



RALPH DLG. TORRES
Governor

VICTOR B. HOCO
Lieutenant Governor

COMMONWEALTH of the NORTHERN MARIANA ISLANDS
OFFICE OF THE GOVERNOR

16 MAR 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

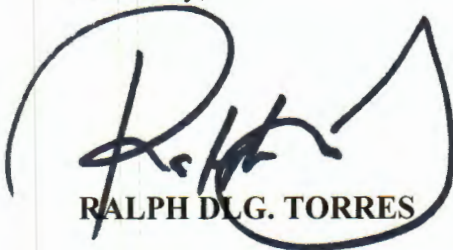


Dear Mr. President and Mr. Speaker:

This is to inform you that I have signed into law Senate Bill No. 20-65, SD1 entitled, "To establish a license suspension program for non-custodial parents who are in non-compliance with an order of support; 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. 20-47**. Copies bearing my signature are forwarded for your reference.

Sincerely,



RALPH DLG. TORRES

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



THE SENATE
TWENTIETH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SENATE BILL NO. 20-65, SD1

AN ACT

To establish a license suspension program for non-custodial parents who are in non-compliance with an order of support; and for other purposes.

SENATE ACTION

Offered by Senator(s): Steve K. Mesngon

Date: August 10, 2017

Referred to: Committee on Judiciary, Government and Law

Standing Committee Report No.: 20-45 adopted on 10/25/17

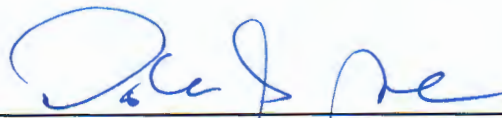
First and Final Reading: October 25, 2017

HOUSE ACTION

Referred to: Committee on Judiciary and Governmental Operations

Standing Committee Report No.: 20-102 adopted on 1/31/18

First and Final Reading: January 31, 2018


DOLORES S. BERMUDES
SENATE CLERK



THE SENATE
TWENTIETH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SECOND REGULAR SESSION, 2017

S. B. NO. 20-65, SD1

AN ACT

To establish a license suspension program for non-custodial parents who are in non-compliance with an order of support; and for other purposes.

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

1 **Section 1. Short Title.** This Act may be referred to as the “Non-compliance of
2 Child Support Orders Act of 2017”.

3 **Section 2. Findings and Purpose.** The Legislature finds and declares that child
4 support is a basic legal right of CNMI’s parents and children, that mothers and fathers have
5 a legal obligation to provide financial support for their children and that child support
6 payments can have a substantial impact on children’s lives. It is therefore the Legislature’s
7 intent to encourage payment of child support to decrease overall costs to CNMI taxpayers
8 while increase the amount of financial support collected for CNMI’s children.

9 **Section 3. Enactment.** Subject to the codification of the Law Revision
10 Commission, the following is hereby enacted as follows:

11 “Section 101. Definitions.

12 As used in this Article:

13 (a) Administrative hearing means a hearing conducted in accordance with the
14 Administrative Procedure Act, 1 CMC §§ 9101-9115.

15 (b) Compliance with an order of support means the total of a non-custodial parent’s
16 overdue and unpaid court ordered current child support payments for which no payment
17 has been ordered thereon, or overdue and unpaid court ordered payments on an arrearage,

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1 is not greater than three (3) months accrual from the effective date of this Act or the date of
2 the order pursuant to which payments were to be made, whichever is later.

3 (c) Court order of support means any judgment or order for the support of
4 dependent children, or for payments on an arrearage arising out of failure to comply with
5 such judgment or order, issued by any court of the CNMI, another territory, a Tribe, or a
6 state, including an order in a final decree of divorce or judgment or order issued in
7 accordance with an administrative procedure established by state or local law that affords
8 substantial due process and is subject to judicial or administrative review, as the case may
9 be.

10 (d) Office means the Child Support Enforcement Office, unless otherwise expressly
11 provided, or unless the context clearly requires otherwise.

12 (e) Hearing officer means a hearing officer within the meaning of the
13 Administrative Procedure Act, 1 CMC §§ 9101-9115.

14 (f) Licensing body means any board, commission, department, office ~~division~~,
15 bureau or office of the CNMI authorized by law to grant, issue, renew, condition, limit,
16 suspend or revoke an authority, license, privilege or right to work or do business in the
17 casino industry, hunt, fish, operate a motor vehicle, or engage in a recreation or sport, or
18 business, occupation, profession or industry.

19 (g) Non-compliance with an order of support means the total of a non-custodial
20 parent's overdue and unpaid court ordered current child support payments for which no
21 payment has been ordered thereon, or overdue and unpaid court ordered payments on an
22 arrearage, is greater than three (3) months accrual from the effective date of this Act or the
23 date of the order pursuant to which payments were to be made, whichever is later.

24 (h) Non-custodial parent means any person who is responsible for the support of a
25 child, and who is absent from the household whether the person's location is known or
26 unknown.

27 Section 102. Notice of Proposed Action.

28 (a) If a non-custodial parent is in non-compliance with a court order of support, the
29 Office may serve the non-custodial parent with a notice of proposed action indicating its

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1 intention to certify to a licensing body that has issued a license to the non-custodial parent,
2 that the noncustodial parent is in non-compliance with a court order of support.

3 (b) The notice of proposed action shall inform the non-custodial parent that the
4 Office will certify the non-custodial parent's noncompliance to the licensing body, unless,
5 within twenty (20) days of service of the notice of proposed action, the non-custodial
6 parent undertakes one of the following actions:

7 (1) files a petition for an administrative hearing, or

8 (2) files with the court a motion to establish payments on an arrearage for
9 which no payments have been ordered, a motion to modify an order for payments
10 on an arrearage so as to encompass arrears for which no payment had been
11 theretofore ordered, or a motion to modify an existing order for payments on the
12 arrearage; or

13 (3) comes into compliance with the court order of support, and is issued
14 written confirmation of compliance.

15 (c) The notice of proposed action shall inform the non-custodial parent of how the
16 non-custodial parent can obtain compliance with the court order of support.

17 (d) Service of the notice of proposed action must be made by personal service or, if
18 unable to locate the non-custodial parent, then by certified mail, return receipt requested.

19 Section 103. Stay of Action.

20 (a) If the non-custodial parent petitions for an administrative hearing within twenty
21 (20) days of service of the notice of proposed action, the Office shall stay action to certify
22 the non-custodial parent to any licensing body for non-compliance with a court order of
23 support, until thirty (30) days after the Office serves a decision after hearing that finds the
24 absent parent is in non-compliance with the order of support.

25 (b) If payment on arrears has not been established or modified, the Office shall stay
26 action to certify a noncustodial parent to a licensing body for non-compliance with a court
27 order of support for ninety (90) days if the non-custodial parent files with the court and
28 serves on the Office, within twenty (20) days of the date the notice of proposed action is
29 served on the non-custodial parent, a motion to:

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1 (1) establish payments on an arrearage for which no payments have been
2 ordered; or

3 (2) modify an order for payments on an arrearage so as to encompass
4 arrears for which no payment has theretofore been ordered, or to modify an existing
5 order for payments on the arrearage.

6 (c) If non-custodial parent files appeal of the hearing officer's decision under §
7 12108 of this chapter in accordance with the Administrative Procedure Act, 1 CMC §§
8 9101-9115, the Office shall stay action to certify the non-custodial parent to a licensing
9 body for non-compliance with a court order of support until the court renders its decision.

10 Section 104. Petition for Administrative Hearing.

11 (a) A non-custodial parent may file a petition for an administrative hearing after
12 being served the notice of proposed action.

13 (b) Upon receipt of the petition for hearing the Office acquires jurisdiction of the
14 non-custodial parent for purposes of adjudication of the non-custodial parent's petition for
15 hearing under the Administrative Procedure Act, 1 CMC §§ 9101-9115.

16 Section 105. Administrative Hearing.

17 (a) An Administrative Hearing Officer shall conduct a hearing petitioned for by the
18 non-custodial parent pursuant to the Administrative Procedure Act, 1 CMC §§ 9101-9115.
19 Issues that may be decided at the hearing shall be limited to whether:

20 (1) the non-custodial parent is required to pay child support under a court
21 order of support; or

22 (2) the non-custodial parent is in compliance with a court order of support.

23 Section 106. Decision After Hearing.

24 (a) The Hearing Officer shall issue a decision after hearing without undue delay.
25 The decision must be based on the hearing record only.

26 (b) The Office shall personally serve or send a copy of the decision to the non-
27 custodial parent by certified mail, return receipt requested.

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1 (c) The decision must inform the non-custodial parent of the noncustodial parents
2 right to appeal in accordance with the Administrative Procedure Act, 1 CMC §§ 9101-
3 9115.

4 Section 107. Judicial Review.

5 A non-custodial parent may appeal in accordance with the Administrative
6 Procedure Act, 1 CMC §§ 9101-9115, the Hearing Officer's decision with respect to
7 whether the non-custodial parent is obligated under a court order of support to pay child
8 support or whether the non-custodial parent is in compliance with such an order.

9 Section 108. Certification to Licensing Body.

10 (a) The Office shall certify that a non-custodial parent is in non-compliance with a
11 court order of support, and file that certification with a licensing body that has issued the
12 non-custodial parent a license if:

13 (1) the non-custodial parent has been served with a notice of proposed
14 action, the non-custodial parent has not requested a hearing or filed a motion to
15 establish or modify payment on the arrearage within twenty (20) days of the date of
16 the notice of proposed action was served on the non-custodial parent and the
17 noncustodial parent is in non-compliance at the expiration of the twenty (20) day
18 time period;

19 (2) the Office issues a decision after hearing that the non-custodial parent is
20 in non-compliance with a court order of support, and the non-custodial parent has
21 not appealed within thirty (30) days of the date the decision is mailed to the non-
22 custodial parent; or

23 (3) the court finds on appeal that the obligor is non-compliance with a court
24 order of support.

25 (b) The Office shall send by certified mail a copy of the certification issued under
26 Subsection (a) of this Section to the noncustodial parent.

27 Section 109. Compliance; How Obtained.

28 A non-custodial parent may come into compliance by paying off the arrearage, or
29 by obtaining an order establishing periodic payment on the arrears for which no payment

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1 has been ordered thereon, or by obtaining an order modifying an existing order for
2 payments on an arrearage to encompass arrears for which no payment has been heretofore
3 ordered thereon. If the non-custodial parent's non-compliance is failure to make court
4 ordered payments on an arrearage, the non-custodial parent may come into compliance by
5 obtaining an order modifying the existing order for payments on the arrearage.

6 Section 110. Written Confirmation of Compliance.

7 If a non-custodial parent who is served with a notice of proposed action or is
8 certified to a licensing body subsequently comes into compliance with a court order of
9 support, the Office shall provide the non-custodial parent and the licensing bodies with
10 written confirmation that the non-custodial parent is in compliance with this order within
11 twenty-four (24) hours of compliance.

12 Section 111. Exchange of Information.

13 Within six (6) months of the effective date of this Act, all licensing bodies shall
14 provide, and update quarterly, the Office with information, concerning applicants for
15 licensure and current license holders, on magnetic tape or other machine readable form, if
16 available. Such information shall include the license holder or applicant's name, address of
17 record, Federal employer identification number or social security number, type of license,
18 effective date of license or renewal, expiration date of license, and active or inactive status.

19 Section 112. Suspension, Non-Issuance and Non-Renewal of Licenses.

20 A licensing body shall suspend the license of a non-custodial parent who has been
21 certified as being in non-compliance with a court order of support, and may not issue or
22 renew the license of a non-custodial parent who has been certified as being in non-
23 compliance with a court order of support or payment agreement, until the non-custodial
24 parent or the Office provides the licensing body with written confirmation from the Office
25 or the Commonwealth Superior Court that the non-custodial parent is in compliance with
26 the court order.

27 Section 113. Notice from Licensing Body.

28 A licensing body shall notify a non-custodial parent certified by the Office to be in
29 non-compliance at least ten (10) days prior to denial or suspension, that the non-custodial

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1 parent's application for issuance or renewal of a license will not be granted or that the non-
2 custodial parent's license has been suspended because the non-custodial parent's name has
3 been certified by the Office as being in non-compliance with a court order of support. A
4 notice of suspension must specify the effective date of the suspension, and that the
5 suspension will continue in effect, or the license will not be issued or renewed until the
6 non-custodial parent provides the licensing body with the Office's written confirmation
7 that the non-custodial parent is in compliance with the court order of support.

8 Section 114. Subsequent Re-Issuance, Renewal or Other Extension of License.

9 After receipt of written confirmation of compliance from the Office, a licensing
10 body shall, within five (5) working days, reissue, renew, or otherwise extend a license
11 against which action had been taken for non-compliance with an order for support. The re-
12 issuance, renewal, or other extension of the license after receipt of written confirmation of
13 compliance shall occur pursuant to the requirements of the licensing body, except that the
14 licensing body may waive any applicable requirement for re-issuance, renewal or other
15 extension if it determines, in its sole discretion, that the imposition of that requirement
16 places an undue burden on the non-custodial parent and that waiver of that requirement is
17 consistent with the public interest.

18 Section 115. Claim of Special Need.

19 A non-custodial parent whose vehicle operator's license is suspended for non-
20 compliance with a court order of support may request the Office to issue a written
21 statement that permits the Commissioner of the Department of Public Safety to issue a
22 temporary license valid for a period not to exceed one hundred twenty (120) days. The
23 Office may grant such requests only upon a showing of medical need or work requirement
24 to obtain a temporary license and only if the non-custodial parent demonstrates that
25 person's intention to come into compliance with the court order of support.

26 Section 116. Assistance to Unrepresented Persons.

27 The Commonwealth Superior Court shall make available to non-custodial parents
28 who are not represented by an attorney, forms which would enable such non-custodial

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1 parents to make handwritten applications for reduction of their arrearages to judgment and
2 for the establishment or modification of orders requiring payments on arrearages.

3 Section 117. Failure to Comply with Warrants and Subpoenas.

4 The failure of a non-custodial parent to comply with any warrant or subpoena
5 issued relating to paternity or to any other child support proceeding shall also result in the
6 suspension, non-issuance, or nonrenewal of a non-custodial parents license in the same
7 manner and using the same procedure as indicated in this Article for non-compliance with
8 an order of child support, and any subsequent re-issuance, renewal or other extension of a
9 license denied or suspended pursuant to this Section shall also conform to the procedure
10 indicated in this Article for subsequent re-issuance, renewal or other extension.”

11 **Section 4. Severability.** If any provision of this Act or the application of any such
12 provision to any person or circumstance should be held invalid by a court of competent
13 jurisdiction, the remainder of this Act or the application of its provisions to persons or
14 circumstances other than those to which it is held invalid shall not be affected thereby.

15 **Section 5. Savings Clause.** This Act and any repealer contained herein shall not
16 be construed as affecting any existing right acquired under contract or acquired under
17 statutes repealed or under any rule, regulation or order adopted under the statutes.
18 Repealers contained in this Act shall not affect any proceeding instituted under or pursuant
19 to prior law. The enactment of this Act shall not have the effect of terminating, or in any
20 way modifying, any liability civil or criminal, which shall already be in existence at the
21 date this Act becomes effective.

22 **Section 6. Effective Date.** This Act shall take effect upon its approval by the
23 Governor or upon its becoming law without such approval.

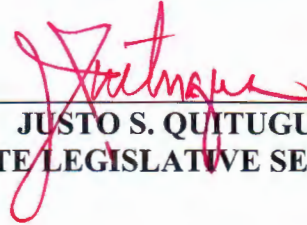
SENATE BILL NO. 20-65, SD1

CERTIFIED BY:



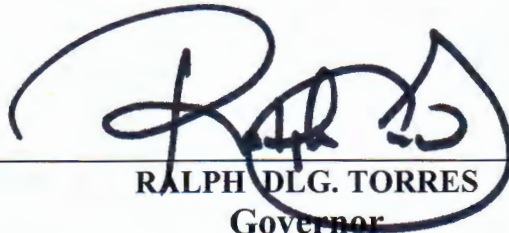
ARNOLD I. PALACIOS
PRESIDENT OF THE SENATE

ATTESTED BY:



JUSTO S. QUITUGUA
SENATE LEGISLATIVE SECRETARY

Approved this 16th day of MARCH, 2018



RALPH DLG. TORRES
Governor

Commonwealth of the Northern Mariana Islands