

■ North Dakota

GAL Volunteer Handbook

2026 Edition

NDCC Chapter 27-20.3 · Child in Need of Protection
CASA North Dakota · ND HHS Child & Family Services

GAL Appointment: NDCC § 27-20.3-12
Court of Jurisdiction: Juvenile Court (District Court)
ICWA: Four Tribal Nations — Standing Rock, MHA, Spirit Lake, Turtle Mountain

GAL National Database · galnationaldatabase.org

1. Program Overview

North Dakota's Guardian Ad Litem system operates through regional CASA programs under **CASA North Dakota**. Child welfare services are administered at the county level under oversight of the **North Dakota Department of Health and Human Services (ND HHS), Child and Family Services Division**.

In 2021, North Dakota enacted **NDCC Chapter 27-20.3 (Uniform Juvenile Court Act — Child in Need of Protection)**, modernizing its juvenile court framework, clarifying GAL duties, and strengthening ICWA compliance.

Child Welfare Agency	ND HHS — Child & Family Services Division
GAL Umbrella	CASA North Dakota
Governing Code	NDCC Chapter 27-20.3
Court of Jurisdiction	Juvenile Court (District Court — Juvenile Division)
GAL Appointment	NDCC § 27-20.3-12
Tribal Nations (ND)	Standing Rock, MHA, Spirit Lake, Turtle Mountain

2. Legal Foundation

North Dakota's dependency framework is anchored in NDCC Title 27. The 2021 Chapter 27-20.3 modernized child protection procedures and clarified GAL appointment and duties.

NDCC § 27-20.3-12

Guardian Ad Litem — Appointment & Duties

Requires appointment of a GAL in every CINP proceeding. The GAL must conduct an independent investigation, represent the child's best interests, file written reports, and attend all hearings. The GAL has standing to present evidence and file motions.

NDCC § 27-20.3-01 et seq.

Child in Need of Protection — Definitions & Jurisdiction

Establishes court jurisdiction over children in need of protection (CINP), defines abuse, neglect, and dependency, and sets procedural requirements from initial intake through permanency.

NDCC § 27-20.3-17

Placement Standards & Reasonable Efforts

Requires reasonable efforts to prevent removal and to reunify after removal. Courts make reasonable efforts findings at each hearing. In ICWA cases, 'active efforts' is the heightened standard.

NDCC § 27-20.3-24

Permanency Planning

Requires a permanency plan for every child in supervised custody. Permanency hearings must be held within 12 months of removal. GALs advocate for the plan that serves the child's long-term interests.

NDCC § 27-20.3-35

Termination of Parental Rights

Sets grounds and procedures for TPR. For Indian children under ICWA, the standard is 'beyond a reasonable doubt' (not merely 'clear and convincing') — a critical distinction.

NDCC § 50-25.1 et seq.

Child Abuse and Neglect — Reporting & Investigation

Establishes mandatory reporting, investigation procedures, and confidentiality requirements. GALs have statutory access to all records pertaining to the child.

3. Your Role as GAL

Under NDCC § 27-20.3-12, the North Dakota GAL advocates for the child's best interests — not the child's expressed wishes, not the county agency's plan, and not either parent's position.

Rural Geography Challenge

North Dakota is one of the least densely populated states. Many cases arise in rural counties where services are limited and travel distances are significant. Document resource gaps in court reports — they are part of the reasonable efforts assessment.

- Investigate: Review all county Social Services records, school records, medical files, and prior court orders. Interview the child, foster parents, biological parents, teachers, and therapists.
- Advocate: Present best interests in court through reports and testimony. File motions when necessary. Challenge the agency if reunification efforts are inadequate.
- Connect: Link the child to services. Advocate for telehealth in rural placements when in-person services require unreasonable travel.
- Report: Prepare written court reports before each hearing. In ICWA cases, address active efforts and tribal placement preferences.

4. The Multidisciplinary Team

North Dakota dependency cases involve county social services, the court, and — when ICWA applies — tribal social services. Each team member occupies a distinct role.

County Social Services Worker	Responsible for case plan, placement, and services. Represents the county agency's position.
County State's Attorney	Represents county Social Services in court. Does not represent the child.
Parent's Attorney	Appointed counsel for biological parents. Advocates for parental rights, not child's best interests.
Child's Attorney (if appointed)	Client-directed; represents child's expressed wishes, distinct from the GAL's best-interest role.
CASA Volunteer (GAL)	You — independently investigating and advocating for the child's best interests.
CASA Supervisor	Reviews court reports, provides training and support, navigates county-specific procedures.
Tribal Social Services	When ICWA applies, the tribe's social workers participate with independent placement authority.
District Court Judge	Presides over juvenile division hearings in one of ND's 7 judicial districts.

5. The Dependency Court Process

North Dakota CINP proceedings under NDCC Chapter 27-20.3 follow a structured sequence from removal through permanency.

1	Removal & Emergency Placement County Social Services removes the child on emergency finding. County must file a CINP petition within 48 hours of removal (excluding weekends and holidays).
2	CINP Petition & Initial Appearance State's Attorney files CINP petition. Initial appearance must be held within 72 hours of removal. Court determines probable cause and continuation of emergency placement.
3	GAL Appointment Court appoints a GAL under NDCC § 27-20.3-12. Review the petition and records; make initial contact with the child immediately after appointment.
4	Adjudicatory Hearing Court determines whether child is a CINP. Held within 30 days (child in custody) or 60 days (child returned home). GAL presents findings and recommendations.
5	Dispositional Hearing Court enters dispositional order: case plan, placement, and services. GAL advocates for services addressing the child's specific needs and appropriate placement.
6	Review Hearings (Every 6 Months) GAL files written report assessing reasonable/active efforts and child's well-being. Update court on progress and any emerging concerns.
7	Permanency Hearing (Within 12 Months) Court determines the permanency plan: reunification, adoption, guardianship, or APPLA. GAL advocates for the plan that best serves the child's long-term interests.
8	TPR & Post-Permanency If reunification fails, county petitions for TPR. ICWA requires 'beyond a reasonable doubt' standard for Indian children. GAL continues advocacy through adoption or guardianship finalization.

6. Hearing Types & GAL Responsibilities

Hearing	Timing	GAL Focus
Initial Appearance	Within 72 hrs of removal	Confirm appointment; assess safety; begin ICWA inquiry
Adjudicatory	30 days (custody) / 60 days	Present evidence on CINP finding; address placement

Dispositional	Within 30 days of adjudication	Recommend services, placement, case plan; tribal preferences
Review	Every 6 months	File written report; assess reasonable/active efforts
Permanency	Within 12 months of removal	Advocate for best permanency plan; ICWA preferences
TPR	Per county petition	Support or oppose TPR; note BRD standard for ICWA
Post-TPR Review	Every 6 months post-TPR	Monitor adoption/guardianship; tribal compliance

7. ICWA & Tribal Inquiry in North Dakota

North Dakota is home to **four federally recognized tribal nations** with reservation land: Standing Rock Sioux Tribe, MHA Nation (Three Affiliated Tribes), Spirit Lake Nation, and Turtle Mountain Band of Chippewa Indians. ICWA applies in any custody proceeding involving an Indian child — a member of, or eligible for membership in, a federally recognized tribe.

ICWA Inquiry Is Mandatory in Every Case

Ask both biological parents about Native American or Alaska Native ancestry at the very first contact. Document the inquiry in case notes — it must appear on the record at the initial hearing. The tribe determines eligibility, not the family or the GAL.

Mandatory ICWA Inquiry Steps:

- Ask both biological parents and extended family about any Native American or Alaska Native ancestry
- Document the inquiry — it must appear on the record at the initial hearing
- If tribal affiliation is indicated, notify county social services immediately for certified mail notice to the tribe
- The tribe — not the family, county, or GAL — determines ICWA eligibility
- If ICWA applies, placement preferences shift: Indian extended family → tribal member homes → tribal foster homes (25 U.S.C. § 1915)
- Active efforts (not merely reasonable efforts) must be made to prevent breakup of the Indian family
- Expert witness testimony from a qualified expert is required before removal of an Indian child
- TPR requires proof beyond a reasonable doubt (not clear and convincing) for Indian children

ND-Specific ICWA Considerations:

- Standing Rock Sioux Tribe straddles ND/SD — cases may involve tribal court transfer under 25 U.S.C. § 1911
- MHA Nation (Fort Berthold, west-central ND) actively monitors ICWA cases statewide
- Spirit Lake Nation (east-central ND) and Turtle Mountain Band (north-central ND) maintain active ICWA units
- If tribe intervenes, tribal representatives have full party status — coordinate advocacy to avoid conflicting positions

8. Tribal Resources & Contacts

Standing Rock Sioux Tribe — ICWA	Fort Yates, ND (701) 854-8500 May seek tribal court transfer under 25 U.S.C. § 1911
MHA Nation — Three Affiliated Tribes	New Town, ND (701) 627-4781 Active monitoring of ICWA cases statewide involving MHA members
Spirit Lake Nation — ICWA	Fort Totten, ND (701) 766-4221 Provides foster home licensing and cultural programming
Turtle Mountain Band of Chippewa	Belcourt, ND (701) 477-2600 Active ICWA program with foster family recruitment
BIA Great Plains Regional Office	Aberdeen, SD (605) 226-7343 ICWA guidance and technical assistance for ND tribal nations
NICWA	nicwa.org (503) 222-4044 Free ICWA training for GALs and court-appointed advocates

9. Education Rights of Foster Youth

Education stability is critical. North Dakota implements ESSA and McKinney-Vento protections. For ICWA cases, education advocacy includes consideration of BIE tribal school options.

NDCC § 15.1-19 / ESSA Foster Care Provisions

School Stability for Children in Foster Care

Every school district and county Social Services must collaborate to keep foster children in their school of origin. Transportation must be provided across district lines. Advocate for a formal School of Origin determination at every placement change.

McKinney-Vento Act (42 U.S.C. § 11431)

Homeless Education Rights

Children in some foster care placements may qualify for McKinney-Vento protections: immediate enrollment, records transfer, and transportation. ND's McKinney-Vento coordinator is housed within the ND Department of Public Instruction.

- Obtain school records and report card at every case review — academic regression is an early indicator of instability
- Confirm active IEP or 504 Plan — IDEA rights follow the child through placement changes
- Contact the Foster Care Point of Contact (FCPOC) in the child's school district for enrollment or stability issues
- In ICWA cases, advocate for access to Bureau of Indian Education (BIE) schools or tribal school options if preferred
- Rural placements may require county-provided transportation — document and advocate for support in your court report
- Report chronic absenteeism (10+ cumulative days) — a direct indicator of placement instability and unmet mental health needs

Extended Foster Care: ND operates an Extended Foster Care program for youth ages 18–21 under NDCC § 27-20.3 and federal Fostering Connections requirements. Advocate for EFC enrollment 6–12 months before a youth's 18th birthday.

10. Courtroom Practice

North Dakota juvenile courts are divisions of the district court and operate under formal procedures. County practices vary significantly across ND's 53 counties.

Before the Hearing	• File report with clerk and serve all parties ≥5 business days before — check county local rules • Review prior order for compliance issues • Contact social services worker to align on factual updates • Talk with the child in age-appropriate terms about the hearing
During the Hearing	• Address judge as 'Your Honor'; remain standing when addressing the court • Present your report clearly — North Dakota juvenile judges have heavy dockets • As GAL, you may present evidence, call witnesses, and cross-examine • Ensure ICWA compliance findings are on the record in every ICWA case
After the Hearing	• Obtain a copy of the signed order immediately • Review for tasks assigned to county, parents, or GAL • Communicate outcome to the child in age-appropriate terms • Begin preparing for the next review cycle
If You Disagree	• Contact CASA supervisor immediately — appeals due within 30 days • State your objection on the record clearly at the hearing • In ICWA cases, ICWA violations may be separately challengeable under federal law • Supervisor and program legal counsel will guide the process

11. Local Resources — Fargo Metro (Cass County)

CASA of Cass/Clay Counties	Fargo, ND (701) 235-4457 casacassclay.org Serves Cass County (ND) and Clay County (MN) juvenile courts
Cass County Social Services	Fargo, ND (701) 241-5700 casscountynd.gov CPS, foster care, and family support for ND's most populous county
Lakeland Mental Health Center	Moorhead, MN (218) 233-7524 lakelandmhc.org Behavioral health for youth in the Fargo-Moorhead metro area
Family Pathways — Fargo	Fargo, ND (701) 235-6433 familypathwaysnd.org Child abuse prevention, family support, and crisis services
Lutheran Social Services of ND	Fargo, ND (701) 235-7341 lssnd.org Foster care, adoption, refugee services, family support
Sanford Medical Center — Fargo	Fargo, ND (701) 234-2000 sanfordhealth.org Pediatric care, child abuse evaluations, psychiatric services
Essentia Health — Fargo	Fargo, ND (701) 364-8000 essentiahealth.org Pediatric behavioral health and child welfare medical evaluations
Legal Services of North Dakota	Fargo / Statewide (701) 232-8872 legalassist.org Free civil legal aid for low-income North Dakotans

12. Mental Health Resources

North Dakota's mental health infrastructure is thin, especially in rural areas. Telehealth is an important option. GALs must ensure mental health needs are addressed — not merely referred.

ND HHS — Behavioral Health Division	hhs.nd.gov (701) 328-8920 Oversees public mental health system through regional Human Service Centers
ND Human Service Centers (8 Regional)	Statewide — see hhs.nd.gov for regional contacts Primary public mental health provider for children in foster care
Trauma-Focused CBT (TF-CBT) Network	Available via Human Service Centers — request TF-CBT-certified therapists specifically A basic 'therapy' referral is insufficient for trauma treatment
ND Telehealth Network	ndhealth.gov/telehealth Critical for rural placements — advocate for telehealth when in-person requires unreasonable travel
FirstLink — ND Crisis Line	211 or 1-800-472-2911 (24/7) Crisis counseling and referral; mobile crisis teams available in some regions
988 Suicide & Crisis Lifeline	Dial or text 988 (24/7) Age-appropriate for adolescents; chat at 988lifeline.org

13. Housing & Basic Needs

Key housing and basic needs resources for foster youth in North Dakota:

Extended Foster Care Housing	ND HHS — ages 18–21; supervised independent living placements. Advocate for enrollment 6–12 months before exit
ND Independent Living Program	ND HHS — ages 14–21; life skills, housing readiness, employment, post-secondary planning
Catholic Charities ND	(701) 235-4457 catholiccharitiesnd.org — Housing assistance and transitional housing for youth aging out
Village Family Service Center	(701) 451-4900 thevillagefamily.org — Foster care, adoption, mental health, housing support statewide
SNAP	hhs.nd.gov/snap — Youth exiting care at 18 may qualify; connect before they leave care
WIC — ND Program	ndhealth.gov/wic — Nutrition assistance for children in foster care under age 5

14–15. Statewide & Federal Resources

CASA North Dakota	casand.org (701) 328-4805 — Statewide CASA umbrella organization
ND HHS Child & Family Services	hhs.nd.gov Child abuse hotline: 1-800-245-3736
Lutheran Social Services ND	lssnd.org (701) 235-7341 — ND's largest nonprofit human services org
ND Legal Services	legalassist.org (701) 222-2110 — Free civil legal aid for rural ND
ND Court Improvement Program	ndcourts.gov/cip — GAL training materials and bench books
Child Welfare Info Gateway	childwelfare.gov — State statutes, GAL practice guides, ICWA resources
National CASA / GAL Assoc.	casaforchildren.org — National training and program standards
NCTSN	nctsn.org — Evidence-based trauma resources; Native American trauma modules

SAMHSA Helpline	1-800-662-4357 (24/7) — Substance use and mental health referrals
HHS Children's Bureau Region VIII	acf.hhs.gov — Title IV-E/IV-B oversight for ND (Denver regional office)

16. Working with Children — Trauma-Informed Practice

Every child in ND's dependency system has experienced trauma. For Native American children, this may include intergenerational trauma from historical federal policies. Apply trauma-informed principles in every interaction.

Safety First	Meet in familiar, safe locations. Never meet at county social services offices if the child associates them with re
Consistency	Children who have been neglected are acutely sensitive to broken promises. Do exactly what you say you will d
Honest Communication	Do not overpromise outcomes. 'I can't promise what the judge will decide, but I will tell the judge exactly what y
Voice & Agency	Ask about school, placement, relationships, and wishes. Reflect those views in your court report.
Cultural Humility	ND's foster care system disproportionately involves Native American children. Approach Indigenous culture with
Secondary Trauma	GAL volunteers are at risk for vicarious traumatization. Attend debriefing sessions. Talk with your supervisor. R

17. Court Report Writing Guide

The court report is your primary advocacy tool. In ICWA cases, your report must address active efforts and tribal placement considerations.

1	Case Identification	Child's name/initials, case number, court, hearing date, GAL contact, date of most recent visit, ICWA
2	Sources Reviewed	Documents reviewed and people interviewed — demonstrates thoroughness
3	Current Placement & Well-Being	Placement, adjustment, health, emotional state, school performance, tribal cultural connections for N
4	Services Status	Each case plan service and whether accessed; barriers to access (especially rural transportation); o
5	Parental Progress	Objective factual description of case plan compliance; active efforts assessment for ICWA cases
6	Child's Views	Child's own words about placement, school, relationships, wishes — distinguished from GAL's asses
7	Best-Interest Recommendation	Specific, time-bound recommendation with reasoning; address tribal preferences in ICWA cases
8	Requested Court Orders	List specific orders being requested; provide draft language reviewed by CASA supervisor

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