

Rule 18. Stipulations

(a) Generally. A stipulation may be used in lieu of the fact-finding hearing when the parties agree upon a set of facts that are sufficient to support a finding of neglect as defined in D.C. Code § 16-2301(9).

(b) Contents of stipulation. A stipulation in lieu of a fact-finding hearing may be made by either a written recitation of specific facts or an admission on the record of enumerated allegations of the petition, including a precise description of conduct or conditions of the parent(s), guardian or custodian that are sufficient to support a finding of neglect and/or abuse as defined in D.C. Code § 16-2301. A written stipulation shall be signed by all counsel, by the parent(s), guardian or custodian who is party to the agreement, and by the representative of the agency providing supervision and services. The guardian ad litem for the child is not required to sign a written stipulation unless it includes a disposition plan.

(c) Procedure prior to court approval of a stipulation. Before accepting a stipulation, the judicial officer shall address the parent(s), guardian or custodian personally and shall determine whether the admissions contained in the stipulation were made voluntarily and knowingly. At a minimum, the judicial officer shall inform the parent(s), guardian or custodian of the following:

(1) That by stipulating to the factual information in the stipulation, he or she waives the right to trial and agrees to a finding of neglect and/or abuse;

(2) That the consequences of a stipulated finding of neglect and/or abuse may include removal of the child from the home and the prompt consideration by the Court of options other than reunification -- including termination of parental rights -- in the event that the child is not able to return home safely within 12 months of the child's removal from the home or entry into foster care or other out-of-home placement;

(3) That he or she will be required to comply with the terms of the stipulation and to cooperate with all reasonable requirements to improve his or her ability to provide for the welfare of the child;

(4) That by stipulating to a finding of neglect and/or abuse, he or she waives the right to appeal the Court's finding of neglect and/or abuse; and

(5) That any facts to which he or she stipulates can be used against him or her in a subsequent criminal prosecution.

If the judicial officer does not find that the stipulation was entered into voluntarily and knowingly, the judicial officer shall permit the parent(s), guardian or custodian to withdraw from the stipulation and shall set a date for a fact-finding hearing. If the judicial officer is satisfied that the stipulation was entered into voluntarily and knowingly, and that the stipulated facts are sufficient to support a finding of neglect and/or abuse, the judicial officer shall enter written findings of fact and a conclusion of law that the stipulated facts are sufficient to constitute neglect and/or abuse.

(d) Disposition following stipulation. After its acceptance of the stipulation, the Court may proceed immediately to disposition if:

(1) All parties agree;

(2) At least 10 days prior to disposition a disposition report meeting the requirements of Rules 21 and 22 and D.C. Code § 16-2319(c) was filed in the Family Court Clerk's Office and placed with the official court record of the case, copies were mailed or faxed to all attorneys of record, and a copy was delivered to the chambers of the responsible judicial officer; and

(3) Notice of the disposition hearing was sent to all parties and others entitled to be heard.

The Court may accept a stipulated disposition pursuant to Rules 23 and 25 if agreed to by all parties.