



LOCAL RULES OF PRACTICE FOR WILLIAMSON COUNTY JUVENILE COURT

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Rule 1. ADOPTION OF RULES. These local rules are adopted by the Williamson County Juvenile Court for practice before the Judge of the Juvenile Court and the Court's Magistrates.

Rule 2. SCOPE AND PURPOSE. These rules and the Tennessee Rules of Juvenile Procedure shall govern the practice and procedure in the Juvenile Court of Williamson 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 purposes embraced in Titles 36 and 37 of the Tennessee Code Annotated. In the event of any conflict, the Tennessee Rules of Juvenile Procedure shall prevail.

Rule 3. COURTROOM DECORUM. There will be no tobacco products, chewing of gum, eating or drinking in the courtroom.

There will be no cellular devices, laptops, notebooks or any other technologically-based communication/social networking device, allowed in the courtroom unless such devices are silenced. *Allowed electronic devices should be used for professional purposes and shall not create a disruption to the activity of the courtroom.* For the general public, audience, and all juvenile defendants, the electronic devices must be turned off.

Lawyers, Court attendants, and all persons will be appropriately dressed while in Court attendance.

The Court Officer or Court Security in attendance upon Court will be charged with the responsibility of requiring compliance with these standards of courtroom conduct and deportment.

Rule 4. OFFICE HOURS. The Office of Williamson County Juvenile Services and the Office of the Juvenile Court Clerk shall be open for the regular transaction of business from 8:00 a.m. until 4:30 p.m., except on non-judicial days. The Williamson County Juvenile Detention Center will be open 24 hours per day and 7 days per week.

Rule 5. SESSIONS. Subject to such variations as the Judge may find necessary or convenient, there will be a session of Court daily except non-judicial days. The regularly scheduled Court dockets shall begin at 8:30 a.m. for Detention Hearings and 9:00 a.m. and 1:00 p.m. for all other matters. Hearings may be scheduled outside of the regularly scheduled docket times at the discretion of the Judge or Magistrate presiding over the matter. There will be a one-hour recess for lunch as directed by the presiding Judge or Magistrate. Parties and attorneys will not be excused until released by the Court. Attorneys are strongly urged to discuss their pending matters PRIOR to the beginning of the Court session. Parties are expected to be prepared to proceed promptly at the beginning of the morning and afternoon sessions. Law enforcement, attorneys,

defendants, etc., are to be in the courtroom and seated, at the opening of the session for docket call. The Judge will get status reports of the cases pending at that time and go over any preliminary matters. Attorneys or parties to proceedings shall notify the Court as soon as possible if there is an anticipated delay in their arrival. In the event of a weather or environmental-based emergency, the Court will continue to hold scheduled sessions. If parties are unable to commute to Court, they must notify the Court of the inability to be present by contacting the Williamson County Juvenile Court Clerk's Office or Williamson County Juvenile Services. All efforts will be made to conduct the hearing for the parties that appear. In the unlikely event that Court is cancelled due to a weather or environmental-based emergency, notice of such will be relayed to the local television/radio stations to add to public closure listings.

Rule 6. COURT COSTS AND FILING FEES. Costs for filing a pleading, service of process, and Court costs are to be established and assessed by the Juvenile Court Clerk. 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 by the Court for good cause.

Rule 7. FORM OF PLEADINGS. All pleadings filed or presented to the Court shall be on letter-sized (8 1/2" x 11") paper. An original pleading shall be filed in all causes and shall be accompanied by sufficient copies necessary for service upon the parties.

Rule 8. RECORD OF PROCEEDINGS. All proceedings shall be recorded by the Juvenile Court Clerk. Audio/video recordings will be maintained by the Court for a period of one (1) year. In the discretion of the Court, copies of audio recordings may be released to attorneys of record or court reporters. Any such party who desires to obtain a copy of a recording shall submit a written request to the Court, setting forth the reasons supporting the party's need to review the recording.

Rule 9. COURT ORDERS. Orders shall be prepared by the Clerk of the Court unless otherwise directed by the Judge or Magistrate. When an order is prepared by counsel, such order shall be submitted to opposing counsel and the Court for approval no later than five (5) business days, excluding non-judicial days following the court date. If the parties are unable to agree to the language in an order, the parties shall submit a proposed order for consideration by the Court within fifteen (15) business days from the court date. In all cases, orders shall be provided to all necessary parties and include a certificate of service.

Rule 10. ATTORNEYS. All attorneys licensed to practice law in Tennessee shall be allowed to appear in any matter coming before the Court. It is the responsibility of the attorney representing the party to bring it to the Court's attention as soon as practical to be made a part of Court record by filing a Notice of Appearance. 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 11. SERVICE OF PROCESS, SUBPOENAS AND OTHER DOCUMENTS.

11.a. Service of Process. Unless the Court otherwise orders, every pleading or other document filed with the Court shall be served on all parties and shall contain a Certificate of Service or Summons. 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 Summons(s) and/or Subpoena(s) and forward same to the Juvenile Court Clerk. If the petitioner or respondent is *pro se*, then it is the duty of the Youth Service Officer assigned to the case to prepare and issue the summons or subpoena.

11.b. Child Support Matters. If parties are not represented by counsel, process in Child Support matters shall be the responsibility of the Child Support Enforcement Office. Once the pleading is served, the original shall be submitted to the Juvenile Court Clerk's Office, which shall accept them for filing.

11.c. Subpoenas. All subpoenas shall be typed or printed and served on the party, witness, or officer. Forms are available at the Juvenile Court Clerk's office. If the party is represented by an attorney, then it is the attorney's responsibility to prepare, print and serve the subpoenas. Once served, original documents shall be filed with the Juvenile Court Clerk. Subject to the discretion of the court, the service shall occur as quickly as possible, but not later than five (5) days, excluding non-judicial days, before the scheduled date of trial. If the matter requires an emergency or expedited hearing, the five (5) day requirement may be waived. Parties not represented by attorneys may contact the Youth Service Officer assigned to the case regarding necessary subpoenas and shall provide the Court with contact information, including name, address, and phone numbers.

Rule 12. CONFIDENTIAL RECORDS. All records submitted or filed with the Williamson County Juvenile Court shall be confidential records (which includes, but is not limited to, medical records or evaluations, mental health records or evaluations, substance abuse assessment/treatment records, drug screen results, reports from the Tennessee Department of Children's Services or other agencies, CASA reports and probation reports) and shall not be disclosed or re-released to anyone for any purpose other than the proceedings currently before this Court without further authorization from the Judge of the Williamson County Juvenile Court.

Rule 13. PRETRIAL MOTIONS. All pretrial motions filed by attorneys shall be in writing and must be filed with the Court and served on opposing counsel or party by 4:30 p.m., five (5) days, excluding non-judicial days, before the hearing in the matter. When a child is in detention or an emergency hearing is necessary, this rule may be suspended to allow quick preparation for court. In cases involving more than one party or involving Guardians ad Litem, service shall be had on those persons in the same deadline.

Rule 14. DISCOVERY. The court shall allow discovery within the framework of the rules upon written motion by any party, timely filed and upon good cause shown. Any party may object to discovery by filing a written response promptly after the filing of the

Motion for Discovery. Failure to respond to the Motion for Discovery shall be considered consent to such motion. The party, prior to filing a Motion for Discovery, shall exhaust all efforts to come to an agreement for discovery and shall so certify to the Court in the Motion for Discovery.

Discovery may be allowed under such terms and conditions as the court shall prescribe. These rules of discovery shall not pertain to confidential information as set forth by statute.

In all delinquent proceedings where the complainant is the state, 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 state which would be discoverable in Criminal Court under the Rules of Criminal Procedure. To the extent possible, discovery shall be done informally.

PLEASE NOTE: The District Attorney's Office is not routinely involved in misdemeanor petitions. Any discovery requests may be made to the law enforcement officers and/or petitioners.

Rule 15. CONDUCT OF TRIALS. 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.

Rule 16. SCHEDULING OF HEARINGS AND CONTINUANCES. The Williamson County Juvenile Court Clerk's Office will set all Attorney-filed pleadings, and it will be the attorney's responsibility to issue and serve all parties and witnesses. Cases may be continued only by leave of the Court. Cases will not be continued except for good cause. All cases continued by leave of the Court will be by written order stating the reason for the continuance, at whose instance, and the date of reassignment. Agreed continuances shall be by order signed by counsel for all parties and shall specify a new hearing date. It is the responsibility of the party requesting the continuance to notify all other parties and witnesses under subpoena of the continuance and the reset date. No case shall be "continued indefinitely". In any case which is continued, the Court may award expenses and attorney's fees, including compensation to witnesses for lost income and/or travel expenses and tax the same as Court costs.

All dispositional hearings shall immediately occur after the adjudication of a petition unless the Court deems otherwise. The Court may, upon proper motion or on its own motion, set a later dispositional date.

All cases in which the State has announced its intention to transfer the case to Criminal Court shall be set for a transfer hearing within ninety (90) days of the date on which the child is taken into custody or the petition is filed, whichever is earlier. Counsel may petition, and the Court, for good cause, may grant extensions in the time limit for the hearing. In reviewing such a request, the Court will consider the reason for the request, circumstances of the case, the well-being of the child and whether delaying a hearing on the case will affect other related cases in other courts. If a child is detained beyond the

statutory ninety (90) day time period, upon appropriate application to the Court by the attorney for the child, the Court will entertain a Motion to Set Bond.

If parties expect a hearing will take longer than two (2) hours of the court's schedule, a first appearance date will be scheduled and the parties shall make the court aware of the need for a special set date. The presiding Judge or Magistrate will then set the date in court.

Rule 17. GUARDIAN AD LITEM AND CASA. The Court may, either on its own motion or at the request of any party, appoint a Guardian ad Litem and/or CASA to act on behalf of a child in determining the best interest of the child in any action pending before the Court. For the purpose of notice, CASA shall be notified of hearings and continuances.

Rule 18. PRELIMINARY HEARINGS IN DEPENDENCY/NEGLECT PROCEEDINGS. The purpose of a preliminary hearing is to determine whether probable cause exists. 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.

Protective Custody Order. Persons seeking a Protective Custody 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/she will be seeking an ex parte Order. Exceptions to this rule include situations where time is of the essence and the best interest of 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 19. EXTRAORDINARY RELIEF.

Temporary Restraining Orders: Persons seeking a 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/she will be seeking an ex parte Order. Exceptions to this rule include situations where time is of the essence and the best interest of 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 20. DELINQUENT CASES. (a) Arrest and detention of Juveniles: In cases alleging juvenile delinquency, no child shall be placed in Juvenile Detention unless a petition has been filed.

(b) Detention Hearings: When conducting detention hearings pursuant to Rule 15, Tennessee Rules of Juvenile Procedure and T.C.A. 37-1-114, the detention hearings, unless otherwise scheduled, will be heard Monday through Friday and a parent/custodian/guardian must be present.

(c) Rules for the pre-trial and post-trial detention of delinquent offenders are governed by T.C.A. 37-1-114 and the Williamson County Juvenile Detention Center Administrative Manual. Those rules outlined in the manual regarding the rights of the juvenile, his/her parents, guardian and representatives as to intervening, visiting, questioning and other need for access to the child in detention have been approved and adopted by the Court and are incorporated herein by reference.

Rule 21. REHEARING OF MATTERS HEARD BY THE 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 final order by the Juvenile Magistrate, excluding non-judicial days. A rehearing will not be allowed in any delinquency or unruly cases in which the magistrate recommends dismissal after hearing on the merits. The recommendation of the magistrate, in all matters before the Court, shall be the decree of the Court pending a rehearing, unless a stay is issued by the Judge. The Judge may, on his/her own motion, order a rehearing of any matter heard by a Magistrate.

Rule 22. APPEALS. An appeal from the Court's decision in a delinquency case may be perfected by filing, in Juvenile Court, a notice of appeal within ten (10) days, excluding non-judicial days, of the entry of the final order in the Juvenile Court. The notice of appeal shall also be filed in the Circuit Criminal Court reflecting the appeal. Appeals on dependent and neglect cases and unruly cases shall be made to the Circuit Court. Appeals of Termination of Parental Rights cases shall be made to the Court of Appeals. Appeals of matters heard in Juvenile Court pursuant to Title 36 shall be made to the Court of Appeals. An appeal shall not operate as a stay and the order of this Court shall remain in effect until or unless the appeals court enters an order to the contrary.

Rule 23. 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 references into any final order.

Unless otherwise ordered, the Court recommends contested actions, either for initial orders or modification of existing orders of this court involving the following issues to be referred to mediation prior to a trial on the merits:

1. Custody of the minor children;
2. Co-parenting responsibilities and schedules.

Upon motion of any party or sua sponte, the court may order any other eligible matter within the jurisdiction of the court, except delinquency, and dependency/neglect

matters, to be referred to mediation prior to a trial on the merits. The parties may agree on any person to be a mediator. If the parties cannot agree on a mediator, a motion shall be made to the court to appoint a Rule 31 dispute resolution neutral mediator. Nothing in this rule shall prevent the parties from proceeding with settlement negotiations prior to mediation. If the parties cannot afford the fees of mediation, then upon filing an affidavit with the court, mediation expenses may be supplemented by the State of Tennessee.

Rule 24. 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 protect the child (ren's) best interests, 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 of Williamson County, Tennessee, are hereby adopted and entered on the minutes of the Court on this,

The 6th day of May, 2013.



Sharon Guffee, Juvenile Court Judge