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STATE COURT ADMINISTRATOR

**State of North Dakota**  
OFFICE OF STATE COURT ADMINISTRATOR

20170045

SUPREME COURT  
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To: Penny Miller, Clerk of the Supreme Court  
From: Cathy Ferderer, Staff Member for Juvenile Policy Board *CF*  
Date: March 9, 2017  
Subject: N.D.R.Juv.P. 4

**FILED**  
IN THE OFFICE OF THE  
CLERK OF SUPREME COURT

**MAR 13 2017**  
**STATE OF NORTH DAKOTA**

The Juvenile Policy Board considered the proposed changes to N.D.R.Juv.P. 4, which attempt to incorporate requirements of Marsy's Law into the rule. It is the position of the Board that the proposed changes are broader than necessary to achieve this result. In particular, the Board took the position that Marsy's Law gives victims the right to be present at, but not necessarily the right to participate in delinquency hearings. The Board recommends the proposed rule be amended consistent with the attached draft of the rule.

N.D.R.Juv.P.

#### RULE 4. INTERESTED PERSONS

Persons who may participate in a juvenile matter include:

- (1) the parties as defined in Rule 3(b);
- (2) the child's guardian ad litem;
- (3) the victim to the extent required by Marsy's Law in a delinquency case if

requested by the victim;

~~(3)~~ (4) in the case of an Indian child, the child's Indian custodian and Indian tribe through the tribal representative;

(4) ~~(5)~~ in the case of a foster child, the child's foster parents, pre-adoptive parents and relatives providing care for the child;

~~(5)~~ (6) any other person who is named by the court to be important to a resolution that is in the best interests of the child.

#### EXPLANATORY NOTE

Rule 4 was adopted effective March 1, 2010. In these rules, the term "guardian ad litem" includes lay and attorney guardians ad litem. Amended effective

Paragraph (3) was added, effective, to allow a victim to take part in a delinquency case. "Victim" is defined in N.D. Const. Art. I, § 25(4).

SOURCES: Juvenile Policy Board Minutes of February 20, 2009; December 5, 2008; August 8, 2008; May 9, 2008; February 29, 2008; September 21, 2007; April 20, 2007. Joint Procedure Committee Minutes of \_\_\_\_\_; May 21-22, 2009.

#### STATUTES AFFECTED:

CONSIDERED: N.D. Const. Art. I, § 25; N.D.C.C. ch. 12.1-35.

CROSS REFERENCE: N.D.R.Juv.P. 3 (Contents of Petition); N.D.C.C. ch. 12.1-35 (Child Victim and Witness Fair Treatment Standards).