

STATE OF NORTH DAKOTA

IN JUVENILE COURT

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT

IN THE INTEREST OF \_\_\_\_\_, DOB \_\_\_\_\_, A CHILD.

_____	)	
_____	)	Case No. _____
PETITIONER(S),	)	
vs	)	
_____	)	AFFIDAVIT
_____	)	
_____	)	
RESPONDENT(S).	)	

I, \_\_\_\_\_,

the undersigned, state as follows:

1.

I declare, under penalty of perjury under the law of North Dakota, that everything I stated in this Affidavit is true and correct.

Signed on \_\_\_\_\_ (Date), in \_\_\_\_\_ (City),  
\_\_\_\_\_ (County), \_\_\_\_\_ (State), \_\_\_\_\_ (Country).

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State, Zip Code)

\_\_\_\_\_  
(Telephone Number)

\_\_\_\_\_  
(Email Address)

## INSTRUCTIONS FOR JUVENILE COURT AFFIDAVIT

**ND Legal Self Help Center Staff and Court employees can't help you fill out forms. If you're unsure how to proceed, consult a lawyer.**

**As a self-represented individual, you're responsible for following the same laws, rules, and procedures as an attorney.**

**There's no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center. Use at your own risk.**

**Don't include these instruction sheets when you serve or file the completed form.**

An affidavit is a written statement of fact given by an individual with first-hand knowledge of the facts.

As of March 1, 2018, **in general, notarization isn't required** when an affidavit will be filed with a North Dakota district court in a civil action.

**If the affidavit meets the following requirements**, the signature of the person making the affidavit doesn't need to be notarized. (See Rule 11(a)(2) of the North Dakota Rules of Civil Procedure – [www.ndcourts.gov/legal-resources/rules/ndrcivp/11](http://www.ndcourts.gov/legal-resources/rules/ndrcivp/11).)

1. There is NO court rule that applies to your juvenile court action that requires the affidavit to be notarized;
2. The last statement of the affidavit is substantially similar to the following: "I declare under penalty of perjury under the law of North Dakota that the foregoing is true and correct";
3. The affidavit is dated and signed by the individual giving the statement of fact;
4. The date is the month, day and year the individual signed the affidavit; AND
5. The name of the State, County and Country where the individual signed the affidavit are listed on the affidavit.

**If the affidavit DOESN'T meet the FIRST requirement above**, the affidavit must be signed and dated in the presence of a notary public or clerk of court by the individual making the written statement.

You may find this General-Use Juvenile Court affidavit form of interest as a starting point for creating affidavits for use in juvenile court actions.

## Laws and Rules Related to Juvenile Court Actions

Following are legal research starting points related to Juvenile Court actions. You will need to conduct additional legal research into your legal issue.

Chapters [27-20.2](#), [27-20.3](#), and [27-20.4](#) of the North Dakota Century Code contain laws enacted by the North Dakota Legislative Assembly that apply in juvenile court actions.

The [North Dakota Rules of Juvenile Procedure](#) govern all juvenile court actions.

The [North Dakota Rules of Evidence](#) govern in juvenile court actions, unless an exception applies from [Rule 1101](#) of the North Dakota Rules of Evidence.

See also, the [North Dakota Rules of Civil Procedure](#) and the [North Dakota Rules of Court](#). These rules may be used to fill in gaps in Juvenile Court process that Chapters 27-20.2, 27-20.3, and 27-20.4 and the North Dakota Rules of Juvenile Procedure don't cover.

## Definition of a "Child" for Juvenile Court Actions

The child who is the focus of the Juvenile Court action must be **either**:

1. Unmarried and under the age of 18; **or**
2. Under the age of 20 and committed the delinquent act while under the age of 18 and unmarried.

## Only Certain Types of Actions are Allowed in Juvenile Court

Delinquent child: A delinquent child is a child who has committed an act that is considered a crime and is in need of treatment or rehabilitation.

Child in need of services: A child in need of services is a child who has committed an offense that only applies to a child, such as truancy, consuming or possessing alcohol, disobedience of parental commands, or using tobacco, and is in need of treatment or rehabilitation.

Child in need of protection: A child in need of protection is a child who is "without proper parental care or control necessary for the child's physical, mental or emotional health, or morals, and the need for protection is not due primarily to the lack of financial means of the child's parents, guardian or other custodian."

Guardianship: A guardianship of a minor child is a juvenile court process where a judge or judicial referee appoints a guardian to act in the place of a parent of the minor child. A legal relationship is created between the guardian and the minor child, allowing the guardian to care for and make decisions on behalf of the minor child.

Termination of Parental Rights: An order terminating parental rights of a parent terminates all the parent's rights and obligations with respect to the child and of the child to or through the parent arising from the parental relationship.

**This form isn't a fillable form.** To create an affidavit using this form, you have at least two options:

**Option One:** Print this form on 8 ½" x 11" paper and hand-write the affidavit. The hand-writing must be easily readable. Black ink is preferred.

**Option Two:** Copy and paste the Caption and Signature sections into a word processing program, for example, Microsoft Word, WordPerfect, Google Docs, or OpenOffice. Use this form and these instructions as your guide to format the affidavit.

**Caption (Top of Affidavit Form):**

- If you copied and pasted the Caption section into a word processing program, format your caption as close as you can to the Caption section of the Affidavit form.
- Complete the caption exactly as it appears in the juvenile court summons.
- Fill in the Juvenile Court case number, if known. If the action hasn't been filed, the case number will be assigned when the action is filed in Juvenile Court.

**First Sentence:**

- Fill in the full, legal name of the individual who is giving their written statement of fact.

**Written Statement of Fact:**

- Type or print the statement of fact.
- Number each paragraph of the statement of fact.
- If additional pages are needed, add the additional page or pages between the Caption page and the Signature page.

Write or type on one side only of each additional page.

**Sign and Date the Affidavit:**

- The date and signature are at the end of the written statement of fact.

- IMPORTANT:** Review the North Dakota court rules [www.ndcourts.gov/legal-resources/rules](http://www.ndcourts.gov/legal-resources/rules)) to determine if any rule that applies to your civil action specifically requires the affidavit to be notarized.
- If you copied and pasted the Signature section into a word processing program, format the signature section as close as you can to the Signature section of the Affidavit form.
- The individual giving their written statement of fact signs and dates the Affidavit, fills in their address and phone number, and fills in the name of the State, County, and Country where they signed the affidavit.
- If a court rule requires the affidavit to be notarized, the individual giving their written statement of fact must sign and date the affidavit in the presence of a notary public or clerk of court. The notary public or clerk of court will witness the signature and indicate this on the document.

**Notary Block (if applicable):**

If you determine that a court rule that applies to your juvenile court action requires a notarized signature, you may use the following formatting. Place the following directly after the signature block of the individual giving their written statement of fact:

State of: _____ County of: _____  Signed and sworn to before me on _____, 20____ by _____.  _____ Notary Public or Clerk of Court  If Notary, my commission expires: _____
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**Page Numbering:**

- Number the pages of the affidavit. Page 1 is the Caption page.
- The last page of the affidavit is the page with the date and signature of the individual giving their written statement of fact.

**Service:**

For information about service and proof of service in a juvenile court action, go to the Juvenile Court Service webpage at [www.ndcourts.gov/legal-self-help/service-in-a-juvenile-action](http://www.ndcourts.gov/legal-self-help/service-in-a-juvenile-action).

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*\*\*\*The North Dakota Legal Self Help Center provides resources to people who represent themselves in civil matters in the North Dakota courts. The information provided by the Center isn't intended for legal advice but only a general guide to the court process. The Center can't guarantee that all judges and courts will accept forms available through the Self Help Center. The Center isn't responsible for any consequences that may result from the information provided. The information can't replace the advice of competent legal counsel licensed in the state. Use at your own risk.\*\*\**