

**RULES REGULATING PRACTICE AND
PROCEDURE IN THE JUVENILE
COURT FOR THE ELEVENTH JUDICIAL DISTRICT**

Effective July 1, 1987

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Table of Rules

Rule

1. Scope and Purpose.
2. Courtroom Decorum.
3. Opening and Adjournment of Court.
4. Sessions.
5. Office Hours.
6. Pleadings.
7. Service of Process.

Rule

8. Attorneys.
9. Conduct of Trials.
10. Discovery.
11. Error and Exceptions.
12. Petitions for Rehearing.
13. Rehearings of Matters Heard by Referee.
14. Orders and Decrees.
15. Appeals.

Rule 1. Scope and Purpose

These rules and the Tennessee Rules of Juvenile Procedure shall govern the practice and procedure in the Juvenile Court of Hamilton County, Tennessee. They are intended to provide for the speedy and just determination of every proceeding, and in juvenile proceedings they shall at all times be enforced and construed beneficially for the remedial purpose embraced in Title 37 of the Tennessee Code Annotated. In the event of any apparent conflict, the Tennessee Rules of Juvenile Procedure shall prevail.

[Effective July 1, 1987.]

Rule 2. Courtroom Decorum

All persons in the courtroom will stand while the Court is being opened and also while the Court is being adjourned. All orders, judgments, and decrees will be handed to the Court through the Court attendants, and lawyers will not approach the bench from the bar except when directed by the Judge. There will be no smoking or chewing of gum in the courtroom, and all lawyers and Court attendants will be appropriately dressed while in Court attendance. The Bailiff in attendance upon Court will be charged with

the responsibility of requiring compliance with these standards of courtroom conduct and deportment.

[Effective July 1, 1987.]

Rule 3. Opening and Adjournment of Court

Upon the Judge or Referee entering the courtroom preparatory to the formal opening of Court, the Bailiff will call the courtroom to order, directing all in attendance upon the Court to stand and will open Court in substantially the manner following:

"This Honorable Juvenile Court of Hamilton County, Tennessee is now open for the transaction of business pursuant to adjournment, the Honorable _____ presiding."

Thereupon the Judge or Referee will take his seat upon the bench and those in the courtroom will be seated. Upon the Court instructing the Bailiff to adjourn Court for the day, the Bailiff will direct all in attendance upon the Court to stand, as will the Judge, and will adjourn Court in substantially the manner following:

"This Court now stands adjourned until tomorrow morning at — o'clock." (or until a day certain.)
[Effective July 1, 1987.]

Rule 4. Sessions

There shall be a session of Court daily, except on non-judicial days, which are Saturdays, Sundays, and holidays. Court hours are 8:30 a.m. to 4:30 p.m. Exceptions to this schedule may be authorized only by the presiding Judge. Unless the Judge directs otherwise, any case in which the Court has jurisdiction may be heard in the first instance by a Referee.

[Effective July 1, 1987.]

Rule 5. Office Hours

The office of the Clerk of Court shall be open for the regular transaction of business from 8:30 a.m. until 4:30 p.m. except on nonjudicial days.

[Effective July 1, 1987.]

Rule 6. Pleadings

All petitions, answers, orders, briefs, or other legal document(s), filed or presented to this Court shall be typewritten on forms provided by the Court or typewritten on letter-sized (8½" × 11") paper, opaque and unglazed. Two copies of every pleading shall be filed in all causes, one of same to be marked "duplicate." Such pleadings must be filed at the Legal Records Section of the Court Clerk's Office, and it shall be the duty of the Clerk of Court to indicate on each copy the date and time of filing. Form petitions which meet the requirements of law are provided by the Court for every type of proceeding within the jurisdiction of the Court, and Court personnel shall appropriately assist as necessary in the preparation of petitions.

[Effective July 1, 1987.]

Rule 7. Service of Process

All subpoenas shall be typed or printed on forms provided by the Court and submitted to the court officer assigned to the case, or to the Clerk of Court, as diligently as possible, but not later than five (5) days, excluding nonjudicial days, before the scheduled date of trial. A party to a proceeding who is not represented by an attorney may simply furnish to the assigned court officer a list of the names and addresses of the witnesses to be subpoenaed, and it shall be the responsibility of that office to cause subpoenas to be issued in accordance with this rule.

[Effective July 1, 1987.]

Rule 8. Attorneys

All attorneys licensed to practice law in Tennessee shall be allowed to appear in any matter coming before the Court. Every party to a proceeding who

wishes to employ an attorney shall be given an opportunity to do so. The Court will appoint an attorney to represent any defendant who has a constitutional right to counsel and who is determined by the Court to be indigent. It is not mandatory that attorneys write their names upon the jacket containing the legal records in any case, but if an attorney is not present in Court when the case is called, and has not written his or her name on the jacket, the person shall be presumed to be without counsel. In accordance with Rule 19 of the Tennessee Rules of Juvenile Procedure, attorneys of record who wish to terminate their representation may do so only with permission of the Court.

[Effective July 1, 1987.]

Rule 9. Conduct of Trials

Proceedings in this Court, except dependent and neglected cases, shall be open to the general public. In the discretion of the Court, the general public may be excluded from any juvenile or paternity proceeding and only those persons having a direct interest in the case may be admitted. And no person within, without, or in the vicinity of the Juvenile Court Building shall accost, solicit, or interfere in any way with any person on or about the premises of the Court or otherwise engage in any conduct which may tend to interrupt, disturb, or hinder the orderly conduct of the Court's business. 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 in behalf of a child in determining the interests of a child at any stage of the proceedings when the child is without parent or guardian, or when it appears to the Court that the interest of the child so require.

[Effective July 1, 1987.]

Rule 10. Discovery

(a) **Local Rule for Discovery.** Neither the rules of Civil Procedure nor the Rules of Criminal Procedure pertaining to discovery are applicable in juvenile court proceedings. 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 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. Officers of the Court shall make available for inspection by counsel to a party to any proceeding all Court files, records, and written reports in the case, except confidential reports of harm made pursuant to child abuse laws and other information which may not lawfully be disclosed.

(b) **Delinquent Proceedings.** In all delinquent proceedings where the complainant is a police agency, the attorney for the child, upon request, shall be given

access to inspect and/or copy, or be informed of, all matters in the possession or control of the police agency which would be discoverable in Criminal Court under the Rules of Criminal Procedure. The police agency may object to the requested discovery through the District Attorney and the attorney for the child may then file a motion for discovery which will be set for hearing on the criminal docket prior to trial. The request shall be made directly to the police officer in charge of the case and not to the Court or District Attorney.

[Effective July 1, 1987.]

Rule 11. Error and Exceptions

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

[Effective July 1, 1987.]

Rule 12. Petitions for Rehearing

If a rehearing of any decision is sought, a petition for rehearing must be filed with the Clerk of Court within ten (10) days after the entry of the decree or judgement. Upon good cause shown, the Court may extend time limits specified in these rules except those time limits that are statutory. Before being presented to the Court, copies of petitions for rehearing, with any brief in support thereof, must be furnished to adversary counsel, who will be accorded five (5) days within which to answer. Such petitions for rehearing and answers shall be filed and delivered by respective counsel promptly thereafter to the Court without argument. If the Court desires to hear oral argument, counsel will be so notified.

[Effective July 1, 1987.]

Rule 13. Rehearings of Matters Heard by Referee

The Judge may, on his own motion, order a rehearing of any matter heard by a Referee. Any party may, within five (5) days after the date of the hearing

before the Referee, excluding nonjudicial days, file a request for and be allowed a hearing before the presiding Judge. Provided, however, that a rehearing will not be allowed in any delinquency or unruly case in which the Referee recommends dismissal after a hearing on the merits. The recommendation of the Referee, in all matters before the Court, shall be the decree of the Court pending a rehearing.

[Effective July 1, 1987.]

Rule 14. Orders and Decrees

Unless specifically directed to do so by the Court, attorneys are not required to prepare and submit orders and decrees. Such orders and decrees are prepared by a clerk who records the order at the time given in Court. Any party wishing to prepare and submit an order for approval may simply inform the Court of that intention. Such orders must be submitted to the Court for approval and entry not later than the tenth day following the decision.

[Effective July 1, 1987.]

Rule 15. Appeals

An appeal of the Court's disposition of a child in any case, whether the allegations of the petition are admitted or denied, may be perfected by filing a notice of appeal on a form provided by the Court within ten (10) days, excluding nonjudicial days, of the final order of disposition. The appeal period shall commence the day after the order of disposition is entered. Provided, however, that if a rehearing of a matter heard by a Referee is not requested or provided on the Court's own motion, the parties shall be allowed fifteen (15) days, excluding nonjudicial days, from the date of the recommendation of the Referee in which to perfect an appeal. All appeals from any disposition of a child except transfer of a juvenile to criminal court to be dealt with as an adult shall be to the circuit court. An appeal shall not operate as a stay, and the order of this Court shall remain in effect until or unless the circuit court enters an order to the contrary. Appeal of any final judgment entered in Juvenile Court except the disposition of a child shall be as provided in the Tennessee Rules of Appellate Procedure.

[Effective July 1, 1987.]