

## SERVICE INFORMATION AFTER A JUVENILE COURT ACTION HAS STARTED

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 isn't intended for legal advice but only as a general guide to a civil court process.

**If you decide to represent yourself, you'll need to do additional research to prepare.**

**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;
  - Any local court rules.

Links to the laws, case law, and court rules can be found at [www.ndcourts.gov](http://www.ndcourts.gov).

A glossary with definitions of legal terms is available at [www.ndcourts.gov](http://www.ndcourts.gov) by clicking on the "Self Help" link.

**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.** If you're unsure if this information suits your circumstances, consult a lawyer.

***This information isn't a complete statement of the law. This covers basic information about the service after an action has started in a North Dakota Juvenile Court. The Center isn't responsible for any consequences that may result from the information provided. The information can't replace the advice of competent legal counsel licensed in the state of North Dakota. Use at your own risk.***

### Laws and Rules for Service After a Juvenile Court Action Has Started

Chapters [27.20.1](#), [27-20.2](#), [27-20.3](#), and [27-20.4](#) of the North Dakota Century Code contains laws enacted by the North Dakota Legislative Assembly that apply in juvenile court actions.

The [North Dakota Rules of Juvenile Procedure](#) govern all juvenile court actions.

[Rule 7 of the North Dakota Rules of Juvenile Procedure](#) contains requirements for service of the summons to start a juvenile court action.

## Juvenile Court Actions

Only certain types of actions can be brought to juvenile court.

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

The child who is the focus of the juvenile court action 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.

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## Parties in a Juvenile Court Action

Petitioner: The party who starts a juvenile court action with a petition is called the Petitioner.

- There may be more than one Petitioner, depending on the circumstances of the juvenile court action.

Respondent: The party who is served with a juvenile court summons and petition is called the Respondent.

- There may be more than one Respondent.

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

## Service of Documents After a Juvenile Court Action Has Started

[Rule 7 of the North Dakota Rules of Juvenile Procedure](#) gives the requirements for service of documents after a juvenile court action has started. Generally, Rule 7 applies to documents other than the summons and petition. Review the rule carefully.

Review Chapters 27-20.1, 27-20.3, and 27-20.4 of the North Dakota Century Code and the Sections that apply to your juvenile court action. If a North Dakota law tells the specific method of service that must be used, use that method of service.

If a party is not 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 County where you will file the documents. Juvenile Court staff may agree to serve the State's Attorney for you.

\*\*\*Please note that, in general, copies of documents are served. The original documents are filed with the juvenile court.\*\*\*

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## **Proof of Service tells the Juvenile Court How, When 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.

The proof of service tells the juvenile court when, how, and where the parties were served.

- A certificate of service gives the court proof of service when a sheriff or other officer served the document(s).
- An affidavit of service gives the court proof of service when a person other than a sheriff or other officer served the document(s).

Affidavit of Service forms for after juvenile court actions have started can be found in the [Juvenile Court Service Instructions and Forms](#) link on the [ND Legal Self Help Center](#) website.

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. Three of the Rule 7 methods of service are described below:**

**1. By Mail:**

If you decide to serve documents by mail, you must:

- a. Have someone who is at least 18 years of age mail copies of the completed documents to the other party or parties. 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 an Affidavit of Service by Mail and sign the affidavit.
- c. File the Affidavit of Service by Mail with the Juvenile Court.

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

**2. By Personal Service:**

If you decide to serve the documents by personal service:

- a. You may have someone who is at least 18 years of age and not a party to nor interested in the action hand copies of the completed documents to the other party or parties.
- b. The person who handed copies of the documents to each of the other parties must fill out an Affidavit of Service by Personal Delivery and sign the form. There must be a completed Affidavit of Service by Personal Delivery for each party served.
- c. File the Affidavit of Service by Personal Delivery with the Juvenile Court.

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

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3. By Office Service:

If you decide to serve copies of the documents by leaving copies of the completed forms at the office of each of the other parties:

- a. Send the summons and petition by Certified Mail, Return Receipt Requested (Restricted Delivery). The envelope should be marked "Deliver to Addressee Only."
- b. Have someone who is at least 18 years of age leave copies of the completed documents at the office of each of the other parties.
- c. The copies of the completed documents must be left with a clerk or other person in charge.
- d. If there's no one in charge of the office, the copies of the completed documents must be left in a conspicuous place.
- e. The person who left copies of the documents at each office must fill out an Affidavit of Office Service and sign the form. There must be a completed Affidavit of Office Service for each party served.
- f. File the Affidavit of Service by Affidavit of Office Service with the Juvenile Court.  
Keep a copy of the completed and signed Affidavit of Office Service for your records.