

**RULE 47. ADMISSION OR DENIAL****Rule 47.01. Generally**

**Subdivision 1. Parent or Legal Custodian.** Unless the child's parent or legal custodian is the petitioner, or except as provided in subd. 2(b) of this rule, a parent who is a party or a legal custodian shall admit or deny the statutory grounds set forth in the petition or remain silent. If the parent or legal custodian denies the statutory grounds set forth in the petition or remains silent, or if the court refuses to accept an admission, the court shall enter a denial of the petition on the record.

**Subd. 2. Child.**

(a) **Generally.** Except as otherwise provided in this rule, the child shall not admit or deny the petition.

(b) **Child's Behavior.** In matters where the sole allegation is that the child's behavior is the basis for the petition, only the child shall admit or deny the statutory grounds set forth in the petition or remain silent.

**Subd. 3. Contested Petition.** Any party has the right to contest the basis of a petition. The county attorney has the right to contest the basis of a petition filed by an individual who is not a county attorney or an agent of the Commissioner of Human Services.

**Rule 47.02. Denial**

**Subdivision 1. Denial Without Appearance.** A written denial or a denial on the record of the statutory grounds set forth in a petition may be entered by counsel without the personal appearance of the person represented by counsel.

**Subd. 2. Scheduling Order.** When a denial by any party is entered, the court shall schedule further proceedings pursuant to Rule 48 or Rule 49, and shall issue a scheduling order pursuant to Rule 6.

**Rule 47.03. Admission**

**Subdivision 1. Admission Under Oath.** Any admission must be made under oath.

**Subd. 2. Admission Without Appearance.** Upon approval of the court, a written admission of the statutory grounds set forth in the petition, made under oath, may be entered by counsel without personal appearance of the person represented by counsel.

**Subd. 3. Questioning of Person Making Admission.**

(a) **Generally.** Before accepting an admission the court shall determine on the record or by a written document signed by the person admitting and the person's counsel, if represented, whether:

- (1) the person admitting acknowledges an understanding of:
  - (i) the nature of the statutory grounds set forth in the petition;
  - (ii) if unrepresented, the right to representation pursuant to Rule 36;
  - (iii) the right to a trial;
  - (iv) the right to testify; and
  - (v) the right to subpoena witnesses; and

(2) the person admitting acknowledges an understanding that the facts being admitted establish the statutory grounds set forth in the petition.

**(b) Child in Need of Protection or Services Matters, and Habitual Truant, Runaway, and Sexually Exploited Child Matters.** In addition to the questions set forth in subdivision 3(a), before accepting an admission in a child in need of protection or services matter or a matter alleging a child to be a habitual truant, a runaway, or a sexually exploited child, the court shall also determine on the record or by a written document signed by the person admitting and the person's counsel, if represented, whether the person admitting acknowledged an understanding that:

(1) a possible effect of a finding that the statutory grounds are proved may be the transfer of legal custody of the child to another or other permanent placement option including termination of parental rights to the child; and

(2) if the child is in out-of-home placement, a permanency progress review hearing will be held within six months of the date the child is ordered placed in foster care or in the home of a noncustodial or nonresident parent, and a permanent placement determination hearing will be held within 12 months of the date the child is ordered placed in foster care or in the home of a noncustodial or nonresident parent.

**Subd. 4. Basis for Admission.** The court shall refuse to accept an admission unless there is a factual basis for the admission.

(a) **Full Admission.** A party may admit all of the statutory grounds set forth in the petition.

(b) **Partial Admission.** Pursuant to a Rule 19 settlement agreement, a party may admit some, but not all, of the statutory grounds set forth in the petition.

**Subd. 5. Withdrawal of Admission.** An admission may be withdrawn upon filing a motion with the court:

(a) before a finding on the petition, for any fair and just reason; or

(b) at any time, upon a showing that withdrawal is necessary to correct a manifest injustice.

**Subd. 6. Acceptance or Non-Acceptance of Admission.** At the time of the admission, the court shall make a finding that:

(a) the admission has been accepted and the statutory grounds admitted have been proved;

(b) the admission has been conditionally accepted pending the court's approval of a settlement agreement pursuant to Rule 19; or

(c) the admission has not been accepted.

**Subd. 7. Further Proceedings.** If the court makes a finding that the admission is accepted and the statutory grounds admitted are proved, or that the admission is conditionally accepted pending the court's approval of a settlement agreement pursuant to Rule 19, the court shall enter an order with respect to adjudication pursuant to Rule 50 and proceed to disposition. If the court makes a finding that the admission has not been accepted, the court shall schedule further proceedings pursuant to Rule 48 or Rule 49.

(Amended effective January 1, 2024.)

***2019 Advisory Committee Comment***

*Rule 47 is amended in 2019 as part of a revision of the Rules of Juvenile Protection Procedure. Rule 47 was formerly codified as Rule 35. The amendments to Rule 47 are not intended to substantively change the rule's meaning.*