

**TITLE 6: CRIMES AND CRIMINAL PROCEDURE**  
**DIVISION 1: CRIMES AGAINST THE PERSON**

**§ 1457. Protection.**

(a) Any Commonwealth police officer, peace officer, law enforcement official, hospital agency or personnel may take any member of the “man-amko” suspected of being physically abused or otherwise victimized pursuant to 6 CMC §§ 1453(a) or 1453(b) into protective custody, without the consent of the responsible person or persons, provided:

(1) The official has reason to believe that there exists an immediate and imminent danger to the mental and/or physical health of the subject member of the “man-amko”;

(2) The responsible person, or persons, is not immediately available or will not be available within 24 hours to care or be responsible for the member of the “man-amko”;

(3) There is not enough time to petition and to obtain a court order giving him or her custody of the subject member of the “man-amko.”

(b) A member of the “man-amko” taken into custody pursuant to subsection (a) of this section shall be placed and held at the respective senatorial district health center for protective custody, care, and other pertinent and necessary treatment, services, etc., until the case has been appropriately resolved. The subject health center, while in protective custody of the subject member of the “man-amko,” shall make every reasonable effort to locate and notify relatives of such person other than the accused custodial or responsible person or persons about the nature of the case.

(c) Upon notification by the Department of Public Safety, the office of the Attorney General or the special prosecutor, as provided for in 6 CMC § 1454(d), shall immediately make an investigation into the matter to determine if there is a need for a court to order wardship of the affected member of the “man-amko”; if so, the official shall, within 24 hours, move the Superior Court of the Commonwealth for a wardship order.

(d) A member of the “man-amko” taken into custody pursuant to subsection (a) of this section shall be released within 72 hours by the protective custodial health center unless, during that period, the Attorney General files a petition in the Superior Court of the Commonwealth to have such person declared a ward of the court. Such a hearing shall be conducted before the closing of the following judicial day and in no event more than 48 hours after the petition is filed. On weekends, holidays, and evenings the petition shall be considered filed when presented to a judge or clerk of the Superior Court of the Commonwealth.

(e) A court presented with a petition pursuant to this section shall determine if there is reasonable cause to believe that the safety of a member of the “man-amko” would be imminently endangered by a return to the custodial person or responsible person. If the court determines that the safety of the subject member of the “man-amko” would be imminently endangered by a return to the before-mentioned person, the court may make such member of the “man-amko” a temporary ward of the court under the supervision of the respective senatorial

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district health center. Such temporary wardship shall expire in 15 days. If the court determines that the ward's safety would not be imminently endangered by a return to that custodial person, the court shall order the return of the affected member of the "man-amko" to the custodial person upon any conditions appropriate to the mental and physical health of the member of the "man-amko." Hearsay shall not be admissible at the hearing, except as allowed by the rules of evidence.

(f) Within 15 days of a temporary wardship finding, the court shall determine whether the wardship should be continued. The prosecutor shall prove by a preponderance of the evidence that the subject member of the "man-amko" is either:

(1) In need of proper and effective custodial care and has no other person willing to exercise or is capable of exercising such care; or

(2) Is in a home that is an unfit place for him or her by reason of neglect, cruelty, depravity, or physical abuse by either his or her custodial persons. The court shall, upon determination of further wardship, declare the affected member of the "man-amko" a ward of the court for a period of not more than one year. At the end of one year, wardship may be continued only upon a new finding or on necessity pursuant to a new hearing.

(g) If a member of the "man-amko" is declared a ward of the court, the court may:

(1) Limit the control to be exercised over the ward by any custodial person or guardian; or

(2) Place the affected member of the "man-amko" under the care and custody of the respective senatorial district health center, which shall place such ward with a person of good moral character who consents to take care of the subject member of the "man-amko" or with a public agency organized to provide care for the "man-amko."

(h) The court shall not remove any member of the "man-amko" from his or her custodial person or guardian unless it first makes the determination that such removal is in the best interest of the affected member's physical and mental health and of the Commonwealth.

(i) While the affected member of the "man-amko" is a ward of the court, the court will make every effort to insure that he or she is accorded the rights and protection afforded by the Northern Marianas Protection and Advocacy Systems, Incorporated, office through federal mandates.

**Source:** PL 9-21, § 9, modified.

**Commission Comment:** With respect to the reference to the "Department of Public Safety," see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to 1 CMC § 2001.