

TITLE 8: FAMILY LAW AND PROBATE
DIVISION 2: PROBATE LAW AND PROCEDURE

§ 2603. Family Allowance.

In addition to the right to homestead allowance and exempt property, if the decedent was domiciled in the Northern Mariana Islands, the surviving spouse and minor children whom the decedent was obligated to support and children who were in fact being supported by him are entitled to a reasonable allowance in money out of the estate for their maintenance during the period of administration, which allowance may not continue for longer than two years if the estate is inadequate to discharge allowed claims. The allowance may be paid as a lump sum or in periodic installments. It is payable upon order of the court to the surviving spouse, if living, for the use of the surviving spouse and minor dependent children; otherwise to the children, or persons having their care and custody; but in case any minor child or dependent child is not living with the surviving spouse, the allowance may be made partially to the child or the child's guardian or other person having care and custody of the child, and partially to the spouse, as their needs may appear. The family allowance is exempt from and has priority over all claims but not over the homestead allowance. The family allowance shall override any provision in the will of the decedent to the contrary unless the court finds that the will expressly provides an adequate substitute for the loss of the family allowance. The family allowance is not chargeable against any benefit or share passing to the surviving spouse or children by the will of the decedent or by intestate succession. The death of any person entitled to family allowance terminates his right to allowance not yet paid.

Source: PL 3-106, ch. 6, § 3.