

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 5: JUVENILE JUSTICE

§ 5311. Purposes of Chapter.

This chapter seeks to:

(a) Ensure that each abused child and the child's family receives such care, preferably in their own home, as will serve the emotional, mental, and physical welfare of the minor and the best interests of the Commonwealth, and

(b) Require reporting of incidents where children are abused so such children and their families may be identified and given any treatment and assistance deemed to be in the best interests of the child and the Commonwealth.

Source: PL 3-18, § 1; repealed and reenacted by PL 16-53 § 3 (January 29, 2010).

Commission Comment: PL 3-18 took effect July 9, 1982. For the duties of the Division of Youth Services relating to prevention, identification and treatment of child abuse, neglect, and sexual molestation, see 1 CMC §§ 2379 and 2380.

Public Law 16-53 (enacted January 29, 2010) contained the following in addition to severability and savings provisions:

Section 1. Short Title. This Act may be cited as the "Revised Child Abuse Act of 2009."

Section 2. Findings and Purpose. The Commonwealth Legislature finds the current child abuse and neglect laws of the Commonwealth to be in need of revision. This Act provides for the protection of minors and the prosecution of persons who are charged or convicted of the crime of [c]hild [a]buse by clarifying the definition of [c]hild [a]buse, clarifying the duties of certain persons to report instances of [c]hild [a]buse and providing criminal penalties for interference with good faith efforts to report instances of [c]hild [a]buse.

As set forth in more detail in the respective statutes herein, this Act revises the definition of "[c]hild [a]buse" to remove antiquated crimes such as "molestation" and to include the modern scheme of vary degrees of "[s]exual [a]buse of a [m]inor". In addition, the definition of "[c]hild [a]buse" shall now include not only actions taken against children in a person's "custody", but also actions taken against children by persons who occupy a "position of authority" over the child.

Significantly, this Act also criminalizes any actions taken with the purpose of interfering with the mandatory or voluntary reporting of cases of [c]hild [a]buse in addition to the criminal acts of failing to make a mandatory report and imposes pretrial release considerations in cases of [c]hild [a]buse that prohibit release from custody absent a determination by a judge regarding the enumerated factors set forth herein.