

RULE 57. PRETRIAL HEARING - PERMANENCY OR TERMINATION OF PARENTAL RIGHTS**Rule 57.01. Timing**

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

Rule 57.02. 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 57.03. Pretrial Order

The pretrial order shall be filed within 10 days of the hearing, shall include the information specified in Rule 57.02, and shall specify all factual allegations and statutory grounds admitted and denied.

Rule 57.04. Continuing Obligation to Update Information

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

2019 Advisory Committee Comment

Rule 57 is added in 2019 as part of a revision of the Rules of Juvenile Protection Procedure. The rule is the counterpart to Rule 48 for permanency and termination of parental rights matters.

Rule 57.02(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.