

STARTING A NORTH DAKOTA JUVENILE COURT ACTION - CHECKLIST

This is a basic checklist for starting an action in North Dakota Juvenile Court. There may be additional documents and procedures for your particular type of juvenile court action. 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](#) website 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 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.

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.

Parties:

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

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

Jurisdiction:

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

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

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

_____.

- Does the North Dakota Juvenile Court have personal jurisdiction?

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

_____.

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

_____.

- Is the child who is the focus of the juvenile court action 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):

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 action. (See Chapters [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: _____

Create the Verified Petition to Start a Juvenile Court Action:

- Verified Petition
 - Full, legal names of the Petitioner and each Respondent
 - County name
 - Judicial District name
 - Explain how the Juvenile Court has subject matter jurisdiction and personal jurisdiction
 - Explain how the county is the proper venue for the action
 - Describe in short, plain statements why you are 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 Respondents listed in the petition to appear before the court at the time fixed to answer the allegations of the petition.

Service to start a juvenile court action, also called service of process, requires delivery of the summons and a copy of petition to the Respondents. The Petitioner is required to notify the Respondents of the claims and to give the Respondents 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. You may wish to 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 action tells the juvenile court when, how, and where the Respondents were served the summons and copy of the petition. 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 action available in the "Juvenile Court" section at www.ndcourts.gov/legal-self-help. Affidavit of service forms are also available.

****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 by the Center isn't intended for legal advice but only a general guide to the civil court process. The Center cannot guarantee that all judges and courts will accept forms available through the Self Help Center. 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. Use at your own risk.****