

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

§ 19101. Definitions.

As used in this Article:

(a) "Arrearage" means the total amount of unpaid support obligations as determined by a tribunal and incorporated into an order for support.

(b) "Business day" means a day on which CNMI offices are open for regular business.

(c) "Child" means an individual, whether above or below the age of majority, who is or is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the beneficiary of a support order directed to the parent.

(d) "CNMI Support Disbursement Unit" means the unit established by the Governor to collect and disburse support payments.

(e) "Delinquency" means any payment under an order for support which becomes due and remains unpaid after entry of the order for support.

(f) "Disposable income" means that part of the earnings of an individual remaining after the deductions from those earnings of any amount required by law to be withheld.

(g) "Income" means income from any source, regardless of source, including, but not limited to: wages, salary, commissions, partnership distributions, dividends, severance pay, compensation as an independent contractor, gambling winnings, workers' compensation, disability, annuity, pension, social security, unemployment insurance and retirement benefits, lottery prize awards, insurance proceeds, vacation pay, bonuses, overtime pay, profit-sharing payments, partnership distributions, interest, gifts, prizes, inheritance, trust income, alimony or maintenance received from other marriages and any other payments, made by any person, private entity, federal or state government, any unit of local government, school district or any entity created by law. Income also includes all gains derived from capital, from labor, or from both combined, including profit gained through sale or conversion of capital assets. However, income excludes:

(1) Any amounts required by law to be withheld, other than creditor claims, including, but not limited to, federal, CNMI and local taxes, Social Security and other retirement and disability contributions;

(2) Union dues;

(3) Any amounts exempted by the federal Consumer Credit Protection Act;

(4) Benefits from means-tested public assistance programs, including, but not limited to Temporary Aid To Needy Families (TANF), Low Income Housing Energy Assistance Program (LIHEAP), Supplemental Security Income, Public School System child care, low-income housing subsidized benefits, and Food Stamps or Nutrition Assistance Program (NAP).

(h) "Jurisdiction" means any state, or political subdivision, territory, commonwealth or possession of the United States.

(i) "National Medical Support Notice" means the notice required for enforcement of orders for support providing for health insurance coverage of a child under Title IV, Part D of the Social Security Act, the Employee Retirement Income Security Act of 1974, and federal regulations promulgated under those acts.

(j) "Obligor" means the individual who owes a duty to make payments under an order for support.

(k) "Obligee" means the individual to whom a duty of support is owed or the individual's legal representative. This includes a State or political subdivision (i) to which the rights under a duty of support or support order have been assigned or (ii) which has independent statutory claims based on financial assistance provided to an individual obligee.

(l) "Payor" means:

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(1) Any employer;
(2) Any payor of income to an obligor; a payor may be a person as defined in this section; or
(3) A person as defined in this section or labor union or trade union with an employee group health insurance plan and, for purposes of the National Medical Support Notice, also includes but is not limited to:

(i) Any CNMI or local governmental agency with a group health plan; and

(ii) Any person as defined in this section with a group health plan or a “church plan” covered under the Employee Retirement Income Security Act of 1974.

(m) “Person” means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency or instrumentality, public corporation, or any other legal or commercial entity.

(n) “Premium” means the dollar amount for which the obligor is liable to his employer or labor union or trade union and which must be paid to enroll or maintain a child in a health insurance plan that is available to the obligor through an employer or labor union or trade union.

(o) “Public office” means any CNMI, State, or local agency or its representative, responsible by law for the enforcement of an order for support, including, but not limited to: the CNMI Office of the Attorney General, the various States’ Attorneys General, child support agencies, and supervisors of general assistance agencies.

(p) “Support order” means payment of funds for the support of a child or maintenance of a spouse, whether temporary or final and includes any such order which provides for:

(1) Modification or resumption of, or payment of arrearage accrued under, a previously existing order,

(2) Reimbursement of support,

(3) Payment or reimbursement of the expenses of pregnancy and delivery; or

(4) Enrollment in a health insurance plan that is available to the obligor through an employer or labor or trade union.

(q) “State” means any state, or political subdivision, territory, commonwealth or possession of the United States.

(r) “Tribunal” means a court in the case of the CNMI, or a court, administrative agency, or quasi-judicial entity in the case of other U.S. jurisdictions authorized to establish, enforce, or modify support orders or to determine parentage.

Source: [PL 14-34](#), § 2; redesignated by [PL 20-22](#) § 5 (Oct. 6, 2017).

Commission Comment: PL 14-34 took effect thirty days after it was signed into law on October 12, 2004. [PL 14-34](#) contained the following finding and purpose, in addition to severability and savings provisions:

Section 1. Findings and Purposes. The Commonwealth Legislature finds that an efficient and effective mechanism for the collection and disbursement of support payments is essential for the timely and consistent payment of such support. The Legislature further finds that the Commonwealth currently lacks any mechanism that the obligees of such support orders may avail themselves unlike that which exists and used in the other states and territories of the United States. Furthermore, statistics have shown that the automatic income withholding is the most effective mechanism currently used in other jurisdictions. Therefore, the purpose of this Act is to provide an efficient and effective procedure for the withholding of income derived by obligors to enforce support orders issued by tribunals of the Commonwealth of the Northern Mariana Islands (CNMI) and other jurisdictions. These sections shall be liberally construed to achieve that purpose. It is the

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intent of the Legislature that all support in arrears in excess of one month be paid by income withholding orders, to include medical insurance coverage or cash equivalents in the support orders, and to make all missed support payments automatic judgments.

In codifying [PL 20-22](#), the Commission renumbered [8 CMC § 1571](#) pursuant to [1 CMC § 3806\(a\)](#). The Commission changed “this Act” to “this chapter” in the leading paragraph pursuant to [1 CMC § 3806\(d\)](#).

To accommodate the codification of [PL 20-47](#) (Mar. 16, 2018), the Commission rearranged Chapter 11 pursuant to [1 CMC § 3806\(b\)](#). The Commission: created Article 1 “Garnishment and Medical Support” ([8 CMC §§ 19101–19122](#)); created Article 2 “Non-Compliance of Child Support Orders Act” ([PL 20-47](#)); and retitled Chapter 11. The Commission changed “chapter” to “Article” pursuant to [1 CMC § 3806\(d\)](#).