

TITLE 8: FAMILY LAW AND PROBATE
DIVISION 1: DOMESTIC RELATIONS

§ 1331. Divorce: Grounds.

A divorce from marriage may be granted under this chapter for the following causes and no other:

- (a) Adultery.
- (b) The guilt of either party toward the other of such cruel treatment, neglect or personal indignities, whether or not amounting to physical cruelty, as to render the life of the other burdensome and intolerable and their further living together unsupportable.
- (c) Willful desertion continued for a period of not less than one year.
- (d) Habitual intemperance in the use of intoxicating liquor or drugs continued for a period of not less than one year.
- (e) The sentencing of either party to imprisonment for life or for three years or more. After divorce for this cause, no pardon granted to the sentenced party shall affect the divorce.
- (f) The insanity of either party where the same has existed for three years or more.
- (g) Irreconcilable differences, which are persistent and irresolvable disagreements between spouses that result in the breakdown of the marriage. Irreconcilable differences may be cited generally without citation of specific differences, as grounds for dissolution of the marriage.
- (h) The separation of the parties for two consecutive years without cohabitation, whether or not by mutual consent.
- (i) Willful neglect by the husband to provide suitable support for his wife when able to do so or when failure to do so is because of his idleness, profligacy or dissipation.

Source: 39 TTC § 201; (g) amended by PL 17-20 § 2 (October 3, 2010).

Commission Comment: Public Law 17-20 became law on October 3, 2010 without the Governor's signature pursuant to NMI Constitution Art. II § 7(b). PL 17-20 included severability and savings provisions and the following:

Section 1. Findings and Purpose. The Commonwealth Legislature finds that the Commonwealth Code, as it pertains to divorce or the dissolution of marriage, is antiquated and in need of revision. "Leprosy" also known as "Hansen's disease" is currently treatable by modern medicine, usually in the form of Multi-Drug Therapy (MDT). As Leprosy is treatable, it is not the societal problem it once was and should not serve as grounds for divorce.

The Commonwealth Legislature further finds that "irreconcilable differences" between spouses should be grounds for divorce. Currently, the code requires one spouse to be at "fault" by prohibiting a dissolution of marriage unless one spouse has committed one specifically enumerated act. This tends to prohibit divorce if both spouses are at fault or if neither spouse has committed "fault" but both spouses desire a divorce by mutual consent.

The requirement of fault leads to unintended consequences. First, in instances of true cruelty in a contested divorce, children may be forced to testify for one parent and against the other. This puts children in a difficult situation where the children may blame themselves for the disintegration of the family. This result should be avoided at all costs. Also, the evidentiary burden more often, in cases where the divorce is mutually desired or uncontested, takes the form of a sobbing spouse airing very personal family secrets. This requirement tends to result in "legal fictions" wherein exaggerations are made to prove "cruelty".

Accordingly, the Legislature finds that "irreconcilable differences" pled by one spouse should be sufficient for the granting of a divorce or dissolution of marriage. The Commonwealth Legislature finds and declares that this Act is necessary and is a proper use of the legislative authority granted by Article II of the Commonwealth Constitution.