

1 **FOR PUBLICATION**

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5 **IN THE SUPERIOR COURT**
6 **OF THE**
7 **COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

8 **COUNTY OF ORANGE, et al.,**) **FCD UR CIVIL ACTION NO. 05-0035**
9 **Petitioner(s)**)
10 **vs.**)
11 **JOSE A. BAHILLO,**) **ORDER DENYING MOTION TO**
12 **Respondent.**) **DISMISS**

13 **THIS MATTER** came before the Court on May 11, 2006 at 1:30 p.m. in Courtroom 205A.
14 Petitioner(s) were represented by Assistant Attorney General Tom Schweiger. Respondent
15 was represented by Steven Woodruff, Esq. Based on the documents proffered by both parties,
16 the Court ruled from the bench DENYING the Respondent’s *Motion to Dismiss* for the reasons
17 set forth below.

18 On November 23, 2005, Jose A. Bahillo (“Respondent”) was determined to be the
19 biological father of two minor children, Josh Karl Valencia Bahillo and Kareena Joi Valencia
20 Bahillo. Both children were born in Saipan, but have since moved to the County of Orange,
21 California, where they receive public assistance. Respondent continues to reside in the
22 Commonwealth, where he was served the following documents by the Commonwealth’s
23 Attorney General’s Office on February 10, 2005: (1) Summons filed with the C.N.M.I.
24 Superior Court; (2) Certificate and Order filed with the County of Orange Superior Court; (3)
25 Uniform Support Petition filed with the County of Orange Superior Court; (4) General
26 Testimony filed with the County of Orange Superior Court; (5) Affidavit in Support of
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1 Establishing Paternity for John Karl Valencia Bahillo filed with the County of Orange Superior
2 Court; (6) Affidavit in Support of Establishing Paternity for Kareena Joi Valencia Bahillo filed
3 with the County of Orange Superior Court; (7) Certificate of Live Birth for Kareena Joe
4 Valencia Bahillo, signed by both Gynis Valencia and Jose A. Bahillo; and (8) Notice of
5 Agreement for Child, Spousal, and Medical Support, signed by the mother, Gynis Valencia .

6 On March 9, 2005, Petitioner(s) filed a *Request for Default Judgment*, stating Respondent
7 had been regularly served, but had failed to appear and answer the petition filed in compliance
8 with the Uniform Reciprocal Enforcement of Support Act (U.R.E.S.A.), 8 CMC § 1511, *et seq.*,
9 and the Commonwealth Rules of Civil Procedure. The Respondent opposes Petitioners'
10 motion, arguing the service process was insufficient and therefore the Court lacks jurisdiction to
11 issue a default judgment. In light of documents and arguments presented by counsels, the Court
12 finds that it does have personal and subject matter jurisdiction to hear this case, and as such,
13 DENIES the Respondent's *Motion to Dismiss*.

14
15 **I. Jurisdiction was established when Respondent was personally served a summons and**
16 **complaint, as required by 8 CMC § 1511, et seq. and the Commonwealth Rules of**
17 **Civil Procedure.**

18 Respondent argues the Superior Court lacks subject matter and personal jurisdiction because
19 the documents attached to the summons lacked a formal complaint and failed to meet the
20 requirements of 8 CMC § 1535 and the Commonwealth Civil Procedure.

21 This Court disagrees for numerous reasons. First, this Court is statutorily granted
22 jurisdiction over similarly situated child support cases to properly execute the purpose of
23 U.R.E.S.A. Second, the initiating court of the County of Orange complied with all
24 requirements and procedures and properly served the Respondent. As such, subject matter and
25 personal jurisdiction are established.

26 **1. The Superior Court has Subject Matter Jurisdiction over this Case.**

27 Respondent contends that the Commonwealth Superior Court lacks subject matter
28 jurisdiction in this case. However, the language of the statute clearly conveys the legislators'

1 intent to cooperate with other jurisdictions in the enforcement and reimbursement of child
2 support, especially when the obligor/respondent resides within the responding jurisdiction.

3 The purpose of the Act is to “improve and extend by reciprocal legislation the enforcement
4 of duties of support and to make uniform law.” 8 CMC § 1511. The code specifically grants
5 the Superior Court jurisdiction over the obligor in Section 1514, which states, “Duties of
6 support arising under the law of the Commonwealth, when applicable under this title, bind the
7 obligor present in the Commonwealth regardless of the presence or residence of the obligee.” 8
8 CMC § 1514. Further, the Commonwealth Superior Court is granted jurisdiction under 8 CMC
9 § 1534, which clearly states that the Superior Court has jurisdiction over any U.R.E.S.A.
10 proceeding.

11 From the language of the statute, it is evident that U.R.E.S.A. was enacted to hasten the
12 process of determining and distributing child support across jurisdictional lines by granting
13 different and distant courts jurisdiction over similarly situated respondents. Here, Respondent
14 continues to reside in the Commonwealth, while his children reside in California and receive
15 financial assistance from the County of Orange. Petitioner(s) served the Respondent with a
16 complaint claiming it is entitled to reimbursement for support provided to Respondent’s
17 children. Under the current Commonwealth law, the Superior Court clearly has the power to
18 hear this kind of support claim. Thus, the Superior Court has subject matter jurisdiction to hear
19 and decide this case.

20 **2. The documents served on the Respondent were sufficient under U.R.E.S.A. and**
21 **the Commonwealth Rules of Civil Procedure.**

22 Under U.R.E.S.A., a complaint and summons must be properly served upon the respondent.
23 Section 1535 sets forth specific guidelines, namely, the “complaint shall be verified and shall
24 state the name and, so far as known to the obligee, the address and circumstances of the obligor
25 and the persons for whom support is sought, and all other pertinent information including such
26 information as may be required by the Commonwealth Rules of Civil Procedure.” 8 CMC §
27 1535(1). Other helpful documents may be attached to the complaint and the summons, but are
28 not required. 8 CMC § 1535(1).

1 The complaint must be filed in an appropriate court of any jurisdiction where the obligee
2 resides. 8 CMC § 1535(2). Once the complaint is filed in the jurisdiction where the obligee
3 resides, that jurisdiction's Court is charged with forwarding the complaint to the responding
4 jurisdiction. 8 CMC § 1535. The initiating court must send three copies of the complaint and
5 its certificate and one copy of the U.R.E.S.A. chapter, or the equivalent, to the responding state.
6 8 CMC § 1538.

7 Respondent contends that the summons, certificate and order, and the petition served on him
8 on February 10, 2006 are insufficient. This Court disagrees. Although the Uniform Support
9 Petition is not labeled as a "complaint," it is a complaint nonetheless. Depending on the
10 jurisdiction, a complaint may also be known as a petition or a pleading. Black's Law
11 Dictionary (8th ed. 2004). Under the Commonwealth Rules of Civil Procedure, a pleading must
12 set forth a claim for relief and contain:

- 13 (1) a short and plain statement of the grounds upon which the
- 14 court's jurisdiction depends, unless the court already has
- 15 jurisdiction and the claim needs no new grounds of jurisdiction to
- 16 support it, (2) a short and plain statement of the claim showing the
- 17 pleader is entitled to relief, and (3) a demand for judgment for the
- 18 relief the pleader seeks.

18 Comm. R. Civ. P. 8(a).

19 According to the Uniform Support Petition, the County of Orange, as the petitioner(s), wish
20 to subjugate Respondent's property until Respondent provides child support, medical
21 coverage, and support for a period from June, 2004 until September, 2004. "If a state or a
22 political subdivision thereof furnishes support to an individual obligee, it has the same right to
23 initiate a proceeding under this chapter as the individual obligee for the purpose of securing
24 reimbursement for support furnished and of obtaining continuing support." 8 CMC § 1532.

25 Under this section of U.R.E.S.A., the County of Orange has rightfully asserted a
26 reimbursement claim and claim for continuing child support because they have furnished
27 Respondent's children with financial aid. In support of their claim, Petitioner(s) also sought to
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1 establish that Respondent was the father of both children, and thus owed the County of Orange
2 for supporting his children. On November 23, 2004, Respondent was determined to be the
3 biological father of both children with a probability of 99.99%. Therefore, in light of the
4 paternity test and the financial support provided to Respondent's children by the County of
5 Orange, the Petitioner(s) have rightfully and clearly stated a claim of relief in the Uniform
6 Support Petition.

7
8 In another opposition to the service process, Respondent contends that the documents are
9 insufficient under the Rules of Civil Procedure because they do not bear the signature of a
10 Commonwealth licensed attorney. Again, this Court disagrees. Rule 11(a) states, "Every
11 pleading shall be signed by at least one attorney of record in the attorney's individual name, or,
12 if the party is not represented by an attorney, shall be signed by the party." Comm. R. Civ. P.
13 11(a).

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15 After a close examination of the law and the documents served upon Respondent, it is
16 evident that the papers were properly signed by either an agency representative, Louis Medina,
17 or the mother of the two recipient children, Glynis Karen Valencia Perez. As indicated above,
18 a state agency may bring an action for reimbursement for child support under the law. Thus, it
19 is permissible for the agency representative, on behalf of the party initiating the claim, to sign
20 the pleading. Nothing in Rule 11(a) or U.R.E.S.A. requires a court document to be signed by
21 an attorney licensed to practice to Commonwealth. To require such signatures in a U.R.E.S.A.
22 claim would only further delay child support payments to a custodial parent, guardian, or state,
23 and thus, defeat the purpose of the Act.

24
25 Lastly, this Court finds nothing insufficient about the documents served on the
26 Commonwealth Attorney General's Office or the Respondent. In addition to serving a
27 properly signed summons and complaint, the County of Orange Superior Court complied with
28 the express requirements of 8 CMC § 1538 by providing a certified order and three copies of

1 the complaint and its certificate, and one copy of U.I.F.S.A.¹ to the C.N.M.I. Superior Court.
2 Although pages were missing from the General Testimony, a petitioner need only serve the
3 respondent with a properly executed summons and complaint. Comm. R. Civ. P. 4(e) (2); 8
4 CMC § 1535(1). Other documents are not necessary to initiate a claim, though they may be
5 included if helpful in identifying or locating the obligor. 8 CMC § 1535(1).
6

7 In conclusion, this Court has personal jurisdiction over the Respondent because he was
8 properly served all necessary documents, which were signed by an agency representative, in
9 compliance with the Rules of Civil Procedure and U.R.E.S.A.

10 **II. Conclusion**

11 Therefore, the Court hereby **DENIES** the Respondent's *Motion to Dismiss* because the
12 Respondent was served a summons and complaint in the Commonwealth, in compliance with
13 the Rules of Civil Procedure and U.R.E.S.A., and as such, subject matter and personal
14 jurisdiction have been properly established.
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16 A Review Hearing is set for **June 19, 2006** at **1:30 p.m.** in **Courtroom 205A**.

17 **IT IS SO ORDERED** this 5th day of June, 2006.
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20 /s/ _____
21 KENNETH L. GOVENDO
22 Associate Judge
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28 ¹ California repealed U.R.E.S.A. in 1997 and replaced the Act with the Uniform Interstate Family Support Act.