

TITLE 1: GOVERNMENT
DIVISION 2: EXECUTIVE BRANCH

§ 26010. Judicial Procedure to Establish Facts of Birth.

(a) If the State Agency refuses to file a certificate of birth under the provisions of Sections 26007 or 26009, a petition signed and sworn to by the petitioner may be filed with CNMI Superior Court for an order establishing a record of the date and place of the birth and the parentage of the person whose birth is to be registered.

(b) Such petition shall be made on a form prescribed and furnished or approved by the Registrar and shall allege:

(1) That the person for whom a certificate of birth is sought was born in the CNMI;

(2) That no certificate of birth of such person can be found in the Health and Vital Statistics or Records Office;

(3) That diligent efforts by the petitioner have failed to obtain the evidence required in accordance with Sections 26007 or 26009 of this Act and Regulations adopted pursuant thereto;

(4) That the Registrar has refused to file a certificate of birth, and;

(5) Such other allegations as may be required.

(c) The petition shall be accompanied by a statement of the Registrar made in accordance with Sections 26007 or 26009 and all documentary evidence which was submitted to the Registrar in support of such registration.

(d) The court shall fix a time and place for hearing the petition and shall give the Registrar 15 days notice of said hearing. The Registrar or his authorized representative may appear and testify in the proceeding.

(e) If the court finds, from the evidence presented, that the person for whom a certificate of birth is sought was born in the CNMI, it shall make findings as to the place and date of birth, parentage, and such other findings as may be required and shall issue an order, on a form prescribed and furnished or approved by the Registrar, to establish as court order certificate of birth. This order shall include the birth data to be registered, a description of the evidence presented, and the date of the court's action.

(f) The clerk of court shall forward each such order to the Registrar not later than the tenth day of the calendar month following the month in which it was entered. Such order shall be registered by the Registrar and shall constitute the court order certificate of birth.

Source: PL 15-50, § 12, modified.

Commission Comment: The Commission changed “Sections 9 or 11” in subsections (a), (b)(3), and (c) above to “Sections 26007 or 26009” pursuant to the authority granted by 1 CMC § 3806.