TITLE 26 – FAMILY
CHAPTER 1 - DOMESTIC RELATIONS

Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

DOMESTIC RELATIONS ACT

Arrangement of Sections

Section **Page**

PART I - GENERAL PROVISIONS **3**

§101. Short title. 3
§102. Jurisdiction of High Court. 3
§103. Proceedings in annulment, divorce, or adoption; petitions. 4
§104. Same; appeal and review....4
§105. Same; local custom recognized....5
§106. Same; confirmation in accordance with recognized custom. 5
§107. Age of majority. 5

PART II- ANNULMENT AND DIVORCE **5**

§108. Competency of Community and District Courts. 5
§109. Reserved. 6
§110. Orders for custody, support and alimony. 6
§111. Effect of decree. 6
§112. Authorized; grounds....6
§113. Residency requirements. 6
§114. Legitimacy of issue of annulled marriage....7
§115. Grounds; No Fault....7
§116. Residency requirements. 8
§117. Forgiveness as defense. 8
§118. Procurement or connivance as defense. 8

TITLE 26 – FAMILY
CHAPTER 1 - DOMESTIC RELATIONS

Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

DOMESTIC RELATIONS ACT

AN ACT to provide for the regulation of domestic relations in the Republic and for matters connected therewith.

Commencement:			*Not Specified*
Source:			*TTC 1966*
Amended By:	*39 TTC 1970*		*COM P.L. 4C-56 (1972)*
39 TTC 1980	*P.L. 1995-124*	*P.L. 1999-95*	*P.L. 2002-64*
P.L. 2023-63			

PART I - GENERAL PROVISIONS

§101. Short title.

This Chapter may be cited as the Domestic Relations Act, 1966.

§102. Jurisdiction of High Court.

The High Court shall have concurrent jurisdiction with the District Courts to grant any adoption, and with the Community and District Courts to grant any annulment or divorce authorized under this Chapter, and may, for cause shown, order any proceeding in annulment, divorce, or adoption pending before another court transferred to the High Court for disposition.**[TTC 1966, §711; 39 TTC 1970, §1; COM P.L 4C-56, §1; (1972); 39 TTC 1980, §1, modified.]**

§103. Proceedings in annulment, divorce, or adoption; petitions.

(1) All proceedings for annulment, divorce, or adoption shall be commenced by petition signed and sworn to by the petitioner or petitioners personally, except that a Community Court may accept an oral petition under oath if it deems best.

(2) The petition shall set forth sufficient facts as to the residence of the parties to show jurisdiction under this Chapter.

(3) A petition for annulment or divorce shall, so far as practicable, include the date and place of marriage of the parties, the cause for the annulment or divorce, and the approximate date and place where it occurred if the cause consists of individual acts, otherwise sufficient details as to cause to identify with reasonable certainty the facts relied upon, and a statement as to any prior application which is known to have been made by either party for annulment or divorce of the marriage in question or for separation under it, in this or any other jurisdiction, and the result of such application, if known.

(4) Service of petitions filed under this Section shall be made upon any respondent or respondents, if any, in the manner provided by law for service of complaints. In such cases, any respondent or respondents shall be accorded such time as may be provided by law for filing an answer to complaints to file an answer to the petition.**[TTC 1966, §712; 39 TTC 1970, §2; COM P.L. 4C-56, §2; (1972); 39 TTC 1980, §2, modified.]**

§104. Same; appeal and review.

(1) All decrees for annulment, divorce, or adoption under this Chapter shall be subject to appeal, and in the case of Community Courts and District Courts to review as in other civil cases, and no such decree shall become absolute or affect the legal status of the parties until the case has been reviewed, if subject to review by the High Court, and until the period for appeal has expired without any appeal having been filed or until any appeal taken shall have been finally dispatched.

(2) Except as otherwise expressly provided by this Chapter, annulment, divorce andadoption proceedings shall be governed by the provisions of law and rules of civil procedure applicable to civil actions.**[TTC 1966, §713; 39 TTC 1970, §3; 39 TTC 1980, §3, modified.]**

§105. Same; local custom recognized.

Nothing contained in this Chapter, except for the provisions of Section 106 of this Part, shall apply to any annulment, divorce, or adoption effected in accordance with local custom, nor shall any restrictions or limitations be imposed upon the granting of annulments, divorces, or adoptions in accordance with local custom.**[TTC 1966, §714; 39 TTC 1970, §4; 39 TTC 1980, §4, modified.]**

§106. Same; confirmation in accordance with recognized custom.

When a marriage, annulment, divorce, or adoption has been effected in the Republic in accordance with recognized custom, to confirm the validity thereof and to avoid serious embarrassment to or affect the rights of any of the parties or their children, any party thereto or any of his or her children may bring a petition in the High Court for a decree confirming the marriage, annulment, divorce, or adoption effected in accordance with recognized custom. If, after notice to all parties still living and after a hearing, the Court is satisfied that the marriage, annulment, divorce, or adoption alleged is valid in accordance with recognized custom in the Republic, the High Court shall enter a decree confirming the marriage, annulment, divorce, or adoption and may include in this decree the date it finds the marriage, annulment divorce, or adoption was absolute, subject to appeal within 30 days of the date of the decree.**[TTC 1966, §715; 39 TTC 1970, §5; COM P.L. 4C-56, §3 (1972) 39 TTC 1980, §5, modified; §106 amended by P.L 2023-63]**

§107. Age of majority.

All persons, whether male or female, residing in the Republic, who shall have attained the age of eighteen (18) years shall be regarded as of legal age and their period of minority to have ceased.**[39 TTC 1970, §6; 39 TTC 1980, §6, modified.]**

PART II- ANNULMENT AND DIVORCE

DIVISION 1- GENERAL PROVISIONS

§108. Competency of Community and District Courts.

An annulment or a divorce authorized by this Part may be granted by any Community Court or District Court within whose jurisdiction either of the parties has resided for three (3) months immediately prior to the filing of the complaint.**[TTC 1966, §702; 39 TTC 1970, §101; 39 TTC 1980, §101, modified.]**

§109. Reserved.

§110. Orders for custody, support and alimony.

In granting or denying an annulment or a divorce, the Court may make such orders for custody of minor children, for their support, for support of either party, and for the disposition of either or both parties' interest in any property in which both have interests, as it deems justice and the best interests of all concerned may require. While an action for annulment or divorce is pending, the Court may make temporary orders covering any of these matters pending final decree. Any decree as to custody or support of minor children or of the parties shall be subject to revision by the Court at any time upon motion of either party and such notice, if any, as the Court deems justice requires.**[TTC 1966, §704; 39 TTC 1970, §103: 39 TTC 1980, §103, modified.]**

§111. Effect of decree.

The effect of a decree of annulment or divorce when it has become absolute shall be to restore the parties to the state of unmarried persons so far as the marriage in question is concerned. **[TTC 1966, §705; 39 TTC 1970, §104; 39 TTC 1980, §104, modified.]**

DIVISION 2-ANNULMENT

§112. Authorized; grounds.

A decree annulling a marriage may be rendered on any ground existing at the time of the marriage which makes the marriage illegal and void or voidable. A court may, however, refuse to annul a marriage which has been ratified and confirmed by voluntary cohabitation after the obstacle to the validity of the marriage has ceased, unless the public interest requires that the marriage be annulled. **[TTC 1966, §695; 39 TTC 1970, §151; 39 TTC 1980, §151, modified.]**

§113. Residency requirements.

No annulment shall be granted unless one of the parties shall have resided in the Republic for the three (3) months immediately preceding the filing of the complaint.**[TTC 1966, §696; 39 TTC 1970, §152; 39 TTC 1980, §152, modified.]**

§114. Legitimacy of issue of annulled marriage.

The issue of a marriage annulled under this Part shall be legitimate.**[TTC 1966, §697; 39 TTC 1970, §153; 39 TTC 1980, §153, modified.]**

DIVISION 3- DIVORCE

§115. Grounds; No Fault.

(1) Divorces from marriage may be granted under this Part for the following causes:

(a) adultery;

(b) the guilt of either party toward the other of such cruel treatment, neglect or personal indignities, whether or not amounting to physical cruelty, as to render the life of the other burdensome and intolerable and their further living together unsupportable;

(c) willful desertion continued for a period of not less than one year;

(d) habitual intemperance in the use of intoxicating liquor or drugs continued for a period of not less than one year;

(e) the sentencing of either party to imprisonment for life or for three (3) years or more (after divorce for such cause, no pardon granted to the party so sentenced shall affect such divorce);

(f) the insanity of either party where the same has existed for three (3) years or more;

(g) the contracting by either party of leprosy;

(h) the separation of the parties for two (2) consecutive years without cohabitation, whether or not by mutual consent;

(i) willful neglect by the husband to provide suitable support for his wife when able to do so or when failure to do so is because of his idleness, profligacy or dissipation.

(2) Divorces from marriages may be granted under this Part due to irreconcilable differences which have caused the irremediable breakdown of the marriage.**[TTC 1966, §698; 39 TTC 1970, §201; 39 TTC 1980, §201, modified; subsection (1) amended by P.L. 1995-124, §2(1) making the grounds listed in (a) through (i) non-exclusive; subsection (2) added by P.L. 1995-124, §2(2), the original codification being modified by the Commissioner.]**

§116. Residency requirements.

(1) No divorce shall be granted unless one of the parties have resided in the Republic for a period of six (6) months before the judgment and decree of divorce is entered.

(2) A complaint may be filed before the six month period in subsection (1) has elapsed and the Court may make such orders as are authorized by this Chapter, including orders for legal separation during such period.**[TTC 1966, §699; 39 TTC 1970, §202; 39 TTC 1980, §202, modified; amended in its entirety by P.L. 1995-124, §2(4).]**

§117. Forgiveness as defense.

No divorce shall be granted where the ground for the divorce has been forgiven by the injured party. Such forgiveness may be shown by express proof or by the voluntary cohabitation of the parties with knowledge of the fact and restoration of the forgiving party to all marital rights. Such forgiveness implies a condition that the forgiving party must be treated with conjugal kindness. This forgiveness is revoked and the original ground for divorce is revived if the party forgiven commits an act of constituting a like or other ground for divorce or is guilty of conjugal unkindness sufficiently habitual and gross to show that the conditions of forgiveness have not been accepted in good faith or have not been fulfilled.**[TTC 1966, §700; 39 TTC 1970, §203; 39 TTC 1980, §203.]**

§118. Procurement or connivance as defense.

No divorce for the cause of adultery shall be granted where the offense has been committed by the procurement or with the connivance of the plaintiff.**[TTC 1966, §701; 39 TTC 1970, §204; 39 TTC 1980, §204.]**