

Service Information **After** a Juvenile Court Action, or Case, Has Started

Important! Read Before Using The Service Forms And Instructions

ND Legal Self Help Center staff and court employees **can't** help you fill out forms. 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 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 Juvenile Procedure;
 - North Dakota Rules of Civil Procedure;
 - North Dakota Rules of Court;
 - North Dakota Rules of Evidence;
 - North Dakota Administrative Rules and Orders;
 - Any local court rules.

Links to the laws, case law, and court rules are available at ndcourts.gov.

A glossary with definitions of legal terms is available at ndcourts.gov/legal-self-help.

When you represent yourself, you're held to 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 basic information and process to serve documents after a North Dakota Juvenile Court action, or case, has started. 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 information provided.*

Use these forms and instructions at your own risk.

Laws and Rules for Service After a Juvenile Case Has Started

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

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

[Rule 7 of the North Dakota Rules of Juvenile Procedure](#) contains requirements for service of documents after a Juvenile Court case has started.

Juvenile Court Actions, or Cases

Only certain types of cases can be brought to Juvenile Court.

- **Child in need of services (unruly):** A child in need of services is, in part, 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, in part, 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 services or protection is not due primarily to the lack of financial means of the child’s parents, guardian or other custodian.”
- **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.
- **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.

Definition of a “Child” for Juvenile Court Actions, or 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.

Parties in a Juvenile Court Action, or Case

Petitioner: The party who starts a Juvenile Court case, with a Petition.

Parties (sometimes called Respondents): The party who is served with a Juvenile Court Summons and Petition. There may be more than one party, or Respondent.

See [Rule 3 of the North Dakota Rules of Juvenile Procedure](#) for parties in a Juvenile Court case.

Service of Documents After a Juvenile Court Action, or Case, has Started

[Rule 7 of the North Dakota Rules of Juvenile Procedure](#) gives the requirements for service of documents after a Juvenile Court case has started. Generally, Rule 7 applies to documents other than the Summons and Petition. Review the rule carefully.

Review Chapters [27-20.1](#), [27-20.2](#), [27-20.3](#), and [27-20.4](#) of the North Dakota Century Code and the Sections that apply to your Juvenile Court case. If a North Dakota law tells the specific method of service that must be used, use that method of service.

If a party isn't represented by a lawyer, serve the party. If a party is known to be represented by a lawyer, serve the lawyer instead of the party.

Before serving copies of the completed forms on a State's Attorney, contact the Juvenile Court in the North Dakota county where the Juvenile Court case is filed. Juvenile Court staff may agree to serve the State's Attorney for you.

In general, copies of documents are served. The original documents are filed with the Juvenile Court.

Proof of Service tells the Juvenile Court When, How, and Where Parties were Served and the Documents that were Served

Proof of service is an important step in the legal process. If proof of service isn't filed, the Juvenile Court won't act on your documents.

*****In Juvenile Court actions, or cases, it's very common to have multiple parties. You need to prove you served each party.*****

The proof of service tells the Juvenile Court when, how, and where each party was served.

- A Certificate of Service gives the court proof of service when a sheriff or other law enforcement officer served the document(s).
- A Declaration of Service, or Affidavit of Service, gives the court proof of service when a person other than a sheriff or other law enforcement officer served the document(s).

Declaration of Service forms for after Juvenile Court cases have started are available at ndcourts.gov/legal-self-help/service-in-a-juvenile-action. Scroll to "Service After a Juvenile Court Action Has Started".

Forms **aren't** available for every method of service under Rule 7.

You Must Locate the Addresses of the Other Parties for Service

Following are examples of ways to find people for service:

- Last known address.
 - Contact the U.S. Post Office for information on how to determine if the Respondent left a forwarding address.
- Friends, family, employers.
- Online search engines.
- Government entities, such as Department of Motor Vehicles or County Recorder.
- North Dakota business entity search, available at the ND Secretary of State website.
- Social Security Death Index.
- Utility companies.
- Social networking websites.
- Reverse directories.
 - A reverse directory allows someone to search by phone number to find an address. (Your local library may have access to reverse directories.)

Rule 7 Includes Six Different Ways to Serve Documents

You must decide which method to use. ND Legal Self Help Center staff **can't** help you decide. Three of the Rule 7 methods of service are described below.

1. By Mail:

If you decide to serve documents by mail, the person who mails the documents must be at least 18 years of age.

- a. Mail the completed forms to the last known address of each of the parties. Service is complete upon mailing.
- b. The person who mailed the documents must fill out and sign a Declaration of Service by Mail, or an Affidavit of Service by Mail.

If the documents are mailed from a United States Post Office, the postal employee **doesn't** fill out and sign the Declaration, or Affidavit.

- c. File the Declaration of Service by Mail, or Affidavit of Service by Mail, with the Juvenile Court.

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

2. By Hand Delivery:

If you decide to serve the documents by hand delivery:

- a. You can give the documents to the sheriff or other law enforcement officer for hand delivery on the party. (A fee is charged.) The sheriff or other law enforcement officer provides a Certificate of Service.

File the Certificate of Service with the Juvenile Court.

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

or

- b. You may have someone who is at least 18 years of age **and** not a party to or interested in the action, or case, hand copies of the completed documents to the party.
- c. The person who handed copies of the documents to party must fill out and sign a Declaration of Service by Hand Delivery, or an Affidavit of Service by Hand Delivery.

There must be a completed Declaration of Service by Hand Delivery, or Affidavit of Service by Hand Delivery, for each party served by hand delivery.

- d. File the Declaration of Service by Hand Delivery, or Affidavit of Service by Hand Delivery, with the Juvenile Court.

Keep a copy of the completed and signed Declaration of Service by Hand Delivery, or Affidavit of Service by Hand Delivery, for your records.

3. By Office Service:

If you decide to serve copies of the documents by leaving copies of at the party's office, the person who leave copies of documents at the party's office must be at least 18 years of age **and** not a party to or interested in the case.

- a. The copies of the documents must be left with a clerk or other person in charge.
- b. If there's no one in charge of the office, the copies of the completed documents must be left in a conspicuous place.
- c. The person who left copies of the documents at each office must fill out and sign a Declaration of Office Service, or Affidavit of Office Service.

There must be a completed Declaration of Office Service, or Affidavit of Office Service, for each party served at their office.

- d. File the Declaration of Office Service, or Affidavit of Office Service, with the Juvenile Court.

Keep a copy of the completed and signed Declaration, or Affidavit, for your records.