

NORTHERN MARIANA ISLANDS CIVIL PROTECTION ORDERS

Survivors across the country seek safety through civil protection orders. Courts use these vital orders to issue stay away orders, or order an abuser pay medical bills, and even make temporary custody decisions. The remedies are important, but jurisdictions often have several types of orders and the distinctions are not always clear. This resource provides a brief overview of the different types of civil protection orders in each jurisdiction, answering vital questions such as: who can apply; and who can be restrained? The orders included in this resource are limited to those where a survivor can apply themselves, other protective measures may exist in your jurisdiction—reach out to VRLC’s TA team if you have questions!

In the Northern Mariana Islands, there is 1 type of civil protection order:

- **Domestic and Family Violence Protective Orders** are available for adult individuals seeking protection for themselves or a minor child from domestic violence committed by a household member (8 CMC § 1901, et. al.).



DOMESTIC AND FAMILY VIOLENCE PROTECTIVE ORDERS

<p>Who can apply?</p>	<p>A person who is or has been a victim of domestic or family violence or a parent, guardian, or other representative on behalf of a child. <i>8 CMC § 19011(a-b).</i></p> <p>Domestic or family violence includes one or more of the following acts by a family or household member, but does not include self-defense:</p> <ul style="list-style-type: none"> • Attempting to cause or intentionally, knowingly or recklessly causing bodily injury to another family or household member; • Placing a family or household member in fear of bodily injury; • 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; • Engage in a knowing and willful course of conduct that constitutes harassment. <p><i>8 CMC § 1902(a)(1-4).</i></p> <p>Harassment is defined at 8 CMC § 1902(c).</p> <p>See “Who can be Restrained?” for the definition of family or household member.</p>
<p>Can minors apply?</p>	<p>Yes, the statute permits a person who is or who has been a victim of domestic or family violence to file a petition against a family or household member who commits an act of domestic or family violence. A petition can also be filed by a parent, guardian, or other representative on behalf of a minor. <i>8 CMC § 1911(a-b).</i></p>



DOMESTIC AND FAMILY VIOLENCE PROTECTIVE ORDERS

<p>Who can be restrained?</p>	<p>The respondent must be a family or household member, which includes the following:</p> <ul style="list-style-type: none"> • Current or former spouses; • Those who live together or who have recently lived together; • Those in a dating relationship; • Those engaged in or who have recently engaged in a sexual relationship; • Those related by blood or adoption; • Those related by marriage or formerly related by marriage; • Persons with a child in common; and • Minor children of person in a relationship in the above-identified categories. <p><i>8 CMC § 1902(b)(1-8).</i></p>
<p>What types of relief may a court order?</p>	<p>The court may grant the following relief without notice and hearing:</p> <ul style="list-style-type: none"> • Enjoin the respondent from threats to commit or acts of domestic or family violence; • Prohibit the respondent from contacting or communicating with the petitioner; • Remove the respondent from the petitioner’s residence; • Order the respondent to stay away from the residence, school, place of employment, or other specified place frequented by the petitioner and any designated family or household member; • Prohibit the respondent from using or possessing a firearm or other weapon; • Direct law enforcement to accompany the petitioner to the petitioner’s residence to ensure the petitioner may remove personal belongings; • Grant temporary custody and support of the petitioner’s minor children; • On petitioner’s request, grant temporary custody of minor children to a grandparent or other qualified family member; <p style="text-align: right;"><i>continued on next page</i></p>



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<p>What types of relief may a court order?</p>	<ul style="list-style-type: none"> • Specify arrangements for visitation of minor children by the respondent; require supervision of visitation; or deny visitation; • Order any other relief necessary to provide for the safety and welfare of the petitioner. <p><i>8 CMC § 1916(b)(1-10).</i></p> <p>After notice and a hearing, regardless of whether the respondent appears, the court may grant any of the above forms of relief as well as:</p> <ul style="list-style-type: none"> • Specify arrangements for visitation of minor children by the respondent; require supervision of visitation; or deny visitation; • Order the respondent to pay rent or mortgage on the petitioner’s residence and pay support of the petitioner and minor children if the respondent is found to have a duty to do so; • Order the respondent to reimburse the petitioner for expenses associated with the domestic or family violence, including medical expenses, counseling, shelter, and repair or replacement of damaged property; • Order the respondent to pay the costs and attorney’s fees incurred by the petitioner. <p><i>8 CMC § 1916(c)(1-5).</i></p>
<p>How long does the order last?</p>	<p>An order for protection is effective until further order of the court.</p> <p><i>8 CMC § 1916(e).</i></p>
<p>Can the order be renewed?</p>	<p>Because an order for protection is effective until further order of the court, the DFPVA does not include a renewal provision. A petitioner, however, may seek to modify an order for protection as needed.</p> <p><i>8 CMC § 1916(a),(e).</i></p>



DOMESTIC AND FAMILY VIOLENCE PROTECTIVE ORDERS

Is a hearing with the respondent required?

Yes, a hearing is required if the court issues an order for protection ex parte and provides any of the relief identified in 8 CMC § 1916(b). The hearing must occur within 10 days after the order has been served on the respondent.

A hearing is also required within 10 days after the filing of the petition if the court issues an order of protection ex parte and the petitioner's request concerns the custody of a minor child or the petitioner's request includes additional relief.
8 CMC § 1917(a-b).

HOW TO APPLY

Forms are available online at <https://www.nmijudiciary.gov/court-forms>. The form is titled “Petition for temporary restraining order.”

Petitioner may file the petition in the Commonwealth Superior Court where the petitioner currently or temporarily resides, where the respondent resides, or where the domestic or family violence occurred. *8 CMC § 1913.*

SCAN ME!



For specific questions about how to use this guide, or if you have any other questions, VRLC is here to help!

This project was supported by Grant No. 15JOVW-23-GK-05124-MUMU awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the views of the U.S. Department of Justice.