

RULE 19. SETTLEMENT**Rule 19.01. Procedure**

Every settlement agreement shall be filed with the court or stated and agreed to on the record by the settling parties. Before approving a settlement agreement, the court shall determine that the agreement is in the best interests of the child and that each party to the agreement understands the content and consequences of any admission or a settlement agreement and voluntarily consents to the agreement. When a party makes an admission, the court may accept or reject the admission based upon the terms of the settlement agreement or may conditionally accept or reject the admission pending receipt of a predisposition report prepared for the disposition hearing. The court may accept a settlement agreement that resolves the issues with respect to the petitioner and one or more but not all parties, and proceed with the matter with respect to the non-settling parties. If the court approves the settlement agreement, it shall proceed pursuant to Rule 50 or 58.04. If the court rejects the settlement agreement, it shall advise the parties and the county attorney of this decision in writing or on the record and shall call upon the parties to either affirm or withdraw the admission. If the admission is withdrawn, the court shall make a finding that the admission is not accepted and proceed pursuant to Rule 49 or 58.

Rule 19.02. Objection to Settlement Agreement - Termination of Parental Rights Matters and Permanent Placement Matters

If a party objects to a settlement agreement in a termination of parental rights matter or a permanent placement matter, that party shall, within five days of service of the notice of the proposed settlement agreement, adopt the existing pleadings and assume the burden of proof or file pleadings in support of an alternative. The matter shall be set for trial within the timelines set forth in Rule 58.

2019 Advisory Committee Comment

Rule 19 is amended in 2019 as part of a revision of the Rules of Juvenile Protection Procedure. The amendments delete former Rules 19.01 and 19.02, which described the purpose and contents of settlement agreements. The committee viewed the language as unnecessary and unduly restrictive. Former Rules 19.03 and 19.04 have been recodified as Rules 19.01 and 19.02. The amendments also clarify that the court's obligation is to ensure that each party to the agreement understands the consequences of any admission or settlement agreement.