



RALPH DLG. TORRES
Governor

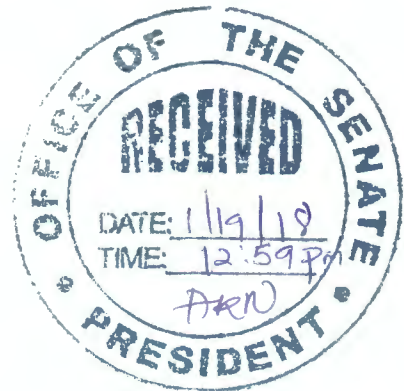
VICTOR B. HOCOG
Lieutenant Governor

COMMONWEALTH of the NORTHERN MARIANA ISLANDS
OFFICE OF THE GOVERNOR

18 JAN 2018

The Honorable Arnold I. Palacios
Senate President, The Senate
Twentieth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

The Honorable Rafael S. Demapan
Speaker, House of Representatives
Twentieth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

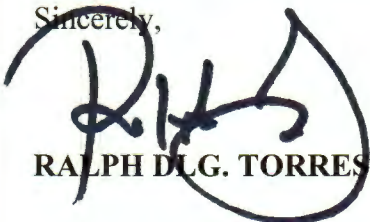


Dear Mr. President and Mr. Speaker:

This is to inform you that I have signed into law Senate Bill No. 20-72, entitled, "To amend 8 CMC § 1421(a)[Guardianship]; and for other purposes.", which was passed by the Senate and the House of Representatives of the Twentieth Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 20-38**. Copies bearing my signature are forwarded for your reference.

Sincerely,



RALPH DLG. TORRES

cc: Lt. Governor; Press Secretary; Attorney General's Office; Commonwealth Superior Court; Department of Youth Services, Public Auditor; Special Assistant for Administration; Special Assistant for Programs and Legislative Review

Done
1/19/18 3:10 pm



THE SENATE
TWENTIETH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SENATE BILL NO. 20-72

AN ACT

To amend 8 CMC §1421(a); and for other purposes.

SENATE ACTION

Offered by Senator(s): Arnold I. Palacios

Date: September 20, 2017

Referred to: Committee on Judiciary, Government and Law

Standing Committee Report No.: None

First and Final Reading: November 21, 2017

HOUSE ACTION

Referred to: N/A

Standing Committee Report No.: None

First and Final Reading: November 29, 2017

DOLORES S. BERMUDES
SENATE CLERK



THE SENATE
TWENTIETH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SECOND REGULAR SESSION, 2017

S. B. NO. 20-72

AN ACT

To amend 8 CMC §1421(a); and for other purposes.

**BE IT ENACTED BY THE TWENTIETH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

1 **Section 1. Findings and purpose.** The Legislature finds that the CNMI
2 guardianship statute must be amended to reflect the current immigration laws in the CNMI
3 and to allow suitable persons petitioning for guardianship to be qualified to serve in the
4 best interest of the child. Currently, CNMI law requires single petitioners to earn a salary
5 of \$25,000 per annum and married petitioners to earn a salary of \$35,000 combined to
6 qualify as guardians. However, there are many persons who are qualified to be guardians
7 but do not meet the income threshold requirements. For example, some grandparents that
8 have been raising their grandchild since birth because the parents are unable to do so for
9 one reason or another are not able to enroll their grandchild in school or provide medical
10 care because of the stringent income requirement which does not allow them to qualify as
11 guardians.

12 The Legislature finds that it is not in the best interest of a child to exclude
13 otherwise qualified petitioners from being their guardians solely because they did not meet
14 the income threshold requirement of the law. The Legislature further finds that the
15 guardianship provisions must be updated to reflect the current immigration laws that apply
16 in the CNMI. Therefore, it is the intent of the Legislature to amend 8 CMC § 1421(a) to
17 give the court flexibility to determine who is a qualified petitioner in order to protect the
18 best interest of children who require guardianship in the CNMI.

1 **Section 2. Amendment.** 8 CMC §1421(a) is hereby amended as follows:

2 “(a) *Appointment.* The Court may appoint, for a term or indefinitely subject to
3 review, an adult over the age of eighteen years to serve as a legal guardian of a minor child
4 only after the following conditions are satisfied:

5 (1) A petition by the proposed guardian stating, under penalty of perjury,
6 the names, dates of birth, and residences of the minor child and the proposed
7 guardian, and the names and whereabouts of any surviving natural or legal parents,
8 grandparents, or siblings of the minor child is filed with the Clerk of the
9 Commonwealth Superior Court;

10 (2) A statement indicating who currently has custody of the minor child and
11 describing the reasons a guardianship is necessary is affixed to the petition;

12 (3) Accompanying affidavits, sworn under penalty of perjury, of any
13 surviving natural or legal parents indicating their consent to the guardianship
14 arrangement are affixed to the petition;

15 (4) An affidavit by the petitioner sworn under penalty of perjury that the
16 guardianship arrangement is not an attempt to avoid or circumvent CNMI
17 immigration law is affixed to the petition;

18 (5) The minor child is not present in the Commonwealth pursuant to a
19 ~~Visitor's Entry Permit (VEP) issued by the Division of Immigration, or has any~~
20 ~~other immigration status the primary purpose of which is tourism~~ tourist visa;

21 (6) The petitioning adult has been a resident of the Commonwealth of the
22 Northern Mariana Islands for the one year prior to the date of petition;

23 ~~(7) A single petitioning guardian earns a salary of at least \$25,000 per~~
24 ~~annum, or a married couple serving as joint guardians earns a combined salary of at~~
25 ~~least \$35,000 per annum;~~

26 (8)~~(7)~~ The Court is satisfied that the living arrangement of the guardian and
27 minor child are suitable. Factors the court may consider in evaluating whether a
28 living arrangement is suitable include but are not limited to the size and number of
29 bedrooms of the residence of the petitioner, and the number of other minor children

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1 or family members living in the residence. The Court may order a home study by
2 the Department of Youth Services (DYS) or a Family Service Division prior to
3 granting a petition under this section.

4 (9) ~~(8)~~ The Court, after hearing on the petition, finds that the guardianship
5 arrangement is in the best interests of the child and is not in violation of the law of
6 the Commonwealth of the Northern Mariana Islands. ~~The Division of Immigration~~
7 ~~may be heard on all matters relating to the immigration laws of the~~
8 ~~Commonwealth.~~

9 (40) ~~(9)~~ *Notice Requirement:* Along with the petition, the petitioner shall
10 file an order prescribing notice which shall set forth the time, place, and purpose of
11 the hearing and require:

12 (i) Personal service or service by registered or certified mail return
13 receipt requested of the notice of petition on all living parents, grandparents,
14 and adult living siblings of the minor child as well as the person or persons
15 having custody of the minor child, if they are not already included;

16 (ii) Posting of the notice of petition at the courthouse for a period of
17 ten days;

18 (iii) Publication of the notice of petition once prior to hearing in a
19 newspaper of general circulation in the Commonwealth.”

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

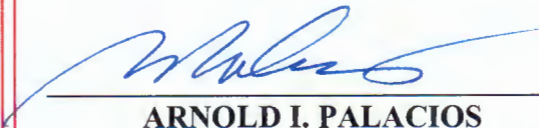
25 **Section 4. Savings Clause.** This Act and any repealer contained herein shall not
26 be construed as affecting any existing right acquired under contract or acquired under
27 statutes repealed or under any rule, regulation or order adopted under the statutes.
28 Repealers contained in this Act shall not affect any proceeding instituted under or pursuant
29 to prior law. The enactment of this Act shall not have the effect of terminating, or in any

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1 way modifying, any liability civil or criminal, which shall already be in existence at the
2 date this Act becomes effective.

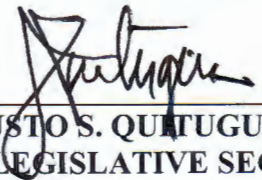
3 **Section 5. Effective Date.** This Act shall take effect upon its approval by the
4 Governor or upon its becoming law without such approval.

CERTIFIED BY:

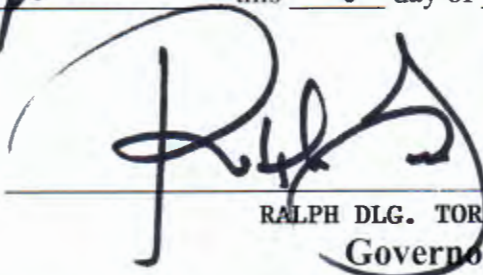


ARNOLD I. PALACIOS
PRESIDENT OF THE SENATE

ATTESTED BY:



JUSTO S. QUITUGUA
SENATE LEGISLATIVE SECRETARY

Approved this 18th day of January, 2018


RALPH DLG. TORRES
Governor
Commonwealth of the Northern Mariana Islands