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 Procedure, these rules shall govern the practice and procedure of the Juvenile Court of Robertson County, Tennessee. These rules shall supersede all Rules of Practice and Procedure in the Juvenile Court of Robertson County, Tennessee, adopted prior to June 16, 2010. Every person appearing in this Court is charged with the knowledge of these rules.

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.

Rule 2. Courtroom Decorum
There will be no smoking, eating, drinking, or chewing of gum in the courtroom. There will be no pagers or telephones allowed in the Court unless the device is silenced. Lawyers, Court attendants and all parties will be appropriately dressed while in Court attendance.

Rule 3. Conduct and Appearance of Officers

3a. Familiarity Not To Be Shown
During trial, officers shall not exhibit familiarity with witnesses, attorneys, or defendant's and the use of first names for adults shall be avoided.

3b. Proper Attire
Officers are to be properly attired in uniform, coat and tie, dress, or blouse & slacks upon entry into courtroom on scheduled court day. This dress attire is not required where officer is entering courtroom to have a citation or warrant executed.

3c. Use Of Tobacco Or Gum
Officers are not to use tobacco or gum while present in courtroom.

3d. Possession Of Weapon in Court Building
(1) While on duty or serving in an official capacity, Officers are to enter Court building with weapon only if in uniform or with visible identification on upper exterior of coat, blouse or dress. Identification on belt is not acceptable.

(2) While off duty and/or not serving in an official capacity, Officers shall not enter 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 assigned to a case. 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 in the Office of the Juvenile Court Clerk. Filing fees or costs may be waived for good cause.

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:

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

In accordance to Rule 19 of Tennessee Rules of Juvenile 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.

Rule 8. Service of Process, Subpoenas and Other Documents

8a. Service of Process

Unless the Court otherwise orders, every pleading or other document filed with the Court subsequent to the original petition shall be served on all parties 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. If the Petitioner or Respondent is *pro se,* then it is the duty and responsibility of the Juvenile Court Clerk to prepare and issue for service of process any/all Certificates of Service and/or Summon(s). The Certificate of Service shall contain the date and manner of service and the names and locations of persons served.

8b. IVD Child Support Cases

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

8c. Subpoenas

Subpoenas shall be governed by Rule 45 of Tennessee Rules of Civil Procedures.

All 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 subpoena request form and return it to the Court Clerk.

After Service of Process is effectuated by personal service for an 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. No further personal service is necessary.

Rule 9. Record of Proceedings

The Clerk shall record the proceedings in all hearings. Audio-recordings shall be catalogued 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. Scheduling Of Hearings and Continuances.

10a. Motion Docket for the Scheduling of 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 Department of Children Services;
vi. And any modifications of the aforementioned.

For Docketing purposes, any and all Special Cases shall require the filing of a Motion to Set. Prior to any Motion to Set being filed with the Court, the Attorney or Pro Se Litigant shall observe and follow any and all Tennessee Rules of Juvenile Procedure and/or Tennessee Rules of Civil Procedure as may apply to the petition, pleadings and/or Service of Process (Summons or Certificate of Service). After the filing of the Motion to Set, the same shall be scheduled on a Motion Docket to determine the final hearing date. The Motion to Set 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 Litigant. The Motion Docket date will be provided/assigned by the Juvenile Court Office and set on the Motion Docket as to the assigned Motion Docket date. Both parties will receive Motion to Set date by Certificate of Service from the Juvenile Court by U.S. Mail.

Motion Docket: Appearance
Special Cases cannot be set by agreement of the parties prior to Motion Docket date. Juvenile Court cannot provide dates prior to Motion Docket; dates can only be provided by the Court on Motion Docket. It is expected that both parties' Attorney(s) and/or Pro Se Litigant(s) shall appear on the Motion Docket date for setting of final hearing.

Motion Docket: Neither Party Appearance
Failure of both Attorney for Petitioner and Attorney for Respondent or Pro Se Litigant(s) to appear on Motion Docket will result in Motion to Set being dismissed with cost assessed to the filing party.

Motion Docket: One Party Appearance
Failure of either Attorney for Petitioner, Attorney for Respondent or Pro Se Litigant to appear on Motion Docket <u>but</u> one party does appear on Motion Docket may result in hearing date being assigned without benefit of preference or input to same date.

Attorneys are encouraged to communicate and propose dates by agreement. In the event that only one Attorney can appear on Motion Docket, then same Attorney will be allowed to contact Opposing Attorney personally by telephone or Opposing Attorney's office to confer hearing dates provided by the Court. Hearing Dates by Agreement are preferable and every attempt will be made to accommodate the parties. The Court shall

determine the final hearing date in respect to judicial economy if a hearing date cannot be agreed upon by the parties.

Order to Set Final Hearing
Both parties will receive Order to Set (Final Hearing date) by Certificate of Service from the Juvenile Court by U.S. Mail. This Order will include the time allocated for the Final Hearing.

When a case is set without objection, failure to complete discovery, unavailability of counsel on the trial date, inability to take depositions, or failure to complete any other trial preparation will not be grounds for a continuance, except for good cause shown prior to trial date.

10b. Motion for Continuance.
All Motions for Continuance shall be made as soon as practical before the trial date and must be approved by the Court. Agreed upon continuances shall be by Order signed by counsel for all parties and shall specify a new trial date. Said new trial date shall be assigned by the Juvenile Court Youth Service Officer or the Court. It is the party's responsibility requesting the continuance to notify all parties and witnesses subpoenaed of the continuance and of the reset Court date. No case will be continued indefinitely.

Any case not specifically scheduled for hearing within one (year) of the date of filing or last issued process or service, which ever is later, shall be subject to dismissal.

Rule 11. Guardian ad Litem 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 in 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 12. 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 any and all proceedings with respect to a said child in care. The Department of Children Services case manager or department designee shall provide to the Court a sworn to 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 13. Discovery

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

Rule 14. 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 15. General Motions

A. Motions shall be filed at least seven (7) days prior to setting for hearing, unless special approval from the Court is obtained prior to the filing.
B. Motions for discovery in Dependent and Neglect cases shall be routinely granted unless a written objection is filed. If an objection is filed, the motion shall be set for a contested hearing.
C. Special set motions must have prior approval of the Court and shall not be set upon the Docket unless the movant certifies as documented in the certificate of service that he/she has attempted to resolve the matter by making contact with all attorney/parties and that circumstances necessitate the Motion needs to be set outside the seven (7) day rule.
D. The following must be raised prior to trial or transfer hearing by written motion:
    i. Motions to Suppress evidence
    ii. Request for discovery and inspections
    iii. Requests for a severance or consolidation of charges of defendants

Failure of a party to raise defenses or objections or to file motions required prior to trial shall constitute waiver thereof, but the court for good cause may grant relief from the waiver.

Rule 16. Mediation and Parenting Plans
Parties shall be made aware that Mediation services are available and may be ordered at the discretion of the court in contested cases. The Court may also order that a Parenting Plan be submitted and incorporated by reference into any Final Order.

Rule 17. Conduct of Trials
Proceedings in the Court may be private hearings except those cases where the public is allowed by statute. 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. 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 interests of the child so require.

Rule 18. Restitution
The Court may set restitution in Delinquency cases. The amount of restitution may be "Reserved" by the 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 despite the fact that the amount of restitution is unresolved.

Upon motion, the Court may order restitution in delinquency cases. Restitution is limited by statute to any monetary damages that actually resulted from child's delinquent conduct, if deemed by the Court to be appropriate.

Rule 19. Error And Exceptions
Any error, defect, irregularity of variance which does not affect substantial right shall be disregarded. Exceptions to the 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.

Rule 20. Rehearing Of Matters Heard By Magistrate
Any party may request a Rehearing before the Juvenile Judge by filing a request To Set within five (5) days of entry of the Order by the Juvenile Magistrate, excluding non judicial days.

The Juvenile Judge will set the Request For Rehearing and Motion To Set for a court date at which time all parties and/or their attorney's shall be present in court. The court will assign a date for the Rehearing, on the court date the Motion To Set is heard
The party(s) requesting a rehearing shall submit in writing at least fifteen (15) days before the Rehearing date a written brief setting out the specific issues to come before the Juvenile Judge. The party(s) requesting the rehearing shall provided the opposing party(s) at least fifteen (15) days before the rehearing date a copy of their brief.

A rehearing will not be allowed in any delinquency or unruly cases in which the Magistrate recommends dismissal after a hearing on the merits.

The recommendation of the Magistrate in all matters before the Court, shall be decree of the Court pending a rehearing. The Judge on his own Motion, may order a rehearing of any matter heard by a Magistrate.

Rule 21. 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 Orders. The following language should be inserted in all referee orders. "This order may be appealed to the Juvenile Court Judge or as provided by Statute, by filing a request for rehearing with the Juvenile Court Clerk. This order must be obeyed until the Judge rules otherwise. 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 22. Dormant cases

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

Rule 23. Waivers or Modification of Rules

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

These Local Rules of The Juvenile Court for Robertson County, Tennessee are hereby adopted and revised on this the 6 day of June, 2011.

BURTON D. GLOVER, JUDGE

MELANIE E. STARK, MAGISTRATE

Replaces Rules of Juvenile Court for Robertson County entered August 26, 2008
Replaces Rules of Juvenile Court for Robertson County entered October 1, 2009
Replaces Rules of Juvenile Court for Robertson County entered June 16, 2010