

TWENTY-FOURTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

Eight Spec. SESSION, 2026

S.B. NO. 24-*65*

A BILL FOR AN ACT

To provide for visitation by grandparents; and for other purposes.

BE IT ENACTED BY THE TWENTY-FOURTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 **Section 1. Findings and Purpose.** The Legislature finds that the Commonwealth
2 has a strong family-centered culture in which grandparents, elders, and extended family
3 members traditionally play important roles in supporting, guiding, and caring for younger
4 generations. In Chamorro and Carolinian cultures, grandparents, including *nana* and *tata*
5 in Chamorro culture and *samalap* and *llemang* in Carolinian (Refaluwasch) culture, are
6 respected sources of wisdom, cultural knowledge, family history, values, traditions,
7 language, and emotional support. Meaningful grandparent-grandchild relationships may
8 contribute to the emotional, familial, cultural, and developmental well-being of children
9 and help preserve the heritage and continuity of families within the Commonwealth.

10 The Legislature further finds that CNMI families frequently rely upon extended
11 family relationships in which grandparents may provide care, guidance, companionship,
12 and cultural education. Circumstances including divorce, separation, death of a parent,
13 relocation, adoption, or family conflict may interrupt an established grandparent-
14 grandchild relationship. The Legislature recognizes, however, that the importance of
15 extended family relationships must be balanced with the fundamental liberty interests and
16 responsibilities of parents. A fit parent has the primary responsibility and authority to make
17 decisions concerning the care, custody, control, upbringing, education, and welfare of the
18 parent's child, and the State should not substitute its judgment for that of a fit parent merely
19 because a court or grandparent would make a different decision.

20 The Legislature therefore intends to establish a limited judicial process through

1 which an eligible grandparent may seek visitation only under circumstances established by
2 this Act. The Legislature does not intend to create an independent or automatic right to
3 grandparent visitation, nor to authorize visitation merely because a court determines that
4 visitation would be beneficial or in the child's best interests. A grandparent seeking
5 visitation over the objection of a fit parent must satisfy the heightened requirements of this
6 Act, including proving by clear and convincing evidence that denial of visitation is likely
7 to cause the child actual harm or a substantial risk of harm and that court-ordered visitation
8 is necessary to prevent or substantially mitigate that harm. The Court shall give special
9 weight to the decision of a fit parent throughout the proceeding, and any visitation ordered
10 shall be narrowly tailored to the circumstances established by the evidence.

11 Accordingly, the purposes of this Act are to recognize the important cultural and
12 familial role of grandparents; preserve meaningful grandparent-grandchild relationships
13 when consistent with the constitutional rights of parents; protect children from
14 demonstrated harm; respect the fundamental liberty interest of parents in the care, custody,
15 control, upbringing, and welfare of their children; encourage mediation and voluntary
16 family-centered resolutions; and establish clear procedures for petitions, hearings,
17 visitation orders, and their modification, suspension, or termination. This Act shall be
18 interpreted consistently with the *Troxel v. Granville*, 530 U.S. 57 (2000), and shall be
19 applied so that judicial intervention remains limited, evidence-based, and narrowly tailored
20 to circumstances in which the requirements of this Act have been satisfied.

21 **Section 2. Amendment.** Title 8 of the Commonwealth Code is amended by
22 adding the following new chapter 12 to read as follows:

23 **“Chapter 12. Grandparent Visitation.**

24 **§ 101. Short Title.** This chapter may be cited as the “CNMI Grandparent Visitation
25 Act of 2026.”

26 **§ 102. Definitions.** As used in this chapter, unless the context otherwise clearly
27 provides:

28 (a) “Grandparent” means the parent of a parent of a minor child, including the
29 parent of a parent who:

- 1 (1) has died;
- 2 (2) has had parental rights terminated; or
- 3 (3) is otherwise no longer a legal parent.

4 (b) "Parent" means a legal parent whose parental rights have not been terminated,
5 relinquished, or declared not to exist.

6 (c) "Fit parent" means a parent who has not been adjudicated by a court of
7 competent jurisdiction to be an unfit parent.

8 (d) "Court" means the Commonwealth Superior Court.

9 (e) "Visitation" means court-ordered periods of contact between a child and a
10 grandparent and does not confer upon the grandparent any right or authority to make
11 decisions concerning the child's care, custody, education, health, or upbringing.

12 **§ 103. Petition for Grandparent Visitation; Standing; Required Showing.**

13 (a) A grandparent may petition the Court for visitation with a minor child only if:

14 (1) the grandparent has established an ongoing and substantial relationship
15 with the child;

16 (2) the grandparent's relationship with the child was established and
17 maintained before the grandparent's petition, except where the Court finds that
18 circumstances beyond the grandparent's control prevented the relationship from
19 continuing; and

20 (3) the grandparent alleges specific facts demonstrating that denial of
21 visitation is likely to cause the child actual harm or a substantial risk of harm.

22 (b) A grandparent has established an "ongoing and substantial relationship" with a
23 child if the relationship was formed and sustained through substantial interaction,
24 companionship, and mutuality of interest and affection, without expectation of financial
25 compensation, and was characterized by substantial continuity:

26 (1) for at least two years; or

27 (2) if the child is less than two years of age, for at least one-half of the child's
28 life.

1 (c) A relationship shall not be deemed substantial solely because the grandparent is
2 related to the child by blood or marriage.

3 (d) The existence of a biological or legal grandparent-grandchild relationship,
4 standing alone, does not create a right to visitation.

5 (e) Nothing in this chapter shall be construed to create an independent constitutional
6 or statutory right of a grandparent to visitation with a child.

7 **§ 104. Petition; Affidavit; Notice; Preliminary Determination; No Temporary**
8 **Visitation.**

9 (a) A petition for grandparent visitation shall be filed in the Court where the child
10 primarily resides.

11 (b) A grandparent may file only one petition under this chapter concerning the same
12 child unless the Court permits a subsequent petition based upon facts that have arisen after
13 the prior proceeding and that materially affect the requirements of this chapter.

14 (c) The petitioner shall file with the petition an affidavit containing specific facts
15 establishing:

16 (1) the existence of an ongoing and substantial relationship with the child
17 as required by § 103;

18 (2) the nature and duration of that relationship;

19 (3) the circumstances under which visitation was reduced, denied, or
20 terminated;

21 (4) the specific conduct or circumstances alleged to create a likelihood or
22 substantial risk of harm to the child if visitation is denied; and

23 (5) the specific facts supporting the requested visitation.

24 (d) The petitioner bears the burden of establishing the facts necessary to proceed
25 under this chapter.

26 (e) The petitioner shall serve the petition and supporting affidavit upon each legal
27 parent and each person having legal custody of the child.

1 (f) A parent or legal custodian may file an opposing affidavit setting forth facts
2 concerning the petitioner's allegations and the parent's or custodian's reasons for denying
3 or limiting visitation.

4 (g) The Court may dismiss the petition without a hearing if, accepting the factual
5 allegations as true for purposes of the preliminary determination, the petition fails to
6 establish a prima facie basis for relief under § 103.

7 (h) If the petition establishes a prima facie basis for relief, the Court may conduct
8 a hearing to determine whether the statutory requirements of this chapter have been
9 satisfied.

10 (i) The Court shall not enter a temporary order establishing, expanding, enforcing,
11 or modifying grandparent visitation before making the findings required by § 105.

12 (j) Nothing in this section shall be construed to prevent a court from entering an
13 order necessary to protect a child from an immediate and substantial threat to the child's
14 physical safety pursuant to another applicable law.

15 **§ 105. Constitutional Protection of Parental Decision; Presumption; Burden of**
16 **Proof.**

17 (a) A parent has a fundamental liberty interest in the care, custody, control,
18 upbringing, and rearing of the parent's child.

19 (b) A fit parent's decision concerning whether, when, and under what circumstances
20 the child should have contact with a grandparent is presumed to be in the best interest of
21 the child.

22 (c) The Court shall give special weight to the decision of a fit parent concerning
23 grandparent visitation.

24 (d) The presumption and special weight provided by this section apply throughout the
25 proceeding and shall not cease merely because the grandparent establishes an ongoing and
26 substantial relationship with the child or establishes that visitation may be beneficial to the
27 child.

28 (e) A grandparent seeking court-ordered visitation over the objection of a fit parent
29 must prove by clear and convincing evidence that:

(1) denial of visitation is likely to cause the child actual harm or a substantial risk of harm;

(2) the alleged harm is sufficiently serious to justify governmental interference with the fit parent's fundamental parental rights; and

(3) court-ordered visitation is necessary to prevent or substantially mitigate that harm.

(f) The Court shall not order visitation merely because:

(1) visitation would be beneficial to the child;

(2) the Court believes that the grandparent would provide a positive influence;

(3) the Court believes that the fit parent has made a decision with which the Court disagrees;

(4) the Court believes that the grandparent-child relationship should be preserved as a matter of family preference; or

(5) the Court believes that it could make a better decision concerning visitation than the fit parent.

(g) The Court shall not substitute its judgment for that of a fit parent merely because the Court would make a different decision concerning the child's relationship with the grandparent.

(h) Nothing in this section shall be construed to require a finding that a fit parent is an unfit parent before the Court may consider a petition under this chapter. The required finding is whether the grandparent has established the specific constitutional and statutory circumstances necessary to justify the requested intrusion upon the fit parent's decision.

(i) If no parent has legal custody of the child, the Court shall determine the petition under the standards applicable to a person exercising lawful custody, while giving appropriate weight to the child's existing custodial arrangement and the constitutional rights, if any, of a fit legal parent.

§ 106. Order Granting Visitation; Required Findings; Best Interests.

1 (a) The Court may order grandparent visitation over the objection of a fit parent
2 only after making written findings, based upon clear and convincing evidence, that:

3 (1) the petitioner is a grandparent as defined by this chapter;

4 (2) the petitioner has established an ongoing and substantial relationship
5 with the child;

6 (3) the fit parent has denied, substantially restricted, or terminated
7 visitation;

8 (4) denial of visitation is likely to cause the child actual harm or a substantial
9 risk of harm;

10 (5) court-ordered visitation is necessary to prevent or substantially mitigate
11 that harm;

12 (6) the parent's decision has been given special weight;

13 (7) no less intrusive alternative reasonably available to the Court would
14 adequately protect the child from the established harm; and

15 (8) the specific visitation ordered is narrowly tailored to prevent or
16 substantially mitigate the established harm.

17 (b) Only after making the findings required by subsection (a) may the Court
18 determine whether visitation is in the best interest of the child.

19 (c) In determining the child's best interest under subsection (b), the Court shall
20 continue to give special weight to the fit parent's decision.

21 (d) The Court shall consider, to the extent relevant and consistent with the findings
22 required by this chapter:

23 (1) the love, affection, and strength of the relationship between the child
24 and the petitioner;

25 (2) the length, quality, and continuity of the prior relationship between the
26 child and the petitioner;

27 (3) the role performed by the petitioner in the child's life;

28 (4) the emotional ties between the child and the petitioner;

29 (5) the relationship between the petitioner and the parent;

- 1 (6) the nature and reason for the parent's decision concerning visitation;
2 (7) the effect that court-ordered visitation would have on the relationship
3 between the child and the parent;
4 (8) the effect that court-ordered visitation would have on the parent's
5 authority and ability to make decisions concerning the child's upbringing;
6 (9) the good faith of the petitioner and parent;
7 (10) any history of physical, emotional, or sexual abuse or neglect by the
8 petitioner, or by a person residing with the petitioner if the child would have contact
9 with that person;
10 (11) the child's reasonable preference, if the Court determines that the child
11 is of sufficient age and maturity to express a meaningful preference;
12 (12) the residential and custodial arrangements applicable to the child;
13 (13) whether reasonable alternatives to court-ordered visitation exist; and
14 (14) any other factor directly relevant to the specific harm alleged under this
15 chapter.

16 (e) The Court shall not order a greater amount of visitation than is reasonably
17 necessary to prevent or substantially mitigate the harm established by clear and convincing
18 evidence.

19 (f) An order granting visitation shall not confer upon the grandparent any parental
20 rights or duties and shall not authorize the grandparent to make decisions concerning the
21 child's care, custody, education, medical treatment, religion, residence, or upbringing.

22 (g) The Court shall state in writing the specific harm established by clear and
23 convincing evidence and explain why the visitation ordered is necessary to prevent or
24 substantially mitigate that harm.

25 **§ 107. Limits on Visitation Orders.**

26 (a) A visitation order under this chapter shall be limited to the least intrusive
27 arrangement reasonably necessary to protect the child from the harm established under §
28 106.

29 (b) The Court shall consider whether less intrusive alternatives, including:

- 1 (1) telephone or electronic communication;
- 2 (2) limited-duration visits;
- 3 (3) supervised visitation;
- 4 (4) visitation at a neutral location;
- 5 (5) visitation in the presence of the parent or another person designated by
- 6 the Court; or
- 7 (6) another narrowly tailored arrangement, would adequately prevent or
- 8 substantially mitigate the established harm.

9 (c) The Court shall not order overnight visitation, extended visitation, travel, or
10 other substantial interference with the parent's custodial authority unless the Court makes
11 specific written findings that the less intrusive alternatives would not adequately protect
12 the child.

13 (d) A visitation order shall not prevent a fit parent from making reasonable
14 decisions concerning the child's health, education, safety, travel, religious upbringing, daily
15 schedule, or other matters within the parent's lawful parental authority.

16 **§ 108. Attorneys' Fees and Transportation Costs.**

17 (a) The Court may award reasonable attorneys' fees and costs to a party after
18 considering:

- 19 (1) the financial resources of the parties;
- 20 (2) the reasonableness and good faith of the petition;
- 21 (3) whether a party unnecessarily increased the cost or duration of the
- 22 proceeding; and
- 23 (4) any other circumstance relevant to the equitable allocation of fees.

24 (b) If the Court finds that a petition was brought in bad faith, for harassment, or
25 without a reasonable factual basis, the Court may order the petitioner to pay reasonable
26 attorneys' fees and costs incurred by the respondent.

27 (c) If visitation is ordered, the Court may allocate transportation costs between the
28 parties after considering the financial resources of the parties and the circumstances giving
29 rise to the visitation order.

(d) No provision of this section shall be construed to deny a person reasonable access to the courts solely because of inability to pay attorneys' fees or costs.

§ 109. Modification, Suspension, or Termination of Visitation.

(a) A court-ordered visitation arrangement under this chapter shall not create a permanent or vested right to visitation.

(b) A parent, grandparent, legal custodian, or other person authorized by law may petition for modification, suspension, or termination of visitation.

(c) The Court shall modify, suspend, or terminate visitation if:

(1) circumstances have materially changed;

(2) the visitation is no longer necessary to prevent or substantially mitigate the harm established under § 106;

(3) the visitation is causing or is reasonably likely to cause harm to the child;

(4) the parent and grandparent have reached an agreement concerning visitation; or

(5) modification, suspension, or termination is otherwise necessary to protect the child's welfare or the constitutional rights of a parent.

(d) When a fit parent seeks modification, suspension, or termination of visitation, the Court shall give special weight to the parent's decision.

(e) The grandparent bears the burden of establishing, by clear and convincing evidence, that continued court-ordered visitation remains necessary to prevent or substantially mitigate the harm previously established under this chapter if the fit parent objects to continued visitation.

(f) A petition for modification, suspension, or termination shall be filed in the Court where the child primarily resides.

(g) The petition shall state the facts supporting the requested modification, suspension, or termination and shall be served upon each person having legal custody or court-ordered visitation with the child.

(h) The Court may enter an order temporarily suspending visitation when necessary to protect the child from an immediate and substantial risk of harm. A temporary

1 suspension shall not constitute a permanent modification or termination and shall be
2 followed by a prompt hearing.

3 **§ 110. Construction; Constitutional Compliance.**

4 (a) This chapter shall be construed to protect the fundamental liberty interest of
5 parents in the care, custody, control, upbringing, and rearing of their children.

6 (b) Nothing in this chapter shall be construed to create a presumption in favor of
7 grandparent visitation.

8 (c) Nothing in this chapter shall be construed to diminish the constitutional
9 protection afforded to a fit parent's decisions concerning the care, custody, control,
10 upbringing, or rearing of the parent's child.

11 (d) The Court shall apply this chapter consistent with the Constitution of the United
12 States, including the Due Process Clause of the Fourteenth Amendment, and the
13 Constitution of the Commonwealth of the Northern Mariana Islands.

14 (e) If any provision of this chapter or its application to any person or circumstance
15 is held invalid, the invalidity shall not affect the remaining provisions or applications that
16 can be given effect without the invalid provision or application.

17 (f) This chapter shall be interpreted consistently with *Troxel v. Granville*, 530 U.S.
18 57 (2000), and subsequent controlling decisions of the United States Supreme Court
19 concerning the constitutional rights of parents.”

20 **Section 3. Severability.** If any provisions of this Act or the application of any such
21 provision to any person or circumstance should be held invalid by a court of competent
22 jurisdiction, the remainder of this Act or the application of its provisions to persons or
23 circumstances other than those to which it is held invalid shall not be affected thereby.

24 **Section 4. Savings Clause.** This Act and any repealer contained herein shall not be
25 construed as affecting any existing right acquired under contract or acquired under statutes
26 repealed or under any rule, regulation, or order adopted under the statutes. Repealers
27 contained in this Act shall not affect any proceeding instituted under or pursuant to prior
28 law. The enactment of the Act shall not have the effect of terminating, or in any way

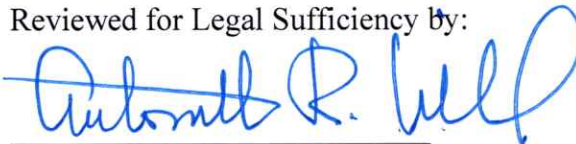
1 modifying, any liability, civil or criminal, which shall already be in existence on the date
2 this Act becomes effective.

3 **Section 5. Effective Date.** This Act shall take effect upon its approval by the
4 Governor, or it becoming law without such approval.

Date: 8/14/26

Introduced by: 
Senator Corina L. Magofna

Reviewed for Legal Sufficiency by:


Senate Legal Counsel