

A PROPOSAL TO ADD A NEW SECTION 9
TO ARTICLE IV OF THE NMI CONSTITUTION

Section 9. Family Court

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a. The legislature shall establish a family court whose function is to attempt to resolve matters in the satisfaction of the parties appearing before it. If the matter cannot be resolved amicably, the court shall enter a just and equitable relief for the plaintiff.

b. This court has jurisdiction over (i) civil actions in which the value of the matter in controversy does not exceed the sum of One Thousand Dollars (\$1,000.00); and, (ii) criminal actions in which the defendant if convicted may be imprisoned for a term of one (1) year or less.

c. The governor shall appoint magistrates of the family court with the advice and consent of the senate. The term of office shall be three (3) years and may be increased by law to not more than nine (9) years for magistrates who have served at least one (1) term period. A magistrate shall be at least thirty (30) years of age, a Chamorro or Carolinian descent and possess other qualifications provided by law.

d. The compensation of magistrates shall be provided by law. The salary of a magistrate may not be decreased during a term of office.

e. The magistrates are subject to impeachment as provided in Article II, Section 8 of this Constitution for treason, commission of a felony, corruption or neglect of duty. The advisory commission is established under Section 6 of this Article shall apply.

f. A magistrate may not hold another compensated government position. A magistrate may not make a direct or indirect financial contribution to a political organization or candidate, hold an executive office in a political organization, participate in political campaign, or become a candidate for elective public office without resigning his office at least six (6) months before becoming a candidate.

g. The magistrates of the family court may propose rules governing civil and criminal matters indicated above, judicial ethics, and other matters of the court's administration. A proposed rule shall be submitted to the legislature and shall become effective sixty (60) days after submission unless disapproved by majority members of either house of the legislature. The proposed rules shall be simple and shall not include the rules of evidence.

h. The parties to the litigation or the complaining witness and defendant shall appear in person before this court and no legal counsel or trial assistant shall be allowed to appear before same.

Offered by: Arturo J. Innes

Date: 7/02/85

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