

# **PALAU NATIONAL CODE ANNOTATED**

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**Chapter 3**  
**Annulment and Divorce**

**Subchapter I**  
**General Provisions**

- § 301. Competency of courts.  
§ 302. Orders for custody, support and alimony.  
§ 303. Effect of decree.

**§ 301. Competency of courts.**

An annulment or a divorce authorized by this chapter may be granted by any court within whose jurisdiction either of the parties has resided for three months immediately prior to the filing of the complaint.

**Source**

(Code 1966, § 702.) 39 TTC § 101, modified.

**Notes**

Cabral v. Cabral, 2 ROP Intrm. 65 (1990).

**§ 302. 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.

**Source**

(Code 1966, § 704.) 39 TTC § 103.

**Notes**

Estate of Ngirausui, 5 ROP Intrm. 350, 350 (Tr. Div. 1996).

Cabral v. Cabral, 2 ROP Intrm. 65 (1990).

**§ 303. 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.

Source  
(Code 1966, § 705.) 39 TTC § 104.

**Subchapter II  
Annulment**

- § 311. Authorized; grounds.
- § 312. Residency requirements.
- § 313. Legitimacy of children.

**§ 311. 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.

Source  
(Code 1966, § 695) 39 TTC § 151.

**§ 312. Residency requirements.**

No annulment shall be granted unless one of the parties shall have resided in the Republic for the three months immediately preceding the filing of the complaint.

Source  
(Code 1966, § 696) 39 TTC § 152, modified.

**§ 313. Legitimacy of children.**

The children of a marriage annulled under this chapter shall be legitimate.

Source  
(Code 1966, § 697) 39 TTC § 153, modified.

**Subchapter III**  
**Divorce**

- § 331. Grounds.
- § 332. Residency requirements.
- § 333. Forgiveness as defense.
- § 334. Procurement or connivance as defense.
- § 335. Child support.

**§ 331. Grounds.**

Divorces from marriage may be granted under this chapter for the following causes and no other:

- (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) wilful 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 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 years or more.
- (g) the contracting by either party of leprosy.
- (h) the separation of the parties for two consecutive years without cohabitation, whether or not by mutual consent.
- (i) wilful 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.

**Source**

(Code 1966, § 698.) 39 TTC § 201.

**Notes**

Dean v. Dean, 5 TTR 594 (1972).  
Katindoy v. Katindoy, 5 TTR 412 (1971).  
Ketari v. Taro, 3 TTR 279 (1967).  
Yamada v. Yamada, 2 TTR 66 (1959).

**§ 332. Residency requirements.**

No divorce shall be granted unless one of the parties shall have resided in the Republic for the two years immediately preceding the filing of the complaint.

**Source**

(Code 1966, § 699.) 39 TTC § 202, modified.

**Notes**

Cabral v. Cabral, 2 ROP Intrm. 65 (1990).  
Hamrick v. Hamrick, 6 TTR 252 (1973).  
Yang v. Yang, 5 TTR 427 (1971).  
Katindoy v. Katindoy, 5 TTR 412 (1971).

**§ 333. Forgiveness as defense.**

(a) 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.

(b) Forgiveness is revoked, and the original ground for divorce is revived, if the party forgiven commits an act 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.

**Source**

(Code 1966, § 700.) 39 TTC § 203, divided into subsections and modified.

**§ 334. 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.

Source  
(Code 1966, § 701.) 39 TTC § 204.

**§ 335. Child support.**

(a) Any person legally married, either by law or in accordance with established custom, who causes such marriage to terminate, either on his own initiative or for any of the reasons enumerated in section 331, subsections (a), (b), (c), (d) or (i) of this title, shall provide support for each child of that marriage under 18 years of age, including offspring born of that union and children adopted legally or in accordance with established custom during the time of the marriage. The amount of money or the value of the goods for support shall be determined by a court of competent jurisdiction.

(b) Any biological parent of a child under 18 years of age shall provide support for that child unless the child is adopted legally or in accordance with established custom.

(c) If a child is too young to receive what is given for his support, then such support shall be given to the spouse or biological parent having custody of the child to use solely for the benefit of the child or to any other custodian selected by the court. Such custodian, as selected above, or the spouse or biological parent having custody of the child, shall be prohibited from using the support for his or her own benefit; such support is to be used solely for the benefit of the child.

(d) If a biological parent provides support for a child under this section, that parent shall have a corresponding right to visitation with the child.

(e) Nothing in this section shall nullify or alter any established custom for the payment of olmesumech or the provision of children's money (ududir ar ngalk), nor contradict the provisions of section 302 of this title.

Source

PDC § 402, divided into subsections and modified. Subsection (c) amended by RPPL 4-31 § 1. Subsections (b) and (d) added by RPPL 4-31 § 1.

Notes

In Subsection (c), a comma was inserted between "custodian" and "as selected" by the Code Commission.  
Estate of Ngirausui, 5 ROP Intrm. 350, 350 (Tr. Div. 1996).  
Ngiraremiang v. Ngiramoulau, 4 ROP Intrm. 112, 117 (1993).