

Starting A North Dakota Juvenile Court Action, or Case, Checklist

This is a basic checklist for starting an action, or case, in North Dakota Juvenile Court. There may be additional documents and procedures for your particular type of Juvenile Court case. If you're unsure how to proceed, consult a [lawyer](#) licensed to practice in North Dakota.

The "Juvenile Court" section of the [ND Legal Self Help Center webpage](#) has additional information and resources.

Overview of North Dakota Juvenile Court:

North Dakota Juvenile Court is a division of North Dakota State District Court.

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.

Parties:

[Rule 3 of the North Dakota Rules of Juvenile Procedure](#) requires the following to be listed as parties in a Juvenile Court case:

- **The Petitioner:** The party who starts a Juvenile Court action, or case, with a Petition. *(The following parties are sometimes called Respondents)*
- **The Child:** The child on whose behalf the Petition is brought.
- **The Child’s Parents** *(if any)*, **Guardian** *(if any)*, or **Custodian** *(if any)*.
- **Any person the Juvenile Court allows to intervene.** *(In general, the Juvenile Court decides who may intervene **after** the case starts.)*
- If the Child’s Parents, Guardian, or Custodian don’t live or can’t be found in North Dakota, **any known adult relative living in the North Dakota county where the case will be filed, or living nearest the North Dakota county where the case will be filed.**

Jurisdiction:

You, the self-represented Petitioner, must show the North Dakota Juvenile Court has subject matter jurisdiction and personal jurisdiction over the case and the parties in the case.

- Does the North Dakota Juvenile Court have **subject matter jurisdiction**?

Subject matter jurisdiction is the court’s power to hear and decide the type of case or controversy involved in the Juvenile Court case. Subject matter jurisdiction comes from the constitution and statutes. The parties can’t agree to, consent to, or waive subject matter jurisdiction.

List the specific [law or laws](#) from Chapters [27-20.1](#), [27-20.2](#), [27-20.3](#), and [27-20.4](#) of the North Dakota Century Code that relate to the case and give the North Dakota Juvenile Court authority to hear and decide the case: _____

_____.

- Does the North Dakota Juvenile Court have **personal jurisdiction**?

Personal jurisdiction is the court’s power over the parties in a Juvenile Court case. [Rule 3\(b\) of the North Dakota Rules of Juvenile Procedure](#) lists the people who are parties. [Rule 4 of the North Dakota Rules of Juvenile Procedure](#) lists people who may also participate. See also, [Rule 4 of the North Dakota Rules of Civil Procedure](#).

List the name(s) of the individuals, agencies, or others who will be a Petitioner or a Party:

_____.

Explain how the North Dakota Juvenile Court has authority over each of the parties in the case. ([The North Dakota Rules of Juvenile Procedure](#) includes parties and interested persons.):

- Is the child who is the focus of the juvenile court case either:
- Unmarried and under the age of 18.
- Or**
- Under the age of 20 and committed the delinquent act while under the age of 18 and unmarried.

Venue (Location of Juvenile Court Action, or Case):

Venue means geographical location within North Dakota, of the Juvenile Court that hears the case. You, the self-represented Petitioner, must determine the proper county in North Dakota for the North Dakota Juvenile Court to hear and decide the subject matter of the case. (See Chapters [27-20.1](#), [27-20.2](#), [27-20.3](#), and [27-20.4](#) of the North Dakota Century Code.)

- The North Dakota Juvenile Court in _____ County is the proper county. Explain why: _____
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Create the Verified Petition to Start a Juvenile Court Action, or Case:

- Verified Petition
- Full, legal names of the Petitioner and each Party
 - County name
 - Judicial District name
 - Explain how the North Dakota Juvenile Court has subject matter jurisdiction and personal jurisdiction
 - Explain how the North Dakota county is the proper venue for the case
 - Describe in short, plain statements why you're bringing the petition and how North Dakota law supports your petition
 - Include the demand for relief
 - Signed and dated by you, the self-represented Petitioner
 - Verified statement signed and dated by you, the self-represented Petitioner.

Filing the Petition with the North Dakota Juvenile Court:

Petitions filed in Juvenile Court that **aren't filed by a state's attorney, must** be reviewed and approved by the Juvenile Court Director, the Juvenile Court, or other person authorized by the Juvenile Court.

- File the original Petition with the clerk of court. You won't be charged a filing fee.

If Your Petition is Approved, Arrange for Service of Summons and Petition:

If the Petition is allowed to be filed, you, the self-represented Petitioner, may be required to prepare the Juvenile Court Summons. The Summons requires the Parties listed in the Petition to appear before the Juvenile Court at the time fixed to answer the allegations of the Petition.

Service to start a Juvenile Court case, also called service of process, requires delivery of the Summons and a copy of Petition to the Parties. The Petitioner is required to notify the Parties of the claims and to give the Parties time to respond.

If you, the self-represented Petitioner, are required to prepare the Juvenile Court Summons, the ND Legal Self Help Center doesn't have a form or an example. Ask the clerk of court if an example can be provided to you.

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 Petition.

The proof of service to start a Juvenile Court case tells the Juvenile Court when, how, and where the Parties were served the Summons and copy of the Petition. A Certificate of Service, a Declaration of Service, or an Affidavit of Service gives the court proof of service.

The Summons must be served in specific ways. Review the information about service to start a Juvenile Court case available in the "Juvenile Court" section at ndcourts.gov/legal-self-help. Declaration of Service forms are also available.

****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 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.***