

**RULE 48. PRETRIAL HEARING****Rule 48.01. Timing**

The court shall convene a pretrial hearing at least 10 days prior to trial.

**Rule 48.02. Purpose**

The purposes of a pretrial hearing shall be to:

- (a) determine whether a settlement of any or all of the issues has occurred or is possible;
- (b) determine whether all parties have been served and, if not, review the efforts that have taken place to date to serve all parties;
- (c) advise any child or the child's parent or legal custodian who appears in court and is unrepresented of the right to representation pursuant to Rule 36. If counsel is appointed at the pretrial hearing, the hearing shall be reconvened at a later date;
- (d) determine whether the child shall be present and testify at trial and, if so, under what circumstances;
- (e) identify any unresolved discovery matters;
- (f) resolve any pending pretrial motions;
- (g) identify and narrow issues of law and fact for trial, including identification of:
  - (1) the factual allegations admitted or denied;
  - (2) the statutory grounds admitted or denied;
  - (3) any stipulations to foundation and relevance of documents; and
  - (4) any other stipulations, admissions, or denials;
- (h) exchange witness lists and a brief summary of each witness' testimony;
- (i) exchange exhibit lists;
- (j) confirm the trial date and estimate the length of trial;
- (k) determine the need for, and date for submission of, proposed findings; and
- (l) determine any other relevant issues.

**Rule 48.03. Pretrial Order**

The pretrial order shall be filed within 10 days of the hearing, shall include the information specified in Rule 48.02, and shall specify all factual allegations and statutory grounds admitted and denied.

**Rule 48.04. Continuing Obligation to Update Information**

From the date of the pretrial hearing through the conclusion of trial, the parties shall have a continuing obligation to update information provided during the pretrial hearing.

***2019 Advisory Committee Comment***

*Rule 48 is amended in 2019 as part of a revision of the Rules of Juvenile Protection Procedure. Rule 48 was formerly codified as Rule 36.*

*Rule 48.02(d) addresses the need to determine whether the child will testify. The intent of the rule is to provide that an order protecting the child from testifying or placing conditions on the child's testimony can only be made after notice of motion and a hearing. Consistent with committee recommendations dating back to 1999, the 2019 Advisory Committee intends that any such motion be heard and resolved at the pretrial conference.*

*Rule 48.04 is amended to clarify that the continuing obligation to update information continues through the duration of the trial. Before 2019, the rule referred to a continuing obligation to update information provided during the pretrial hearing through the "date of trial." The amended language makes clear that this obligation extends until the trial is concluded.*