Faamasinoga.

(2) E mafai e le Faamasinoga ona tuu o le tamaititi i le vaaiga faaletulafono a se tagata o le aiga poo se isi tagata talafeagai ai i lalo o tuutuuga a le Faamasinoga, e faaono aofia ai le tuu o le tamaititi faanofovaavaaia poo lalo o se taitaiga puipuia.

(3) E mafai ona manaomia e le Faamasinoga e avea ma tuutuuga o le nofovaavaaia le lipoti o le tamaititi i se porokalama e galue ai i lalo o se ta’ita’iga a se tasi pe tuu foi le tamaititi i se nofoaga e tausia ai tamaiti latou te faia se porokalama e galue ai i lalo o le vaavaaiga, pe afai:

(A) e le aveesea ma le tamaititi le a’oa’oga e tatau ai mo lona matua, o mea e manaomia, ma sini faapito mo le toe fuata’iina o le olaga;

(E) o le porokalama e galue ai i lalo o le ta’ita’iga a se tasi e aoga ma una’ia ai le toe fuata’ina, e talafeagai mo le matua ua i ai ma le malosi o le tino, ma e fai faatasi ma faufautua mai le ofisa mo tamaiti solitulafono poo nisi tagata e maua mai ai le taitaiga; poo

(1) o le porokalama lea e galue ai i lalo o le ta'ita'iga e faia pea mo se vaitaimi e ogatasi ma le faaleleia ai o le tamaititi, a ia lē sili atu i le 180 aso.

(4) E mafai ona tuu e le Faamasinoga le vaaiga faaletulafono o le tamaititi i le Matagaluega o le ~~Soifuamaloloina~~ Auaunaga mo Tagata ma le Soifua Manuia Lautele, poo se vaega latou te vaaia aiga poo se fale e tausi ai tamaiti, pe tuu foi e latou le tamaititi i se nofoaga e tausia ai tamaiti.

(5) E mafai e le Faamasinoga ona faatonu ina ia su'e ma togafitia le tamaititi e se fomai, se fomai tipitipi, fomai tau le mafaufau poo se isi foi ituaiga tausiga faapitoa, ma tuu foi le tamaititi i se nofoaga talafeagai mo lena faamoemoe.

(6) E mafai ona manaomia e le Faamasinoga le tamaititi e totogia ni mea na faaleagaina i ni tagata poo ni meatotino, i luga o tuutuuga e iloa e le Faamasinoga e sili ona lelei pe a faamalosia le totogiina atu e aunoa ma le tupu ai o se tulaga faigata pe lē talafeagai foi mo le tamaititi.

(7) O se poloaiga a le Faamasinoga i le mea e tuu ai le tamaititi i lalo o lenei maga ia lē silia le 2 tausaga; vagana ai, e mafai e le Faamasinoga na faia le poloaiga ona faafou le poloaiga mo se isi taimi faaopoopo e le silia le 2 tausaga, e ala i se fautuaga a le vaega latou te sue'a le mea e tuu ai tamaiti.

(8) Afai e manatu le vaega lea e vaaia tamaiti e faapea o se tamaititi o loo taofia i lalo o lenei maga ua tataua ona tatala i tua, e faailoa e ia le Faamasinoga sa faia le iuga i se tusi, ma faailoa ai mafuaaga ua manatu ai ua tataua ona tatala le tamaititi.

(9) A maua loa lea faaaliga, e mafai e le Faamasinoga ona:

(A) faia se poloaiga e tatala ai le tamaititi mai le mea sa i ai ma tuu atu i le vaega lea e vaaia, pe aunoa ma ni tuutuuga pe faia foi e le Faamasinoga ni tuutuuga;

(E) faia se poloaiga e tuusaoloto ai le tamaititi mai le vaaiga a le Faamasinoga;

(I) faia se poloaiga e faaauau ai pea le taofia o le tamaititi;

(O) faia se iloiloga o le talosaga e tatala ai ina ua uma ona tuuina atu o le faaaliga i itu aafia uma; poo

(U) faia soo se tuufaatasiga o poloaiga o loo aofia i soaparakalafa (A) e oo i le (I) e manatu le Faamasinoga e talafeagai ma e le taufai tuuese ai isi uma tuutuuga.

(10) Afai e faia e le Faamasinoga se poloaiga e tatala atu ai le tamaititi i le vaega lea latou te vaaia, ona toe faafoi mai lea e le vaega lea le tamaiti i le faamasinoga.”

Maga 5. 45.0354 ua suia e faitauina:

“45.0354 Tamaititi tuulafoa'iina pe faalagolago i se tasi-I'uga i le tulaga o le tamaititi.

Afai e aumai le iuga e faapea o se tamaititi ua tuulafoa'iina pe faalagolago foi i se tasi, ona faia lea o se iuga a le Faamasinoga i le tulaga o le

tamaititi. Afai e lē faamutaina i le poloaiga lea a le faamasinoga aia faamatua, e aofia ai se tasi pe sili atu o aiaiga nei e manatu le Faamasinoga e tatau:

(a) E mafai ona tuu e le Faamasinoga le tamaititi i le vaaiga faaletulafono a se tasi o matua poo matua uma foi poo le tagata e vaaia, pe i ai pe leai foi se taitaiga puipuia, i lalo o tuutuuga e mafai ona faia e le Faamasinoga, i lalo o le 45.0346.

(e) E mafai ona tuu e le Faamasinoga le tamaititi i le vaaiga faaletulafono a se tagata o le aiga poo se isi tagata e talafeagai ai, pe i ai pe leai foi se taitaiga puipuia, i lalo o tuutuuga e mafai ona faia e le Faamasinoga, i lalo o le 45.0346.

(i) E mafai ona tuu e le Faamasinoga le tamaititi i le vaaiga faaletulafono a le vaega e vaaia le tamaititi mo le tuuina i se nofoaga e tausia ai faaleaiga, o le ~~m~~Matagaluega o le ~~soifuaamaloloina~~ Auaunaga mo Tagata ma le Soifua Manuia Lautele, poo se tasi nofoaga e tausia ai tamaiti.

(o) E mafai ona poloai le Faamasinoga e su'eina ma togafitia le tamaititi e se fomai, fomai tipitipi, fomai tau le mafaufau pe maua foi se isi tausiga faapitoa ma tuuina le tamaititi i se nofoaga tatau mo lena faamoemoe.”

Maga 6. 45.0355 ua suia e faitauina:

“45.0355 Tamaititi tuulafoa’iina pe faalagolago i se tasi-Aveesea o aia o matua.

I se iuga o le tulaga o le tamaititi e pei ona aiaia i le 45.0354:

(a) E mafai e le Faamasinoga ona faia o se poloaiga e faamuta ai aia o matua mo le matua e toatasi poo matua uma foi pe afai e iloa e le faamasinoga e manaomia lea mo le soifua lelei o le tamaititi.

(e) I le faia o se poloaiga e faamuta ai aia faaletulafono o matua uma o le matua e toatasi lea o loo soifua, poo le tina foi o se tamaititi na fanau toifale, e mafai e le Faamasinoga ona:

(1) tuu i le Matagaluega o le ~~Soifuaamaloloina~~ Auaunaga mo Tagata ma le Soifua Manuia Lautele poo se vaega foi latou te vaaia tamaiti le vaaiga faaletulafono ma le tausiga o se tamaititi mo le faamoemoe latou te tuuina atu le tamaititi mo le vaetamaina; poo

(2) faia soo se iuga mo le tulaga o le tamaititi e pei ona aiaia i lalo o le (a)(2), (3), poo le (4) o loo i luga e manatu le Faamasinoga e tatau ai.

(i) I le faia o se iuga e faamuta ai aia faamatua o se matua e toatasi, e mafai e le Faamasinoga ona:

(1) tuu le tamaititi i le tausiga faaletulafono o le isi matua ma faia taualumaga; poo

(2) faia se isi lava iuga i le tulaga o le tamaititi i lalo o le (a) o loo i luga e manatu le Faamasinoga e tatau ai.”

Maga 7. 45.0403 ua suia e faitauina:

“45.0403 Poloaiga mulimuli o le faamatuu atu.

(a) Afai e faamuta e le Faamasinoga aia o matua uma e toalua, poo le matua foi e toatasi o loo soifua, afai loa ua uma ona iloilo uma e le Faamasinoga o le itu tau le ituaiga tagata, o ana tū ma aga, o le itu faalelotu o le tamaititi, ona faatonu loa lea o le tausiga o le tamaititi e tuuina atu:

(1) I le Matagaluega o le ~~Soifuamaloloina~~ Auaunaga mo Tagata ma le Soifua Manuia Lautele;

(2) se vaega e vaaia tamaiti ma le mea e tuu ai;

(3) se aiga o le tamaititi; poo

(4) o se tagata lelei ma tausaaafia le amio.

(e) E tagai le Faamasinoga, ae le noatia ai, i se talosaga ina ia tuu le tamaititi i se matua o ona matua, uso o le tina poo le tuafafine o le tama, uso o le tama poo le tuagane o le tina, uso/tuagane/poo le tuafafine o le tamaititi.

(i) O le poloaiga e faamatuu ese ai e aumai uma ai faamatalaga uma e tatau ai sa faia i le iloilo ma, e le gata i lea, e ta’u mai ai foi e faapea ua faamalieina le Faamasinoga ua uma ona ofoina atu i matua o fautuaga ma aiaiga o loo i le soamaga (o) o le 45.0402.

(o) O se faaiuga/poloaiga mulimuli o le faamatuueseina o loo aveese uma ai aia faaletulafono ma isi mea uma lava sa i matua mo le tamaititi lea. O le poloaiga ua tuusaoloto ai le tamaititi mai mea uma faaletulafono e ono noatia ai i ona matua.

(u) O le itu e faapea o se matua poo matua o ni tagata e lei atoa le 18 tausaga e le afaina ai lava le faaaogaina o le poloaiga mulimuli o le faamatuu ese.

(f) O se tagata o loo soifua lona toalua e lei tete’a faaletulafono e mafai ona faaulu faatasi e ia ma lona toalua lea, sei vagana ai o le toalua o le matua moni lea o le tamaititi o le a vaetamaina, poo ua uma foi ona ia vaetamaina muamua le tamaititi.”

Maga 8. 45.0413 ua suia e faitauina:

“45.0413 Tuuina mo le faamoemoe e vaetamaina/faatamafai.

E le mafai ona tuuina o se tamaititi o loo avanoa faaletulafono mo le vaetamaina i lalo o parakalafa (a)(1), (a)(2), (a)(3) poo le soamaga (o) o le 45.0412 sei vagana ua faia e le Faamasinoga, o le Matagaluega o le ~~Soifuamaloloina~~ Auaunaga mo Tagata ma le Soifua Manuia Lautele, o se vaega e vaaia tamaiti ma le mea e tuu ai poo se faalapotopotoga/vaega lautele, poo se tagata sa tuu ai e le Faamasinoga le vaaia o le tamaititi.”

Maga 9. 45.0414 ua suia e faitauina:

“45.0414 Maliega tusitusia ma le lipoti.

(a) Sei vagana ai o le tuuina o se tamaititi i se nofoaga na faia e le Faamasinoga pe tusa ai foi ma le tulafono o se isi Setete poo se Teritori, se

maliega tusitusia a le Matagaluega o le ~~Soifuamaloloina~~ Auaunaga mo Tagata ma le Soifua Manuia Lautele, vaega, poo se tagata o loo aafia i le vaetamaina lea o loo faamoemoe i ai, e tusa ai ma le 45.0412, e faauluina faatasi ma le talosaga e vaetamaina.

(e) I le tuuina o tamaiti i nofoaga e faia e le Matagaluega o le ~~Soifuamaloloina~~ Auaunaga mo Tagata ma le Soifua Manuia Lautele, poo vaega latou te sueina nofoaga e tuu ai tamaiti, e faaulu faatasi ma le maliega tusitusia se lipoti tusitusia e ta'u mai ai mea nei:

(1) o le tulaga faalemafaufau ma le tino, le tulaga i ona lagona, ma le tulaga faatuatuaina o le tagata talosaga ma lona mafai ona vaai lelei le ola lelei o le tamaititi; ae leai se suega tau le soifuamaloloina o le tino e manaomia mo soo se tagata o loo faalagolago lava ia i auala faaleagaga poo le tatalo i le faaaogaina saoloto o le itu faalelotu e puipuia ai pe togafiti ai se gasegase sei vagana ua i ai se mafuaga e talitonu ai e le mafai e le tagata lea i lona tulaga faaletino o i ai ona tausia o le tamaititi;

(2) o le tulaga i le tino ma le mafaufau o le tamaititi;

(3) o le aiga o le tamaititi, e aofia ai igoa o matua ma isi faamaumauga e faailoa ai e faatatau i matua, pe afai e mafai ona maua;

(4) mafuaaga na faamuta ai aia o matua i le tamaititi;

(5) o le talafeagai o le vaetamaina o leni tamaititi e le tagata talosaga atoa ai ma le tulaga o le tamaititi lava ia agai i le vaetamaina i soo se itu e talafeagai ai ma tausaga o le tamaititi; ma

(6) o le umi o le taimi na vaaia ai ma tausia le tamaititi e le ua talosaga.

(i) E mafai e soo se itu i le taualumaga o le vaetamaina ona agavaa e vaai i le lipoti o loo manaomia i lalo o le soamaga (e), sei vagana ua le fa'aavanoaina mai igoa o matua poo matuafai ma soo se auala lava e faailoa ai sei vagana ai se poloaiga a le Faamasinoga.”

Maga 10. 45.0420 ua suia e faitauina:

“45.0420 Talosaga mo le vaetamaina.

(a) O le talosaga mo le vaetamaina e faaulu e le silia le 30 aso talu ona tuu o le tamaititi i le aiga o matua ia e talosaga mo le vaetamaina sei vagana ua faaii e le Faamasinoga sa i ai se mafuaaga tatau poo faatamala foi e mafai ona faamagalalo na le faaulu ai le talosaga. Afai o lea, ona faitalia lea o le Faamasinoga ma faatulaga se aso mo le iloiloga.

(e) O talosaga uma mo le vaetamaina o se tamaititi e tatau ona faamaonia e le tagata talosaga, ma faaulutalaina faapenei: “I le mataupu o le talosaga a.....mo le vaetamaina o se tamaititi”. E i ai:

(1) le igoa, le aso ma le nuu na fanau ai; ituaiga tagata, ma le mea e nofo ai tagata talosaga taitasi, e aofia ai le igoa ae lei faaipoipo o le tinafai, ma le aso na faaipoipo ai, pe afai e iai, tagata talosaga;

- (2) le igoa, le aso ma le nuu na fanau ai, nuu e nofo ai le tamaititi e fia vaetamaina, pe afai e iloa e le tagata talosaga;
- (3) le faia, pe afai e iai, o le tamaititi ma le tagata talosaga;
- (4) le igoa atoa lava o le tamaititi pe a mae'a le vaetamaina;
- (5) le faamatalaina atoatoa, o le meatotino, pe afai e i ai, o le tamaititi;
- (6) igoa o matua o le tamaititi, ma le tuatusi o matua o loo soifua, pe afai e iloa e le tagata talosaga;
- (7) igoa ma tuatusi o tagata sa tausia, ma lē e vaaia le fanua/meatotino, pe afai ua uma ona tofia;
- (8) igoa o le vaega poo le tagata na tuu i ai e ala i se poloaiga a le Faamasinoga le vaaiga o le tamaititi;
- (9) le umi o le taimi na vaaia ai ma tausi e le tagata talosaga le tamaititi;
- (10) igoa o isi tamaiti, fanau moni ma fanau vaetama, poo ola poo ua maliliu, a matua ia o loo mana'o e vaetama le tamaititi; ma
- (11) o le mea e nofo ai ma galue ai le tagata talosaga taitoatasi i le taimi pe latalata foi i le taimi na fanau ai le tamaititi.
- (i) Afai o le faagasologa o le vaetamaina na faia e le Matagaluega o le ~~Soifuumaloloina~~ Auaunaga mo Tagata ma le Soifua Manuia Lautele poo se vaega foi e vaaia le tamaititi mo le tuuina i se aiga, e le aofia la le faamatalaga manaomia i lalo o parakalafa (e)(2) ma le (e)(6) i le talosaga ae faaoo atu i le Faamasinoga e avea ma vaega o le lipoti o loo manaomia i le 45.0414.
- (o) O se faamatalaga o se totogi o se tupe mo le vaetamaina e faaoo atu i le Faamasinoga faatasi ma le talosaga ma e ta'u mai ai e faapea e leai nisi tupe e toe totogia."

Maga 11. 45.0421 ua suia e faitauina:
"45.0421 Talosaga-Lipoti tusitusia.

Vagana ai ni tamaiti vaetamaina e matua o loo ua faaiipoipo i ni matua moni o tamaiti ma mataupu e aafia ai i latou na faatonuina e le Faamasinoga le mea e tuu ai tamaiti, poo se tagata foi na tuu i ai e le Faamasinoga le vaaia o se tamaititi, pe tusa ai ma le tulafono a se tasi Setete poo se Teritori, afai e le avatua faatasi le talosaga mo le vaetamaina ma le maliega tusitusia ma le lipoti a le Matagaluega o le ~~Soifuumaloloina~~ Auaunaga mo Tagata ma le Soifua Manuia Lautele, poo se vaega e vaaia tamaiti mo le tuuina i nofoaga e tatau ai, e poloa'ia e le Faamasinoga le Matagaluega o le ~~Soifuumaloloina~~ Auaunaga mo Tagata ma le Soifua Manuia Lautele, se ofisa e vaaia tamaiti, poo se Matagaluega Faanofovaavaaia a le Faamasinoga e faia se suesuega ma faaulu atu se lipoti tusitusia i le pepa o loo ta'ua i le soamaga (e) o le 45.0414, e aofia ai se fautuaga pe mata e tatau ona faia se poloa'iga o le vaetamaina."

Maga 12. 45.0501 ua suia e faitauina:

“45.0501 Ofisa faanofovaavaaia mo tamaiti solitulafono-Maliliega o auaunaga.

(a) E faatagaina le Faamasinoga Maualuga e faavaeina se ofisa faanofovaavaaia mo tamaiti solitulafono.

(e) E faatagaina foi le Faamasinoga Maualuga e tofia ni ofisa faanofovaavaaia mo tamaiti solitulafono ma isi foi tagata faigaluega e manaomia.

(i)(1) E faatagaina le Faamasinoga Maualuga e faia se maliliega ma le Matagaluega o le Soifuamaloloina Auaunaga mo Tagata ma le Soifua Manuia Lautele, o isi vaega a le malo, vaega tua ma vaega e le galulue mo se tupefaasili, pe faia foi ma isi Faamasinoga e ta’ita’ia pe faia foi isi auaunaga mo tamaiti e tuu faanofovaavaaia e le Faamasinoga.

(2) O tuutuuga ma aiaiga o nei maliliega e tusitusia, e aofia ai ma ni totogi e faia e le Faamasinoga mo auaunaga e faia.

(3) Soo se maliega e faia i lalo o lenei soamaga e mafai ona faamutaina e ala i se faaaliga tusitusia a soo se itu i totonu o le 90 aso.”

Maga13. 45.1501 ua suia e faitauina:

“45.1501 Tagata e faaono mafai ona amata o taualumaga-Tapulaa.

(a) O taualumaga e iloa ai le tama o se tamaititi ma una’ia ai le lagolagosua i lalo o lenei mataupu e mafai ona amata e le tina, poo se tagata e lei atoa le 18 tausaga pe leai, e le tagata e vaaia le tamaititi, poo, pe afai o le tina poo le tamaititi o loo tausaga e le malo, e ala i le Matagaluega o le Soifuamaloloina Auaunaga mo Tagata ma le Soifua Manuia Lautele.

(e) E leai se taualumaga i lalo o lenei mataupu e mafai ona amataina pe afai ua 5 tausaga o le tamaititi pe matua atu foi sei vagana ua faailoa le tama o le tamaititi e lona tama i se tusitusiga pe lagolagoina foi (tausaga) le tamaititi.”

Maga 14. 45.2001 ua suia e faitauina:

“45.2001 Uiga o upu.

E pei ona faaaogaina i lenei mataupu vagana ua i ai se isi suiga manaomia:

(a)(1) “Faatauma’oi” poo le “sauaina ma le tuulafoa’iina o tamaiti” o lona uiga o se amio poo le lē amana’ia i se tasi o tulaga nei o le a faaaliga i lalo e lamataia tele ai le soifuamaloloina poo le ola manuia o se tamaititi:

(A) afai e faaaliga e se tamaititi ni molimau faamaonia o se uno’oa matuia, tafe o le toto, le fafagaina, le mafai ona gaoioi, manu’a o le mafaufau, mu, gau se ivi, totoulia, fula, pe oti, ma o le tulaga e i ai poo le oti ua le mafai ona manino mai lona faamatalaina, poo le tala ua nāua e tusa o le tulaga poo le oti ua eseese ma le tulaga poo le ituaiga o le tulaga poo le oti, poo loo faaaliga

foi i mea na tutupu o le tulaga poo le oti e foliga e le mafua mai se mea na tupu faafuasei;

(E) afai ua aafia se tamaititi i solitulafono tau feusua'iga o loo i le 46.3601 e oo i le 46.3617 ma le 46.3802, pe faataga, pe uunai e matua o le tamaititi, tagata tausia faaletulafono, matua tausii, poo se isi lava tagata ua i ai le fatuaiga o le vaaia o le soifuamaloloina ma le ola manuia o le tamaititi, e faia tulaga faatalitane pe faia foi ni tulaga o le pueina o ata mataga, atatifaga e pu'e pe faaalua ai foi uiga mataga;

(I) soo se mataupu e aafia ai matua o le tamaititi, tagata tausia faaletulafono, tagata e vaaia poo se isi lava tagata o i ai le fatuaiga mo le soifuamaloloina ma le soifua manuia o le tamaititi ua ia le fafagaina lelei, faalavalava, le mea e nofo ai, tausiga tau falemai, poo le vaaiga e masani ona faia e matua.

(2) I mea uma lava, o latou e suesueina lipoti o le sauaina o fanau ia latou amana'ia le tausiga masani o fanau a le atunuu. E leai se mea i le soaparakalafa (a)(1)(E) e faasino i galuega e ta'ua o faiga lelei a matua e pei ona faauigaina i le soamaga (20) o le 45.0103.

(e) "Vaega/Ofisa" o lona uiga o le Vaega/Ofisa o le Puipuiga o le Matagaluega o ~~Alamanuia~~ Auaunaga mo Tagata ma le Soifua Manuia Lautele.

(i) "Matagaluega" o lona uiga o le Matagaluega o le Saogalemu Lautele.

(o) "Tuulafoa'i" o lona uiga o gaoioiga e mafai ona aofia i lalo o le faaupuga o le "sauaina poo le tuulafoa'ina o tamaiti" e pei ona faauigaina i le soamaga (a) i luga.

(u) "Vaega/Ofisa e taliaina" o lona uiga o le Matagaluega o le Soifuamaloloina Auaunaga mo Tagata ma le Soifua Manuia Lautele poo le vaega faamalosi tulafono e muamua taunuu i ai se lipoti o le tuuaiga o le sauaina o tamaiti.

(f) "Tagata faatuatuaina" o lona uiga o matua o le tamaititi, tagata tausia faaletulafono, tagata e vaaia, soo se tagata faigaluega o se fale e tausia ai tamaiti, soo se tagata o le aufaigaluega e faagaoioia e ia se tausiga e ese mai ai le aiga poo lalo foi o se isi lava faatulagaga e tausia ai fanau, poo se isi lava tagata e gafa ma le tausiga o le soifuamaloloina ma le soifua manuia o le tamaititi.

(g) "Lipoti le faavaea/faamaonia" o lona uiga o soo se lipoti e faia i lalo o lenei mataupu e le lagolagoina i ni mau faamaonia talitonuina."

Maga 15. 45.2021 ua suia e faitauina:

"45.2021 Lesitala 'autu/tutotonu-Numera o le telefoni e lipoti i ai mataupu.

E i ai le telefoni e tasi lava e mafai ona faaaoga e tagata uma, pe faatulafonoina pe leai, e lipoti atu ai mataupu o le masalomia o le sauaina o

tamaiti, faatauma'oi o tamaiti i uiga mataga tau feusua'iga, poo le tuulafoa'ina ma o tagata uma lava e faatagaina i lenei mataupu e mafai ona latou faaogaina lea telefoni e iloa ai poo i ai ni faamaumauga tuai ina ia fetuunai ai le tulaga o le tamaititi. O lipoti talanoaina i le telefoni e avatua loa lava i lea taimi i le lesitala autu i le Faatonusili o le Soifuaamaloloina Auaunaga mo Tagata ma le Soifua Manuia Lautele faatasi ai ma se lipoti tuai e faatatau i le mataupu o le lipoti lea poo se isi lava faamatalaga e talafeagai ai.”

Maga 16. 45.2023 ua suia e faitauina:

“45.2023 Lesitala tutotonu—Faaavanoaina o faamatalaga.

O lipoti e aiaia i lalo o lenei mataupu faapea foi ma isi lava faamatalaga e maua mai, ma lipoti tusitusia poo ni ata ua pu'eina e uiga i ia lipoti ua umia e le matagaluega ma vaega/ofisa e le mafai ona faalauaiteleina ae faavanoa na'o:

- (1) le Loia Sili i taimi uma;
- (2) se fomai o i ai le tamaititi ua talitonu ia ua sauaina, faatauma'oi i le tulaga tau feusua'iga, poo le tuulafoa'ina foi;
- (3) se tagata ua faataga e tuu se tamaititi i le tausiga puipuia pe afai ua tuuina i lena tagata se tamaititi ua ia talitonu ua faatauma'oi, poo ua tuulafoa'ina ma e manaomia e lena tagata ni faamatalaga e iloa ai pe tuuina atu le tamaititi i le tausiga puipuia;
- (4) se isi ofisa faatagaina e tausia poo le vaavaaia o le tamaititi poo se lipoti;
- (5) soo se tagata o loo faatatau i ai le lipoti;
- (6) se Faamasinoga e aumai ai le faaiuga e iloa ai le tatau ona i ai faamatalaga mo le faia o se faaiuga i se mataupu o i luma o le Faamasinoga; poo
- (7) soo se tagata o loo faia suesuega tatau pe a mae'a ona faaalua o ia faamatalaga e tatau ona i ai mo le suesuega ma ia muai maua mai se faatagaga tusitusia mai le Faatonu o le Soifuaamaloloina Auaunaga mo Tagata ma le Soifua Manuia Lautele ma le tamaititi e ala atu i sona sui.”

Maga 17. 46.3811 ua suia e faitauina:

“46.3811 Sauaina/Faatauma'oi o se tamaititi.

(a) ~~O le Faatauma'oi o se tamaititi e I ai lona uiga o loo ta'ua I le soamaga (a) 45.2001.~~ E soli e le tagata le tulafono mamafa o le “tamaiti sauaina” poo le “sauaina o se tamaititi” pe afai na te faia ma le iloa lelei:

- (1) e faamanu'aina se tamaititi i se faiga ua soona malosia e ala:
- (A) susunu, u, pe faamanu'a i se mea ma'ai se tamaititi;
- (E) tu'i le tamaititi i se moto;
- (I) lulu, kiki, pe togi foi le tamaititi;
- (O) faalavelave i le manava a le tamaititi;

(U) faafefe se tamaititi i se auupega matautia pe faamanu'a foi se tamaititi i lea mea matautia: mo mafuaaga o lenei mataupu, o se auupega matautia o lona uiga soo se mea lava afai e faaoga, e mafai ona oo ai le maliu poo se manu'a matuiā; poo

(F) se isi gaoioiga e tupu ai se tulaga matautia tele poo le maliu foi o se tamaititi. O gaoioiga i soaparakalafa (A) e oo i le (F) e mafai ona fai ma mau faamaonia le uno'oa, toto, le fafagaina, leai o se vai i le tino, mu, gau o se ivi, totoulia, fula, se manu'a o totoga i totonu poo soo se tulaga e lamatia ai le soifua o le tamaititi, pe faaono o'o ai foi le maliu; poo

(2) oo ai se tulaga matuia i lagona o le tamaititi e manu'a ai ona lagona e pei ona faamaonia i le matautia o le tulaga popole, faanoanoa loloto, fefe e tautala, se suiga tele i lana amio, o le tali mai o ona lagona i totonu, le iloa ma le manatua poo le amio soonafai ma le lē pulea, ma o lea foi manu'a ua uma ona vaaia ma aumai le tali lea e se fomai poo se fomai o lagona/mafau.

(i) O le Sauaina/Faataumao'i o se tamaititi o se solitulafono mamafa Tulaga (O)."

Maga 18. Ua faavaeina nei se maga 46.3812 e faitauina:

"46.3812 Tamaititi tuulafoa'ina.

(a) O se matua, tagata tausia, poo se isi lava tagata ua tuu i ai le fatuaiga faaletulafono o le vaaia ma le tausia o se tamaititi e nofosala ia i le "Tuulafoai poo le Tamaititi Tuulafoai" pe afai ua ia faia ma le mautinoa poo le iloa lelei:

(1) ua ia le faia pe musu foi e ave i le tamaititi i mea'ai e tatau mo le tausiga, faalavalava, o le mea e nofo ai, o le tausiga tau falemai poo se isi lava tausiga e tatau ai mo le soifumaloloina masani poo le mafau, o le ta'ita'iga ma lona soifua manuia;

(2) lē avatua i le tamaititi le a'oa'oga e tatau ai e pei ona manaomia i le 16.0302;

(3) lē mafai ona puipuia o se tamaititi mai tulaga ma gaoioiga e lamatia ai poo le faaono faamanu'alia ai lona tulaga tau soifumaloloina, mafau ma ona lagona;

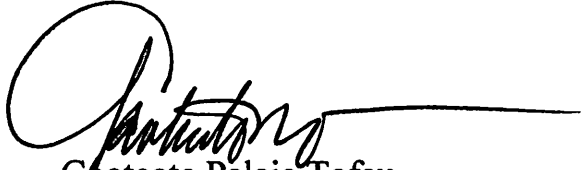
(4) lē mafai ona ia vaaia ma ave se taitaiga lelei pe faatulaga lelei le tausia o le tamaititi;

(5) faaogaina se vaila'au faasāina a o ma'itagata, e tusa ai ma se mau faamaonia mai se su'ega o le tino o le tamaititi poo le tina, ni faailoga vaaia i le taimi e fanau mai ai le tamaititi, poo ni mea vaaia i le vaaiga faafomai poo le tuai ona tupu o le tino o le tamaititi i lona tausaga muamua e faaono iloa ai le aafia o le tamaititi i totonu o le manava i se vaila'au faasāina; poo

(6) tiai pe faamuta foi le tausia o se tamaititi e aunoa ma le faia o ni laasaga e faatulaga ai se isi tausiga mo le tamaititi.

(e) O se matua, se tagata tausia, poo se isi lava tagata ua tuu i ai le fatuaiga faaletulafono e vaaia pe tausia se tamaititi e nofosala i le Tuulafoai o se Tamaititi pe afai na faataga ma lona iloa lelei se tasi tagata e faatauma'oi pe sauaina se tamaititi i ni gaoioiga e faasā i parakalafa 1 e oo i le 6 o loo i luga, ae o loo mafai lava e ia ona taofia o ia faiga.

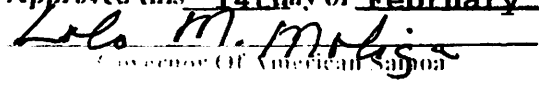
(i) O le tuulafoa'ina o tamaiti o se solitulafono mama o le Tulaga A.”



Gaoteote Palaie Tofau
Peresetene, Maota Maualuga



Savali Talavou Ale
Fofoga Fetalai, Maota o Sui

Hereby Approved this 14th Day of February 2014

Governor of American Samoa