

TITLE 8: FAMILY LAW AND PROBATE
DIVISION 1: DOMESTIC RELATIONS

§ 1332. Divorce: Residency Requirements.

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

(1) For purposes of this section, a person shall be deemed a resident if that person has been assigned with the U.S. military to a unit in the CNMI or a ship home-ported in the CNMI for at least ninety days immediately preceding the filing of a complaint for divorce or dissolution of marriage or if that person is physically present in the Commonwealth for at least ninety days immediately preceding the filing of a complaint for divorce or dissolution of marriage. Physical presence by one of the parties in the CNMI for a period of ninety days prior to filing of the action for divorce or dissolution of marriage shall give rise to a conclusive presumption of compliance with this section.

(2) *Residence, no presumption of jurisdiction.* In actions for dissolution of marriage, neither the domicile nor residence of the husband shall be deemed to be the domicile or residence of the wife. For the purposes of such an action, each may have a separate domicile or residence depending upon proof of the fact and not upon legal presumptions. Physical presence in the CNMI for ninety days next preceding the commencement of the action shall give rise to a conclusive presumption of residence in the Commonwealth as required by this section. Allegations and proof of residence or other compliance with the requirements of this section shall be pled or proved in any divorce or dissolution of marriage granted upon the consent of the defendant, and the court shall make findings as to residency of any party to a divorce or dissolution of marriage or as to compliance with the requirements of this section in any divorce or dissolution of marriage granted upon the consent of the defendant. Residency must be pled and proved in all divorces or other actions for dissolutions of marriage. Only the parties (i.e., the husband or wife) or the court can raise the issue of or object to the jurisdiction of the Superior Court in an action for divorce or dissolution of marriage, residence of the parties, or other compliance with this section in any case even where the defendant has consented to the divorce or dissolution of marriage. The Superior Court is not presumed to have jurisdiction over any action for divorce or dissolution of marriage which may be filed in the Superior Court because the defendant consents.

(b) Uncontested divorce or dissolution.

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

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

Source: 39 TTC § 202; repealed and re-enacted by PL 17-20 § 3.

Commission Comment: The Commission deleted figures that repeated written words and changed capitalization for conformity pursuant to 1 CMC § 3806(e) and (f).