

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

**§ 1706. Determination of Father and Child Relationship; Who May Bring Action; When Action May be Brought.**

(a) A child, his natural mother, or a man presumed to be his natural father, under 8 CMC § 1704(a)(1), (2), or (3), may bring an action:

(1) At any time for the purpose of declaring the existence of the father and child relationship presumed under 8 CMC § 1704(a)(1), (2), or (3), or

(2) For the purpose of declaring the nonexistence of the father and child relationship presumed under 8 CMC § 1704(a)(1), (2), or (3) only if the action is brought within a reasonable time after obtaining knowledge of relevant facts, but in no event later than five years after the child's birth. After the presumption has been rebutted, paternity of the child by another man may be determined in the same action, if he has been made a party.

(b) Any interested party may bring an action at any time for the purpose of determining the existence or nonexistence of the father and child relationship presumed under 8 CMC § 1704(a)(4) or (5).

(c) An action to determine the existence of the father and child relationship with the respect to a child who has no presumed father under 8 CMC § 1704 may be brought by the child, the mother or personal representative of a child, the Division of Youth Services, the personal representative or a parent of the mother if the mother has died or is a minor, a man alleged or alleging himself to be the father, or the personal representative of the alleged father if the alleged father has died or is a minor.

(d) Regardless of its terms, an agreement, or other than an agreement approved by the court in accordance with 8 CMC § 1713, between an alleged or presumed father and the mother or child, does not bar an action under this section.

(e) If an action under this section is brought before the birth of a child, all proceedings shall be stayed until after the birth, except service of process and the taking of depositions to perpetuate testimony.

**Source:** PL 4-38, § 6.

**Commission Comment:** With respect to the reference to the "Division of Youth Services," 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.