



# 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 North Dakota state courts. The information provided in this informational guide isn't intended for legal advice but only as a general guide to a civil court process.

**If you're unsure how to proceed, don't know if this informational guide suits your needs, or need legal advice or legal representation, consult a lawyer licensed to practice in North Dakota.**

For more information about finding a lawyer go to [ndcourts.gov/legal-self-help/finding-a-lawyer](https://ndcourts.gov/legal-self-help/finding-a-lawyer).

**When you represent yourself, you're held to the same requirements and responsibilities as a lawyer, even if you don't understand the rules or procedures.**

**As a self-represented individual, 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 [ndcourts.gov](https://ndcourts.gov).

***This information isn't 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 Division. 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 in 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 Division to obtain a birth certificate,  
But**

- 1) You don't 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 doesn't contain information for any other type of requests related to a birth certificate.**

## **Steps to Petition to Establish Date and Place of Birth**

**Step One: You, the Petitioner, Gather Your Documentation & Other Evidence**

Gather exhibits and/or affidavits to include with your petition. Arrange for additional evidence, such as witnesses, to present at the required hearing.

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**Step Two: You, the Petitioner, Create Your Legal Documents**

1) Petition; 2) Affidavit of Petitioner; and 3) Confidential Information Form

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**Step Three: You, the Petitioner, File the Original Petition Documents with the District Court; Obtain a Hearing Date**

You may be required to provide a Notice of Hearing document.

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**Step Four: Notice of Hearing is Published in the Newspaper; You, the Petitioner, Arrange to Serve Copies of Petition Documents on Each Respondent**

**Failure to publish and file proof of publication; and/or failure to serve and file proof of service may result in dismissal of your petition.**

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**Step Five: Prepare for the Hearing**

You'll need to conduct research to prepare.

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**Step Six: Attend the Hearing**

You must prove the statements in your petition documents.

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**Step Seven: The District Court Judge Issues Findings of Fact & Order**

The judge's decision isn't final until the Findings of Fact and Order is signed.

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**Step Eight: The Findings of Fact & Order to Establish Date & Place of Birth, Findings of Fact & Order is Filed with North Dakota Department of Health and Human Services Vital Records Division**

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## Section One:

### Information About Petitioning to Establish the Date and Place of Birth to Obtain a Birth Certificate

#### What is a Delayed Registration of Birth?

When an individual was born in North Dakota, but their birth wasn't registered with the North Dakota Department of Health and Human Services 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 23-02.1-15 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 to issue a birth certificate.

- All certificates of birth 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 seven days after the birth, but within one year of the date of birth, the birth certificate **isn't** marked "Delayed."

**If you're 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 and Human Services, the individual may petition a North Dakota state district court to establish the date and place of birth. If the district court establishes the date and place of birth, the North Dakota Department of Health and Human Services Vital Records Division will be ordered 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're not sure if this is the appropriate court process for your circumstances, [consult a lawyer](#) who can agree to represent you.**

## Can this Court Process be Used if the Birth Occurred in a Different State (Not in North Dakota?)

The text of [Chapter 32-37 of the North Dakota Century Code](#) doesn't specifically state if this court process can be used if the birth happened outside of North Dakota.

Since ND Legal Self Help Center staff can't point you to specific text in Chapter 32-37, staff can't answer this question. The answer requires an interpretation of Chapter 32-37, which is part of legal representation. Center staff can't represent you under any circumstances.

If you currently live in North Dakota, but you or your minor child were born outside of North Dakota, [consult a lawyer](#) licensed to practice in North Dakota to answer whether you can ask a North Dakota state district court to establish the date and place of birth.

## Who Are The Parties?

**Petitioner** – The individual making the request.

- If you're 18 years of age or older and petitioning to establish your own date and place of birth, you're the Petitioner.
- If you're 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.

- The North Dakota Department of Health and Human Services Division of Vital Records is a Respondent.
- Depending of your specific circumstances, there may be other respondents. [Consult a lawyer](#) for assistance to determine if there are any other respondents you need to list on your petition.

## Is There Help Available for Creating Legal Documents?

If you'd 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 **can't** assist you with creating or preparing your legal documents.

## Does the ND Legal Self Help Center Have Forms to Petition to Establish Date and Place of Birth?

**No. The ND Legal Self Help Center doesn't 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 create and prepare your own legal documents. **Names and descriptions of documents you 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 [ndcourts.gov/legal-self-help](https://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 [ndcourts.gov/legal-self-help/general-use-forms](https://ndcourts.gov/legal-self-help/general-use-forms).

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

## Fees

**You're required to pay an \$80.00 filing fee.**

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

**You're required to pay the newspaper's fees for publication.**

- A hearing is required. Notice of the hearing must be published in the newspaper of the North Dakota County where you file the petition. Notice must be published for **two** consecutive weeks.

**You're required to pay any service fees.**

- You must arrange for service of the petition and other supporting documents on the North Dakota Department of Health and Human Services and the Vital Records Division.

## Lawyer Resources and Limited Legal Representation

You're not required to hire a lawyer to bring a civil action in North Dakota State District Court. If you decide to find a lawyer to represent you, you may find the following options of interest.

### Lawyer Resources

- **Legal Services of North Dakota** is a non-profit organization, providing free legal assistance to North Dakota residents based on income. Legal Services of North Dakota can also determine if 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 [legalassist.org](http://legalassist.org).
- **Dakota Plains Legal Services** is a non-profit legal services organization, providing free legal assistance to low-income individuals, older Americans, and veterans. Contact information for each of their eight offices is at [dpls.org/contact-us](http://dpls.org/contact-us).
- **The State Bar Association of North Dakota** provides a lawyer referral service to match paying clients with lawyers. The phone number is (866) 450-9579 and the website is [sband.org](http://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 [ndcourts.gov/Lawyers](http://ndcourts.gov/Lawyers).

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

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

## Section Two:

# The Petition Process to Establish Date and Place of Birth to Obtain a Birth Certificate

### Step One: Gather Your Documentation & Other Evidence

[Chapter 32-37 of the North Dakota Century Code](#) requires you, the Petitioner, to prove the date of birth and city, county, and state of birth, citizenship status, and the names and addresses of the birth parents, including the birth mother's maiden name.

If you, the Petitioner, are petitioning to establish your own date of birth and city, county, and state of birth, at minimum, you must prove the following to the North Dakota state district court:

- 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 the Petitioner's citizenship.
- The Petitioner has lived in North Dakota for at least the past year;
- The Petitioner 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 the city, county, and state of birth;
- The Petitioner's gender;
- 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, including the mother's maiden name; 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 of birth and city, county, and state of birth, at minimum, you must prove the following to the North Dakota state district court:

- 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;

- The minor child 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 city, county, and state of birth;
- The minor child's gender;
- 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, including the mother's maiden name; and
- The addresses of the minor child's parents, if the minor child's parents are alive.

**Create an evidence list of documentation, potential witness testimony, and any other evidence.**

Start by creating a two-column evidence list. In one column, list everything you're required to prove to the court from Pages 7-8. In the second column, list the documentation, or other evidence, that proves each item in the first column.

- An example of a two-column evidence list is at the end of this Informational Guide.

Some examples of documentation are:

- An affidavit from a person with first-hand knowledge of the birth (the judge assigned your petition may require the person to appear at the hearing);
- A witness with first-hand knowledge of the birth;
- Social Security record;
- Federal Census record;
- Original birth notice in a newspaper;
- School record;
- Vaccination record;
- Insurance policy;
- Passport;
- Voter registration card;
- Church baptismal and/or church cradle roll record; or
- Medical, hospital, or dental record.

This list doesn't include all possible examples of documentation.

You make all decisions about how to prove the requirements of establishing the date of birth, and city, county, and state of birth. The ND Legal Self Help can't advise you. If you need assistance, [consult a lawyer](#) licensed to practice in North Dakota.



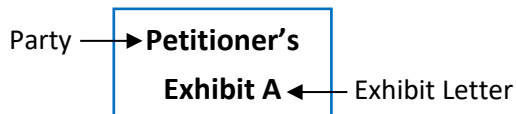
**Gather your documentation and other evidence to include as exhibits with your petition.  
Arrange for witness testimony.**

Depending on the type of documentation and other evidence you decide to use, you may need to get certified copies.

Contact the entity directly and ask how you can get a certified copy.

**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.

**A hearing is required. You'll present the documentation you include with your petition and witness testimony (if any) at the hearing.**

Keep the originals of your documentation in a file or other safe place. Once a hearing date is scheduled, you'll need to make sure you have them available for the hearing.

If a witness is unable or unwilling to appear at the hearing voluntarily, 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 [ndcourts.gov/legal-self-help/subpoenas](https://ndcourts.gov/legal-self-help/subpoenas).

## **Step Two: Create 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 you, the Petitioner, are 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 currently live, and have lived for at least the last 90 days.
  - If you're the Petitioner for a minor child, the child must also live in the North Dakota County 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 [ndcourts.gov/court-locations](https://ndcourts.gov/court-locations). Click on the County to find the Judicial District.
- The full name of you, the Petitioner.
- The North Dakota Department of Health and Human Services Vital Records Division listed as Respondent.
  - Depending on your circumstances, you may need to list additional Respondents. [Consult a lawyer](#) if you need assistance.
- A space for the case number.
  - Case Number: \_\_\_\_\_
  - The case number is assigned and filled in if your petition is accepted for filing by the clerk of state district court in Step Three.
- The title of your petition.
  - If you're petitioning to establish your own date and place of birth, the title is "Petition to Establish Date and Place of Birth"
  - If you're petitioning on behalf of a minor child, the title is "Petition to Establish Date and Place of Birth of a Minor Child"

**Don't** include the following in your petition:

- **Don't** include full birthdates. Instead of the full birthdate, use the birth year.
  - For example: 1990 instead of ~~1/1/1990~~.
- **Don't** include the name of a minor child. Instead, refer to the minor child by the child's initials.
  - For example: J.J.D. instead of ~~John Jane 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're 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're bringing the petition and the steps you took to obtain a birth certificate from the Vital Records Division.
  - If you're including documentation, include references to 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 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 available at [ndcourts.gov/legal-self-help/general-use-forms](https://ndcourts.gov/legal-self-help/general-use-forms).

- 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 doesn't 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 you, the Petitioner. Include the facts from the petition about which you have first-hand knowledge.

In other words, it's your written testimony of the facts you included in your 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”
- Don’t include the following in your affidavit:
  - Don’t include full birthdates. Instead of the full birthdate, use the birth year.
    - For example: 1990 instead of ~~1/1/1990~~.
  - Don’t include the name of a minor child. Instead, refer to the minor child by the child’s initials.
    - For example: J.J.D. instead of ~~John Jane 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 affidavit is included only as a formatting example. The ND Legal Self Help Center doesn’t 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 aren’t 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 with 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’re required by the court to prepare the Notice of Hearing, an example is located at the end of this guide.

The example Notice of Hearing is included only as a formatting example. The ND Legal Self Help Center doesn’t guarantee or certify its accuracy or legal sufficiency. **Use at your own risk.**

### **Make Copies of the Completed Documents:**

Make two copies 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 file).

Make two copies of all of the exhibits you referred to in your Petition.

Keep one copy for your records. You’ll serve the other copies in Step Four.

## **Step Three: File the Original Petition Documents With the Clerk of State District Court; Obtain a Hearing Date**

Contact information for clerks of court by county may be found at [ndcourts.gov/court-locations](https://ndcourts.gov/court-locations).

**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;
- The Affidavit of Petitioner;
- The Confidential Information Form;
- The Notice of Hearing (if required by the Court where you’ll file); and
- Copies of all documentation/exhibits you reference in your Petition.

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

**You're required to pay an \$80.00 filing fee.**

Forms and instructions for asking the court to waive the \$80.00 filing fee are available at [ndcourts.gov/legal-self-help/fee-waiver](https://ndcourts.gov/legal-self-help/fee-waiver).

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

A hearing is required. If you're 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'll 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.

**The Notice of Hearing must be published for two consecutive weeks. The last publication in the newspaper must happen at least ten days before the date of the hearing.**

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're 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'll 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 don't file the Affidavit of Publication.

**As soon as possible, arrange to serve copies of the petition documents and the Notice of Hearing on the Respondents.**

\*\*\*Filing a document isn't the same as serving a document.

**Filing doesn't 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;
- The Affidavit of Petitioner;
- All documentation/exhibits you reference in your Petition; 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 be served as required by Rule 4 of the North Dakota Rules of Civil Procedure.

- For information about the requirements and the process of serving documents as required by Rule 4, go to [ndcourts.gov/legal-self-help/service-in-a-civil-action](https://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 and signed 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 don't provide proof of service to the state district court, the court won't act on your petition

**Section 32-37-04 allows that "[a]ny citizen of the United States may appear at the hearing ... and shall be heard in favor of or in opposition to the petition... ."**

However, anyone opposing your petition, must put their opposition in writing and file it with the District Court before the date of the hearing.

## Step Five: Prepare for 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're held to the same requirements and responsibilities as a lawyer, even if don't understand the rules or procedures.

### You need to conduct additional research to prepare.

**Subpoenas:** If you need 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 [ndcourts.gov/legal-self-help/subpoenas](https://ndcourts.gov/legal-self-help/subpoenas).

**Evidence:** You're 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 [ndcourts.gov/legal-self-help](https://ndcourts.gov/legal-self-help).

You may also wish to review the guides for self-represented individuals for gathering and presenting evidence at [rcdvpc.org/resources/self-represented-litigants-series.html](https://rcdvpc.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. ([polaris.odinlibrary.org](https://polaris.odinlibrary.org)) 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.
- [Represent Yourself in Court: How to Prepare & Try a Winning Case](#), Paul Bergman, Sara Berman, NOLO, 2016.



## Step Six: Attend the Hearing

### **Attend The Hearing:**

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

### **If the Hearing will be Held In-Person, Arrive Early to the Courthouse on the Date of the Hearing:**

Don't miss your hearing date and time. If you have a serious, unavoidable reason you can't get to court on the date and time scheduled for trial, call the District Court as soon as you can.

### **If the Hearing will be Held by Zoom, Make Sure You Can Connect to the Zoom Hearing:**

If your hearing is held electronically by Zoom, well before the hearing begins, make sure you can connect and understand how to function in Zoom.

Don't be late to the Zoom hearing. If you have a serious, unavoidable reason you can't attend the hearing on the date and time scheduled for trial, call the District Court as soon as you can.

### **Conduct of the Hearing:**

The Judge hears both sides and then issues a final findings of fact and order. Sometimes, the final findings of fact and order is issued at the end of the hearing. Often, the final findings of fact and 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(s) may cross-examine witnesses and object to the Petitioner's evidence.
- Respondent Presents Witnesses and Evidence
  - Each 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(s) goes first.

### **Before You Leave the Courthouse:**

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

## Step Seven: 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 Order, you'll be mailed a signed copy.

### **However, You, the Petitioner. May Be Required to Prepare a 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 7.****

### **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 at the hearing. 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 isn't 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.

*(This space left intentionally blank.)*

## **Step 8: Findings of Fact & Order Filed With the North Dakota Department of Health and Human Services Vital Records Division**

**Important!! Step Eight only happens if the District Court judge assigned to your petition establishes the date and place of birth in the Findings of Fact & Order.**

Following the hearing, if the date and place of birth are established:

- Request a certified copy of the Findings of Fact and Order from the Clerk of Court.
- Send the certified copy of the Findings of Fact and Order to the North Dakota Department of Health and Human Services, Vital Records Division, along with a check for \$15.00.

### **Section Three: Appendix of Formatting Examples.**

#### **Appendices:**

- **Chapter 32-37 of the North Dakota Century Code.**
- **Evidence List for petitioner 18 years old or older.**
- **Evidence List for petitioner for a minor child (under 18 years old).**
- **A formatting example of a petition to establish date and place of birth.**
- **A formatting example of an affidavit of petitioner in support of the petition.**
- **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 in support of the petition 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 (showing full confidential information).**
- **A formatting example of findings of fact and order to establish date and place of birth (with redacted confidential information).**

**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, department of health and human services, 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.

## EVIDENCE LIST

(Establish MY Date & Place of Birth – I'm 18 years old or older)

Column 1: What I Must Prove	Column 2: Evidence to Prove Each Row of Column 1
1. I'm a citizen of the United States. If born outside the territorial U.S., I also need to prove the basis for my U.S. citizenship. (See #6 on this list)	
2. I've lived in North Dakota for <u>at least</u> the past year <u>and</u> I currently live in a North Dakota county, where I've lived for at least the past 90 days.	
3. My gender, date of birth and my place of birth (city, county, state).	
4. If I was born <u>within</u> the U.S., whether or not my parents were transient aliens, or alien public ministers or consuls.	
5. The names of both of my parents, living or dead. (Including mother's maiden name).The address for each <u>living</u> parent.	
6. If I was born outside the territorial U.S., facts sufficient to show I'm a citizen of the U.S. and the basis for their citizenship.	

## EVIDENCE LIST

(Establish MY CHILD's Date & Place of Birth – For child under 18 years old)

Column 1: What I Must Prove	Column 2: Evidence to Prove Each Row of Column 1
1. My relationship to the minor child.	
2. The minor child is a citizen of the United States.  If born outside the territorial U.S., I also need to prove the basis for the minor child's U.S. citizenship. (See #7 on this list)	
3. The minor child and I lived in North Dakota for <u>at least</u> the past year <u>and</u> we currently live in a North Dakota county, where we've lived for at least the past 90 days.	
4. The minor child's gender, date of birth and their place of birth (city, county, state).	
5. If the minor child was born <u>within</u> the U.S., whether or not their parents were transient aliens, or alien public ministers or consuls.	
6. The names of both of the minor child's parents, living or dead. (Including mother's maiden name). The address for each <u>living</u> parent.	
7. If the minor child was born outside the territorial U.S., facts sufficient to show they're a citizen of the U.S. and the basis for their citizenship.	

STATE OF NORTH DAKOTA  
COUNTY OF XXXXXXXX

IN DISTRICT COURT  
XXXXXXXXXXXX JUDICIAL DISTRICT

Jane Ellen Doe	)	Civil No. 0X-2023-CV-00XXX
PETITIONER,	)	
vs	)	
	)	PETITION TO ESTABLISH DATE AND
North Dakota Department of Health,	)	PLACE OF BIRTH
Vital Records Division	)	
RESPONDENTS.	)	

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

1. Petitioner, Jane Ellen 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 XXXXXXXX County, North Dakota. Petitioner has lived in XXXXXXXX County since May 2017.
3. Petitioner was born in 2001 in the City of XXXXXXXX, XXXXXXXX County, North Dakota. Petitioner's full birthdate is listed on the Confidential Information Form filed with the Petition.
4. Petitioner is female.
5. Petitioner's parents were not transient aliens or alien public ministers or consuls.
6. Petitioner's parents are:

Adam John Doe  
Deceased June 1, 2021

Anita Jane Doe  
XXth Street South  
XXXXX XXXXX, ND 58XXX

Maiden Name: Anita Jane Smith



7. Petitioner was born at home and her birth was never registered with the North Dakota Department of Health Vital Records Division.

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

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

WHEREFORE, Petitioner requests as follows:

10. 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, also as shown in the Affidavit of Petitioner, and by other evidence presented at the hearing.

Dated April 28, 2023.

By: Jane Ellen Doe  
Jane Ellen Doe

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

## VERIFICATION

I, Jane Ellen Doe, declare under penalty of perjury under the law of North Dakota, 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.

Signed on April 28, 2023, in XXXXXXX City, XXXXXXX County, North Dakota, USA.

By: Jane Ellen Doe  
Jane Ellen Doe

**Formatting Example ONLY. This ISN'T a Form.**

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STATE OF NORTH DAKOTA  
COUNTY OF XXXXXXXX

IN DISTRICT COURT  
XXXXXXXXXXXX JUDICIAL DISTRICT

Jane Ellen Doe )  
 ) Civil No. 0X-2023-CV-00XXX  
PETITIONER, )  
vs )  
 ) AFFIDAVIT OF PETITIONER  
North Dakota Department of Health, )  
Vital Records Division )  
RESPONDENTS. )

I, Jane Ellen 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 XXXXXXXX County, North Dakota. I have lived in XXXXXXXX County since May 2017.
4. I was born in 2001 in the City of XXXXXXXX, XXXXXXXX County, North Dakota. My full birthdate is listed on the Confidential Information Form filed with the Petition.
5. I am female.
6. My parents are and always have been United States citizens. My parents were not transient aliens or alien public ministers or consuls.
7. My parents are:

Adam John Doe  
Deceased June 1, 2021

Anita Jane Doe  
XXth Street South  
XXXXX XXXXX, ND 58XXX

Maiden Name: Anita Jane Smith

8. I was born at home and my parents never registered my birth with the North Dakota Department of Health Vital Records Division.
9. I attempted to request the registration of a delayed record of birth through the Vital Records process, but was unsuccessful.
10. I declare, under penalty of perjury, that everything I stated in the Affidavit of Petitioner is true and correct.

Signed on April 28, 2023, in XXXXXXX City, XXXXXXX County, North Dakota, USA.

By: Jane Ellen Doe  
Jane Ellen Doe  
XXrd Avenue North  
XXXXXXX, ND 58XXX  
Telephone: (701) XXX-XXXX  
xxxxx@xxxxx.com

Formatting Example ONLY. This ISN'T a Form.

STATE OF NORTH DAKOTA  
COUNTY OF XXXXXXXX

IN DISTRICT COURT  
XXXXXXXXXXXX JUDICIAL DISTRICT

Jane Ellen Doe	)	Civil No. 0X-2023-CV-00XXX
PETITIONER,	)	
vs	)	
North Dakota Department of Health,	)	PETITION TO ESTABLISH DATE AND
Vital Records Division	)	PLACE OF BIRTH OF A MINOR CHILD
RESPONDENTS.	)	

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

1. Petitioner, Jane Ellen Doe, is petitioning to establish the date and place of birth of J.A.D., a male minor child. 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 2019, and is currently living in XXXXXXXX County, North Dakota. Petitioner has lived in XXXXXXXX County since May 2019.
5. J.A.D. has lived with the Petitioner in XXXXXXXX County, North Dakota since May 2019.
6. J.A.D. was born in 2019 in the City of XXXXXXXX, XXXXXXXX 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 are not transient aliens or alien public ministers or consuls.

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

Adam John Doe  
Deceased June 1, 2019

Jane Ellen Doe  
XXth Street South  
XXXXXXX, ND 58XXX

Maiden Name: Jane Ellen Smith

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 requests 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 6, as also shown in the Affidavit of Petitioner, and by other evidence presented at the hearing.

Dated April 28, 2023.

By: *Jane Ellen Doe*  
Jane Ellen Doe

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

## VERIFICATION

I, Jane Ellen Doe, declare under penalty of perjury under the law of North Dakota, 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.

Signed on April 28, 2023, in XXXXXXX City, XXXXXXX County, North Dakota, USA.

By: Jane Ellen Doe  
Jane Ellen Doe

**Formatting Example ONLY. This ISN'T a form.**

STATE OF NORTH DAKOTA  
COUNTY OF XXXXXXXX

IN DISTRICT COURT  
XXXXXXXXXXXX JUDICIAL DISTRICT

Jane Ellen Doe	)	
	)	Civil No. 0X-2023-CV-00XXX
PETITIONER,	)	
vs	)	
	)	AFFIDAVIT OF PETITIONER
North Dakota Department of Health,	)	
Vital Records Division	)	
RESPONDENTS.	)	

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

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., a male. 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 2019, and I am currently living in XXXXXXXX County, North Dakota. I have lived in XXXXXXXX County since May 2019.
6. J.A.D. has lived with me in XXXXXXXX County, North Dakota since May 2019.
7. J.A.D. was born in 2019 in the City of XXXXXXXX, XXXXXXXX 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.

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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 Ellen Doe  
XXth Street South  
XXXXXXX, ND 58XXX

Maiden Name: Jane Ellen Smith

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

Signed on April 28, 2023, in XXXXXXX City, XXXXXXX County, North Dakota, USA.

By:

*Jane Ellen Doe*

Jane Ellen Doe

XXrd Avenue North

XXXXXXX, ND 58XXX

Telephone: (701) XXX-XXXX

xxxxx@xxxxx.com

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT

\_\_\_\_\_)  
 \_\_\_\_\_)  
 PETITIONER, )  
 Vs )  
 \_\_\_\_\_)  
 \_\_\_\_\_)  
 RESPONDENTS. )

Case No. \_\_\_\_\_

CONFIDENTIAL INFORMATION FORM

**FULL INFORMATION**

**REDACTED INFORMATION**

**PETITIONER:**

Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Year of Birth: \_\_\_\_\_

**MINOR CHILD:**

Name: \_\_\_\_\_

Initials: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Year of Birth: \_\_\_\_\_

Dated \_\_\_\_\_.

\_\_\_\_\_, Petitioner  
(Petitioner's Signature)

\_\_\_\_\_  
(Petitioner's Printed Name)

\_\_\_\_\_  
(Address) (City, State, Zip Code)

\_\_\_\_\_  
(Telephone Number) (Email Address)

STATE OF NORTH DAKOTA  
COUNTY OF XXXXXXXX

IN DISTRICT COURT  
XXXXXXXXXXXX JUDICIAL DISTRICT

Jane Ellen Doe	)	
	)	Civil No. 0X-2023-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 Ellen Doe [on behalf of J.A.D.], Civil Number 0X-2023-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 XXXXXXXX County Courthouse on [date of hearing] at [time of hearing].

Dated this XX day of XXXXX, 2021.

By: \_\_\_\_\_  
Clerk of District Court

**Formatting Example ONLY. This ISN'T a Form.**

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**THIS FORMATTING EXAMPLE IS FOR THE FULL NAME AND BIRTHDATES.** You 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.

STATE OF NORTH DAKOTA  
COUNTY OF XXXXXXXX

IN DISTRICT COURT  
XXXXXXXXXX JUDICIAL DISTRICT

Jane Ellen Doe	)	Civil No. 0X-2023-CV-00XXX
	)	
PETITIONER,	)	
vs	)	FINDINGS OF FACT AND ORDER
	)	ESTABLISHING DATE AND PLACE OF BIRTH
North Dakota Department of Health,	)	
Vital Records Division	)	
RESPONDENTS.	)	

1. This matter came on for hearing on [date, time, and location of hearing], pursuant to the verified petition of Jane Ellen Doe to establish the date and place of birth of [the Petitioner, a female, Jane Ellen Doe][John Adam Doe, a male minor child]. The honorable [name of District Court judge], Judge of District Court, presided.
2. The Petitioner, Jane Ellen Doe, appeared personally.
3. The Respondent, North Dakota Department of Health and Human Services, Vital Records Division [was represented at the hearing by Attorney Firstname Lastname][was served as required according to the Declaration of Service filed with this Court on XXXXXXXX XX, 2023. The Respondent did not file a Response, and did not appear at the hearing.]
4. As required by North Dakota Century Code Section 32-37-03, notice of the hearing in this matter was published in the official newspaper of XXXXXXXX County, North Dakota, for two successive weeks. An Affidavit of Publication was filed with this Court on XXXXXXXX XX, 2023.

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**THIS FORMATTING EXAMPLE IS FOR THE FULL NAME AND BIRTHDATES.** You 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.

Based upon the record in this matter, the Court makes the following:

**FINDINGS OF FACT**

5. [Findings of fact related to Petitioner, or minor child, and United States citizenship.]
6. [Findings of fact related to residency in the State of North Dakota and residency in the North Dakota County where the petition was filed.]
7. [Findings of fact related to the full date of birth and city, county, and state of the Petitioner's birth, OR the full date of birth and city, county, and state of minor child's birth.]
8. [If Petitioner, or minor child, was born within the United States, findings of fact related to the evidence presented to support that fact.]
9. [Findings of fact related to Petitioner's, or minor child's, parents' full names, including mother's maiden name, and the parents' current addresses, if living.]
10. [Findings of fact related to whether or not the parents were transient aliens or alien public ministers or consuls.]
11. [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.]
12. [Findings of fact related to why the birth was never registered with the North Dakota Department of Health and Human Services, Vital Records Division.]

**THIS FORMATTING EXAMPLE IS FOR THE FULL NAME AND BIRTHDATES.** You 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.

13. [Findings of fact related to the Petitioner’s unsuccessful attempt to register a delayed record of birth through the North Dakota Department of Health and Human Services, Vital Records Division.]

14. [Findings of fact related to the reason(s) for the Petition.]

15. Petitioner provided sufficient and competent evidence as documented on the record including, but not limited to: [list all evidence presented at the hearing that the court allowed. For example, the name and brief description of each document, affidavit, etc., and the name and relationship to the petitioner of each witness from whom the court heard testimony.]

16. The evidence relied upon and the Court’s findings are more specifically set forth in the record.

17. [Additional findings of fact made by the Judge at the hearing that aren’t covered in Paragraphs 5-16.]

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

18. That on [FULL birthdate], a [gender of child] of the name of [FULL name, even if a minor child] was born to [full names of both parents, including mother’s maiden name,] at [city, county and state of birth].

19. The Clerk of the Court shall certify a copy of such judgment and file the same with the Vital Records Division, North Dakota Department of Health, Bismarck, North Dakota.

**THIS FORMATTING EXAMPLE IS FOR THE FULL NAME AND BIRTHDATES.** You 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.

20. That a birth certificate and other appropriate documentation shall be issued immediately by the North Dakota Department of Health and Human Services, Vital Records Division, and with the assistance of any other necessary State agency.

Dated this XX day of XXXXX, 2023.

By: *Judge of District Court*  
Judge of District Court

**Formatting Example ONLY. This ISN'T a Form.**

**THIS FORMATTING EXAMPLE IS THE SECOND, REDACTED FINDINGS & ORDER.** You 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 for the minor child and the birth YEAR.

STATE OF NORTH DAKOTA  
COUNTY OF XXXXXXXX

IN DISTRICT COURT  
XXXXXXXXXXXX JUDICIAL DISTRICT

Jane Ellen Doe	)	Civil No. 0X-2023-CV-00XXX
	)	
PETITIONER,	)	
vs	)	FINDINGS OF FACT AND ORDER
	)	ESTABLISHING DATE AND PLACE OF BIRTH
North Dakota Department of Health,	)	
Vital Records Division	)	
RESPONDENTS.	)	

1. This matter came on for hearing on [date, time, and location of hearing], pursuant to the verified petition of Jane Ellen Doe to establish the date and place of birth of [the Petitioner, a female, Jane Ellen Doe][J.D.E, a male minor child]. The honorable [name of District Court judge], Judge of District Court, presided.
2. The Petitioner, Jane Ellen Doe, appeared personally.
3. The Respondent, North Dakota Department of Health and Human Services, Vital Records Division [was represented at the hearing by Attorney Firstname Lastname][was served as required according to the Declaration of Service filed with this Court on XXXXXXXX XX, 2023. The Respondent did not file a Response, and did not appear at the hearing.]
4. As required by North Dakota Century Code Section 32-37-03, notice of the hearing in this matter was published in the official newspaper of XXXXXXXX County, North Dakota, for two successive weeks. An Affidavit of Publication was filed with this Court on XXXXXXXX XX, 2023.

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**THIS FORMATTING EXAMPLE IS THE SECOND, REDACTED FINDINGS & ORDER.** You 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 for the minor child and the birth YEAR.

Based upon the record in this matter, the Court makes the following:

**FINDINGS OF FACT**

5. [Findings of fact related to Petitioner, or minor child, and United States citizenship.]
6. [Findings of fact related to residency in the State of North Dakota and residency in the North Dakota County where the petition was filed.]
7. [Findings of fact related to the full date of birth and city, county, and state of the Petitioner's birth, OR the full date of birth and city, county, and state of minor child's birth. **List ONLY the birth YEAR for Petitioner or minor child.**]
8. [If Petitioner, or minor child, was born within the United States, findings of fact related to the evidence presented to support that fact.]
9. [Findings of fact related to Petitioner's, or minor child's, parents' full names, including mother's maiden name, and the parents' current addresses, if living.]
10. [Findings of fact related to whether or not the parents were transient aliens or alien public ministers or consuls.]
11. [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.]
12. [Findings of fact related to why the birth was never registered with the North Dakota Department of Health and Human Services, Vital Records Division.]

**THIS FORMATTING EXAMPLE IS THE SECOND, REDACTED FINDINGS & ORDER.** You 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 for the minor child and the birth YEAR.

13. [Findings of fact related to the Petitioner’s unsuccessful attempt to register a delayed record of birth through the North Dakota Department of Health and Human Services, Vital Records Division.]

14. [Findings of fact related to the reason(s) for the Petition.]

15. Petitioner provided sufficient and competent evidence as documented on the record including, but not limited to: [list all evidence presented at the hearing that the court allowed. For example, the name and brief description of each document, affidavit, etc., and the name and relationship to the petitioner of each witness from whom the court heard testimony.]

16. The evidence relied upon and the Court’s findings are more specifically set forth in the record.

17. [Additional findings of fact made by the Judge at the hearing that aren’t covered in Paragraphs 5-16.]

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

18. That on [birth YEAR ONLY], a [gender of child] of the name of [Petitioner’s FULL name, minor child’s INITIALS ONLY] was born to [full names of both parents, including mother’s maiden name] at [city, county and state of birth].

19. The Clerk of the Court shall certify a copy of such judgment and file the same with the Vital Records Division, North Dakota Department of Health and Human Services, Bismarck, North Dakota.

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**THIS FORMATTING EXAMPLE IS THE SECOND, REDACTED FINDINGS & ORDER.** You 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 for the minor child and the birth YEAR.

20. That a birth certificate and other appropriate documentation shall be issued immediately by the North Dakota Department of Health, Vital Records Division, and with the assistance of any other necessary State agency.

Dated this XX day of XXXXX, 2023.

By: *Judge of District Court*  
Judge of District Court

**Formatting Example ONLY. This ISN'T a Form.**