

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 5: JUVENILE JUSTICE

§ 5323. Protection of Abused Children: Court Procedures.

(a) The child shall be released within 48 hours unless during that period the Office of the Attorney General files a petition in the Superior Court to have the child declared a ward of the court. The hearing shall be conducted before the close of the following judicial day and in no event more than 48 hours after the petition is filed. On weekends, holidays, and evenings the petition shall be considered filed when presented to a judge or clerk of the Superior Court.

(b) The court shall determine if there is reasonable cause to believe that the child's safety would be imminently endangered by a return to the parent or guardian. If the court determines that the child's safety would be imminently endangered by a return to the parent or guardian, the court may make the child a temporary ward of the court under the supervision of the Division of Youth Services. Such temporary wardship shall expire in 30 days. If the court determines that the child's safety would not be imminently endangered by a return to the parent or guardian, the court shall order the child returned to the parent or guardian upon any conditions appropriate to the child's safety.

(c) Hearsay is admissible at the hearing. The Office of the Attorney General shall represent the government. The court shall appoint a guardian ad litem for the child in all judicial proceedings involving allegations of child abuse. However, the guardian ad litem may not be the attorney responsible for presenting the evidence alleging child abuse.

Source: PL 3-18, § 7; amended by PL 3-57, § 5; repealed and reenacted by PL 16-53 § 3 (January 29, 2010), modified.

Commission Comment: The Commission corrected capitalization pursuant to 1 CMC § 3806(f).

Section 4 of PL 6-25, the "Commonwealth Judicial Reorganization Act of 1989, provides that "[w]herever the term 'Commonwealth Trial Court' appears in the Commonwealth Code, it is henceforth to be interpreted and understood to refer to the Commonwealth Superior Court.