



PETITIONING TO ESTABLISH DATE AND PLACE OF BIRTH: TO OBTAIN BIRTH CERTIFICATE

An Informational Guide to a North Dakota State Civil Court Process

The North Dakota Legal Self Help Center provides resources to people who represent themselves in civil matters in the North Dakota state courts. The information provided in this informational guide is not intended for legal advice but only as a general guide to a civil court process. **If you decide to represent yourself, you will need to do additional research to prepare.**

When you represent yourself, you must abide by the following:

- 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;
 - Any local court rules.

Links to the laws, case law, and court rules can be found at www.ndcourts.gov.

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

When you represent yourself, you are held to same requirements and responsibilities as a lawyer, even if you don't understand the rules or procedures. If you are unsure if this information suits your circumstances, consult a lawyer.

This information is not a complete statement of the law. This covers basic information about the process of petitioning a North Dakota State District Court to establish the date and place of birth so you can obtain a delayed registration of birth from North Dakota Vital Records. The Center is not responsible for any consequences that may result from the information provided. The information cannot replace the advice of competent legal counsel licensed in the state of North Dakota. Use at your own risk.

IF YOUR BIRTH (OR YOUR CHILD'S BIRTH) WAS NEVER REGISTERED:

AND

You've worked with North Dakota Vital Records to obtain a birth certificate, BUT:

- 1) You DO NOT have the minimum documentation required for delayed registration to obtain a birth certificate; OR**
- 2) Vital Records questions the validity or adequacy of your documentation;**

YOU MAY PETITION THE COURT TO ESTABLISH THE DATE AND PLACE OF BIRTH.

This informational guide contains basic process information for petitioning a North Dakota state district court to establish the date and place of birth in order to obtain a birth certificate for the first time.

This informational guide DOES NOT contain information for any other type of requests related to a birth certificate.

WHAT IS A DELAYED REGISTRATION OF BIRTH?

When an individual is born in North Dakota, but the birth was not registered with the North Dakota Department of Health Vital Records Division, if valid and adequate evidence is provided to the Vital Records Division, the birth can be registered and a birth certificate issued.

You must first attempt to register the birth through the Vital Records Division.

[Section 23-01.2-15 of the North Dakota Century Code](#) gives the general requirements for delayed registration of birth through the Vital Records Division.

[Chapter 33-04-06 of the North Dakota Administrative Code](#) gives the specifics of what type of evidence is required for the Vital Records Division to allow delayed registration of birth and issue a birth certificate.

- **All** Birth certificates of births registered one year or more after the date of birth are marked “Delayed” and show the date of the delayed registration.
- If the birth is registered after seven days, but within one year, of the date of birth, the birth certificate **is not** marked “Delayed.”

If you are unable to register the birth through the Vital Records Division:

When an individual is unable to register the birth through the process set out by the North Dakota Department of Health, the individual may petition a North Dakota state district court to establish the date and place of birth, and order the North Dakota Department of Health Vital Records Division to issue a birth certificate.

[Chapter 32-37 of the North Dakota Century Code](#) gives the requirements for this type of petition. The individual petitioning the District Court must prove to the Court that they meet all of the requirements. Chapter 32-37 is also available at the end of this guide.

If your circumstances are complex, or you are not sure if this is the appropriate court process for your circumstances, consult an attorney who can agree to represent you for assistance.

DOES THE ND LEGAL SELF HELP CENTER HAVE PETITION TO ESTABLISH DATE AND PLACE OF BIRTH FORMS?

No, the ND Legal Self Help Center does not have a packet of forms for petitioning a North Dakota state district court to establish the date and place of birth. If you decide to represent yourself, you will need to create and prepare your own legal documents. **Names and descriptions of documents you will need to create and prepare are listed throughout this guide.**

A variety of General-Use forms are available in the Guide to a Civil Action. You may find the General-Use forms of interest as a starting point for creating your own legal documents.

The Guide to a District Court Civil Action is available at www.ndcourts.gov/legal-self-help by clicking on the "Guide to a District Court Civil Action" link under "District Court Civil".

The link to the General-Use forms is www.ndcourts.gov/legal-self-help/general-use-forms

Formatting examples of some of the documents you will need to create and prepare are available at the end of this guide.

IS THERE HELP AVAILABLE FOR CREATING LEGAL DOCUMENTS?

If you would like assistance creating your legal documents, consult a lawyer licensed to practice in North Dakota.

ND Legal Self Help Center staff and court system staff **cannot** assist you with creating or preparing your legal documents.

FEES

You will be required to pay an \$80.00 filing fee.

- See Step Three below for information on how to ask the court to waive the \$80.00 filing fee based on financial circumstances.

A hearing is required. Notice of the hearing must be published in newspaper of the North Dakota County where you will file the petition. Notice must be published for two consecutive weeks. You are required to pay the newspaper's fees for publication.

You must arrange for service of the petition and other supporting documents on the North Dakota Department of Health and the Vital Records Division. You pay any service fees.

LAWYER RESOURCES AND LIMITED LEGAL REPRESENTATION

You are not required to hire a lawyer to bring a civil action in North Dakota State District Court. If you decide to represent yourself, you must follow all of the rules, laws and procedures that a lawyer is required to follow.

Lawyer Resources

If you decide to find a lawyer to represent you, you may find the following options of interest.

- Legal Services of North Dakota is a non-profit organization, providing free legal assistance to North Dakota residents in a variety of matters based on income. Legal Services of North Dakota can also determine whether an applicant meets the income requirements for the Volunteer Lawyers program that offers low-cost legal assistance based on income. The phone number is (800) 634-5263 and the website is www.legalassist.org.
- The State Bar Association of North Dakota provides a lawyer referral service to match paying clients in need of legal services with lawyers. The phone number is (866) 450-9579 and the website is www.sband.org. The cost is \$30.00 for a 30 minute consultation with a lawyer.
- For a list of all lawyers who are licensed to practice in North Dakota, go to the North Dakota Supreme Court website at www.ndcourts.gov/Lawyers. You can narrow your search by name or location.

Limited Legal Representation

Lawyers licensed to practice in North Dakota may provide Limited Legal Representation in civil actions. Limited Legal Representation (sometimes called “unbundling”) is a way that a lawyer can help you with part of your case while you do the rest of your case. You pay for the part of the case the lawyer handled. For example:

- You may want an attorney to give you an expert opinion about your options, or your legal rights and responsibilities;
- You can consult with an attorney to prepare or review your legal documents, but attend hearings yourself;
- You can represent yourself through the whole case, and periodically consult with an attorney who can coach you on the law, procedures and strategy;
- You can do the preparation yourself and hire an attorney just to make the court appearance for you.

You and the lawyer must agree in writing to Limited Legal Representation.

THE PETITION PROCESS TO ESTABLISH DATE AND PLACE OF BIRTH

WHO ARE THE PARTIES?

Petitioner – The individual making the request.

- If you are 18 years of age or older and petitioning to establish your own date and place of birth, you are the Petitioner.
- If you are petitioning on behalf of a minor child (less than 18 years old) the Petitioner must be:
 - 18 years of age or older; and
 - The minor child's parent or legal guardian.

Respondent – The person or persons you ask the court to order to do something. The Petitioner arranges for service of the notice of hearing and petition on each Respondent.

For example, if you petition the court to order the North Dakota Department of Health Division of Vital Records to do something, both the Department and the Division of Vital Records are Respondents.

STEP ONE: GATHER YOUR DOCUMENTATION

Gather your documentation to include as exhibits to your petition.

At minimum, you must prove the following to the North Dakota state district court:

If you, the Petitioner, are petitioning to establish your own date and place of birth:

- The Petitioner is a citizen of the United States;
 - If the Petitioner was born outside the boundaries of the territorial United States, sufficient evidence that the Petitioner is a citizen of the United States and the basis for citizenship.
- The Petitioner has lived in North Dakota for at least the past year, and is currently living in a North Dakota County, and has been living in that county for at least the past 90 days.
- The Petitioner's date of birth and place of birth;
- If the Petitioner was born within the United States, whether or not the Petitioner's parents were transient aliens or alien public ministers or consuls;
- The names of the Petitioner's parents; and
- The addresses of the Petitioner's parents, if the Petitioner's parents are alive.

If you, the Petitioner, are petitioning on behalf of a minor child (less than 18 years old) to establish the minor child's date and place of birth:

- The Petitioner's relationship to the minor child;
- The minor child is a citizen of the United States;
 - If the minor child was born outside the boundaries of the territorial United States, sufficient evidence that the minor child is a citizen of the United States and the basis for citizenship.
- The minor child has lived in North Dakota for at least the past year, and is currently living with the Petitioner in a North Dakota County, and has been living in that county for at least the past 90 days
- The minor child's date of birth and place of birth;
- If the minor child was born within the United States, whether or not the minor child's parents were transient aliens or alien public ministers or consuls;
- The names of the minor child's parents; and
- The addresses of the minor child's parents, if the minor child's parents are alive.

A hearing is required. If you do not have documentation to include as an exhibit with your petition, you may present evidence, including witness testimony, at the hearing.

You make all decisions about how to prove the requirements of establishing the date and place of birth. The ND Legal Self Help cannot advise you. If you need assistance, consult with a lawyer licensed to practice in North Dakota who can agree to represent you.

Make a copy of your documentation and type or write an exhibit identifier on each copy.

For example, Exhibit A, Exhibit B, Exhibit C. When you refer to your documentation in your petition document, include the name you gave the Exhibit.

STEP TWO: CREATE AND PREPARE YOUR LEGAL DOCUMENTS

Three Documents are Required:

1. The Petition to Establish Date and Place of Birth;
2. The Affidavit of Petitioner; and
3. The Confidential Information Form.

One Document MAY be Required by a District Court:

1. Notice of Hearing.

Create the Petition to Establish Date and Place of Birth:

A petition is a written request for an order granting the relief the Petitioner is seeking. The petition describes in short, plain statements that the Plaintiff is entitled to relief, and includes the request, or requests, for relief.

The Caption (Top) of the petition must include the following:

- The name of the North Dakota County where you will file the petition.
 - This is the North Dakota County where you currently live, and have lived for at least the last 90 days.
- The Judicial District of the North Dakota County.
 - A map of North Dakota Counties and their Judicial Districts is available at <https://www.ndcourts.gov/court-locations>. Click on the County to find the Judicial District.
- The full name of the Petitioner.
- The North Dakota Department of Health and the Vital Records Division listed as Respondents.
- A space for the case number.
 - Case Number: _____
 - The case number is assigned and filled in when you file your petition.
- The title of your petition.
 - If you are petitioning to establish your own date and place of birth, the title is "Petition to Establish Date and Place of Birth"
 - If you are petitioning on behalf of a minor child, the title is "Petition to Establish Date and Place of Birth of a Minor Child"

DO NOT include the following in your petition:

- DO NOT include birthdates. Instead of the full birthdate, use the birth year.
 - For example: 1990 instead of ~~1/1/1990~~.
- DO NOT include the name of a minor child. Instead, refer to the minor child by the child's initials.
 - For example: J.A.D. instead of ~~John Adam Doe~~.
- The full birthdate and the minor child's name are provided to the District Court in a separate document called the Confidential Information Form.

At minimum, the petition must include the following:

- Statements addressing each of the things you must prove to the court.
 - See Step One for the list of what you must prove.

- Review Chapter 32-37, specifically Section 32-37-02. Chapter 32-37 is included at the end of this guide.
- If you are including documentation, include references to your documentation by using the exhibit letters you assigned when you marked the exhibits in Step One.
- Statements of the reasons you are bringing the petition and the steps you took to obtain a birth certificate from the Vital Records Division.
 - If you are including documentation, reference your documentation by using the exhibit letters you assigned when you marked the exhibits in Step One.
- Requests for relief, also called demands for relief.
 - Tell the court what you want the court to do.
- Dated and signed by you, the Petitioner.
 - Directly following your signature, write or type your printed name, address and phone number.
 - If your mailing and street addresses are different, include both.
- Your verification of the correctness, truth or authenticity of the petition.
 - Your notarized verification statement comes after the date and signature block on the petition.

You may find two general-use forms useful as a starting point for creating your petition. The general-use forms are found under “District Court Civil” at www.ndcourts.gov/legal-self-help.

- Caption and Signature (Petition) Form
- Verification (Petition) Form

A formatting example of a petition to establish date and place of birth is found at the end of this Informational Guide. The example petition is included only as a formatting example. The ND Legal Self Help Center does not guarantee or certify its accuracy or legal sufficiency. **Use at your own risk.**

Create the Affidavit of Petitioner:

An affidavit is a written statement of fact given by the Petitioner. Include facts from the Petition about which the Petitioner has first-hand knowledge of the facts.

In other words, it’s the Petitioner’s written testimony of the facts the Petitioner included in their Petition.

- The Caption (Top) of the affidavit must include the EXACT information included in the caption of the petition. **EXCEPT** the title of the affidavit is “Affidavit of Petitioner”

- DO NOT include the following in your petition:
 - DO NOT include birthdates. Instead of the full birthdate, use the birth year.
 - For example: 1990 instead of ~~1/1/1990~~.
 - DO NOT include the name of a minor child. Instead, refer to the minor child by the child's initials.
 - For example: J.A.D. instead of ~~John Adam Doe~~.
 - The full birthdate and the minor child's name are provided to the District Court in a separate document called the Confidential Information Form.
 - Dated and signed by you, the Petitioner.
 - Directly following your signature, write or type your printed name, address and phone number.
 - If your mailing and street addresses are different, include both.

You may find the following general-use forms useful as a starting point for creating your affidavit.

- Affidavit (Petition) Form

A formatting example of an affidavit of petitioner is found at the end of this Informational Guide. The example petition is included only as a formatting example. The ND Legal Self Help Center does not guarantee or certify its accuracy or legal sufficiency. **Use at your own risk.**

Prepare the Confidential Information Form:

Full birthdates and the names of minor children are considered confidential and are not allowed to appear in documents filed with a North Dakota state district court.

However, the District Court needs to know the full birthdate and names of minor children in order to make decisions on petitions to establish the date and place of birth.

The full birthdates and names of minor children are provided to the court on a Confidential Information Form.

A Confidential Information Form is provided at the end of this guide.

Prepare the Notice of Hearing:

You MAY BE required to prepare a notice of hearing. This will depend on the Court.

Section 32-37-03 states that “the clerk of district court whom [the] petition is filed shall issue a notice ... fixing a time and place for the hearing upon [the] petition.” Some courts will prepare the Notice of Hearing.

However, some courts may require you, the Petitioner, to prepare the Notice of Hearing.

If you are required by the court where you file to prepare the Notice of Hearing, an example is located at the end of this guide.

Make Copies of the Completed Documents:

Make a copy of the following completed documents:

1. The Petition to Establish Date and Place of Birth;
2. The Affidavit of Petitioner;
3. The Confidential Information Form; and
4. The Notice of Hearing (if required by the Court where you will file).

Make a copy of all of the exhibits you referred to in your Petition.

Keep for your records.

STEP THREE: FILE THE ORIGINAL PETITION DOCUMENTS WITH THE CLERK OF STATE DISTRICT COURT; OBTAIN A HEARING DATE

The originals of the following completed documents are filed with the clerk of state district court:

- The Petition to Establish Date and Place of Birth;
 - Including exhibits, if any.
- The Affidavit of Petitioner;
- The Confidential Information Form; and
- The Notice of Hearing (if required by the Court where you will file).

If the clerk of state district court accepts your documents for filing, the clerk will assign a case number. Make sure the case number is written on all of your documents.

You will be required to pay an \$80.00 filing fee. Confirm the amount with the clerk of court. Contact information for clerks of court by county may be found at www.ndcourts.gov under “District Courts”.

Forms and instructions for asking the court to waive the \$80.00 filing fee are available at www.ndcourts.gov/legal-self-help/fee-waiver.

Obtain a hearing date and time from the clerk of court.

A hearing is required. If you were required to prepare a notice of hearing, obtain the hearing date, time, and location from the clerk of court. Write the date, time, and location on the Notice of Hearing and sign and date the document.

If the clerk of court prepares the Notice of Hearing, you will likely be handed the completed Notice of Hearing with the date, time, and location. If the Notice of Hearing will be mailed to you, you may ask the clerk of court for the hearing date, time, and location.

STEP FOUR: NOTICE OF HEARING PUBLISHED IN THE NEWSPAPER; SERVE COPIES OF THE PETITION DOCUMENTS ON EACH RESPONDENT

Section 32-37-03 requires publication of the Notice of Hearing in the newspaper of the North Dakota County where you file your petition. Notice of Hearing must be published for two consecutive weeks.

Depending on the District Court where you file, you may be required to take the notice of hearing document to the newspaper, or the court may handle it for you.

If you are required to publish the notice of hearing in the newspaper, contact the newspaper in the county for information on the newspaper's requirements and the fee for publishing the notice for two consecutive weeks.

After publication of the notice of hearing is complete, you will receive an Affidavit of Publication from the newspaper.

As soon as possible, file the Affidavit of Publication with the clerk of court. The District Court may not hold the hearing if you do not file the Affidavit of Publication.

As soon as possible, arrange to serve the petition documents and the notice of hearing on the Respondents.

***Filing a document is not the same as serving a document.

Filing does not meet the requirements of service. Proof of service of the document(s) must be filed with the court.***

Each Respondent you listed on the petition must be served with one copy of the following completed documents:

- The Petition to Establish Date and Place of Birth;
 - Including exhibits, if any.
- The Affidavit of Petitioner; and
- The Notice of Hearing with the date, time and location of the hearing.

When you serve a North Dakota state government agency, you may serve the documents on any of the following:

- The managing head of the agency;
- The North Dakota Attorney General; or
- An Assistant North Dakota Attorney General.

The documents must served as required by Rule 4 of the North Dakota Rules of Civil Procedure.

- For information about the requirements and process of serving documents as required by Rule 4, click on the “Service Instructions and Forms” link at www.ndcourts.gov/legal-self-help/service-in-a-civil-action. Carefully review the service information to start a civil action in this section.

You must provide proof of service for each Respondent to the state district court.

A completed, signed and notarized affidavit of service from the person who served the documents is your proof of service.

Blank affidavit of service forms are available at the link above.

File proof of service with the clerk of court as soon as possible BEFORE the date of the hearing. If you do not provide proof of service to the state district court, the court will not act on your petition

If the Respondents oppose your petition they must do so in writing and file with the District Court before the date of the hearing. Anyone, including the Respondents, is allowed to appear at the hearing.

STEP FIVE: THE HEARING

After the petition is filed, the case is assigned to a judge. The judge presides over the hearing and decides whether to grant your petition.

Prepare Your Case:

You, the petitioner, must prove the statements in your petition.

Caution! Preparing a case is often a complex and confusing process. You are held to same requirements and responsibilities as a lawyer, even if don’t understand the rules or procedures.

You will need to conduct additional research to prepare.

Subpoenas: If you require a witness to appear at a hearing or require production of documents, electronically stored information or other tangible things, you may need the Clerk of Court to issue a subpoena. Only a Clerk of Court or a lawyer for a party may issue a subpoena.

- Information about subpoenas is available at <https://www.ndcourts.gov/legal-self-help/subpoenas>.

Evidence: You are required to follow the North Dakota Rules of Evidence when presenting your own evidence and when objecting to the evidence presented by other parties.

- An Evidence Research Guide is available at www.ndcourts.gov/legal-self-help.

You may also wish to review the guides for self-represented individuals for gathering and presenting evidence at rcdvcpc.org/resources/self-represented-litigants-series.html.

Review pre-trial and trial guidebooks for self-represented litigants and lawyers. Your local public or academic library may have resources available.

ODIN is a shared library database of many North Dakota academic, public, state agency, and special libraries. Search ODIN for resources that may be available in a North Dakota library near you. (www.odin.nodak.edu/)

If the book is available for interlibrary loan through ODIN, ask the librarian or library staff of your local North Dakota library how to request the book.

Following are a selection of library resources on ODIN that may be of interest to you:

- [A Short & Happy Guide to Evidence](#), Sydney Beckman, West Academic Publishing, 2018.
- [Courtroom Evidence Handbook: 2018-2019 Student Edition](#), Steven Goode, Olin Wellborn III, West Academic Publishing, 2018.
- [Objections at Trial](#), Ronald Carlson, Edward Imwinkelried, Myron Bright, National Institute for Trial Advocacy, c2015.

Attend The Hearing in Person:

Organize the information, documents, etc. that you think you will need for the hearing. At minimum, prepare an outline of your remarks and arguments.

Arrive Early to the Courthouse on the Date of the Hearing:

Do not miss your hearing date and time. If you have a serious, unavoidable reason you cannot get to court on the date and time scheduled for trial, call the Juvenile Court as soon as you can.

Conduct of the Hearing:

The Judge hears both sides and then issues a final order. Sometimes, the final order is issued at the end of the hearing. Often, the final order is issued at a later date.

In general, a hearing proceeds in the following order:

- Opening Statements
 - Each party gives an opening statement. Usually, the petitioner goes first.
- Petitioner Presents Witnesses and Evidence
 - The petitioner presents their case first. The respondent may cross-examine witnesses and object to the petitioner's evidence.
- Respondent Presents Witnesses and Evidence
 - The respondent presents their case after the petitioner. The petitioner may cross-examine witnesses and object to the respondent's evidence.
- Closing Arguments
 - Each party gives a closing statement. Usually the Respondent goes first.

Before You Leave the Courthouse:

Make sure you understand what happens next. Ask if you are not sure what, if anything, you need to do next.

STEP SIX: FINDINGS OF FACT AND ORDER

THE JUDGE MAY PREPARE THEIR OWN FINDINGS OF FACT AND ORDER.

If the Judge prepares their own Findings of Fact and, you will be mailed a signed copy.

HOWEVER, YOU, THE PETITIONER, MAY BE REQUIRED TO PREPARE PROPOSED FINDINGS OF FACT AND ORDER FOR THE JUDGE TO SIGN.

If the Judge or Judicial Referee requires you, the Petitioner, to prepare proposed Findings of Fact and Order, **complete Step 6.**

Proposed Findings of Fact and Order:

Review [Rule 7.1 of the North Dakota Rules of Court](#) carefully!

Findings of fact are the Judge's written determination of the facts made from the evidence presented. This explains what facts the Judge found to be true.

The Order is the ruling of law made by the Judge based on, or in connection with, the findings of fact. These are the legal consequences of the facts the Judge or Judicial Referee found to be true.

The Judge will decide whether the petitioner's proposed Findings of Fact and Order are appropriate. If the Judge or Judicial Referee decides they are appropriate, the Judge will sign and date the Findings of Fact and Order.

The Findings of Fact and Order are not official until signed and dated by the Judge.

A formatting example of proposed Findings of Fact and Order is located at the end of this guide.

Appendices:

- **Chapter 32-37 of the North Dakota Century Code.**
- **A formatting example of a petition to establish date and place of birth.**
- **A formatting example of a petition to establish date and place of birth for a minor child.**
- **A formatting example of an affidavit of petitioner.**
- **A formatting example of an affidavit of petitioner (for a minor child).**
- **A Confidential Information Form**
- **A formatting example of notice of hearing.**
- **A formatting example of findings of fact and order to establish date and place of birth.**

CHAPTER 32-37

ESTABLISHING DATE AND PLACE OF BIRTH

32-37-01. Where proceeding maintained.

Any citizen of the United States, either natural born or naturalized, may maintain a proceeding in accordance with this chapter in the district court of the county in which the person resides for the purpose of having a judicial determination of the date and place of the person's birth.

32-37-02. How proceedings instituted - Contents of petition.

Such proceedings for the purpose of having a judicial determination of the date of birth and place of birth shall be instituted by the filing of a petition, which must be duly verified by the petitioner, with the clerk of the district court of the county in which the petitioner resides, setting forth:

1. That the petitioner is a citizen of the United States.
2. That the petitioner has resided in the state of North Dakota for one year last past and in the county in which the action is brought for at least ninety days immediately preceding the commencement of the action.
3. The place and date of birth of the petitioner.
4. If the petitioner was born within the United States of America, whether or not the parents of the petitioner were transient aliens or alien public ministers or consuls.
5. The names of the petitioner's parents, together with the addresses of the petitioner's parents, if they are living.
6. If the petitioner was born without the boundaries of the territorial United States of America, facts sufficient to show that the petitioner is a citizen of the United States of America, and the basis upon which citizenship rests.

32-37-03. Notice given by clerk of district court.

Upon the filing of a petition of the kind described in this chapter, the clerk of the district court with whom such petition is filed shall issue a notice under the seal of the said district court fixing the time and place for the hearing upon such petition. Such notice shall be published in the official newspaper of the county for two successive weeks, the last publication to be at least ten days before the time set for hearing. Proof of the publication required by this section shall be filed in the office of the clerk of the district court on or before the date set for the hearing on such petition.

32-37-04. Hearing - Who may appear - Judgment.

Any citizen of the United States may appear at the hearing provided for in this chapter and shall be heard in favor of or in opposition to the petition, but all objections to said petition must be in writing and must be filed with the court. Upon the hearing thereof, affidavits, including the affidavit of the petitioner, shall be received in evidence and shall have the same force and effect as if the testimony had been taken by deposition. If, after hearing, the court shall be satisfied by competent evidence of the sufficiency of the petition, that the applicant is a citizen of the United States, that the applicant has been a citizen of the state of North Dakota for one year last past and of the county for more than ninety days preceding the filing of the petition, and that the applicant's date of birth and place of birth are proven, it shall make appropriate findings of fact and conclusions of law and shall order a judgment to that effect, and such judgment shall be entered in the office of the clerk of the district court upon such order. A judgment establishing the date of birth and place of birth of the petitioner shall be entitled to full faith and credit in the same manner as any other judgment of the courts of this state. If, after hearing, the court is not satisfied that the date and place of birth have been proven, it shall make appropriate findings of fact and conclusions of law and shall enter an order for judgment denying the petition, and a judgment shall be entered upon such order in the office of the clerk of the district court.

32-37-05. Fees paid by petitioner - Filing copy of judgment.

The petitioner, upon the filing of the petition, must pay to the clerk of the district court a filing fee as prescribed in subsection 1 of section 27-05.2-03. The cost of the publication of the notice required by this chapter shall be paid by the petitioner. In the event that said judgment shall establish the date and place of birth of the petitioner, the clerk of the court shall certify a copy of such judgment and file the same with the division of vital statistics, state department of health, Bismarck, North Dakota.

32-37-06. District courts have exclusive jurisdiction - Appeals.

The district court of this state shall have exclusive jurisdiction to hear and determine all petitions made under this chapter. Any citizen may appeal from the judgment rendered herein the same as in civil actions.

STATE OF NORTH DAKOTA
COUNTY OF XXXX

IN DISTRICT COURT
XXXXXXXXXXXX JUDICIAL DISTRICT

Jane Doe)	
	)	Civil No. 0X-2019-CV-00XXX
PETITIONER,)	
vs)	
	)	PETITION TO ESTABLISH DATE AND
North Dakota Department of Health;	)	PLACE OF BIRTH
Vital Records Division)	
RESPONDENTS.)	

Petitioner, Jane Doe, and pursuant to North Dakota Century Code Chapter 32-37,
respectfully shows the Court as follows:

1. Petitioner, Jane Doe, is a United States citizen born within the United States of America.
2. Petitioner has been a resident of North Dakota since May 2017, and is currently living in XXXX County, North Dakota. Petitioner has lived in XXXX County since May 2017.
3. Petitioner was born in 2001 in XXXXX XXXXX County, North Dakota. Petitioner's full birthdate is listed on the Confidential Information Form filed with the Petition.
4. Petitioner's parents were not transient aliens or alien public ministers or consuls.
5. Petitioner's parents are:

Adam John Doe	Anita Jane Doe
Deceased June 1, 2018	XXth Street South
	XXXXX XXXXX, ND 58XXX
6. Petitioner was born at home and her birth was never registered with the North Dakota Department of Health Vital Records Division.
7. Petitioner attempted to request the registration of a delayed record of birth through the Vital Records process, but was unsuccessful.

8. Petitioner is bringing this Petition because she wants to enroll in College and obtain a Drivers License.

WHEREFORE, Petitioner prays as follows:

9. The Court, pursuant to North Dakota Century Code Chapter 32-37, issue an order establishing that Petitioner's date of birth and place of birth did in fact occur as stated in Paragraph 3, as shown in the Affidavit of Petitioner, and by other evidence presented at the hearing.

Dated this XX day of XXXXX, 2019.

By: Jane Doe

Jane Doe

XXrd Avenue North

XXXXX XXXXX, ND 58XXX

Telephone: (701) XXX-XXXX

xxxxx@xxxxx.com

VERIFICATION

Jane Doe, being first duly sworn on oath, deposes and says that I am the Petitioner in the above-entitled action; that I have read the Petition to Establish Date and Place of Birth and know the contents thereof and that the same is true, except as to matters stated therein upon information and belief as to those matters I state that I believe them to be true.

Dated this XX day of XXXXX, 2019

Jane Doe

State of: North Dakota

County of: XXXX

Signed and sworn to before me on XXXXX XX, 2019 by Jane Doe.

Ima N. Public

If Notary, my commission expires: January 31, 2022
Page 2 of 2

(If notarized by a Notary Public,
the Notary will stamp near the
Notary's signature.)

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STATE OF NORTH DAKOTA
COUNTY OF XXXX

IN DISTRICT COURT
XXXXXXXXXXXX JUDICIAL DISTRICT

Jane Doe)	
	)	Civil No. 0X-2019-CV-00XXX
PETITIONER,)	
vs)	
	)	AFFIDAVIT OF PETITIONER
North Dakota Department of Health;)	
Vital Records Division)	
RESPONDENTS.)	

I, Jane Doe, the undersigned, state as follows:

1. I am the Petitioner in this Petition to Establish the Date and Place of Birth.
2. I am a United States citizen and was born within the United States of America.
3. I have been a resident of North Dakota since May 2017, and I am currently living in XXXX County, North Dakota. I have lived in XXXX County since May 2017.
4. I was born in 2001 in XXXXX XXXXX County, North Dakota. My full birthdate is listed on the Confidential Information Form filed with the Petition.
5. My parents are and always have been United States citizens. My parents were not transient aliens or alien public ministers or consuls.
6. My parents are:

Adam John Doe	Anita Jane Doe
Deceased June 1, 2018	XXth Street South
	XXXXX XXXXX, ND 58XXX
7. I was born at home and my parents never registered my birth with the North Dakota Department of Health Vital Records Division.

8. I attempted to request the registration of a delayed record of birth through the Vital Records process, but was unsuccessful.

9. I state, under penalty of perjury, that everything I stated in the Affidavit of Petitioner is true and correct.

State of: North Dakota

County of: XXXX

Dated this XX day of XXXXX, 2019.

By: Jane Doe
Jane Doe

XXrd Avenue North
XXXXX XXXXX, ND 58XXX
Telephone: (701) XXX-XXXX
xxxxx@xxxxx.com

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STATE OF NORTH DAKOTA
COUNTY OF XXXX

IN DISTRICT COURT
XXXXXXXXXXXX JUDICIAL DISTRICT

Jane Doe)	
	)	Civil No. 0X-2019-CV-00XXX
PETITIONER,)	
vs)	
	)	PETITION TO ESTABLISH DATE AND
North Dakota Department of Health;	)	PLACE OF BIRTH OF A MINOR CHILD
Vital Records Division)	
RESPONDENTS.)	

Petitioner, Jane Doe, and pursuant to North Dakota Century Code Chapter 32-37,
respectfully shows the Court as follows:

1. Petitioner, Jane Doe, is petitioning to establish the date and place of birth of a minor child, J.A.D. J.A.D.'s full name is listed on the Confidential Information Form filed with the Petition.
2. Petitioner is J.A.D.'s mother.
3. J.A.D. is a United States citizen and was born within the United States of America.
4. Petitioner has been a resident of North Dakota since May 2017, and is currently living in XXXX County, North Dakota. Petitioner has lived in XXXX County since May 2017.
5. J.A.D. has lived with the Petitioner in XXXX County, North Dakota since May 2017.
6. J.A.D. was born in 2016 in XXXXX XXXXX County, North Dakota. J.A.D.'s full birthdate is listed on the Confidential Information Form filed with the Petition.
7. J.A.D.'s parents were not transient aliens or alien public ministers or consuls.

8. J.A.D.'s parents are:

Adam John Doe
Deceased June 1, 2018

Jane Doe
XXth Street South
XXXXX XXXXX, ND 58XXX

9. J.A.D. was born at home and Petitioner did not register J.A.D.'s birth with the North Dakota Department of Health Vital Records Division.

10. Petitioner attempted to request the registration of a delayed record of birth for J.A.D. through the Vital Records Division process, but was unsuccessful.

11. Petitioner is bringing this Petition because she wants to enroll J.A.D. in school and obtain a passport for J.A.D.

WHEREFORE, Petitioner prays as follows:

12. The Court, pursuant to North Dakota Century Code Chapter 32-37, issue an order establishing that J.A.D.'s date of birth and place of birth did in fact occur as stated in Paragraph 5, as shown in the Affidavit of Petitioner, and by other evidence presented at the hearing.

Dated this XX day of XXXXX, 2019.

By: Jane Doe
Jane Doe

XXrd Avenue North
XXXXX XXXXX, ND 58XXX
Telephone: (701) XXX-XXXX
xxxxx@xxxxx.com

VERIFICATION

Jane Doe, being first duly sworn on oath, deposes and says that I am the Petitioner in the above-entitled action; that I have read the Petition to Establish Date and Place of Birth of a Minor Child and know the contents thereof and that the same is true, except as to matters stated therein upon information and belief as to those matters I state that I believe them to be true.

Dated this XX day of XXXXX, 2019

Jane Doe

State of: North Dakota

County of: XXXX

Signed and sworn to before me on XXXXX XX, 2019 by Jane Doe.

Ima N. Public

If Notary, my commission expires: January 31, 2022

(If notarized by a Notary Public,
the Notary will stamp near the
Notary's signature.)

IN DISTRICT COURT
XXXXXXXXXX JUDICIAL DISTRICT

)	
Jane Doe	)	Civil No. 0X-2019-CV-00XXX
PETITIONER,)	
vs)	
	)	AFFIDAVIT OF PETITIONER
North Dakota Department of Health;)	
Vital Records Division)	
RESPONDENTS.)	

1. I am the Petitioner in this Petition to Establish Date and Place of Birth of a Minor Child.
2. The minor child is J.A.D. J.A.D.'s full name is listed on the Confidential Information Form filed with the Petition.
3. I am J.A.D.'s mother.
4. J.A.D. is a United States citizen and was born within the United States of America.
5. I have been a resident of North Dakota since May 2017, and I am currently living in XXXX County, North Dakota. I have lived in XXXX County since May 2017.
6. J.A.D. has lived with me in XXXX County, North Dakota since May 2017.
7. J.A.D. was born in 2016 in XXXXX XXXXX County, North Dakota. J.A.D.'s full birthdate is listed on the Confidential Information Form filed with the Petition.
8. I am and have always been a United States citizen. I have never been a transient alien or an alien public minister or consul.
9. J.A.D.'s father, Adam John Doe, was a United States citizen and was never a transient alien or an alien public minister or consul.

10. J.A.D.'s parents are:

Adam John Doe
Deceased June 1, 2018

Jane Doe
XXth Street South
XXXXX XXXXX, ND 58XXX

11. J.A.D. was born at home and I did not register J.A.D.'s birth with the North Dakota Department of Health Vital Records Division.

12. I attempted to request the registration of a delayed record of birth for J.A.D. through the Vital Records Division process, but was unsuccessful.

13. I state, under penalty of perjury, that everything I stated in the Affidavit of Petitioner is true and correct.

State of: North Dakota

County of: XXXX

Dated this XX day of XXXXX, 2019.

By:

Jane Doe

Jane Doe

XXrd Avenue North
XXXXX XXXXX, ND 58XXX
Telephone: (701) XXX-XXXX
xxxxx@xxxxx.com

IN DISTRICT COURT

_____ JUDICIAL DISTRICT

Case No. _____

CONFIDENTIAL INFORMATION FORM

REDACTED INFORMATION

Name: _____

Date of Birth: _____

Year of Birth: _____

Name: _____

Date of Birth: _____

Initials: _____

Year of Birth: _____

Dated this _____ day of _____, 20_____

_____, Petitioner
(Signature)

(Printed Name)

(Address, City, State, Zip Code)

(Telephone Number)

STATE OF NORTH DAKOTA
COUNTY OF XXXX

IN DISTRICT COURT
XXXXXXXXXX JUDICIAL DISTRICT

Jane Doe)	
	)	Civil No. 0X-2019-CV-00XXX
PETITIONER,)	
vs)	
	)	NOTICE OF HEARING
North Dakota Department of Health;)	
Vital Records Division)	
RESPONDENTS.)	

IN THE DISTRICT COURT OF XXXX COUNTY, STATE OF NORTH DAKOTA:

1. In the Matter of the Application of Jane Doe [on behalf of J.A.D.], Civil Number 0X-2019-CV-00XXX.
2. A Petition has been filed to Establish Date and Place of Birth [of a Minor Child]. A hearing will be held at the XXXX County Courthouse on [date of hearing] at [time of hearing].

Dated this XX day of XXXXX, 2019.

By: _____

Clerk of District Court

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You will need to create TWO proposed findings of fact and order documents. ONE with the full name of the minor child, if any, and the full birthdate. The SECOND with ONLY the initials of the minor child and the birth YEAR. THIS FORMATTING EXAMPLE IS FOR THE FULL NAME AND BIRTHDATE.

STATE OF NORTH DAKOTA
COUNTY OF XXXX

IN DISTRICT COURT
XXXX XXXXX JUDICIAL DISTRICT

Jane Doe)	
	)	Civil No. 0X-2019-CV-00XXX
PETITIONER,)	
vs	)	FINDINGS OF FACT AND ORDER
	)	ESTABLISHING DATE AND PLACE OF BIRTH
North Dakota Department of Health;)	
Vital Records Division)	
RESPONDENTS.)	

The verified petition of Jane Doe to establish the date and place of birth of [Jane Doe][John Adam Doe, a minor child], was filed with the Court on [date petition was filed with the District Court]. The hearing on the petition was held [date, time, and location of hearing]. Based upon the record in this matter, the Court makes the following:

FINDINGS OF FACT

1. [Finding of fact related to Petitioner, or minor child, and United States citizenship.]
2. [Finding of fact related to residency in the State of North Dakota and residency in the North Dakota County where the petition was filed.]
3. [Finding of fact related to the full date of birth and place of the Petitioner's birth, OR the date and place of minor child's birth.]
4. [If Petitioner, or minor child, was born within the United States, finding of fact related to the evidence presented to support that fact, and whether or not the parents were transient aliens or alien public ministers or consuls.]

You will need to create TWO proposed findings of fact and order documents. ONE with the full name of the minor child, if any, and the full birthdate. The SECOND with ONLY the initials of the minor child and the birth YEAR. THIS FORMATTING EXAMPLE IS FOR THE FULL NAME AND BIRTHDATE.

5. [Finding of fact related to Petitioner's, or minor child's, parents' full names and the parents' current addresses, if living.]
6. [If the Petitioner, or minor child, were born outside the territories of the United States, findings of fact that show the Petitioner, or minor child, are United States citizens and the evidence presented to support that fact.]
7. [Additional findings of fact made by the Judge at the hearing that are not covered in Paragraphs 1-6.]

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

8. That on [FULL birthdate], a [sex of child] of the name of [FULL name, even if a minor child] was born to [full names of both parents] at [city, county and state of birth].

Dated this XX day of XXXXX, 2019.

By: Judge of District Court
Judge of District Court

You will need to create TWO proposed findings of fact and order documents. ONE with the full name of the minor child, if any, and the full birthdate. The SECOND with ONLY the initials of the minor child and the birth YEAR. THIS FORMATTING EXAMPLE IS THE SECOND, REDACTED, FINDINGS & ORDER.

STATE OF NORTH DAKOTA
COUNTY OF XXXX

IN DISTRICT COURT
XXXX XXXXX JUDICIAL DISTRICT

Jane Doe)	
	)	Civil No. 0X-2019-CV-00XXX
PETITIONER,)	
vs	)	FINDINGS OF FACT AND ORDER
	)	ESTABLISHING DATE AND PLACE OF BIRTH
North Dakota Department of Health;	)	[REDACTED]
Vital Records Division)	
RESPONDENTS.)	

The verified petition of Jane Doe to establish the date and place of birth of [Jane Doe][J.A.D., a minor child], was filed with the Court on [date petition was filed with the District Court]. The hearing on the petition was held [date, time, and location of hearing]. Based upon the record in this matter, the Court makes the following:

FINDINGS OF FACT

1. [Finding of fact related to Petitioner, or minor child, and United States citizenship.]
2. [Finding of fact related to residency in the State of North Dakota and residency in the North Dakota County where the petition was filed.]
3. [Finding of fact related to the date and place of the Petitioner's birth, OR the date and place of minor child's birth. **List ONLY the birth YEAR.**]
4. [If Petitioner, or minor child, was born within the United States, finding of fact related to the evidence presented to support that fact, and whether or not the parents were transient aliens or alien public ministers or consuls.]

You will need to create TWO proposed findings of fact and order documents. ONE with the full name of the minor child, if any, and the full birthdate. The SECOND with ONLY the initials of the minor child and the birth YEAR. THIS FORMATTING EXAMPLE IS THE SECOND, REDACTED, FINDINGS & ORDER.

5. [Finding of fact related to Petitioner's, or minor child's, parents' full names and the parents' current addresses, if living.]
6. [If the Petitioner, or minor child, were born outside the territories of the United States, findings of fact that show the Petitioner, or minor child, are United States citizens and the evidence presented to support that fact.]
7. [Additional findings of fact made by the Judge at the hearing that are not covered in Paragraphs 1-6.]

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

8. That on [birth YEAR ONLY], a [sex of child] of the name of [Petitioners FULL name, minor child's INITIALS ONLY] was born to [full names of both parents] at [city, county and state of birth].

Dated this XX day of XXXXX, 2019.

By: Judge of District Court
Judge of District Court