

IN THE SUPERIOR COURT
FOR THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

ANN MARGARET TORRES CABRERA, and
MIKAILA MARIE CABRERA CAMACHO,
a minor child

Plaintiffs,

v.

EDWIN MICHAEL CASTRO CAMACHO,

Defendant.

Civil Action No. 98-0016

DECISION AND ORDER
GRANTING CHILD SUPPORT

I. INTRODUCTION

Plaintiff Ann Margaret Torres Cabrera (“Cabrera”) and her daughter, Mikaila, bring this complaint to establish paternity and obtain an order of child support. Defendant Edwin Michael Castro Camacho (“Camacho”) appears pro se.

II. FACTS

Mikaila was born on May 29, 1997 to Cabrera, an unmarried mother. On the birth certificate, Camacho signed his name, acknowledging he was the father. Camacho further acknowledged he was Mikaila’s father in open court. Camacho has made two cash payments of \$100.00 each for the support of Mikaila. Cabrera’s sole income is from food coupons in the amount of \$336.00 per month, which she uses to support Mikaila and another child. [p. 2]

Cabrera filed the initial complaint pro se with the assistance of Micronesian Legal Services. A guardian ad litem, Velma Aldan Arriola, was nominated by Cabrera and appointed on behalf of Mikaila. Cabrera then retained the services of an attorney to continue the proceeding and bring this motion for retroactive support. Camacho was afforded the opportunity to file an affidavit with the court after the December 3, 1998 hearing, but failed to do so.

FOR PUBLICATION

III. ISSUE

1. Whether Cabrera is entitled to retroactive support for her child.

IV. ANALYSIS

Under Commonwealth law, “[t]he parent and child relationship extends equally to every child and every parent, regardless of the marital status of the parents.” 8 CMC §1702. Any judgment or order the court makes is governed by 8 CMC §1715 which states:

(c) The judgment or order may contain any other provision directed against the appropriate party to the proceeding, concerning the duty of support, the custody and guardianship of the child, visitation privileges with the child, the furnishing of bond or other security for the payment of the judgment, or any other matter in the best interest of the child. The judgment or order may direct the father to pay the reasonable expenses of the mother’s pregnancy and confinement.

When interpreting a statute, it is necessary to look first to the plain meaning of the language employed. Nansay Micronesia Corp. v. Govendo, 3 N.M.I. 12 (1992). Any determination rests on the clarity of the words as well as the internal cohesion of the sections. Pressley v. Capital Credit & Collection Service, 760 F.2d 922 (1985); see In re Estate of Rofag, 2 N.M.I. 18 (1991). Interpretations of a statute that defy common sense or lead to absurd results should be avoided. Commonwealth Ports Auth. v. Hakubotan Saipan Enters., Inc., 2 N.M.I. 212 (1991).

Here, 8 CMC §1715 provides that an order may contain “any other provision...concerning the duty of support....” There is no language regarding retroactive support; instead, the statute is broad and inclusive. In addition, there is a provision in the statute for costs of “the mother’s pregnancy and confinement,” suggesting that any order may include past expenses involving the child. Because Camacho acknowledges Mikaila is his daughter, and signed the birth certificate, it is appropriate to award retroactive support in this instance. Camacho has been on notice from the [p. 3] beginning that this was his child and that he had an obligation as a parent to assist in providing for her well being.

Under 8 CMC:

...the amount to be paid by a parent for support of the child and the period during which the duty of support is owed, a court enforcing

the obligation of support shall consider all relevant facts, including:

- (1) The needs of the child;
- (2) The standard of living and circumstance of the parents;
- (3) The relative financial means of the parents;
- (4) The earning ability of the parents;
- (5) The need and capacity of the child for education, including higher education;
- (6) The age of the child;
- (7) The financial resources and the earning ability of the child;
- (8) The responsibility of the parents for the support of others; and
- (9) The value of services contributed by the custodial parent.

Mikaila is still a toddler and requires proper food, medical care, and diapers. Mr. Camacho is currently employed at CUC. His biweekly pay is \$317.44 after deductions for insurance (\$105.78) and the credit union (\$125.73). Because Mr. Camacho has not submitted any further affidavit or evidence to the court of his earnings or abilities to support Mikaila, the court can only rely on his pay stub as well as the fact that he is contributing over a hundred dollars a month to a credit union account. Once Ms. Cabrera obtains employment, she will be able to bring in more income. However, now she has family support as well as assistance through the nutrition program. In addition, she is responsible not only for Mikaila, but for another child. To this point, she has had sole custody of Mikaila.

Through March, 1998, the expenses which Ms. Cabrera submitted are as follows: enfamil for six months (\$840.00), P-7 formula powder for three months (\$45.00), fresh food and milk from March, 1998 (\$15.00), clothing at \$45.00 per month (\$450), toys (\$150.00), medicine (\$30.00), baby-sitting at \$30.00 per month (\$300.00), and \$215.00 for the hospital stay during which Mikaila was born.

Ms. Cabrera is awarded the costs of clothing, toys, medicine, and the hospital stay for a total of \$845.00 through March, 1998. She is awarded an additional \$405.00 for clothing through [p. 4] December, 1998 for a total of \$1250.00. Taking into account the \$200.00 already paid by Mr. Camacho, the total owed for retroactive support is \$1050.00. Enfamil, P-7 formula powder, and fresh food and milk are items covered by the food coupon program for which she has been receiving \$336.00 per month and therefore were already paid by the CNMI. In addition, because her

occupation is as a homemaker, baby-sitting costs are not awarded.

The future monthly costs estimated by Ms. Cabrera are \$200.00 for daycare, \$50.00 for food, \$50.00 for clothing, \$20.00 for toys, \$20.00 for medicine and health care co-payment. The daycare and food expenditures are based on the assumption that she will obtain employment. As far as the court is aware, Ms. Cabrera is not currently working outside the home. At this time, the court orders ongoing support in the amount of \$150.00 per month to be paid to Ms. Cabrera. This amount is subject to change should the parties' circumstances change.

V. CONCLUSION

It is ordered that Edwin Michael Castro Camacho is the father of Mikaila Marie Cabrera Camacho. Retroactive support is ordered in the amount of \$1050.00 through December, 1998 and a judgment is entered for \$1050.00. The judgment is to be paid at the rate of \$50.00 per month. A hearing for attorney's fees and costs is set for March , 1999. Without detailed costs incurred by the guardian ad litem submitted, the costs of the guardian's services will not be recompensed.

So ordered this 18 day of February, 1999.

/s/ Edward Manibusan
EDWARD MANIBUSAN, Presiding Judge