

TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH

LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

Session, 2022

H. B. 22- 108

A BILL FOR AN ACT

To amend the Commonwealth's family law statutes to provide for greater clarity in the administration of divorce proceedings and protection orders; and for other purposes.

**BE IT ENACTED BY THE 22ND NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

1 **Section 1. Findings and Purpose.** The Legislature finds that the Family
2 Court Act of 1995 (Public Law 9-51) mandated that the Judiciary establish a Family
3 Court within the Superior Court and on June 18, 1997, the Family Court Division
4 (FCD) was formally created. The legislature further finds that the FCD provides
5 several forms of administrative support to the Family Court docket. The staff assists
6 the Clerk of Court in the processing of pleadings and distribution of orders for
7 Family Court Pro Se (self-represented) litigants. The FCD helps families and
8 individuals seeking access to the court system by making its Pro Se Center available
9 and user-friendly. FCD provides assistance to the public through: Pro Se Services-
10 Electronic Forms; Referral services; Paternity testing service; Separating Parents
11 Class Program; Home Study Program; and Alternative Dispute Resolution

1 (Mediation) Program.

2 The Legislature finds that the Superior Court shall develop and adopt
3 uniform forms for petitions and orders for protection, including but not limited to
4 such orders issued pursuant to divorce, custody, and other domestic relations
5 hearings; and in addition to any other required information, the petition for an order
6 for protection must contain a statement listing each civil or criminal action
7 involving both parties. Additional information, such as to whom the Order is
8 applicable, what triggered the Order, when and how the incident occurred is
9 essential information necessary for the court to ascertain the situation before them.
10 The Legislature further finds that in an uncontested divorce, one of the parties needs
11 to have resided on Saipan for at least seven (7) days immediately preceding the
12 filing of a Complaint for Divorce. An amendment to this section is necessary to
13 provide clarity regarding the other party and if appearing telephonically or
14 represented by counsel will comply with the existing law.

15 Accordingly, this bill provides such greater clarity and specificity in the
16 statutory requirements for divorce residency requirements and protection orders.

17 **Section 2. Amendment.** Title 8, Division 1, Chapter 3, Article 3, Section
18 1332(b)(1) of the Commonwealth Code is hereby amended to read as follows:

19 **“§ 1332. Divorce: Residency Requirements.**

20 (b) Uncontested divorce or dissolution.

1 (1) If both parties consent in writing to a divorce or dissolution of their
2 marriage, a divorce or dissolution may be granted if one of the parties has resided
3 in the Commonwealth for at least seven days immediately preceding the filing of
4 the complaint. The party who filed the complaint must appear in person at the
5 hearing. The other party may appear telephonically or be represented by counsel.
6 OR After the filing of the complaint, parties unable to appear in person may appear
7 telephonically or be represented by counsel.

8 (2) All consents to a divorce or dissolution of marriage must be
9 acknowledged or verified before a notary public or other officer authorized to
10 administer oaths within the United States if signed in the United States,
11 acknowledged or verified before a consular officer of the United States or other
12 United States official authorized to take oaths if signed outside the United States,
13 or have a notarized acknowledgement or verification by a foreign notary which is
14 authenticated by a United States consular officer.”

15 **Section 3. Amendment.** Title 8, Division 1, Chapter 9, Article 2, Section
16 1912 (b) of the Commonwealth Code is hereby amended to read as follows:

17 **“§ 1912. Uniform Form Required for Petitions and Orders; Required**
18 **Statements in Petitions and Order; Duty of Clerk to Provide Petitions and**
19 **Clerical Assistance.**

20 (b) In addition to any other required information, the petition for an order
21 for protection must contain:

- 1 i. To whom the Order is applicable;
- 2 ii. The underlying factual basis for the Order;
- 3 iii. When the incident occurred;
- 4 iv. How the incident occurred; and
- 5 v. A statement listing each civil or criminal action involving both
- 6 parties.”

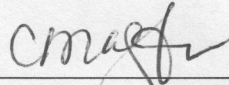
7 **Section 4. Severability.** If any provisions of this Act or the application of
8 any such provision to any person or circumstance should be held invalid by a court
9 of competent jurisdiction, the remainder of this Act or the application of its
10 provisions to persons or circumstances other than those to which it is held invalid
11 shall not be affected thereby.

12 **Section 5. Savings Clause.** This Act and any repealer contained herein shall
13 not be construed as affecting any existing right acquired under contract or acquired
14 under statutes repealed or under any rule, regulation, or order adopted under the
15 statutes. Repealers contained in this Act shall not affect any proceeding instituted
16 under or pursuant to prior law. The enactment of the Act shall not have the effect
17 of terminating, or in any way modifying, any liability, civil or criminal, which shall
18 already be in existence on the date this Act becomes effective.

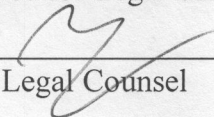
19 **Section 6. Effective Date.** This Act shall take effect upon its approval by
20 the Governor, or its becoming law without such approval.

Prefiled: 7/15/2022

Date: 7-15-20

Introduced by: 
Rep. Corina L. Magofna

Reviewed for Legal Sufficiency by:


House Legal Counsel