

## **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.