

## Instructions For Requesting The Early Destruction Of Juvenile Court Records

### Important! Read Before Using this Packet of Forms.

ND Legal Self Help staff and court employees **can't** help you fill out the form(s). If you're unsure if these forms and instructions suit your circumstances, consult a lawyer.

ND Legal Self Help Center forms **aren't** official court forms. Judges and courts **aren't** required to accept Center forms. There's no guarantee Center forms will be accepted. Use at your own risk.

If you need legal advice or legal representation, consult a lawyer licensed to practice in North Dakota. Go to [ndcourts.gov/legal-self-help/finding-a-lawyer](https://ndcourts.gov/legal-self-help/finding-a-lawyer) for information about finding a lawyer to represent you.

**When you represent yourself, you're expected to know and follow the law, including:**

- State or federal laws that apply to your case;
- Case law, also called court opinions, that applies to your case; and
- Court rules that apply to your case, which may include:
  - North Dakota Rules of Civil Procedure;
  - North Dakota Rules of Court;
  - North Dakota Rules of Evidence;
  - North Dakota Administrative Rules and Orders; and
  - Any local court rules.

Links to the state laws, case law, and court rules are available at [ndcourts.gov](https://ndcourts.gov).

A glossary with definitions of legal terms is available at [ndcourts.gov/legal-self-help](https://ndcourts.gov/legal-self-help).

**When you represent yourself, you're held to the same requirements and responsibilities as a lawyer, even if you don't understand the rules or procedures.**

*These instructions and forms **aren't** a complete statement of the law. They cover the basic procedure for requesting early destruction of Juvenile Court records of a delinquent child, or a child in need of services (also called unruly). There's no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center. The Center isn't responsible for any consequences that may result from the forms or information provided.*

**Use these forms and instructions at your own risk.**

**Note:** In 2021, the North Dakota State Legislature changed the term “unruly” to “child in need of services.”

## Who May Use this Packet?

An individual who was the subject of a proceeding in North Dakota Juvenile Court **and:**

- The proceeding in Juvenile Court was for a delinquent child or for a child in need of services (also called unruly);
  - Delinquent acts are considered crimes whether they are committed by a child or an adult.
  - A child in need of services (unruly) commits offenses that only apply to children, including truancy and ungovernable behavior.
- The proceeding in Juvenile Court was handled by a judicial referee or a judge;
  - You may choose to include informal adjustments and diversions in your request.
- The individual believes they have good cause for the records to be destroyed early; and
- The individual **doesn't** have any juvenile or criminal charges pending in any other court.

**Important!** If Juvenile Court received a referral alleging certain sex offenses or obscenity offenses, per North Dakota Century Code (NDCC) [Section 25-03.3-04](#), all juvenile case files and court records concerning the alleged offenses must be retained for twenty-five (25) years.

The list of offenses is found in NDCC Chapters [12.1-20](#) and [12.1-27.2](#).

### Step 1: Review Rule 19(e) Of The N. D. Rules Of Juvenile Procedure

**“(e) Early Destruction of Records.** A party who is the subject of a delinquency or unruly proceeding may petition the court for early destruction of records. The state's attorney of the county in which the records are held must be notified of the request. The judge may order the early destruction upon a showing of good cause to destroy the records by the party. The records may not be destroyed if it is known that the subject of the motion has criminal charges pending before any other court.”

*(This space left intentionally blank.)*

## Step 2: Prepare The Forms To Request Early Destruction Of Records

\*\*\* **Please note** that you need the case number(s) of your delinquent and/or child in need of services (unruly) proceedings in order to complete the forms. You may need to contact the Juvenile Court Officer who managed your case (or cases) and ask for the case number(s).

\*\*\***Court employees can't help you fill out the forms.**

Form Title	Purpose
<b>Notice of Motion</b> for Early Destruction of Juvenile Records (NRJuvP 19 Notice)	Tells the Juvenile Court that the Respondent (you) in the original Juvenile Court case or cases is requesting early destruction of the records. Tells the State's Attorney they have 3 days to respond to the motion.
<b>Motion</b> for Early Destruction of Juvenile Records (NRJuvP 19 Motion)	Tells the Juvenile Court why you're making the request.
<b>Brief in Support of Motion</b> for Early Destruction of Juvenile Records (NRJuvP 19 Brief)	Tells the Juvenile Court the facts of your situation, the reasons for your request, and the laws and rules supporting your argument.
<b>Declaration in Support of Motion</b> for Early Destruction of Juvenile Records (NDRJuvP 19 Dec)	Gives the Juvenile Court information that the Respondent (you) is required to provide about the delinquent and/or child in need of services (unruly) charges, the outcome of the Juvenile Court proceeding(s), and why you're making the request.
<b>Finding of Fact and Conclusions of Law</b> for Early Destruction of Juvenile Records (Proposed) (NDRJuvP 19 FFCL)	After reviewing all of the evidence presented, the proposed explanation of facts the court found to be true and the legal consequences of those facts. The proposed findings of fact and conclusions of law aren't effective until signed by the Judge or Judicial Referee.
<b>Order</b> for Early Destruction of Juvenile Records (Proposed) (NDRJuvP 19 Order)	Proposed order of the court for early destruction of the juvenile records identified in your Brief. The proposed order isn't effective until it is signed by the court.

## Notice of Motion:

### Top of Form (Caption):

- Fill in the name of the County in North Dakota where the original Juvenile Court proceeding was decided.
- Fill in the case number(s) of the original Juvenile Court proceeding(s) on the Case No. line. If you don't know the case number(s), contact the Juvenile Court Officer who managed your case.
- Fill in your name and full date of birth in the spaces following "In the Interest of \_\_\_" and "DOB \_\_\_"
- Fill in your name as Respondent.

### Date and Signature:

- Fill in the date you sign the Notice.
- Sign and print your name. Include your address, phone number, and email address.

## Motion:

### Top of Form (Caption):

- Fill in the caption of the Motion the same as you did in the Notice.

### Date and Signature:

- Fill in the date you sign the Motion.
- Complete the signature section the same as you did in the Notice.

## Brief in Support of Motion:

### Top of Form (Caption):

- Fill in the caption of the Brief the same as you did in the Notice.

**Paragraph 1:**

- Fill in the date you were charged as a delinquent child, or as a child in need of services (unruly) and write the description of each charge.
- If the charges were dismissed, put a checkmark (✓) on the line next to “charges against the Respondent were dismissed.” Fill in the date the charges were dismissed.
- If you successfully completed the terms as ordered by the Juvenile Court, put a checkmark (✓) on the line next to “Respondent successfully completed the terms as ordered by the court.” Fill in the date you completed the terms. Successful completion includes probation, custody with the Department of Juvenile Services, and custody with the county.
- If you paid restitution in full, put a checkmark (✓) on the line next to “Respondent paid the required restitution in full.” Fill in the date you made full payment.

**Paragraph 3:**

- If you want the court to consider destroying the Juvenile Court office records of any informal adjustments or diversions related to the Juvenile Court proceeding records, put a checkmark (✓) in the box next to “The Respondent is ...” Otherwise, put a checkmark (✓) in the box next to “The Respondent is not ...”

**Date and Signature:**

- Fill in the date you sign the Brief.
- Complete the signature section the same as you did in the Notice.

**Declaration in Support of Motion:**

**Top of Form (Caption):**

- Fill in the caption of the Declaration the same as you did in the Notice.

**Paragraph 1:**

- Fill in your full, legal name.

**Paragraph 2:**

- Complete Paragraph 2 **Exactly** the same as Paragraph 1 of your Brief.

**Paragraph 3:**

- Tell the Juvenile Court why you believe the Juvenile Court records should be destroyed early. Write the reason or reasons why you're making the request.

**Paragraph 4:**

- Paragraph 4 must match Paragraph 3 of your Brief.

**Sign and Date the Declaration:**

- The date and signature are at the end of the Declaration.
- Important:** Review the [North Dakota court rules](#) to determine if any rule that applies to your civil action specifically requires the Declaration to be notarized.
- Sign and date the Declaration, fill in your address, phone number, and email address and fill in the name of the State, County, and Country where you signed the Declaration.
- If a court rule requires the Declaration to be notarized**, sign and date the Declaration in the presence of a notary public or clerk of court. The notary public or clerk of court witnesses your signature and indicates 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 your signature block:

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

### **Findings of Fact and Conclusions of Law (Proposed):**

This is your proposed Findings of Fact and Conclusions of Law for Early Destruction of Juvenile Records.

The Juvenile Court Judge or Referee assigned to your request ultimately decides whether or not to grant your request.

The Juvenile Court Judge or Referee also decides whether to use this document.

#### **Top of Form:**

- Fill in the caption of the Finding of Fact and Conclusions of Law the same as you did in the Notice.

### **Order (Proposed):**

This is your proposed Order for Early Destruction of Juvenile Records. The Juvenile Court Judge or Referee assigned to your request ultimately decides whether to grant your request.

The Juvenile Court Judge or Referee also decides whether to use this document.

#### **Top of Form:**

- Fill in the caption of the Order the same as you did in the Notice.

*(This space left intentionally blank.)*

### **Step 3: Serve Copies Of The Completed Forms On The State's Attorney Of The County That Holds Your Juvenile Court Records.**

The person who served the States Attorney completes a Declaration of Service.

**Service means giving a copy of each of the following completed forms to the State's Attorney.**

- Notice of Motion for Early Destruction of Juvenile Records (NDRJuvP 19 Notice)
- Motion for Early Destruction of Juvenile Records (NDRJuvP 19 Motion)
- Brief in Support of Motion for Early Destruction of Juvenile Records (NDJuvP 19 Brief)
- Declaration in Support of Motion for Early Destruction of Juvenile Records (NDRJuvP 19 Dec)
- Findings of Fact and Conclusions of Law for Early Destruction of Juvenile Records (Proposed) (NDRJuvP 19 FFCL)
- Order for Early Destruction of Juvenile Records (Proposed) (NDRJuvP 19 Order)

You serve the State's Attorney of the County that holds the records of your Juvenile Court proceeding(s).

Proof of service is an important step in the legal process and the document showing proof of service **must be filed** with the clerk of court in Step 4. If proof of service isn't filed, the Juvenile Court won't read your completed forms or act on your request until you show that the State's Attorney was served.

**Before serving copies of the completed forms on the State's Attorney, contact the Juvenile Court in the County where you file the motion. Juvenile Court staff **may** agree to serve the State's Attorney for you.**

If Juvenile Court staff won't serve the State's Attorney for you, you must arrange for the State's Attorney to be served.

**Review [Rule 7 of the N. D. Rules of Juvenile Procedure](#).** Rule 7 includes the six different ways to serve documents. You decide which of the methods to use. No matter which method you choose, you must prove to the Juvenile Court that copies of the documents were served as required by Rule 7.



Service Form Title	Description
Declaration of Service by Mail (Juv Ct Rule 19 DSM)	Proof that copies of the completed forms were mailed to the State's Attorney and the date the forms were mailed.
Declaration of Service by Personal Delivery (Juv Ct Rule 19 DPS)	Proof that copies of the completed forms were handed to the State's Attorney.
Declaration of Office Service (Juv Ct Rule 19 DOS)	Proof that copies of the completed forms were left with a clerk or other person in charge at the State's Attorney's office.

**Three common methods of service on a State's Attorney are described below.**

**1. By Mail:**

If you decide to arrange to serve copies of the completed forms on the State's Attorney by mail, you must:

- a. Have someone who is at least 18 years of age mail copies of the completed forms listed on Page 8 to the State's Attorney. Mail the completed forms to the last known address for the State's Attorney. Service is complete upon mailing.
- b. The person who mailed the documents must fill out a Declaration of Service by Mail and sign the Declaration.
- c. File the Declaration of Service by Mail with the Juvenile Court in Step 4.

Keep a copy of the completed and signed Declaration of Service by Mail for your records.

**2. By Personal Service:**

If you decide to arrange to serve the State's Attorney by personal service:

- a. Have someone who is at least 18 years of age and not a party to the case hand copies of the completed forms listed on Page 8 to the State's Attorney.
- b. The person who handed copies of the documents to the State's Attorney must fill out a Declaration of Service by Personal Delivery and sign the form.
- c. File the Declaration of Service by Personal Delivery with the Juvenile Court in Step 4.

Keep a copy of the completed and signed Declaration of Service by Personal Delivery for your records.

### 3. **By Office Service:**

If you decide to arrange to serve the State's Attorney by leaving copies of the completed forms at the State's Attorney's office:

- a. Have someone who is at least 18 years of age and not a party to the case leave copies of the completed forms listed on Page 8 at the State's Attorney's office.
- b. The copies of the completed documents must be left with a clerk or other person in charge.
- c. If there is no one in charge of the office, the copies of the completed documents must be left in a conspicuous place.
- d. The person who left copies of the documents at the State's Attorney's office must fill out a Declaration of Office Service and sign the form.
- e. File the Declaration of Office Service with the Juvenile Court in Step 4.

Keep a copy of the completed and signed Declaration of Office Service for your records.

## **Step 4: File The Original, Completed Forms With The Juvenile Court.**

Take the original, completed forms to the Juvenile Court in the County that holds your records.

- Notice of Motion for Early Destruction of Juvenile Records (NDRJuvP 19 Notice)
- Motion for Early Destruction of Juvenile Records (NDRJuvP 19 Motion)
- Brief in Support of Motion for Early Destruction of Juvenile Records (NDJuvP 19 Brief)
- Declaration in Support of Motion for Early Destruction of Juvenile Records (NDRJuvP 19 Dec)
- Findings of Fact and Conclusions of Law for Early Destruction of Juvenile Records (Proposed) (NDRJuvP 19 FFCL)
- Order for Early Destruction of Juvenile Records (Proposed) (NDRJuvP 19 Order)
- Proof of service of copies of the original, completed forms on the State's Attorney.
  - Depending on the method of service you used, you file either the completed Declaration of Service by Mail, the Declaration of Service by Personal Delivery, or the Declaration of Office Service

You're not required to pay a filing fee. If you're asked to pay a filing fee, contact the Juvenile Court Supervisor or Director in the County that holds your records for assistance.

### **Step 5: What To Expect After The Forms And Served And Filed.**

**The State's Attorney has 3 days to respond to the motion.**

This doesn't include the day of service. In the response, the State's Attorney will say whether they agree or disagree with your request for early destruction of your juvenile records.

**The Judicial Referee or Judge assigned to your request may decide to schedule a hearing, or to make a decision without a hearing.**

If the judicial referee or judge decides to hold a hearing, you're notified of the hearing date and time by mail. Be prepared to prove everything you included in your completed forms. The Judicial Referee or Judge makes a decision after the hearing is held.

If the Judicial Referee or Judge decides to make a decision without a hearing, you receive copies by mail of documents signed by the Judicial Referee or Judge. The documents tell you what the Judicial Referee or Judge decided.