

Instructions For Juvenile Court Affidavit

ND Legal Self Help Center Staff and Court employees **can't** help you fill out forms, or create documents for you. If you're unsure how to proceed, consult a [lawyer](#).

ND Legal Self Help forms **aren't** official forms. Judges and courts **aren't** required to accept them. There's no guarantee Center forms will be accepted. 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.

The Affidavit form may be used when the Affidavit must be dated and signed in front of a notary public, clerk of court, or other notarial officer.

In general, notarization isn't required when an Affidavit will be filed with a North Dakota Juvenile Court.

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](#), and [Chapter 31-15 of the North Dakota Century Code](#).)

1. There's **no** court rule that applies to your Juvenile Court case 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, City or 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, clerk of court, or other notarial officer by the individual making the written statement.

This General-Use Juvenile Court Affidavit form may be of interest as a starting point for creating notarized Affidavits for use in Juvenile Court.

Laws and Rules Related to Juvenile Court Cases

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

Chapters [27-20.1](#), [27-20.2](#), [27-20.3](#), and [27-20.4](#) of the North Dakota Century contain laws that apply in Juvenile Court cases.

The [North Dakota Rules of Juvenile Procedure](#) apply in all Juvenile Court cases.

The [North Dakota Rules of Evidence](#) apply in Juvenile Court cases, 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 27-20.1, 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 Cases

The child who is the focus of the Juvenile Court case 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, or Cases, are Allowed in Juvenile Court

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 isn't due primarily to the lack of financial means of the child's parents, guardian or other custodian."

Child in need of services (unruly): 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.

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

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 case isn't filed, the case number is assigned when the case 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](#) to determine if any rule that applies to your Juvenile Court case 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.
- 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, clerk of court, or other notarial officer. The notary public, clerk of court, or other notarial officer witnesses the signature and indicates this on the document.

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, or case, go to 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 North Dakota state courts. Information provided by the Center isn't intended for legal advice but only a general guide to civil court process. The Center can't guarantee that all judges and courts will accept forms available through the Center. The Center isn't responsible for any consequences that may result from the information provided. The information can't replace the advice of a lawyer licensed to practice in North Dakota. **Use at your own risk.******

State Of North Dakota

In Juvenile Court

County Of _____

_____ Judicial District

In The Interest Of _____, DOB _____, A Child.

_____)

_____)

Case No. _____

_____)

_____)

Affidavit of _____

_____)

I, _____,

the undersigned, being first duly sworn, state as follows:

1.

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

Signed _____.

(Signature)

(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

(Email Address)

State of _____)

)

County of _____)

Signed and sworn to before me on _____, 20____, by

_____.

(Notary Public or Clerk of Court)

If Notary, my commission expires: _____