

TWELFTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

FIRST REGULAR SESSION, 2000

PUBLIC LAW NO. 12-19

SENATE BILL

NO. 12-34

AN ACT

To prohibit acts of domestic and family violence and to establish remedies, penalties, and courses of treatment available to perpetrators and victims of domestic and family violence; and for other purposes.

**BE IT ENACTED BY THE TWELFTH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

Section 1. Title. This bill may be cited as the "Domestic and Family Violence Prevention Act of 2000."

Section 2. Amendment. 8 CMC, Division 1 is hereby amended to add a new Chapter 9, to read as follows:

Chapter 9. Domestic And Family Violence Prevention Act.

Article 1. General

"Section 101. Construction. The Domestic and Family Violence Prevention Act of 1998 shall be construed to promote:

- a. The protection and safety of all victims of domestic or family violence in a fair, prompt, and effective manner; and
- b. The prevention of future violence in all families.

Section 102. Definitions. Unless the context otherwise requires:

a. "Domestic or family violence" means the occurrence of one or more of the following acts by a family or household member, but does not include acts of self-defense:

- (1) Attempting to cause or intentionally, knowingly or recklessly causing bodily injury to another family or household member;

- (2) Placing a family or household member in fear of bodily injury;
- (3) Attempting to cause or causing a family or household member to engage in coerced or forced sexual activity by force, threat of force or intimidation;
- (4) Engage in a knowing and willful course of conduct that constitutes harassment.

b. "Family or household members" include:

- (1) Adults or minors who are current or former spouses;
- (2) Adults or minors who live together or who have recently lived together;
- (3) Adults or minors who are dating;
- (4) Adults or minors who are engaged in or who have recently engaged in a sexual relationship;
- (5) Adults or minors who are related by blood or adoption;
- (6) Adults or minors who are related by marriage or formerly related by marriage;
- (7) Persons who have a child in common; and
- (8) Minor children of a person in a relationship that is described in paragraphs (1) through (7).

c. "Harassment is a knowing and willful course of conduct directed at a specific person which seriously alarms, annoys, or harasses the person, and which serves no legitimate purpose under law or custom. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the victim."

d. "Program of intervention for perpetrators" means a specialized program that:

- (1) Accepts perpetrators of domestic or family violence; or
 - (2) Offers treatment to perpetrators of domestic or family violence;
- or
- (3) Offers classes or instruction to perpetrators of domestic or family violence.

e. "Program for victims of domestic or family violence" means a specialized program for victims of domestic or family violence and their children that provides advocacy, shelter, crisis intervention, social services, treatment, counseling, education, or training.

f. "Safety plan" means a written or oral outline of actions to be taken by a victim of domestic or family violence to secure protection and support after making an assessment of the dangerousness of the situation.

Article 2. Civil Orders for Protection

Section 201. Eligible petitioners for order.

a. A person who is or who has been a victim of domestic or family violence may file a petition for an order in the Superior Court for protection against a family or household member who commits an act of domestic or family violence.

b. A parent, guardian, or other representative may file a petition for an order in the Superior Court for protection on behalf of a child against a family or household member who commits an act of domestic or family violence.

Section 202. Uniform form required for petitions and orders; required statements in petitions and order; duty of clerk to provide petitions and clerical assistance.

a. The Superior Court shall;

(1) Develop and adopt uniform forms for petitions and orders for protection, including but not limited to such orders issued pursuant to divorce, custody, and other domestic relations hearings; and

b. In addition to any other required information, the petition for an order for protection must contain a statement listing each civil or criminal action involving both parties.

c. The following statements must be printed in bold faced type or in capital letters on the order for protection:

(1) "Violation of this order may be punished by confinement in jail for as long as six months and by a fine of as much as \$100.00 or both."

(2) "If so ordered by the court, the respondent is forbidden to enter or stay at the petitioner's residence, even if invited to do so by the petitioner or any other person."

(3) "Petitioner and Respondent are ordered to appear at the designated hearing. A bench warrant may be issued against a party who fails to appear."

d. The Clerk of the Superior Court or other designated agencies shall provide to a person requesting an order for protection:

(1) The forms adopted pursuant to subsection a;

(2) All other forms required to petition for an order for protection, including but not limited to, forms for service and forms required by Uniform Child Custody Jurisdiction Act; and

(3) Clerical assistance in filling out the forms and filing the petition.

e. Except as otherwise provided in section 205, a petition for an order for protection must be in writing, verified, and subscribed to in a manner provided by Commonwealth law.

f. All orders for protection must be issued on the form adopted in accordance with subsection a.

Section 203. Jurisdiction: venue; residency not required to petition.

a. The Commonwealth Superior Court has jurisdiction to issue orders for protections.

b. A petition for an order for protection may be filed in the Commonwealth Superior Court:

(1) Where the petitioner currently or temporarily resides;

(2) Where the respondent resides; or

(3) Where the domestic or family violence occurred.

c. There is no minimum requirement of residency to petition for an order for protection.

Section 204. Continuing duty to inform court of other proceedings; effect of other proceedings; delay of relief prohibited; omission of petitioner's address.

a. At any hearing in a proceeding to obtain an order for protection, each party has a continuing duty to inform the court of each proceeding for

an order for protections, any civil litigation, and each criminal case involving the parties, including the case name, the file number, and the island of the proceeding, if that information is known by the party.

b. An order for protection is in addition to and not in lieu of any other available civil or criminal proceeding. A petitioner is not barred from seeking an order because of other pending proceeding. The court shall not delay granting relief because of the existence of a pending action between the parties.

c. A petitioner may omit his or her address and/or telephone number from all documents filed within the court. If a petitioner omit his or her address and/or telephone number, the petitioner must provide the court a mailing address. If disclosure of the petitioner's address is necessary to determine jurisdiction or consider venue, the court may order the disclosure to be made:

- (1) After receiving the petitioner's consent;
- (2) Orally and in chambers, out of the presence of the respondent and a sealed record be made; or
- (3) After a hearing, if the court takes into consideration the safety of the petitioner and finds such disclosure in the interest of justice.

Sections 205. Emergency order for protection: available relief: availability of judge: expiration of order.

a. The Superior Court may issue a written or oral emergency order for protection, ex parte, when a police officer, who is investigating an allegation of domestic or family violence states to the court in person or by telephone that he or she believes an incident of domestic or family violence has occurred, and the court finds reasonable grounds to believe the petitioner is in immediate danger of domestic or family violence based on the police officer's statement.

b. A police officer who receives an oral order for protection from the Superior Court shall:

- (1) Write and sign the order on the form required pursuant to section 202;

- (2) Serve a copy on the respondent;
 - (3) Immediately provide the petitioner with a copy of the order; and
 - (4) Provide the order to the court by the end of the next judicial day.
- c. The Court may grant the following relief in an emergency order for protection:
- (1) Enjoin the respondent from threatening to commit or committing domestic or family violence against the petitioner and any designated family or household member;
 - (2) Prohibit the respondent from harassing, annoying, telephoning, contacting, or otherwise communicating with the petitioner, directly or indirectly;
 - (3) Remove and exclude the respondent from the residence of the petitioner, regardless of ownership of the residence;
 - (4) Order the respondent to stay away from the residence, school, place of employment of the petitioner, or any specified place frequented by the petitioner and any designated family or household member;
 - (5) Order possession and use of personal effects, and direct the appropriate police officer to accompany the petitioner to the residence of the parties to ensure that the petitioner is safely restored to possession of the residence, or to supervise the petitioner's or respondent's removal of personal belongings;
 - (6) Grant temporary custody and support of a minor child or children to the petitioner;
 - (7) Upon the request of the Petitioner, grant temporary custody and support of a minor child or children to a grandparent or grandparents or to another qualified family member; and
 - (8) Order such other relief as the court deems necessary to protect and provide for the safety of the petitioner and any designated family or household member.

d. A judge with authority to issue an order for protection must be available 24 hours a day to hear petitions for emergency orders for protection.

e. An emergency order for protection expires 72 hours after service on the respondent.

Section 206. Order for protection; modification or orders; relief available ex parte; relief available after hearing; duties of the court; duration or order.

a. If it appears from a petition for an order for protection or a petition to modify an order for protection that domestic or family violence has occurred or a modification of an order for protection is required, the Superior Court may:

(1) Without notice or hearing, immediately issue an order for protection ex parte or modify an order for protection ex parte as it deems necessary to protect the rights of the parties; and

(2) Upon notice, issue an order for protection or modify an order after a hearing whether or not either party appears.

b. A court may grant the following relief without notice and hearing in an order for protection or a modification issued ex parte:

(1) Enjoin the respondent from threatening to commit or committing acts of domestic or family violence against the petitioner and any designated family or household member;

(2) Prohibit the respondent from harassing, annoying, telephoning, contacting, or otherwise communicating with the petitioner, directly or indirectly;

(3) Remove and exclude the respondent from the residence of the petitioner, regardless of ownership of the residence;

(4) Order the respondent to stay away from the residence, school, or place of employment of the petitioner, or any specified place frequented by the petitioner and any designated family or household member;

(5) Prohibit the respondent from using or possessing a firearm or other weapon specified by the court;

(6) Order possession and use of personal effects, and direct the appropriate law enforcement officer to accompany the petitioner to

the residence of the parties to ensure that the petitioner is safely restored to possession of the property stated in the order, or to supervise the petitioner's or respondent's removal of personal belongings;

(7) Grant temporary custody and support of any minor children to the petitioner;

(8) Upon the request of the Petitioner, grant temporary custody and support of a minor child or children to a grandparent or grandparents or to another qualified family member;

(9) Specify arrangements for visitation of any minor child by the respondent and require supervision of that visitations by a third party or deny visitations if necessary to protect the safety of the petitioner or child; and

(10) Order such other relief as it deems necessary to provide for the safety and welfare of the petitioner and any designated family or household member.

c. The Court may grant the following relief in an order for protection or of a modification of an order after notice and hearing, whether or not the respondent appears:

(1) Grant the relief available in accordance with subsection b;

(2) Specify arrangements for visitation of any minor child by the respondent and require supervision of that visitations by a third party or deny visitations if necessary to protect the safety of the petitioner or child;

(3) Order the respondent to pay rent or make payment on a mortgage on the petitioner's residence and pay for the support of the petitioner and minor child(ren) if the respondent is found to have a duty to support the petitioner or minor child(ren);

(4) Order the respondent to reimburse the petitioner or any other person who incurred any expenses associated with the domestic or family violence, including but not limited to medical expenses, counseling, shelter, and repair or replacement of damaged property; and

(5) Order the respondent to pay the costs and attorney's fees incurred by the petitioner in bringing the action.

d. The Court shall:

(1) Transmit a copy of the order to the petitioner, and a copy to the Department of Public Safety to be served upon the respondent.

(2) Make reasonable efforts to ensure that the order for protection is understood by the petitioner, and the respondent, if present;

(3) Transmit, by the end of the next business day after the order is issued, a copy of the order of protection to the Department of Public Safety and agencies designated by the petitioner; and

(4) Transmit a copy of the order to the registry established under section 215.

e. An order for protection issued ex parte or upon notice and hearing or a modification of an order for protection issued ex parte or upon notice and hearing is effective until further order of the court.

Section 207. Required hearings; duty of court when order for protection denied.

a. Except as otherwise provided in subsection b, if a court issues an order for protection ex parte or a modification of an order for protection ex parte and the court provides relief pursuant to subsection b of section 206, the court shall set a date for a hearing on the petition. The hearing must be held within ten (10) days after the order has been served upon the respondent. The court shall notify both parties by first class mail of the date and time of the hearing.

b. The court shall hold a hearing on the petition within ten (10) days after the filing of the petition if a court issues an order for protection ex parte or a modification of an order of protection ex parte, and

(1) The petitioner requests or the court provides relief in accordance with paragraph (7) or (8) of subsection b of section 206, concerning custody of a minor child; or

(2) The petitioner requests relief pursuant to paragraph (2), (3), (4) or (5) of subsection c of section 206. Such a hearing must be given precedence over all matters of the same character.

c. In a hearing held pursuant to subsection a or b of this section:

(1) Relief in accordance with section 206 is available.

(2) If respondent seeks relief concerning an issue not raised by the petitioner, the court may continue the hearing at the petitioner's request.

d. If a court denies a petition for an order for protection or a petition to modify an order for protection that is requested without notice to the respondent, the court shall inform the petitioner of his or her right to request a hearing upon notice to the respondent.

Section 208. Effect of action by petitioner or respondent on order. If a respondent is excluded from the residence of a petitioner or ordered to stay away from the petitioner, an invitation by the petitioner to do so does not waive or nullify an order for protection.

Section 209. Denial of relief prohibited. The court shall not deny a petition for relief requested pursuant to section 205 or 206 solely because of a lapse of time between an act of domestic or family violence and the filing of the petition.

Section 210. Mutual orders for protection prohibited. A court shall not grant mutual orders for protection to opposing parties, except where the court deems it in the interests of justice or in the best interests of the parties.

Section 211. Court-ordered and court-referred mediation of cases involving domestic or family violence prohibited. Upon consent of the parties only may a court order parties into mediation or refer them to mediation for resolution of the issues in a petition for an order for protection.

Section 212. Court costs and fees. There shall be no fees charged for filing and service of process in any proceeding which seeks only the relief provided for in this chapter.

Section 213. Victim's Advocate: Assistance to victims of domestic or family violence.

a. There is hereby established within the Office of the Attorney General the Office of the Victim's Advocate which shall provide assistance to

victims of domestic or family violence. The Victim's Advocate may enter into a contract with a private agency or organization that has a record of service to victims of domestic or family violence to provide assistance.

b. The duties of the Victim's Advocate include but are not limited to the following:

- (1) Informing victims of domestic or family violence of their rights pursuant to the Victims Rights Act and assisting victims in securing those rights;
- (2) Informing victims of the availability of orders for protection and assisting victims in obtaining such order;
- (3) Providing interpreters, if practicable, for cases involving domestic or family violence, including requests for orders for protection;
- (4) Informing victims of the availability of shelter, counseling, and other social services; and
- (5) Providing victims with safety plans and assisting victims in preparing the plans.

c. The Victim's Advocate shall coordinate the provision of services and programs for victims of domestic or family violence.

Section 214. Registration and enforcement of foreign orders for protection; duties of court clerk.

a. A certified copy of an order for protection issued in another state may be filed in the office of the Clerk of the Superior Court. The clerk shall act upon the order in the same manner that the clerk acts upon an order for protection issued by the Superior Court of this Commonwealth.

b. An order for protection filed in accordance with subsection 1 has the same effect and must be enforced in the same manner as an order for protection issued by a court of this Commonwealth.

c. The Clerk of the Superior Clerk shall:

- (1) Maintain a registry in which to enter certified orders for protection issued in another U.S. jurisdiction that are received for filing; and

(2) At the request of a court of another U.S. jurisdiction, or at the request of a person who is affected by or has a legitimate interest in an order of protection, certify and forward a copy of the order to that court or person at no cost to the requesting party.

d. The Superior Court of this Commonwealth shall enforce all provisions of a registered foreign order for protection whether or not such relief is available in the Commonwealth.

Section 215. Commonwealth registry for orders for protection.

a. The Clerk of the Superior Court, and the Department of Public Safety shall maintain a registry of all orders for protection issued by a court of this Commonwealth or registered in this Commonwealth. The order must be included in the registry within 24 hours after issuance.

b. The information contained in the registry is available at all times to a court, a law enforcement agency, and other governmental agencies, upon request, for official purposes only.

Section 216. Penalties.

a. Whenever an order for protection is issued pursuant to this chapter, and the respondent has been served with, or otherwise notified of the order, violation of the order shall constitute contempt of court, punishable by up to six (6) months in jail, a \$100 fine, or both.

b. A peace officer may arrest, without warrant, and take into custody any person whom the peace officer has probable cause to believe has violated an order issued pursuant to this Chapter, provided the existence of the order has been verified by the officer.

c. Any person filing a false petition under this Act, or otherwise using this Act in a manner that constitutes abuse of process, or for purposes other than those specifically enumerated herein shall be in contempt of court and punished by a fine not to exceed \$100 or 6 months in jail, or both. Such filing will also render the petitioner liable to the respondent for damages which include, but are not limited to lost wages, attorneys fees, and other expenses that are directly related to the false filing.

Article 3. Custody, visitation and family services.

Section 301. Presumptions concerning custody. In every proceeding where there is at issue a dispute as to the custody of a child a determination by the court that domestic or family violence has occurred raises a rebuttable presumption that it is detrimental to the child and not in the best interest of the child to be placed in sole custody, joint legal custody, or joint physical custody with the perpetrator of family violence.

Section 302. Factors in determining custody and visitation.

a. In addition to other factors that the Superior Court must consider in a proceeding in which the custody of a child or visitation by a parent is at issue and in which the court has made a finding of domestic or family violence:

(1) The Superior Court shall consider as primary the safety and well-being of the child or children and of the parent who is the victim of domestic or family violence; and

(2) The court shall consider the perpetrator's history of causing physical harm, bodily injury, assault, or causing reasonable fear of physical harm, bodily injury, or assault to another person.

b. If a parent is absent or has relocated because of an act of domestic or family violence by the other parent, the absence or relocation is not a factor that weighs against the parent in determining custody or visitation.

Section 303. Presumption concerning residence of child. In every proceeding where there is at issue a dispute as to the custody of a child, a determination by the Superior Court that domestic or family violence has occurred raises a rebuttable presumption that is in the best interest of the child to reside with the parent who is not a perpetrator of domestic or family violence in the location of that parent's choice, within or outside the Commonwealth.

Section 304. Change of circumstances. In every proceeding in which there is at issue the modification of an order for custody or visitation of a child, the finding that domestic or family violence has occurred since the last custody determination constitutes a finding of a change of circumstances.

Section 305. Conditions of visitation in cases involving domestic and family violence.

a. The Superior Court may award visitation to a parent who committed domestic or family violence only if the court finds that adequate provision for the safety of the child and the parent who is a victim of domestic or family violence can be made.

b. In a visitation order, the Superior Court may:

- (1) Order an exchange of a child to occur in a protected setting.
- (2) Order visitation supervised by another person or agency;
- (3) Order the perpetrator of domestic or family violence to attend and complete, to the satisfaction of the court, a program of intervention for perpetrators or other designated counseling as a condition of the visitation;
- (4) Order the perpetrator of domestic or family violence to abstain from possession or consumption of alcohol or controlled substances during the visitation and for 24 hours preceding the visitation;
- (5) Order the perpetrator of domestic or family violence to pay a fee to defray the costs of supervised visitation;
- (6) Prohibit overnight visitation;
- (7) Require a bond from the perpetrator of domestic or family violence for the return and safety of the child; and
- (8) Impose any other condition that is deemed necessary to provide for the safety of the child, the victim of domestic or family violence, or other family or household member.

c. Whether or not visitation is allowed, the court may order the address of the child and the victim to be kept confidential.

d. If a court allows a family or household member to supervise visitation, the court shall establish conditions to be followed during visitation.

Section 306. Duty of mediator to screen for domestic violence during mediation referred or ordered by the court.

a. A mediator who, in a proceeding brought outside of this chapter, receives a referral or order from the court to conduct mediation shall screen for the occurrence of domestic or family violence between the parties.

b. A mediator shall not engage in mediation when it appears to the mediator or when either party asserts that domestic or family violence has occurred unless:

- (1) Both parties consent to mediation;
- (2) Mediation is provided in a specialized manner that protects the safety of the victim by a certified mediator who is trained in dealing with domestic or family violence or by a member of the community who is traditionally acknowledged to be qualified to perform such a role; and
- (3) The victim is permitted to have in attendance at mediation a supporting person of his or her choice, including but not limited to an attorney or advocate.

Section 307. Mediation in cases involving domestic or family violence.

a. In a proceeding concerning the custody or visitation of a child, if an order for protection is in effect the court shall not order mediation or refer either party to mediation except upon consent of the parties.

b. In a proceeding concerning the custody or visitation of a child, if there is an allegation of domestic or family violence and an order for protection is not in effect, the Court may order mediation or refer either party to mediation only if:

1. Mediation is agreed upon by both parties;
2. Mediation is provided by either a certified mediator who is trained in dealing with domestic and family violence or by a member of the community who is traditionally acknowledged to be qualified to perform such a role; and
3. The victim is permitted to have in attendance at mediation a supporting person of his or her choice, including but not limited to an attorney or advocate.

Section 308. Duties of the Child Protection Services.

a. The Department of Community and Cultural Affairs, Division of Youth Services, shall develop written procedures for screening each referral for abuse or neglect of a child to assess whether abuse of another family or household member is also occurring. The assessment must include but is not limited to:

(1) Inquiry concerning the criminal record of the parents and the alleged abusive or neglectful person and the alleged perpetrator of domestic or family violence, if not a parent of the child; and

(2) Inquiry concerning the existence of orders for protection issued to either parent.

b. If it is determined in an investigation of abuse or neglect of a child:

(1) That the child or another family or household member is in danger of domestic or family violence and that removal of one of the parties is necessary to prevent the abuse or neglect of the child, the Director shall seek the removal of the alleged perpetrator of domestic or family violence whenever possible; and

(2) That a parent of the child is a victim of domestic or family violence, services must be offered to the victimized parent and the provision of such services must not be contingent upon a finding that either parent is at fault or has failed to protect the child.

Section 309. Counseling for Victims. The court may refer but shall not order an adult who is a victim of domestic or family violence to attend counseling relating to the victim's status or behavior as a victim,

Article 4. Prevention and Treatment.

"Section 401. Creation of Commonwealth task force on domestic or family violence; purpose; required report.

a. There is hereby created the Family Violence Task Force.

b. The purpose of this Task Force is to increase the awareness and understanding of domestic or family violence and its consequences and to reduce the incidence of domestic or family violence within the Commonwealth by:

- (1) Promoting effective strategies for identification of the existence of domestic or family violence and intervention by public and private agencies serving persons who are victims of domestic or family violence;
- (2) Providing for public education;
- (3) Facilitating communication between public and private agencies that provide programs for victims of domestic or family violence and programs of intervention for perpetrators;
- (4) Providing assistance to public and private agencies to develop Commonwealth-wide procedures and community education, including procedures for reviewing fatalities in local communities; and
- (5) Developing a comprehensive and coordinated plan of data collection concerning domestic or family violence for courts, prosecutors, law enforcement officers, health care practitioners, and other Commonwealth agencies, in consultation with each other and in a manner that protects the identity of victims of domestic and family violence.

Section 402. Commonwealth public health plan for reducing domestic and family violence.

- a. The Department of Public Health, Division of Mental Health, shall:
 - (1) Assess the impact of domestic or family violence on public health;and
 - (2) Write a Commonwealth Public Health Plan for reducing the incidence of domestic and family violence in the Commonwealth.
- b. The Commonwealth Public Health Plan:
 - (1) Must include but is not limited to public education, including use of the various communication media to set forth the public health perspective on domestic or family violence;
 - (2) Must be developed in consultation with public and private agencies that provide programs for victims of domestic or family violence, advocates for victims, Family Violence Task Force, and

persons who have demonstrated expertise and experience in providing health care to victims of domestic or family violence and their children; and

(3) Must be completed on or before 120 days after this statute is in effect.

c. The Department of Public Health shall:

(1) Transmit a copy of the Commonwealth Public Health plan to the governor and the members of the Legislature; and

(2) Review and update the Commonwealth Public Health plan annually.

Section 403. Standards for health care facilities, practitioners, and personnel; specialized procedures and curricula concerning domestic or family violence.

a. The Department of Public Health shall promulgate standards for health care facilities, practitioners, and personnel in the facilities including specialized procedures and curricula concerning domestic or family violence.

b. The procedures and curricula must be developed in consultation with public and private agencies that provide programs for victims of domestic or family violence, advocates for victims, the Family Violence Task Force, and persons who have demonstrated expertise and experience in providing health care to victims of domestic or family violence and their children.

Section 404. Notice of rights of victims and remedies and services available; required information.

a. The Department of Public Health shall make available to practitioners and health care facilities a written notice of the right of victims and remedies and services available to victims of domestic or family violence in accordance with subsection c.

b. A practitioner who becomes aware that a patient is a victim of domestic or family violence shall provide to the patient the notice provided pursuant to subsection a.

c. The notice to victims of domestic or family violence must be substantially as follows:

"If you are the victim of domestic or family violence and you believe that law enforcement protection is needed for your physical

safety, you have the right to request that an officer assist in providing for your safety, including asking for an emergency order for protection. You may also request that the officer assist you in obtaining your essential personal effects and locating and taking you to a place of safety. If you are in need of medical treatment, you have the right to request that the officer assist you in obtaining medical treatment. You may request a copy of the complaint report at no cost from the Department of Public Safety within three 3 calendar days.

You may ask the prosecuting attorney to file a criminal information. You also have the right to file a petition in the Superior Court requesting an order of protection for domestic or family violence which could include any of the following orders:

- (1) An order enjoining your abuser from threatening to commit or committing further acts of domestic or family violence;
- (2) An order prohibiting your abuser from harassing, annoying, telephoning, contacting or otherwise communicating with you, directly or indirectly;
- (3) An order removing your abuse from your residence.
- (4) An order directing your abuser to stay away from your residence, school, place of employment, or any other specified place frequented by you and another family or household member;
- (5) An order prohibiting your abuser from using or possessing any firearm or other weapon specified by the court;
- (6) An order granting you possession and use of the automobile and the essential effects;
- (7) An order denying your abuse visitation;
- (8) An order specifying arrangements for visitation, including requiring supervised visitation; and
- (9) An order requiring your abuser to pay certain costs and fees, such as rent or mortgage payments, child support payments, medical expenses for shelter, court costs, and attorney's fees.

The forms you need to obtain an order for protection are available from the Clerk of Superior Court and designated agencies. The resources available in this community for information relating to domestic or family violence, treatment of injuries, and places of safety and shelters are: Karidat and the Department of Community and Cultural Affairs, Division of Youth Services. You also have the right to seek reimbursement for losses suffered as a result of the abuse, including medical and moving expenses, loss of earnings or support, and other expenses for injuries sustained and damage to your property. This can be done with or without an attorney in small claims court if the total amount is less than \$1,000.00."

d. The written notice:

- (1) Shall include identified services available but must not include the addresses of shelters, unless the location is public knowledge; and
- (2) Must be provided in the native language of the victim, whenever practicable.

Section 405. Hospitals required to provide certain information to parents. Hospitals shall provide information concerning domestic or family violence to parents of newborn infants and to parents of hospitalized minors. The information must include but is not limited to the effect of domestic and family violence on children and available services for the prevention and treatment of domestic or family violence.

Section 406. Regulation of programs of intervention for perpetrators; required provisions; duties of providers.

a. The Department of Public Health shall promulgate rules or regulations for programs of intervention for perpetrators of domestic or family violence. The rules or regulations must be promulgated after consultation with public and private agencies that provide programs for victims of domestic or family violence and programs of intervention for perpetrators, with advocates for victims and with persons who have demonstrated expertise and experience in providing services to victims and perpetrators of domestic and family violence and their children. If the

Commonwealth licenses or provides money to a program of intervention for perpetrators, the Department of Public Health shall review compliance with the rules or regulations promulgated pursuant to this subsection.

b. The rules or regulations must include:

- (1) Standards of treatment for programs of intervention;
- (2) Criteria concerning a perpetrators' appropriateness for the program;
- (3) Systems for communication and evaluation among the referring court, the public and private agencies that provide programs for victims of domestic or family violence, and the programs of intervention for perpetrators; and
- (4) Required education and qualification of providers of intervention.

c. The standards must include but are not limited to the following principles:

- (1) The focus of the program must be stopping the acts of violence and ensuring the safety of the victim and any children or other family or household members;
- (2) Recognition that violence is a behavior for which the perpetrator must be held accountable; and
- (3) Recognition that substance abuse is a problem separate from domestic or family violence which requires specialized treatment.

d. Providers of programs of intervention of perpetrators:

- (1) Shall require a perpetrator who is ordered into the program by a court to sign the following release:
 - (i) Allowing the provider to inform the victim and victim's advocates that the perpetrator is in treatment with the provider, and to provide information for safety to the victim and victim's advocates;
 - (ii) Allowing prior and current treating agencies to provide non-confidential information about the perpetrator to the provider; and

(ii) Allowing the provider to provide non-confidential information about the perpetrator to relevant legal entities, including courts, parole officers, probation officers, and children's protective services.

(2) Shall report to the court and the victim any assault, failure to comply with the program, failure to attend the program, and threat of harm by the perpetrator.

Section 407. Continuing education for law enforcement officers concerning domestic or family violence; content of course.

a. The Department of Public Safety shall provide at least two (2) hours of continuing education concerning domestic or family violence to law enforcement officer each year.

b. The course of instruction and the objective in learning and performance for the education of law enforcement officers required pursuant to subsection a must be developed and presented in consultation with public and private providers of programs for victims of domestic or family violence and programs of intervention for perpetrators, persons who have demonstrated expertise in training and education concerning domestic or family violence, and the Family Violence Task Force.

c. The course of instruction must include but is not limited to:

(1) The investigation and management of cases involving domestic or family violence and writing of reports in such cases;

(2) The nature, extent, and causes of domestic or family violence;

(3) Practices designated to promote the safety of officers investigating domestic or family violence;

(4) Practices designed to promote the safety of the victims of domestic and family violence including but not limited to rights and compensation of victims of crime and enforcement of civil and criminal remedies;

(5) The services available to victims of domestic or family violence and their children;

(6) Sensitivity to cultural, racial, and sexual issues and the effect of cultural, racial, and gender bias on the response of law enforcement officers and the enforcement of law relating to domestic or family violence; and

(7) The provisions of applicable Commonwealth laws concerning domestic or family violence.

Section 408. Continuing education of judges and court personnel: content of course.

a. The Supreme Court shall develop and present courses of continuing education concerning domestic or family violence for judicial officers and court personnel.

b. The courses must be prepared and presented in consultation with public and private agencies that provide programs for victims of domestic and family violence and programs of intervention for perpetrators, advocates for victims and for the Family Violence Task Force.

c. Each judicial officer and each court employee who comes into contact with either party in domestic or family violence cases must have two (2) hours of education in domestic or family violence.

d. The courses must include but are not limited to the following topics:

(1) The nature, extent, and causes of domestic or family violence;

(2) Practices designated to promote safety of the victim and other family and household members, including safety plans;

(3) Resources available for victims and perpetrators of domestic or family violence;

(4) Sensitivity to gender bias and cultural, racial, and sexual issues;

and

(5) The lethality of domestic or family violence.

Section 409. Continuing education for Commonwealth employees who work with domestic or family violence cases and who are required to report abuse and neglect of children.

a. The Department of Community and Cultural Affairs shall provide courses of continuing education concerning domestic and family violence for Commonwealth employees:

- (1) Who work with cases of domestic or family violence; and
- (2) Who are required by law to report abuse or neglect of children.

b. The courses must be prepared and presented in consultation with public and private agencies that provide programs for victims of domestic or family violence and programs of intervention for perpetrator, advocates for victims and the Family Violence Task Force.

c. The courses must include but are not limited to the following topics:

- (1) The nature, extent, and causes of domestic or family violence;
 - (2) Practices designed to promote safety of the victim and other family and household members, including safety plans;
 - (3) Resources available for victims and perpetrators of domestic or family violence;
 - (4) Sensitivity to gender bias and cultural, racial, and sexual issues;
- and
- (5) The lethality of domestic and family violence.

d. As used in this section "Commonwealth employees who work with cases on domestic or family violence" include:

- (1) Probation Officers;
- (2) Workers in child protective services;
- (3) Psychologists; psychiatrists; therapists; and counselors;
- (4) Social Workers;
- (5) Court appointed special advocates;
- (6) Mediators;
- (7) Custody-evaluators; and

(8) Emergency Room and Primary Care Physicians, Physician's Assistants and Nurses.

Section 410. Required curricula for Commonwealth education system.

a. The Commonwealth Public School System shall select or develop:

(1) Curricula for students concerning domestic or family violence that are appropriate for various ages; and

(2) Curricula for school counselors, health-care personnel, administrators, and teachers concerning domestic or family violence.

b. The curricula must be selected or developed in consultation with public and private agencies that provide programs for victims of domestic or family violence and programs of intervention for perpetrators of domestic or family violence, advocates for victims, Family Violence Task Force, persons who have demonstrated expertise and experience in education and domestic or family violence.

c. The curricula must include but are not limited to:

(1) The nature, extent, and causes of domestic or family violence;

(2) Issues of domestic or family violence concerning children;

(3) The prevention of the use of violence by children;

(4) Sensitivity to gender bias and cultural, racial, and sexual issues;

(5) Violence in dating and other social relationships of boys and girls;

and

(6) Practices designed to promote safety of the victim and other family and household members, including safety plans.

Section 411. Continuing education for school personnel who are required to report abuse and neglect of children.

a. The Commonwealth Public School System shall provide courses of continuing education concerning domestic or family violence for employees who are required by law to report abuse or neglect children.

b. The courses must be prepared and presented in consultation with public and private agencies that provide programs for victims of domestic or family violence, persons who have demonstrated expertise in education and

domestic or family violence, advocates for victims and the Family Violence Task Force.

- c. The courses must include but are not limited to the following topics:
- (1) The nature, extent, and causes of domestic or family violence;
 - (2) Practices designed to promote safety of the victims and other family and household members, including safety plans;
 - (3) Issues of domestic and family violence concerning children;
 - (4) Sensitivity to gender bias and cultural, racial, and sexual issues;
- and
- (5) The lethality of domestic or family violence."

Section 3. Repealer. 8 CMC Div. 1, Chapter 2, Article 2, (8 CMC 1221-1233) is hereby repealed. This Act is intended to compliment, not supersede 6 CMC 5311-6107.

Section 4. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 5. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of this Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence at the date this Act becomes effective.

Section 6. Effective Date. This Act shall take effect upon its approval by the Governor or upon its becoming law without such approval.

CERTIFIED BY:

ATTESTED BY:

/s/ Paul A. Manglona
PAUL A. MANGLONA
President of the Senate

/s/ Joaquin G. Adriano
JOAQUIN G. ADRIANO
Senate Legislative Secretary

Approved this 20th day of September, 2000

/s/ Pedro P. Tenorio
PEDRO P. TENORIO
Governor
Commonwealth of the Northern Mariana Islands