

## **RULE 41.2**

**(As Amended October 31, 2005)**

### **COURT APPROVAL OF SETTLEMENTS ON BEHALF OF MINORS**

No approval of settlement of actions on behalf of minors will be given unless a motion is filed signed by the next friend or guardian containing the following information where applicable:

- (1) A brief description of the claim and of all damages sustained;
- (2) An itemized statement of all damages;
- (3) The total amount of the settlement and whether reimbursement of expenses is to be paid out of the total settlement or is being paid in addition as part of the parent's claim. If the parent is being paid anything directly, the motion shall contain a statement of the total amount being paid the parent and a specification of the items covered;
- (4) Whether the settlement was negotiated by counsel actually representing the minor and, if so, the amount claimed as attorney's fees; and
- (5) The amount to be deposited on behalf of the minor and the proposed means for preserving the proceeds for the next friend or guardian.
- (6) Any deviation from the plan requires approval by the Court upon motion.
- (7) Not later than thirty (30) days after entry of the order approving the settlement, the attorney or party to whom the funds are paid shall file a sworn affidavit verifying that the funds paid have been deposited as required by the court order, stating the depository financial institution and account number, and certifying that a copy of the court's order with restrictions on withdrawal, if any, has been provided to the depository financial institution.