

Dependent and Neglect Proceedings

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(a) Time Limits on Scheduling Dispositional Hearings. Dispositional hearings shall be held within 15 days of the adjudicatory hearing if the child is placed out of the home by court order, and within 90 days of the adjudicatory hearing in all other cases. Upon good cause shown, the dispositional hearing may be continued to a date certain.

(b) Separate from Adjudicatory Hearing. A dispositional hearing shall be separate and distinct from the adjudicatory hearing to which it relates. However, it may be held immediately following the adjudicatory hearing or at a later date.

(c) Notice of Right to Appeal. At the conclusion of the dispositional hearing, the court shall advise the parties of the right to appeal the dispositional order.

(d) Temporary Order. Where a continuance of the dispositional hearing is ordered, the court may enter a temporary order that is in the best interest of the child.

(e) Evidence Admissible; Standard of Proof. In arriving at its dispositional decision, the court shall consider only evidence which has been formally admitted, and the juvenile court record of the child. All testimony shall be under oath and may be in narrative form. The Rules of Evidence shall apply except that reliable hearsay including, but not limited to, documents such as psychiatric or psychological screenings or evaluations of the child or the child's parents or custodian or reports or assessments prepared by a probation officer, youth services officer or the Department of Children's Services, may be admitted provided that the opposing party is accorded a fair opportunity to rebut any hearsay evidence so admitted. However, this subdivision shall not be construed to authorize the introduction of any evidence secured in violation of the Constitution of the United States or the Tennessee Constitution. The parties shall have the right to examine any person who has prepared any report admitted into evidence. The standard of proof at the dispositional hearing is preponderance of the evidence.

Advisory Commission Comments.

The purpose of dispositions in juvenile court actions is to design an appropriate order to meet the needs of the child and to achieve the objectives of the state in exercising jurisdiction. When possible, the initial approach should involve working with the child and the family in their own home so that the appropriate community resources may be involved in care, supervision, and treatment according to the needs of the child and family.

At the dispositional hearing, it is appropriate that youth services and probation officers be witnesses regarding admissible evidence of which they have knowledge. Youth services officers or probation officers may be a fact witness but shall not engage in the unauthorized practice of law.

Although a report may be admissible as reliable hearsay, all the contents of the report may not be reliable hearsay. This is especially important when the source gives an opinion that the person is not qualified to give.

Though this rule allows for the dispositional hearing to be held within 15 days of the adjudicatory hearing when the child is placed out of the home by court order or 90 days in all other cases, it should be noted that under these rules the dispositional hearing may be held immediately following the adjudicatory hearing if the court determines that delay for preparation by the parties is not necessary.