

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

**§ 1401. Definitions.**

As used in this chapter, unless the context otherwise requires:

- (a) "Abandonment" means conduct which evinces a settled purpose to forego all parental duties. Abandonment during the mother's pregnancy shall be included in calculating the duration of abandonment.
- (b) "Adult" means an individual who is not a minor.
- (c) "Agency" means any person certified, licensed, or otherwise specially empowered by law or rule to place minors for adoption.
- (d) "Alien" means a person as defined in 3 CMC § 4303(a).
- (e) "Child" means a son or daughter, whether by birth or by adoption.
- (f) "Court" means the Commonwealth Superior Court, and, when the context requires, means the court of any state empowered to grant petitions for adoption.
- (g) "Minor" means an individual under the age of 18 years.
- (h) "Person" means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust partnership or association, or any other legal entity.
- (i) "Resident" means an individual who is physically present and living in the Commonwealth for at least one year prior to the filing of the petition for adoption; provided, that an infant under the age of one year need only be physically present and living in the Commonwealth.

**Source:** PL 8-42, § 3; amended by PL 10-86, § 1(a).

**Commission Comment:** PL 8-42, which repealed former title 8, division 1, chapter 4 (also concerning adoption), took effect January 21, 1994. According to PL 8-42, § 2:

Section 2. Purpose. The purpose of this act is to protect and promote the welfare of children, natural parents, and adoptive parents and thereby promote the welfare of the Commonwealth of the Northern Mariana Islands. To this end, the following basic safeguards are provided herein:

- (a) That the child is legally free for adoption;
- (b) That the natural parents consent to the adoption or that the parent-child relationship has been terminated by judicial decree;
- (c) That adequate notice of the adoption petition is given;
- (d) That new birth certificates are issued following adoption decrees; and
- (e) Confidentiality of records.

Several provisions in PL 8-42 are similar to provisions in the Uniform Adoption Act approved by the National Conference of Commissioners on Uniform State Laws and the American Bar Association in 1953, as revised in 1969 and amended in 1971. The uniform act has been adopted (with variations) in some U.S. jurisdictions.

PL 10-86, § 1(a) amended subsection (i) of this section. The effective date of PL 10-86 was January 8, 1998 when the Governor's veto of December 19, 1997 was overridden by the Senate and House of Representatives with the affirmative vote of two-thirds of the members of each house.

PL 10-86 contains severability and savings clauses as follows:

Section 2. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 3. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in this Act shall not affect

any proceeding instituted under or pursuant to prior law. The enactment of this Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence at the date this Act becomes effective.