



Gov. Msg. No. **17-253**

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

OFFICE OF THE GOVERNOR

**PROGRAMS & LEGISLATIVE REVIEW OFFICE**

OCT 04 2010

10/04/10  
4:15pm  
P. Leticia

Honorable Paul A. Manglona  
Senate President, The Senate  
Seventeenth Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950

Honorable Froilan C. Tenorio  
Speaker, House of Representatives  
Seventeenth Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950

Dear Mr. President and Mr. Speaker:

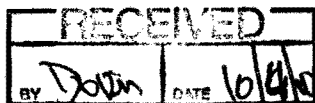
This is to inform you that House Bill No. 17-69, HD1, entitled, "To amend 8 CMC Section 1331(g) and to repeal and re-enact 8 CMC Section 1332 pertaining to divorce or dissolution of marriages; and for other purposes.", which was passed by the Seventeenth Northern Marianas Commonwealth Legislature and transmitted to the Governor on August 25, 2010, became law without his signature.

This bill became **Public Law No. 17-20**, on October 3, 2010.

Sincerely,

**Victoria T. Guerrero**  
Special Assistant for Programs and Legislative Review

cc: Attorney General's Office  
All Mayor's Office  
Commonwealth Law Revision  
Programs and Legislative Review Office



Don  
10/4/10  
4:15pm



*Seventeenth Legislature  
of the  
Commonwealth of the Northern Mariana Islands*  
**IN THE HOUSE OF REPRESENTATIVES**

**1st Day, First Special Session**

**April 27, 2010**

**Representative George N. Camacho** of Saipan, Precinct 4 (*for himself*) in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

**H. B. 17-69**

**AN ACT**

**To amend 8 CMC Section 1331(g) and to repeal and re-enact 8 CMC Section 1332 pertaining to divorce or dissolution of marriages; and for other purposes.**

The Bill was referred to the House Committee on Health and Welfare, was withdrawn from the Committee, and placed the House Bill Calendar on June 11, 2010.

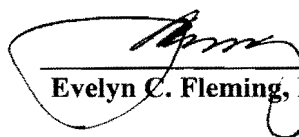
**THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON  
FIRST AND FINAL READING, JULY 22, 2010;**

*with amendments* in the form of H. B. 17-69, HD1 and transmitted to the  
**THE SENATE.**

The Bill not was referred to a Senate Committee.

**THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, JULY 29, 2010;**  
*without amendments.*

**H. B. 17-69, HD1 WAS RETURNED TO THE HOUSE OF REPRESENTATIVES ON AUGUST 3, 2010.**

  
Evelyn C. Fleming, House Clerk



*Seventeenth Legislature  
of the  
Commonwealth of the Northern Mariana Islands*  
**IN THE HOUSE OF REPRESENTATIVES**

1<sup>st</sup> Day, Sixth Special Session

July 22, 2010

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**H. B. 17-69, HD1**

**AN ACT**

**To amend 8 CMC Section 1331(g) and to repeal and re-enact 8 CMC Section 1332 pertaining to divorce or dissolution of marriages; and for other purposes.**

**Be it enacted by the Seventeenth Northern Marianas  
Commonwealth Legislature:**

1       **Section 1. Findings and Purpose.** The Commonwealth Legislature finds  
2       that the Commonwealth Code, as it pertains to divorce or the dissolution of  
3       marriage, is antiquated and in need of revision. “Leprosy” also known as  
4       “Hansen’s disease” is currently treatable by modern medicine, usually in the form  
5       of Multi-Drug Therapy (MDT). As Leprosy is treatable, it is not the societal  
6       problem it once was and should not serve as grounds for divorce.

7       The Commonwealth Legislature further finds that “irreconcilable  
8       differences” between spouses should be grounds for divorce. Currently, the code  
9       requires one spouse to be at “fault” by prohibiting a dissolution of marriage unless  
10      one spouse has committed one specifically enumerated act. This tends to prohibit

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**HOUSE BILL 17-69, HD1**

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1 divorce if both spouses are at fault or if neither spouse has committed "fault" but  
2 both spouses desire a divorce by mutual consent.

3 The requirement of fault leads to unintended consequences. First, in  
4 instances of true cruelty in a contested divorce, children may be forced to testify  
5 for one parent and against the other. This puts children in a difficult situation  
6 where the children may blame themselves for the disintegration of the family.  
7 This result should be avoided at all costs. Also, the evidentiary burden more often,  
8 in cases where the divorce is mutually desired or uncontested, takes the form of a  
9 sobbing spouse airing very personal family secrets. This requirement tends to  
10 result in "legal fictions" wherein exaggerations are made to prove "cruelty".

11 Accordingly, the Legislature finds that "irreconcilable differences" pled  
12 by one spouse should be sufficient for the granting of a divorce or dissolution of  
13 marriage. The Commonwealth Legislature finds and declares that this Act is  
14 necessary and is a proper use of the legislative authority granted by Article II of  
15 the Commonwealth Constitution.

16 **Section 2. Amendment.** 8 CMC § 1331(g) is hereby amended to read as  
17 follows:

18 **"§ 1331. Divorce: Grounds.**

19 (g) Irreconcilable differences, which are persistent and irresolvable  
20 disagreements between spouses that result in the breakdown of the  
21 marriage. Irreconcilable differences may be cited generally without

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1 citation of specific differences, as grounds for dissolution of the  
2 marriage.”

3 **Section 3. Repealer and Re-enactment.** 8 CMC § 1332 is hereby  
4 repealed and re-enacted to read as follows:

5 **“§ 1332. Divorce: Residency Requirements.**

6 (a) A divorce or dissolution of marriage may be granted if one  
7 (1) of the parties has been a resident of the CNMI for at least ninety (90)  
8 days immediately preceding the filing of a complaint for divorce, or  
9 dissolution of marriage.

10 (1) For purposes of this Section, a person shall be deemed a  
11 resident if that person has been assigned with the U.S. Military to a  
12 unit in the CNMI or a ship home-ported in the CNMI for at least  
13 ninety (90) days immediately preceding the filing of a complaint  
14 for divorce or dissolution of marriage or if that person is physically  
15 present in the Commonwealth for at least ninety (90) days  
16 immediately preceding the filing of a complaint for divorce or  
17 dissolution of marriage. Physical presence by one of the parties in  
18 the CNMI for a period of ninety (90) days prior to filing of the  
19 action for divorce or dissolution of marriage shall give rise to a  
20 conclusive presumption of compliance with this Section.

21 (2) **Residence, no presumption of jurisdiction.** In actions for  
22 dissolution of marriage, neither the domicile nor residence of the  
23 husband shall be deemed to be the domicile or residence of the

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1 wife. For the purposes of such an action, each may have a separate  
2 domicile or residence depending upon proof of the fact and not  
3 upon legal presumptions. Physical presence in the CNMI for ninety  
4 (90) days next preceding the commencement of the action shall  
5 give rise to a conclusive presumption of residence in the  
6 Commonwealth as required by this Section. Allegations and proof  
7 of residence or other compliance with the requirements of this  
8 Section shall be pled or proved in any divorce or dissolution of  
9 marriage granted upon the consent of the Defendant, and the court  
10 shall make findings as to residency of any party to a divorce or  
11 dissolution of marriage or as to compliance with the requirements  
12 of this section in any divorce or dissolution of marriage granted  
13 upon the consent of the Defendant. Residency must be pled and  
14 proved in all divorces or other actions for dissolutions of marriage.  
15 Only the parties (i.e., the husband or wife) or the court can raise  
16 the issue of or object to the jurisdiction of the Superior Court in an  
17 action for divorce or dissolution of marriage, residence of the  
18 parties, or other compliance with this section in any case even  
19 where the defendant has consented to the divorce or dissolution of  
20 marriage. The Superior Court is not presumed to have jurisdiction  
21 over any action for divorce or dissolution of marriage which may  
22 be filed in the Superior Court because the defendant consents.

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1           **(b) Uncontested divorce or dissolution.**

2           (1) If both parties consent in writing to a divorce or dissolution  
3 of their marriage, a divorce or dissolution may be granted if one of  
4 the parties has resided in the Commonwealth for at least seven (7)  
5 days immediately preceding the filing of the complaint.

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

14           **Section 3. Severability.** If any provisions of this Act or the application  
15 of any such provision to any person or circumstance should be held invalid by a  
16 court of competent jurisdiction, the remainder of this Act or the application of its  
17 provisions to persons or circumstances other than those to which it is held invalid  
18 shall not be affected thereby.

19           **Section 4. Savings Clause.** This Act and any repealer contained herein  
20 shall not be construed as affecting any existing right acquired under contract or  
21 acquired under statutes repealed or under any rule, regulation, or order adopted  
22 under the statutes. Repealers contained in this Act shall not affect any proceeding

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1 instituted under or pursuant to prior law. The enactment of the Act shall not have  
2 the effect of terminating, or in any way modifying, any liability, civil or criminal,  
3 which shall already be in existence on the date this Act becomes effective.

4 **Section 5. Effective Date.** This Act shall take effect upon its approval by  
5 the Governor, or its becoming law without such approval.

Attested to by:

  
Evelyn C. Fleming, House Clerk

Certified by:

  
FROILAN C. TENORIO, SPEAKER

\_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 2010

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**BENIGNO R. FITIAL**

Governor

*Commonwealth of the Northern Mariana Islands*