

RULES OF JUVENILE COURT FOR ROBERTSON COUNTY

Preface

Pursuant to the authority vested in the Judge of the Juvenile Court for Robertson County, Tennessee, by T.C.A. § 37-1-101 et seq., and the Tennessee Rules of Juvenile Practice and Procedure, these rules shall govern the practice and procedure of the Juvenile Court of Robertson County, Tennessee. These rules shall supersede all Rules of the Juvenile Court of Robertson County, Tennessee, adopted prior to May 23, 2023. Every person appearing in this Court is charged with the knowledge of these rules. The Magistrate or Judge will deviate from these local rules only in exceptional situations where justice so requires.

Rule 1. Proceedings Before the Juvenile Court

Juvenile Court shall be considered a closed court and matters and/or proceedings before the Juvenile Court shall likewise be considered private hearings except those cases where the public is allowed by statute and/or permitted under Tennessee Rules of the Supreme Court; Rule 30. Tennessee Rules of Practice and Procedure, Rule 114.

Rule 2. Courtroom Decorum

There will be no smoking, eating, drinking, or chewing gum in the courtroom. There will be no pagers or telephones allowed in the court unless express permission is granted by the Court. No texting, recording, photography, or emailing will be allowed in the Courtroom. Lawyers, Court attendants, and all parties will be appropriately dressed while in court attendance.

Rule 3. Conduct and Appearance of Officers

a. Familiarity Not to Be Shown

During the hearing/trial, officers shall not exhibit familiarity with witnesses, attorneys, or defendants and the use of first names for adults shall be avoided.

b. Proper Attire

Officers are to be properly attired in uniform, coat and tie, dress, or blouse & slacks upon entry into the courtroom on scheduled court day. This dress attire is not required when the officer is entering the courtroom to have a citation or warrant executed.

c. Use Of Tobacco or Gum

Officers are not to use tobacco or gum while present in the courtroom.

d. Possession Of Weapon in Court Building

- (1) While on duty or serving in an official capacity, Officers are to enter the Court building with a weapon only if in uniform or with visible identification on the upper exterior of coat, blouse, or dress. Identification on the belt is not acceptable.
- (2) While off duty and/or not serving in an official capacity, Officers shall not enter the Court building with a weapon on their person when appearing in Court as a Defendant, Witness for a Defendant or Victim, and/or friend of Defendant or Victim.

Rule 4. Sessions and Office Hours

Court hours are 8:00 a.m. to 4:30 p.m. except on non-judicial days, which are Saturdays, Sundays, and holidays. Exceptions to this schedule may be authorized by the Magistrate or Judge. Other days and hours may be designated by the Judge. Unless the Judge directs otherwise, a Magistrate may hear any case in which the court has jurisdiction.

Office hours for the Clerk of the Juvenile Court are 8:00 a.m. to 4:30 p.m. except on non-judicial days, which are Saturdays, Sundays, and holidays. Exceptions to this schedule may be authorized by the Clerk of the Juvenile Court.

Rule 5. Court Costs and Filing Fees

Costs for filing a pleading, service of process, and Court costs are to be established and assessed by the Clerk of the Juvenile Court. The schedule of fees is available for inspection and copying upon request to the Juvenile Court Clerk. Filing fees or costs may be waived for good cause upon the filing of an oath of poverty, affidavit of indigency, and other documents required by the court to determine indigent status. If the Court determines a party is not indigent, the filing fee must be paid within 30 days of the determination of the non-indigent status. Failure to do so may result in the matter being dismissed and costs assessed.

Rule 6. Attorneys

All counsel who has entered an appearance in a case will be counsel of record. Entry of an appearance shall be made in one of the following ways:

- a. A request by counsel, in writing, to the clerk that an appearance be entered.
- b. A phone call to the clerk stating that the attorney is to be listed as "attorney of record" with a follow-up letter to the clerk within five (5) days confirming the same.
- c. The filing of pleadings.
- d. The filing of a formal notice of appearance; or
- e. Appearance as counsel at any court hearing.

In accordance with Rule 104 of Tennessee Rules of Juvenile Practice and Procedure, an attorney of record who wishes to terminate their representation may do so only by permission of the Court.

Rule 7. Form of Pleadings

All petitions, answers, orders, briefs, or other legal documents filed or presented to this Court shall be typewritten letter-sized (8 ½" x 11") paper, opaque and unglazed. Two copies of every pleading shall be filed in all causes, one of the same to be marked "duplicate." Such pleadings must be filed with the Clerk of the Court, and it shall be the duty of the Clerk of Court to indicate on each copy the date and time of filing.

Recycled paper is encouraged.

Notwithstanding any specific statutory provision to the contrary, fax filing shall also be permissible as outlined under Rule 106 Tennessee Rules of Juvenile Practice and Procedure and Rule 5A of the Tennessee Rules of Civil Procedure.

Rule 8. Service of Process, Subpoenas, and Other Documents

a. Service of Process

Unless the Court otherwise orders, every pleading or other document filed with the Court after the original petition shall be served on all parties (to include CASA and GAL if applicable) and shall contain a Certificate of Service or Summons. The Certificate of Service or Summons shall contain the date and manner of service and the names and locations of the person served. If the Petitioner or Respondent is represented by an Attorney, then it is the Attorney's responsibility to prepare any/all Certificates of Service and/or Summon(s) and forward same to the Juvenile Court Clerk. The Certificate of Service shall contain the date and manner of service and the names and locations of persons served.

After the Service of Process is effectuated by personal service for initial scheduling and the party has presented him/herself to the court, subsequent notice may be made by mail or in open court. All parties shall appear at all proceedings unless excused by the Judge or Magistrate.

b. IVD Child Support Cases

Leading process in IVD cases shall be the responsibility of the District Attorney's Office. After the Service of Process is effectuated, the pleadings and necessary documents are filed with the Juvenile Court Clerk, who shall accept them for filing.

c. Summons and Subpoenas

Summons and Subpoenas shall be governed by Rule 107 of Tennessee Rules of Juvenile Practice and Procedure. All summons and subpoenas

shall be typed or legibly handwritten on forms by the Court and submitted to the Clerk of Court as diligently as possible, but not later than ten (10) days, excluding nonjudicial days, before the scheduled date of trial. A party to a proceeding who is not represented by an attorney may complete the Court's summons and/or subpoena request form and return it to the Juvenile Court Clerk.

Rule 9. Record of Proceedings

The Clerk shall record the proceedings in all hearings. Audio recordings shall be cataloged and maintained within the Office of the Clerk, for a period of ninety (90) days.

Requests to maintain auto-recordings beyond this period must be filed by Order of the Court with the Clerk and include a specific time period said audio-recording shall be held.

Rule 10 Motions Generally and Scheduling of Motions, Trials/Hearings, and Continuances

Motions shall be in writing and shall cite the rule, statute, or other authority for the relief sought.

a. Motion Docket for Special Cases

For the purpose of this Rule section, "Special Cases" are defined as private action petitions and pleadings, including but not limited to:

- i. Custody;
- ii. Visitation;
- iii. Parentage;
- iv. Child support matters in which the District Attorney's Office is not involved;
- v. Dependent/Neglect/Abuse actions not filed by the Department of Children Services;
- vi. And any modifications of the aforementioned.

For Docketing purposes, all Special Cases shall require the filing of a Motion. The Motion Docket date will be provided/assigned by the Juvenile Court Clerk and set on the Motion Docket. The Attorney or Pro Se Litigant shall observe and follow the Tennessee Rules of Juvenile Practice and Procedure and/or Tennessee Rules of Civil Procedure as applicable. After the filing of the Motion, the same shall be scheduled on a Motion Docket no less than (5) five days. The Motion shall include an estimate of how much time is anticipated for the hearing and shall be served upon opposing Counsel, or in the event of a Pro Se party, shall be served on the Pro Se party.

b. Motion Docket: Appearance

It is expected that both parties' Attorney(s) and/or Pro Se Litigant(s) shall appear on the Motion Docket date for the Motion or for the arguments on the Motion or for setting for final hearing. In the event that the Motion is complex, thus requiring lengthy proof beyond the time allocated for said Motion, the Magistrate/Judge may set a date specific for hearing the Motion.

c. Motion Docket: Neither Party Appearance

Failure of both Attorney for Petitioner and Attorney for Respondent or Pro Se Litigant(s) to appear on the Motion Docket will result in Motion to Set being dismissed with cost assessed to the filing party.

d. Motion for Continuance of Trial/Hearing.

All Motions for Continuance shall be made as soon as practical before the trial/hearing date. If the Motion is contested, then Court may rule on the merits of the filed Motion and the filed Response in Opposition or may set for expedited review to determine if the Motion shall be granted.

Agreed-upon continuances shall be by Order and signed by counsel for all parties. In the event that a new trial/hearing date is appropriate, it shall be assigned by the Court. No case will be continued indefinitely.

e. Pretrial Motions

All pretrial Motions shall be in writing and must be filed with the Clerk of the Juvenile Court by 4:30 p.m., two (2) days before the hearing in the matter. Submitting counsel shall be responsible for service to any concerned counsel, GAL, or other party.

Rule 11. Discovery

Local Rule for Discovery –General Proceedings: Parties shall act in good faith to share information without a formal request for discovery. The Court shall, however, allow discovery upon motion by either party, being timely filed, and upon good cause shown. Any party may object to discovery by filing a response promptly after the filing of such a motion. Failure to respond to a motion for discovery shall be considered consent to such motion. Discovery may then be allowed under such terms and conditions as the Court may prescribe. The party, prior to filing a Motion for Discovery, shall exhaust all efforts to come to an agreement for the discovery and shall have so certified to the Court in the Motion of Discovery. To the extent possible Discovery shall be done informally.

a. Local Rule for Discovery – Parentage Proceedings: Discovery in parentage proceedings shall be pursuant to the Tennessee Rules of Civil Procedure.

Rule 12. Guardian ad Litem (including Rule 40A) and CASA

The Court may appoint a guardian ad litem either on its own motion or at the request of any party when the Court deems such an appointment to be appropriate.

The Court may also appoint CASA to act on behalf of a child in determining the best interest of the child in any action pending before the Court. Any party to a proceeding may request that CASA be appointed to the case. In any case in which CASA has been appointed, they shall be given notice of all hearings, staffings, adjudications, dispositions, and any other notices given to the parties. CASA shall be entitled to be present at any court proceedings or any other formal or informal proceeding, including mediations, pre-trial conferences, or other such proceedings involving the child and to which the other parties have a right to be present.

Rule 13. Pre-Trial Exchanges and Briefs

a. Private Cases: In all non-State cases set for trial, adjudication, or disposition, lists of all witnesses and exhibits (other than impeachment and rebuttal witnesses and exhibits) shall be filed with the Juvenile Court Clerk and exchanged between counsel at least three (3) full judicial days prior to the hearing. Witnesses and exhibits not listed may not be called/used except for impeachment or rebuttal purposes.

b. State cases: In all cases in which the State of Tennessee is a party, lists of all witnesses and exhibits (other than impeachment and rebuttal exhibits) shall, upon request of any party, be exchanged between counsel at least three (3) full judicial days prior to the hearing. If requested, witness and exhibit lists not exchanged may not be used except for impeachment or rebuttal purposes.

c. Briefs: If a party desires to file a Pre-Trial Brief, such Brief shall be filed no less than three (3) full judicial days prior to the hearing. Responsive Briefs are not required but may be filed no later than 24 hours prior to the hearing with a courtesy copy being sent directly to the Judge or Magistrate.

Rule 14. Mediation, Parenting Plans, and Parenting Classes Pursuant to Tennessee Title 36

- a.** In parentage, visitation, and custody actions, parties shall be made aware that Mediation services are available and at the discretion of the Court may be court-ordered to attended mediation in contested cases.
- b.** The use of statewide approved Parenting Plans and Temporary Parenting Plans are generally required unless waived by the court.
- c.** At the discretion of the court, parties may be court-ordered to attend co-parenting classes and/or Adverse Childhood Experiences classes for parents.

Rule 15. Temporary Custody/Visitation Hearings Pursuant to Tennessee Title 36

Temporary Custody/Visitation Hearings shall be limited to two (2) hours. Each side will be allowed a maximum of sixty (60) minutes for presentation. The court will generally only hear from the parties of the temporary action. Both sides shall present a

temporary parenting plan proposal at the hearing (preferably in the statewide Parenting Plan template).

Rule 16. Guardianships pursuant to Tennessee Title 34

Parent(s) should be co-petitioners in guardianship actions or shall be served prior to a hearing or entry of agreed order in an action for guardianship.

Rule 17. Extraordinary Relief; Protective Custody Orders and Temporary Restraining Orders

Persons seeking a Protective Custody Order or Temporary Restraining Order shall first file a Petition with the Juvenile Court Clerk. The Court will then determine whether the matter is an emergency and should be considered immediately *ex parte* or whether all parties can be given notice and the opportunity to be heard. When the opposing party has counsel of record, the party seeking the *ex parte* Order shall endeavor to give counsel notice that he or she will be seeking an *ex parte* Order. Exceptions to this rule include situations where time is of the essence and the best interest or welfare of the child(ren) will be compromised if notice is given. Such notice as the circumstances permit shall be given. Where no notice is given and counsel for the opposing party is known, parties seeking an *ex parte* Order should present an affidavit showing why it was not possible to give notice.

Rule 18. Private Filing of Dependency, Neglect, and Abuse Petitions

Each and every private dependency, neglect, or abuse petition that is filed with the Juvenile Court shall include a completed General Data Form. The General Data Form is available from the Juvenile Court Clerk. The information requested on the form is necessary for state-required data input as well as the DCS referral required and pursuant to the Tennessee Rules of Juvenile Practice and Procedure.

Rule 19. Preliminary Hearings in Dependency/Neglect Proceedings

Preliminary hearings in Dependency/Neglect proceedings shall be limited to two hours. Each side will be allowed a maximum of sixty minutes for opening, presentation of witnesses, cross-examination of adverse witnesses, and closing arguments.

It is unnecessary for the Court to hear more of the Plaintiff's proof than is necessary to establish probable cause, and the Court may terminate the hearing at any time that probable cause has been established and the Defendant(s) have been afforded the opportunity to cross-examine the witnesses called by the Plaintiff and to present defense proof reasonably tending to rebut probable cause.

Rule 20. Ratification of Permanency Plans

- a. If all parties agree regarding the ratification of a Permanency Plan, it is not necessary for a ratification hearing to be held. Rather, the Permanency Plan may

be signed by all parties and lodged with the Juvenile Court Clerk for entry, as if it were an Agreed Order.

b. Alternatively, the Department of Children's Services may file a proposed Permanency Plan with the Juvenile Court Clerk, along with a Notice of Filing containing a Certificate of Service to all parties. If no party files an objection with the Juvenile Court Clerk within five (5) judicial days of the date on which the Notice of Filing is filed, the Court will summarily ratify the proposed Permanency Plan without further hearing. If an objection is filed by any party, a ratification hearing will be held by the Court.

Rule 21. Department of Children Services Requirement to Provide Notice

Pursuant to TCA § 37-2-416, the Tennessee Department of Children Services shall ensure at each hearing concerning a child in foster care that the foster parents, pre-adoptive parents, and relative caregivers are notified of all proceedings with respect to said child in care. The Department of Children Services case manager or department designee shall provide to the Court a sworn Affidavit of such compliance with notice requirements to the foster parents, pre-adoptive parents, and relative caregivers with a listing of names and method of notice to each.

Rule 22. Department of Children Services Trial Home Visit Requests and Probation Reviews

The assigned Department of Children Services caseworker, Department of Children Services court liaison, or other Department of Children Services designee shall ensure that there is attached to each and every Trial Home Visit Request, Probation Review of Juvenile State Probationers, and/or Discharge Statements a complete, thorough, and inclusive accounting review of record regarding same Juvenile's fines/costs/ restitution and/or all other monies owed, due and/or outstanding. The same accounting report shall be on a form prescribed by the Juvenile Court and verified through Juvenile Court Clerk and Youth Service Designee. The said accounting attachment is in addition to the required Juvenile Direct Service Report for all Department of Children Services' formal court proceedings and reviews.

Rule 23. Conduct of Trials

Proceedings in the court may be private hearings except in those cases where the public is allowed by statute. At the discretion of the Court, the general public may be excluded from any juvenile, paternity, visitation, custody, child support and/or any other formal hearing that may be before the Court and only those persons having a direct interest in the case may be admitted. In juvenile proceedings, a parent or guardian must be present at every adjudicatory hearing unless excused by the Court in writing or on the record. The Court will appoint a Guardian Ad Litem to act on behalf of a child in determining the interests of a child at any stage of the proceedings when the child is without a parent or guardian, or when it appears to the Court that the interests of the child so require.

Rule 24. Restitution

The Court may order restitution in Delinquency cases. The amount of restitution may be “Reserved” by the Court and/or State at disposition for future action when, in the opinion of the Court, it is in the child’s best interest to begin treatment and rehabilitation program despite the fact that the amount of restitution is unresolved.

Rule 25. Error And Exceptions

Any error, defect, or irregularity of variance which does not affect substantial rights shall be disregarded. Exceptions to the rulings of the Court are unnecessary. If a party makes no objection to a ruling or order, the absence of an objection does not in itself prejudice him thereafter.

Rule 26. Request for Review of the Record by the Juvenile Judge on Matters Heard by the Magistrate

A Party may, within ten (10) judicial days of the entry date of the Magistrate's final Order, file with the Court a written Request for a Review of the Record by the Juvenile Court Judge. The request must include written exceptions to the Magistrate's findings, conclusions, or recommendations, and specify the findings to which the party objects, the grounds for the objection, and the party's proposed findings, conclusions, or recommendations.

No review will be granted if the requesting party did not participate in the hearing before the Magistrate in good faith.

A Request for Review of the Record by the Juvenile Judge is not permissible in any delinquency or unruly cases in which the Magistrate enters an order of dismissal after a hearing on the merits.

A Request for Review of the Record by the Juvenile Judge shall not operate as a stay of judgment and the order of this Court shall remain in effect until Juvenile Judge enters an order to the contrary. The orders of the Magistrate in all matters before the Court shall be the decree of the Court pending the determination of the written Request for Review of the Record by the Juvenile Judge.

Rule 27. Appeals Of Matters Heard by Magistrate or Judge

A party may appeal the final order pursuant to T.C.A. § 37-1-159. Any appeal to the Circuit Court concerning dependency/neglect, unruly, and/or delinquency matters must be filed with the Clerk's Office within ten (10) judicial days of the entry of the final Order. Any appeal heard pursuant to Tennessee Title 36 shall be made to the Tennessee Court of Appeals and is governed by the Tennessee Rules of Appellate Procedure.

An appeal shall not operate as a stay of judgment and the order of this Court shall remain in effect until the court with jurisdiction over the appeal enters an order to the contrary. The orders of the Judge/Magistrate in all matters before the Court shall be the decree of the Court pending an appeal.

Rule 28. Confidentiality

All records submitted or filed with the Juvenile Court shall be confidential which includes but is not limited to medical records, evaluations, assessments, mental health records and evaluations, substance abuse assessments and/or treatment records, drug screen results, reports from the Tennessee Department of Children's Services, other affiliated agencies, CASA reports and probation reports. All of the aforementioned shall not be disclosed or released by any person for any purpose without the explicit authorization of the Court and by court order.

Rule 29. Orders and Decrees

Unless otherwise directed the prevailing party shall draw the order and file the same within three (3) weeks of the hearing (excluding non-judicial days). All Orders must include a Certificate of Service to all parties.

Any Agreed Order, whether announced in open Court on the record or agreed to outside of Court, shall be circulated to all appropriate parties for signature(s) prior to being submitted to the Clerk.

Required Additional Language for Magistrate's Orders. The following language shall be inserted in all Magistrate's orders.

"This order may be appealed to the appropriate court with jurisdiction and as provided by statute within 10 days of entry of the final order. T.C.A. § 37-1-159.

A written Request for Review of the Record by the Juvenile Court Judge may be requested within 10 days of entry of the final order. Request for Review of the Record by the Juvenile Court Judge must include the exceptions to the Magistrate's findings, conclusions, or recommendations, and specify the findings to which the party objects, the grounds for the objection, and the requesting party's proposed findings, conclusions, or recommendations. T.C.A. § 37-1-107. ANY FAILURE TO COMPLY WITH THIS MAGISTRATE'S ORDER IS PUNISHABLE BY CONTEMPT, FOR WHICH THE PENALTIES MAY INCLUDE A FINE AND/OR IMPRISONMENT."

Rule 30. Dormant Cases

To expedite cases, the Court may take reasonable measures to purge cases that have not been disposed of or scheduled for hearing within 12 months of the date of filing, last summons issued, or service, whichever is later, and shall be subject to dismissal.

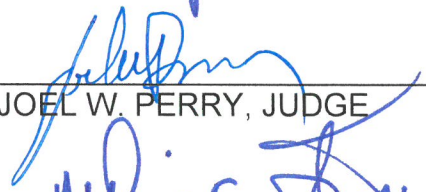
Rule 31. Waivers or Modification of Rules

Any of the rules enacted herein may be waived or modified by special order of the court when in the court's opinion such waiver or modification is necessary to do justice or to arrive at the equities of the case between or among the parties involved.

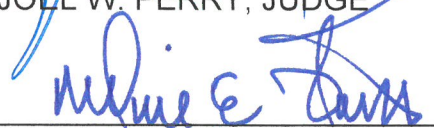
Rule 32. Conflicts with Tennessee Rules Juvenile Practice and Procedure or Law

Should any Local Rule conflict with the Tennessee Rules of Juvenile Practice and Procedure and/or law then the Tennessee Rules of Juvenile Practice and Procedure shall prevail and/or law shall prevail.

These Local Rules of The Juvenile Court for Robertson County, Tennessee are hereby adopted and revised on this the 23 day of May, 2023.



JOEL W. PERRY, JUDGE



MELANIE E. STARK, MAGISTRATE

Replaces Rules of Juvenile Court for Robertson County entered July 5, 2016, and any/all Rules prior adopted versions of the rules.