

Rule 19. Settlement**19.01 Generally**

Settlement discussions may be utilized to achieve one or more of the purposes set forth in Rule 1.02.

19.02 Content of Settlement Agreement

Any settlement agreement shall include a statement of:

- (a) the statutory grounds to be admitted;
- (b) the statutory grounds to be dismissed, if any;
- (c) the factual allegations to be admitted;
- (d) the factual allegations asserted by the petitioner but not admitted;
- (e) whether the court will enter or withhold adjudication; and

(f) the issues to be addressed at the disposition hearing or the agreed upon disposition and case plan.

19.03 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 the admission or 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 40. 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 If the admission is withdrawn, the court shall make a finding that the admission is not accepted and proceed pursuant to Rule 39.

19.04 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 (5) days of service of 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 39.