

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

§ 1813. Definitions.

(a) “Acquire” in relation to property means to obtain by any means and includes reducing indebtedness on encumbered property and obtaining a lien on or security interest in property.

(b) “Appreciation” means a realized or unrealized increase in the value of property.

(c) “Decree” means a judgment or other order of a court.

(d) “Deferred employment benefit” means a benefit under a plan, fund, program, or other arrangement under which compensation or benefits from employment are expressly, or as a result of surrounding circumstances, deferred to a later date or the happening of a future event. Such an arrangement includes: a pension, profit sharing, or stock-purchase plan; a savings or thrift plan; an annuity plan; a qualified bond-purchase plan; a self-employed retirement plan; a simplified employee pension; and a deferred compensation agreement or plan. It does not include life, health, accident, or other insurance, or a plan, fund, program, or other arrangement providing benefits comparable to insurance benefits, except to the extent that benefits under the arrangements:

(i) Have a present value that is immediately realizable in cash at the option of the employee;

(ii) Constitute an unearned premium for the coverage;

(iii) Represent a right to compensation for loss of income during disability; or

(iv) Represent a right to payment of expenses incurred before time of valuation.

(e) “Determination date” means the last to occur of the following:

(i) Marriage;

(ii) 12:01 a.m. on the date of establishment of a marital domicile in this Commonwealth; or

(iii) 12:01 a.m. on February 22, 1991.

(f) “Disposition at death” means transfer of property by will, intestate succession, nontestamentary transfer, or other means that take effect at the transferor’s death.

(g) “Dissolution” means:

(i) Termination of a marriage by a decree of dissolution, divorce, annulment, or declaration of invalidity; or

(ii) Entry of a decree of legal separation or separation maintenance.

(h) “During marriage” means a period from the date of marriage to the date of separation, dissolution or the death of a spouse.

“Date of separation” requires inquiry into the subjective nature of the parties’ separation. A temporary separation for economic or social reasons is not enough. There must be a true breakdown of the marriage relationship, with the parties living separately and apart and with no present intent to resume the marriage relationship.

(i) Property is “held” by a person only if a document of title to the property is registered, recorded, or filed in a public office in the name of the person or a writing that customarily operates as a document of title to the type of property is issued for the property in the person’s name.

(j) “Income” means wages, salaries, commissions, bonuses, gratuities, payments in kind, deferred employment benefits, proceeds, other than death benefits, of a health, accident, or disability insurance policy, or of a plan, fund, program, or other arrangement providing benefits comparable to those forms of insurance, other economic benefits having value which are attributable to the effort of a spouse, dividends, interest, income from trusts, and net rents and other net returns attributable to investment, rental, licensing, or other use of property, unless attributable to a return of capital or to appreciation.

(k) “Management and control” means the right to buy, sell, use, transfer, exchange, abandon, lease, consume, expend, assign, create a security interest in, mortgage, encumber, dispose of, institute, or defend a civil action regarding, or otherwise deal with, property as if it were property of an unmarried person.

(l) “Marital property agreement” means an agreement that complies with 8 CMC § 1830.

(m) A person has “notice” of a fact if the person has knowledge of it, receives a notification of it, or has reason to know that it exists from the facts and circumstances known to the person.

(n) “Presumption” or a “presumed” fact means the imposition on the person against whom the presumption or presumed fact is directed of the burden of proving that the nonexistence of the presumed condition or fact is more probable than its existence.

(o) “Property” means an interest, present or future, legal or equitable, vested or contingent, in real or personal property.

(p) “Written consent” means a document signed by a person against whose interests it is sought to be enforced.

Source: PL 7-22, § 4.