

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

**§ 1589. Penalties.**

(a) Where a payor willfully fails to withhold or pay over income pursuant to a properly served income withholding notice, or willfully discharges, disciplines, refuses to hire or otherwise penalizes an obligor as prohibited by 8 CMC § 1588, or otherwise fails to comply with any duties imposed by this Act, the obligee, public office or obligor, as appropriate, may file a complaint with the tribunal against the payor. The Clerk of the Superior Court shall notify the obligee or public office, as appropriate, and the obligor and payor of the time and place of the hearing on the complaint. The tribunal shall resolve any factual dispute including, but not limited to, a denial that the payor is paying or has paid income to the obligor.

(b) Upon a finding in favor of the complaining party, the tribunal:

(1) Shall enter judgment and direct the enforcement thereof for the total amount that the payor willfully failed to withhold or pay over; and

(2) Shall also hold the payor liable for a civil penalty equal to that amount or in the amount of five-hundred dollars, whichever is greater, payable to the public agency or to the moving or complaining party. A finding by the tribunal, by an administrative agency of competent jurisdiction, or by the public agency that the employer or other source of periodic income has failed or neglected to comply with an income withholding order executed pursuant to this section shall be prima facie evidence of the liability of such employer in such proceeding.

(3) May order employment or reinstatement of or restitution to the obligor, or both, where the obligor has been discharged, disciplined, denied employment or otherwise penalized by the payor and may impose an additional fine upon the payor of up to one-thousand dollars.

(c) Any obligee, public office or obligor who willfully initiates a false proceeding under this Act or who willfully fails to comply with the requirements of this Act shall be punished as in cases of contempt of tribunal.

(d) In any action to enforce a support under this Act, the prevailing party is entitled to a recovery of costs, including an award for reasonable attorney fees. An obligor may not be considered a prevailing party under this section unless the obligee has acted in bad faith in connection with the proceeding in question.

**Source:** PL 14-34, § 21, modified.

**Commission Comment:** The Commission inserted the proper codified section referenced in subsection (a) above and deleted figures that were repetitious of words in subsection (b)(2) and (3) above pursuant to its authority by 1 CMC § 3806(d) and (e), respectively.