

**LOCAL RULES OF PRACTICE  
THIRTY-SECOND JUDICIAL DISTRICT  
HICKMAN, LEWIS, & PERRY COUNTIES**

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**RULES OF THE CIRCUIT AND CHANCERY COURTS  
FOR THE THIRTY-SECOND JUDICIAL DISTRICT**

**Effective September 1, 2022**

**INTRODUCTION**

**JUDGES.** The 32<sup>nd</sup> Judicial District embraces Hickman, Lewis, & Perry Counties. The Circuit & Chancery Judge of the 32<sup>nd</sup> Judicial District has full civil and criminal jurisdiction.

**CLERKS.** Each county within the District has a Circuit Court Clerk and a Clerk and Master with powers and duties prescribed by statute for such offices generally. The Clerk and Master is also clerk of the Probate Division of the Chancery Court.

The clerks are expected to perform all of the acts, including the issuance of writs of attachment, and fixing bonds therefor, which the Clerks are authorized to perform under the applicable statutes.

As used in these Rules, "CLERK" includes the Circuit Court Clerk and/or the Chancery Clerk and Master.

GRANDJURIES will be empaneled as follows:

HICKMAN COUNTY – First Wednesday in February and August.

LEWIS COUNTY – First Monday in February and August.

If the first Monday is a holiday, the Grand Jury will be empaneled on the following Wednesday.

PERRY COUNTY – Third Monday in February and August.

If the third Monday is a holiday, the Grand Jury will be empaneled on the following Wednesday.

**WHEREAS:** The Local Rules have promoted the efficient and cost-effective resolution and disposition of cases brought in the District; and due to their importance in efficient administration of justice may be amended from time to time.

## CIVIL RULES

### **Rule 1.     General Rules Not Abrogated**

The Tennessee Rules of Civil, Criminal and Appellate Procedure, of Evidence, and the Rules of Professional Conduct and Judicial Conduct, will take precedence over these Rules.

### **Rule 2.     Filing and Serving of Papers**

#### **Section 2.01.     Filing with the Clerk**

All pleadings, motions, proposed judgments and orders shall be filed with or submitted to the Clerk. Briefs shall be lodged with the Clerk who will deliver the same to the Judge.

#### **Section 2.02.     Certificate of Service**

All papers must contain a certificate of service to opposing party's(ies')/counsel which must contain the date of service, the name of the person or persons served, and the method of service. The Clerk may refuse to file papers not having a certificate which complies with these rules and all applicable rules of Civil, Criminal or Appellate Procedure. (For the Rule as to appealable orders or decrees, see Rules 5 and 11.01).

### **Rule 3.     Jury Trial**

#### **Section 3.01.     Peremptory Challenge Procedure**

At trial, peremptory challenges will be written on a sheet of paper provided the respective attorneys for that purpose. Any objection with regard to a challenge based upon systematic racial or sexual discrimination will be made by any party at this time. The failure to object when returning the opponent's challenge sheet to the court officer constitutes a waiver of such objection.

### **Rule 4.     Trial and Motion Schedules and Calendars**

#### **Section 4.01.     Trial and Motion Schedules and Calendars**

The Presiding Judge will prepare and deliver to the Clerks a master schedule designating days for motions, non-jury trials and jury trials for each Judge. Individual trial and motion calendars will be prepared by the Clerk.

### **Rule 5.     Pretrial Motions**

#### **Section 5.01.     General**

All pretrial motions must be filed and scheduled for hearing no later than the court's last regular motion day before the scheduled trial date. No motions, including motions in limine to exclude testimony, will be heard on the day of trial. All pre-trial motions, where possible, shall be raised by counsel at the pre-trial conference.

**Section 5.02. Content of Motions**

Motions and written oppositions to motions may contain legal analysis or argument designated as such, or may be accompanied by a separate memorandum of law. In the event a party relies upon legal authority other than published cases decided by Tennessee appellate courts, a copy of the authority on which the party relies shall be filed as an appendix to the party's written legal argument.

**Section 5.03. Timeliness of Filing**

(a) All motions shall be filed in sufficient time for opposing counsel to have (a) notice of the filing, and (b) an opportunity to prepare and file any required responses. The court will consider justice, fairness, and prejudice in determining the failure to timely file any pleading.

(b) Motions for summary judgment must be scheduled and cleared with the judge to be heard at least forty-five (45) days before the scheduled trial date, unless the court orders otherwise. A motion for summary judgment cannot be heard until at least thirty-seven (37) days after the motion and all matters presented in support of the motion are filed *and served*, unless the court orders otherwise. Motions for summary judgment will be set for hearing upon contacting the court's judicial legal assistant for dates and times and then by order of the court with counsel tendering the complete form in **Appendix A** attached hereto.

(c) If a motion is opposed, a written response to the motion must be filed and served on all parties. Responses to motions, including counter-affidavits, sworn income and expense statements, depositions, briefs or any other matters presented in opposition to the motion, must be filed and received by opposing counsel not later than the close of business four (4) business days prior to the date on which the motion is set to be heard. There shall be no reply to a response.

(d) If, at the time a motion is filed the moving party sets the motion to be heard, the motion shall conspicuously state the date and time of the hearing and shall advise the non-moving party that the failure to file and serve a written response may result in the motion being granted without further hearing. The following text, if used by the moving party, shall be deemed in compliance with this rule:

"THIS MOTION IS SET TO BE HEARD ON \_\_\_\_\_ (date) AT  
(time) O'CLOCK, A.M./P.M. ON THE (CIRCUIT) (CHANCERY) COURT MOTION  
DOCKET HEARD AT THE \_\_\_\_\_ COUNTY  
COURTHOUSE. IF NO WRITTEN RESPONSE TO THIS MOTION IS FILED AND

SERVED IN THE TIME SET BY THE LOCAL RULES OF PRACTICE, THE MOTION MAY BE GRANTED WITHOUT A HEARING.”

(e) If, at the time a motion is filed, the moving party does not set the motion to be heard, the motion shall conspicuously advise the non-moving party that the motion has not been set for a hearing. Thereafter, the moving party, or the parties by agreement, shall, by written notice timely served on all parties, set the motion to be heard within the time constraints established by these rules.

(f) For purposes of this Local Rule, service by personal delivery of a motion or of a written response in opposition to a motion means: (i) physical delivery received, or (ii) electronic delivery via email in accordance with Rule 5.02(2), Tennessee Rules of Civil Procedure.

(g) In this three (3) county district, motions shall be set and heard in the county of the initial filing unless approved in advance by the court. Upon approval, an order shall be prepared and presented to the clerk for the court’s approval and entry. Other county hearings are discouraged.

**Section 5.04            Motion to Compel/Efforts to Resolve Discovery Conflicts**

The Court will refuse to rule on any motion related to discovery, *including a motion to compel for failure to timely respond*, unless the motion contains a statement which certifies the lawyer for the moving party, *or the moving party when said party is self-represented*, has conferred with opposing counsel, *or party*, in a good faith effort to resolve the *matters alleged in the motion* and that the effort has not been successful. *Such good faith effort shall, at a minimum, be evidenced by a writing from the moving party to the non-moving party describing the alleged deficiencies in discovery.*

**Section 5.05.            Chambers’ Copies of Motions and Memoranda**

Parties have leave and are encouraged to submit to the courts’ Judicial office an additional copy of all potentially dispositive motions and supporting memoranda of law [e.g. motions to dismiss, judgment on the pleadings, summary judgment] and motions and supporting memoranda of law for class certification. Such submission may be by personal delivery or email to the judge’s assistant attaching a portable data file. A chambers’ or office copy of supporting evidentiary material is not required nor encouraged. A party submitting a chambers’ copy of any motion and/or memorandum shall serve a full and complete copy on the adverse party. Original orders should be submitted directly to the clerk who will forward them to the court.

**Rule 6.            Post-Trial Motions and Motions in the 32<sup>nd</sup> Judicial District**

**Section 6.01            Motions for New Trial, Motions for Judgment N.O.V. and Motions to Alter or Amend**

Motions for new trial, motions for judgment n.o.v. and motions to alter or amend will not be set for hearing except upon direction of the Judge. Such motions should be accompanied by any citation of authorities and written argument which the moving party wishes the Judge to consider. No such motion will be sustained by the Judge without affording the adverse parties an opportunity either to file responsive briefs and written argument or to be heard in oral argument.

**Rule 7. Setting Cases for Trial and Continuances**

**Section 7.01. Setting Cases for Trial**

Except for temporary divorce and parenting plan actions and cases that can be set on the motion docket, cases shall be set for trial in one of the following ways:

- (a) By agreement of counsel after consultation with the Judge's Administrative Assistant, such agreement to be evidenced by a court order, prepared by counsel, submitted to the judge;
- (b) By motion; and
- (c) By the court with notice to counsel.

All non-jury trials which are anticipated to require no more than three (3) hours may be set by agreed order on the regularly scheduled motion days after consultation with the Judge's Office. Domestic cases will be set in accordance with Rule 12 of these Local Rules.

Court schedules shall be prepared, released, posted in the clerk's offices and distributed to the attorneys quarterly for the following six-month period. Attorneys may request electronic mail of the court's schedule by providing their electronic mail address to the clerk's office. Cases shall be docketed in the order that the Order setting the case for trial is presented to the clerk of the court.

All motions to set and orders setting a case for trial will include a statement of how long the attorney anticipates the case will take for trial. Any case that the attorney or attorneys anticipate will take longer than one-half (1/2) day shall be set by motion only.

**Section 7.02. Certifying Cases Ready When Set**

No case will be set for trial unless all attorneys can certify it is ready for trial.

(a) When a case is set by agreement or by motion without objection, all counsel are certifying that they, their clients, and their necessary witnesses will be available for trial on the trial date and that all discovery has been completed or will be completed prior to the selected trial date. Where a case is set by the court or by motion over the objection of one or more of the parties, the court will specify a reasonable time within which

discovery is to be completed and specify a trial date which falls at least fifteen (15) days thereafter. The failure to have completed discovery, inability to take a deposition, or failure to have completed any other trial preparation will not be grounds for a continuance.

(b) In accordance with Rule 5, all pretrial motions, including motions to exclude evidence, must be filed in time to permit oral argument not later than the last regular motion day before the scheduled trial date. No motions will be argued on the morning of trial without a showing of service or acceptable notice.

(c) At the time a case is set for trial, counsel will provide their best, good-faith estimate of the number of trial days reasonably likely to be required to try the case.

(d) For all cases to be tried to a jury, and all non-jury cases where counsel for at least one party estimates the trial to require more than one day to try, the order setting the case for trial shall comply with the provisions of Rule 9 of these Local Rules.

(e) Mediation is a proven and effective method of alternative dispute resolution. Engaging in mediation promotes settlement and enhances the just and efficient resolution of civil litigation. Accordingly, unless approved by the court, no civil action shall be set for trial unless the parties have (i) engaged in good faith mediation without success, or have either, (ii) a firm date set for a mediation, (iii) a deadline pursuant to a scheduling order for completion of mediation, or (iv) an order of the court relieving the parties from the requirements of this rule, at the time they seek to have a case set for trial. This rule does not apply to the following classes of cases: (i) appeals from judgments in the general session court or juvenile court, and (ii) cases seeking termination of parental rights.

### **Section 7.03. Continuances**

Cases may be continued only by leave of court. Motions and agreements for continuance must be supported by sworn affidavit and either be signed by the party or signed by the attorney and contain a certificate that a copy of the motion has been mailed to the party or parties whom a signing attorney represents.

### **Rule 8. General Sessions Appeals**

All General Sessions appeals will be set for trial by order of the Court. The Clerk will notify the parties of the trial date.

### **Rule 9. Pre-Trial Procedure in Civil Cases**

#### **Section 9.01. Non-Jury Cases Requiring No More Than One Trial Day**

In all civil actions set for trial on the merits where all counsel for the parties estimate in good faith that no more than one day will be required to try the case, at least seventy-two (72) hours (excluding weekends) prior to the date set for trial:

(a) The names and addresses of all witnesses shall be furnished to opposing counsel;

(b) Copies of all exhibits which are proposed to be offered shall be furnished to opposing counsel. When it is impractical to copy exhibits, the proposed exhibits shall be made available for inspection upon reasonable notice; and

(c) In a divorce hearing, either final or temporary, involving alimony and/or child support issues, a property, joint income, and expense statement in the form attached as **Appendix B** as appropriate, shall be filed with the Judge, the Clerk, and a copy furnished to opposing counsel. The parties shall also include a proposed division of property and indebtedness as well as any stipulation on division of property.

A violation of the above may be grounds for exclusion of the evidence.

**Section 9.02. Jury Trials and Non-Jury Cases Requiring More Than One Trial Day**

In all civil actions set for trial by jury and all non-jury cases where counsel for the parties estimate in good faith that one or more days will be required to try the case, the following procedures shall apply:

(a) Not less than twenty-eight (28) days prior to the trial date, each party shall supplement all prior written discovery responses to the fullest extent required by Rule 26.05(3) of the Tennessee Rules of Civil Procedure. Nothing in this Section shall be construed to relieve any party of the duty seasonably to supplement the party's responses to discovery otherwise required by Rules 26.05(1) and (2).

(b) In cases to be tried to a jury, not less than fifteen (15) days prior to the trial date, each party shall file and serve a complete set of proposed jury instructions and requested verdict form and provide a bench copy to the court. A party requesting an instruction contained in the "then-most-current-edition" of the Tennessee Patterned Jury Instructions (Civil), may comply with this rule by citing to the number of the pattern instruction. A party requesting an instruction not contained in the pattern instructions shall provide the full text of the requested instruction together with appropriate citation to legal authority for the proposed instruction.

(c) Not less than seven (7) days prior to the trial date, the parties shall jointly file a pre-trial statement setting out the following information:

(i) The name of each witness to be called by each party during the presentation of that party's case-in-chief, either in person or by deposition, together with a designation of whether the witness is offered as an expert;

(ii) A designation by page and line number of all deposition excerpts to be offered into evidence in lieu of the live testimony of the deponent witness

pursuant to Rules 32.01 (2) and (3) of the Tennessee Rule of Civil Procedure and any objection to such designation;

(iii) A list of all exhibits to be offered by each party into evidence during the presentation of that party's case-in-chief, together with a designation of which exhibits, if any, have been stipulated by the parties to be either authentic and/or admissible in evidence; and

(iv) A concise statement of each party's claims and defenses.

(d) Not less than seven (7) days prior to a non-jury trial, each party shall separately file and serve on all other parties and the court by personal delivery, a pre-trial brief setting forth the party's position and legal argument with respect to the issues to be tried. A party may choose to comply with this Section by filing proposed findings of fact and conclusions of law.

**Section 9.03            Procedures Applicable to Motions, Petitions, and other Requests for Criminal Contempt Sanctions**

(a) **Notice of initial appearance:** At the time any motion, petition or other request for criminal contempt sanctions is filed by a private party, the clerk shall cause to be entered an order (the "Initial Appearance Order") requiring the contempt defendant to appear before the court in which the criminal contempt matter is pending, pursuant to Tenn. R. Crim. P. 42, on a date certain to be entered by the clerk at the time the order to appear is entered. The order entered by the clerk shall conform to the form in **Appendix C** to these Local Rules. The party initiating the criminal contempt matter shall, without unreasonable delay, serve the Initial Appearance Order upon the criminal contempt defendant and/or his or her counsel of record, if any.

(b) **Initial appearance:** Unless the contempt defendant waives his or her right to an initial appearance, at the date and time set in the Initial Appearance Order, or by any subsequent court order, the court will provide the contempt defendant the notices described in Tenn. R. Crim. P. 42(b)(1) and enter an order confirming such notice in compliance with Tenn. R. Crim. P. 42(b)(2) (the "Rule 42 Order"). The Rule 42 Order shall conform to the form in **Appendix D** to these Local Rules and shall include (i) a schedule for the orderly disposition of the contempt charge, (ii) a stay of discovery served on the contempt defendant, and (ii) a hearing date, if feasible.

(c) **Waiver of initial appearance:** Prior to the scheduled date of the initial appearance, a contempt defendant may waive his or her right to an initial appearance by filing and serving upon the adversary party, a notice of waiver that conforms in form and substance with the form in **Appendix E** to these Local Rules.



**Rule 10. Exhibits**

**Section 10.01. Depositions and Discovery Material**

Depositions and discovery material shall not be filed with the Clerk. Any such material offered into evidence that is not read to the court may be made trial exhibits at the request of either party and subject to approval by the Court.

**Section 10.02 Custody of the Clerk**

All trial exhibits shall be marked by, accounted for and placed in the custody of the Clerk unless otherwise directed by the court.

**Section 10.03 Disposition of Exhibits in Civil Cases**

After final determination of any case, the parties shall have 30 days to withdraw exhibits. The Clerk may destroy or dispose of exhibits not so withdrawn.

**Rule 11. Orders and Judgments**

**Section 11.01 Preparation and Submission**

Unless the court directs otherwise, attorneys for prevailing parties will prepare proposed orders for entry by the court and shall file such proposed orders not more than seven (7) days following the day on which the ruling is made by the court. If the proposed order submitted reflects that it has been approved for entry by counsel for all parties, then the court will take action promptly to enter such proposed order, or, at the court's discretion, enter the court's own order with respect to the ruling. If the proposed order does not reflect that it has been approved for entry by counsel for all parties, then the court will take no action to enter such proposed order for four (4) days after receipt of the proposed order to afford counsel for the opposing party to submit an alternative proposed order. If the opposing party submits an alternative proposed order, the court shall undertake promptly to enter either the original proposed order, the alternative proposed order, or the court's own order with respect to the ruling. All of the time periods in this section may, for good cause, be extended by the court.

A party's approval for entry of a proposed order, which does not by its express terms state that it is an agreed order, shall not be construed as anything other than the party's agreement that the proposed order accurately reflects the court's ruling on the particular matter and shall not be construed to imply that party's agreement with or consent to the ruling set out in the proposed order.

**Section 11.02 Non-Minute Entry Orders**

Orders not affecting the legal course of an action, such as orders setting a case for trial or acting upon a request for a continuance, may be designated by the clerk as a

non-minute entry order. Such designated order shall be placed in the file of the case but not spread upon the minutes of the court.

**Section 11.03 Court Costs**

(a) All final judgments shall provide for the taxing of court costs.

(b) Whenever it appears to the clerk that a judgment has been satisfied but that court costs have not been paid, the clerk may apply to the court for a retaxing of court costs. The clerk shall notify the parties of the application and the date and time it will be considered by the court.

**Rule 12. Divorce and Child Parenting Hearings**

**Section 12.01. Parenting Seminars**

All parties to a divorce action who have minor children shall be required to complete a four (4)-hour parenting seminar which is approved by the court. The Clerk of the court shall maintain a list of organizations or individuals that have been approved by the court to conduct these seminars. A copy of the list shall be served on the opposing party along with the summons and complaint. If a party is waiving service of process, waiver of service shall be filed with the Clerk and the Clerk shall mail a copy of the list to that party.

**Section 12.02 Temporary Parenting and Support Hearings and Orders**

**Section 12.02(a) Agreement of the Parties**

Where the parties with minor children can agree upon temporary parenting and support arrangements, a Temporary Parenting Plan shall be prepared and submitted to the court. If approved by the court, the plan will govern the parenting and support arrangements between the parties during the pendency of the divorce action and may not be modified by the parties without prior court approval.

**Section 12.02(b) Contested *Pendente Lite* Motions/Hearings**

- (1) If the parties cannot agree upon temporary support and visitation matters, the issue may be brought before the court upon the filing of a proper motion.
- (2) At the time of filing, the moving party seeking *pendente lite* relief shall file and serve a proposed Temporary Parenting Plan, if applicable, as well as an affidavit of income and expenses in the form outlined in **Appendix B** attached hereto.
- (3) At the time of filing, the party opposing *pendente lite* relief shall file and serve a written response together with that party's proposed Temporary Parenting Plan as

well as that party's affidavit of income and expenses in the form outlined in **Appendix B** attached hereto.

- (4) Parties to contested *pendente lite* motions are reminded such motions are for the purpose of setting **temporary** support, custody, and visitation pending a final hearing. Hearings on *pendente lite* motions are not a substitution for, or a shortcut towards a final adjudication or to be used for discovery. In the event the parties cannot reasonably anticipate their contested *pendente lite* motion will be heard fully within a total time period of two (2) hours or less, the parties shall notify the court through the assigned judge's legal assistant and seek a special setting on a date other than a day reserved for general civil and/or domestic motions.

### **Section 12.02(c) Forms**

Parenting Plans and income and expense forms will be available in each clerk's office.

### **Section 12.03. Contested Divorce and Parenting Actions**

**(a) Contested Divorce Actions.** Contested divorce actions shall be set for trial by the court only upon a motion filed and served upon the adverse party at least ten (10) days prior to the hearing on the motion. Prior to the date of hearing on the motion to set, the moving party shall file and serve upon the adverse party:

1. A proposed Permanent Parenting Plan (**Appendix F**)
2. An Asset and Liability Statement (**Appendix G**)
3. Their request for relief.
4. Whether they have attempted mediation and, if not, a statement explaining their failure to mediate.
5. Their certificate of attendance at an approved parent education seminar.

**(b) Hearings on Motions to Set.** At the hearing on motions to set for trial on divorce and parenting actions, counsel will be certifying that (1) the parties have attended the parenting seminar as required by Rule 12.01, above; (2) the parties have attempted mediation and, if not, whether the case is appropriate for mediation; (3) the necessity of a special master or court's expert for the purpose of assisting the court in determining the value of the assets of the parties; and (4) whether other orders of the court might facilitate the proceedings. If at this hearing the court is satisfied the case is ready for trial the action will be set for a date certain.

**(c)** No later than five (5) days prior to the trial of any domestic matter, counsel for both parties shall have filed and provided bench copies to the Judge's Administrative Assistant: (1) pre-trial briefs, (2) list of witnesses and exhibits, (3) income and expense statements, and (4) listing of stipulated matters on property and grounds.

**Section 12.04      Non-Contested Divorces and Parenting Actions**

(a) **Hearings**. Where divorce cases are grounded on irreconcilable differences or are submitted on stipulated grounds, it is not necessary to move for a default judgment provided the facts giving the court jurisdiction of the parties and the subject matter are recited under oath either in the complaint or by separate affidavit. A defendant who has not filed an answer must specifically waive service of process and the filing of an answer in the marital dissolution agreement or by separate affidavit.

(b) **Children**. Parties to a parenting action who have reached an agreement with regard to their disputed issues may submit to the court a Permanent Parenting Plan in the form attached as **Appendix F**. Parties to a non-contested divorce action who have minor children may incorporate a permanent parenting plan in the same form into their marital dissolution agreement. A plaintiff with minor children who seeks a divorce after a judgment for default shall submit to the court a proposed permanent parenting plan in the same form at the final hearing for divorce and shall be prepared to testify, with corroborating witnesses as to the best interest of the children.

**Rule 13.      Adoptions**

**Section 13.01.      Filing**

All adoption petitions shall be filed with the Chancery Court Clerk and must comply with state law.

**Section 13.02.      Adoption by Step-Parents and Relatives**

All adoptions by step-parents and relatives must comply with state law.

**Rule 14.      Accountings – Return of Supporting Documentation to Fiduciary**

In connection with any accounting where the fiduciary is required to produce supporting documentation, such as, but not limited to, canceled checks, bank statements, receipts, etc., the clerk shall have the right, as set forth below, to return the supporting documentation to the custody of the fiduciary for safekeeping. Such a return of documentation shall not occur until the clerk has reviewed and approved the accounting and at least 30 days have elapsed from the date the court approves the accounting and it is recorded.

**Rule 15.      Extraordinary Interlocutory Relief**

**Section 15.01.      Restraining Orders**

Proposed restraining orders shall be prepared by counsel prior to submitting the request for relief to the court. Except in domestic relations cases, the restraining order shall provide for the setting of a bond as a condition to the entry of the restraining order.

The restraining order shall further provide for the setting of a hearing for temporary injunction and shall provide a place thereon for the court to set a date, time and location for such a hearing. Requests for extraordinary relief must comply in all respects with Rule 65, T.R.C.P.

**Section 15.02.     Hearings**

All applications for temporary injunctive and other forms of extraordinary interlocutory relief shall be heard upon sworn pleadings or affidavit and/or deposition unless a party, prior to the time of the hearing, requests and obtains permission of the court for the introduction of oral testimony and so notifies all other counsel of record.

**Rule 16.     Suspension of Rules**

Whenever the court determines that justice requires it, the court may suspend any of the foregoing local rules.

**LOCAL CRIMINAL RULES**

**RULE 1. TRIAL AND MOTIONS SCHEDULES AND CALENDARS.**

Section 1.01. The presiding judge will prepare and deliver to the clerk and master a schedule designating days for motions and for trials for all judges.

Section 1.02. Trial and motion calendars will be prepared by the clerk.

**RULE 2.     REQUESTS FOR DISCOVERY, AND MOTIONS**

Section 2.01.

- (1) The form arraignment order shall contain a default option for defense counsel, at time of arraignment, to request disclosure of evidence by the State of all information made subject to disclosure by Tenn. R. Crim. P. 16(a)(1).
- (2) All pre-trial motions that the moving party reasonably anticipates will require an evidentiary hearing shall comply with Tenn. R. Crim. P. 47, and shall be filed and served in accordance with Tenn. R. Crim. P. 49(b) and set for hearing on the court's regular motion calendar, consistent with the scheduling order applicable to the particular case, not less than twenty (20) days following the date of filing and service. Pre-trial motions not requiring an evidentiary hearing shall be filed, served and set on the court's docket, consistent with the scheduling order applicable to the particular case, not less than fourteen (14) days following the date of filing and service. A party opposing a motion shall file and serve a written response, not later than the close of business three (3) days prior to the scheduled hearing date, setting forth the grounds upon which the party

relies for opposing the relief sought by the moving party. For purposes of computing compliance with the time requirements of this Section 2.01(2), the provisions of Tenn. R. Crim. P. 45(a) and (d) shall be strictly applied.

- (3) Notice of the hearing date shall be conspicuously set out by the moving party in the motion at the time of filing and service.
- (4) Relief from the time requirements of the foregoing Section 2.01(2) may be granted, in the court's discretion, upon a showing of good cause supported by affidavit or other written evidence.

Section 2.02. At the time of arraignment, the court shall designate a review date and a plea date. On the review date or the plea date, the Court may:

- (1) Consider any plea bargain agreements between the district attorney general and the defendant and his or her attorney.
- (2) Hear any pretrial motions filed by either party.
- (3) Determine whether there are pretrial motions which cannot be heard either in accordance with these rules or for reasons of fairness to the respective parties and, if so, set those motions for appropriate disposition.
- (4) Set all cases for trial that have no pretrial motions pending, except for those cases described in Section 2.04 below.
- (5) Pass the case to the next appropriate date.

Section 2.03.

(1). On the review date for each particular case, it shall be the responsibility of the defendant or his or her attorney to advise the court of the following:

(a.) That the state has failed to respond to a request for discovery filed pursuant to Rule 16, T.R.Cr.P.

(2) On the review date for each particular case, it shall be the responsibility of the district attorney, or his or her assistant to advise the court that the defendant has failed to provide discovery per reciprocal agreement or as requested pursuant to Rule 16, T.R.Cr.P.

(3) Upon the determination of the existence of any of the circumstances set forth in this section, the trial court may continue the review date and may make such further orders as may be appropriate for the timely disposition of pretrial proceedings.

(4) Any circumstance not called to the attention of the court in accordance with this section shall not be considered as a ground for continuance of the trial of the case.

**RULE 3. SETTING CASES FOR TRIAL.**

Cases will be set for trial by the court upon motion of either party or on its own motion with notice to the respective parties or attorneys.

Section 3.01. Witnesses for Trial. The subpoena for any witness, whether for the State or Defendant, shall be issued at least seven days prior to the date of the trial.

#### **RULE 4. CONTINUANCES.**

Section 4.01. If no plea agreement is entered on or before the plea date as stated in the scheduling order, the case will be docketed for trial, unless an amended scheduling order is filed and agreed to by the Court.

Section 4.02. Once set for trial, cases may be continued only with the approval of the court. All motions for continuance made prior to the date of trial or hearing shall be filed in writing, shall state the reason the continuance is being sought and shall either be sworn to or be supported by sworn affidavit. No agreements to continue a case will be approved unless a date has been agreed upon for resetting the hearing or trial being continued.

Section 4.03. Any request for a continuance in a case where the defendant is charged with a crime of violence involving death or serious bodily injury that will cause the trial of the case to be delayed beyond 180 days from the date of the indictment shall be accompanied by a proposed certificate in compliance with T.C.A. § 40-38-105 setting forth the reasons the case is still pending before the court.

Section 4.04. It is expected that a case where the defendant is charged with a crime of violence involving death or serious bodily injury shall be given priority in scheduling and selection of cases for trial over cases not involving such a charge.

#### **RULE 5. REQUEST FOR SEQUESTRATION OF JURY.**

Except in capital cases, both the defendant and the state shall be deemed to have waived any right they may have to a sequestered jury unless a written request has been filed with the clerk of the court at least 72 hours prior to the time the case is set for trial.

#### **RULE 6. ORDERS AND JUDGMENTS**

Section 6.01. Once sentencing has been completed, a proposed judgment document shall be prepared by the district attorney for approval by the Court. All other orders and judgments shall be prepared by the clerk, unless the court otherwise directs pursuant to Rule 6.02, and shall be submitted directly to the judge.

Section 6.02. When directed by the court counsel will prepare orders for entry. All orders prepared by counsel, except for judgment documents, shall be filed with the clerk and served on opposing counsel.

Section 6.03. Counsel who has been served with a proposed order prepared by adversary counsel at the direction of the court, shall immediately notify the court and opposing counsel of any disagreement with the contents of the proposed order. Objecting

counsel shall, within 3 days, submit a revised order and serve a copy on opposing counsel. Opposing counsel shall immediately notify the court of any objection to the contents of the revised order. The court will either approve one of the orders submitted with notice to counsel, enter the court's own order with respect to the underlying ruling, schedule a chambers conference, or set the matter for hearing.

If the court does not receive notice of any objection to any proposed order, or to any revised order submitted in accordance with this rule, the order will be presumed correct and will be entered unless amended by the court.

## **RULE 7. FORM ORDERS.**

Section 7.01. Arraignment and Scheduling Order: At arraignment, the court will enter an Arraignment and Scheduling Order. Defense counsel shall make their elections with respect to discovery and in-person arraignment prior to the court signing the completed Arraignment and Scheduling Order.

Section 7.02. Transportation Order: No inmate will be transported unless a plea agreement is reviewed and signed by the district attorney, defense counsel, and the defendant and lodged with the clerk for the court's review.

Section 7.03. Waiver of Arraignment: Defendants and defense counsel may, in writing, waive in-person arraignment, provided that they complete and execute a written waiver in the form provided in **Appendix H**.

## **RULE 8. SUSPENSION OF RULES.**

Whenever the court determines that justice requires it, the court may suspend any of the foregoing local rules.



ORDER

The foregoing Local Rules of Practice are applicable in the Circuit, Chancery, and Criminal Courts of Hickman, Lewis, and Perry Counties within the 32nd Judicial District. All standing orders not incorporated in these rules are declared invalid and shall have no effect.

Adopted and effective as of the 1st day of September, 2022.



---

**MICHAEL E. SPITZER**  
Circuit Judge & Chancellor  
32nd Judicial District

# **APPENDIX A**

IN THE CIRCUIT/CHANCERY [choose appropriate court] COURT FOR \_\_\_\_\_ COUNTY,  
TENNESSEE

ABC, )  
 )  
 PLAINTIFF, )  
 )  
 VS. ) CASE NO. 12345678  
 )  
 THE BEST COMPANY EVER, )  
 )  
 DEFENDANT. )

---

NOTICE AND ORDER OF HEARING  
SUMMARY JUDGMENT MOTION

---

Notice is hereby given the *Motion for Summary Judgment* filed by \_\_\_\_\_  
[moving party] on \_\_\_\_\_ [date motion was filed] will be heard on \_\_\_\_\_  
\_\_\_\_\_ [date of hearing as designated by Court's Judicial Legal Assistant] at \_\_\_\_\_  
(a.m.) (p.m.) [time of hearing as designated by Court's Judicial Legal Assistant] at the \_\_\_\_\_ County  
Justice Center, [insert address]. It is anticipated this hearing will take \_\_\_\_\_ [total  
anticipated time of hearing] **TOTAL** to be heard, which includes argument from each party.

The following briefing schedule applies to this Motion for Summary Judgment:

1. Non-movant's written responses in opposition to the Motion and to the Rule 56.03 statement, together with all supporting evidentiary matters shall be filed and served not later than \_\_\_\_\_  
\_\_\_ [date to be inserted by the Court's Judicial Legal Assistant].
2. Movant's reply brief (not to exceed twenty (20) pages) and reply to new factual matters asserted in the non-movant's Rule 56.03 response (if any) shall be filed and served not later than \_\_\_\_\_  
\_\_\_\_\_ [date to be inserted by the Court's Judicial Legal Assistant].

**The Court hereby requests the parties file chambers' copies the Motion for Partial Summary Judgment as well as any and all supporting memoranda of law in accordance with Section 5.05, Local Rules of Practice.**

Any party seeking relief from the foregoing hearing date and briefing scheduled shall do so by timely written motion.

The parties may not alter or amend this Order upon their agreement absent Court approval.

This matter is not currently scheduled for trial.

All other matters are reserved.

**ENTERED** this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

---

**Michael E. Spitzer**  
**Circuit Court Judge/Chancellor**

**CLERK'S CERTIFICATE OF SERVICE**

I hereby certify a true and exact copy of the foregoing Notice of Hearing was mailed, postage prepaid, and/or emailed, and/or faxed, to:

[insert all counsel of record (or party if *pro se*)'s full name, address, fax number and/or email address for proper service]

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Circuit Court Clerk/Clerk & Master  
[choose appropriate clerk]

# **APPENDIX B**

IN THE \_\_\_\_\_ COURT FOR \_\_\_\_\_ COUNTY, TENNESSEE

_____	)	
	)	
Plaintiff,	)	
	)	
VS.	)	No. _____
	)	
_____	)	
	)	
Defendant.	)	

**STATEMENT OF INCOME AND EXPENSE**

Comes now (Name of Party), the (Plaintiff/Defendant), who would show to the Court as follows:

**REGULAR INCOME:**

A.	1.	Gross Wages and commission:	Weekly _____	
		Twice Monthly _____	Monthly _____	\$ _____
	2.	Deductions each pay period:	Fed. Tax _____	
		FICA _____;	Other _____	- _____
	3.	Net take-home earnings on a _____ basis		\$ _____
B.		Other income (from any source)		\$ _____
		NET TAKE-HOME _____	TOTAL \$ _____	(Weekly/Monthly)

He/she submits the following as an estimate of the necessary monthly expenses for support of him/herself (and children where applicable):

A.	General Expenses:	
1.	Rent or mortgage, including taxes and insurance	\$ _____
2.	Utilities: Water _____; Gas _____	
	Elec. _____; Tel. _____	
	TOTAL UTILITIES	\$ _____
3.	Car Operation (gas, oil, repair, ins.)	\$ _____
4.	Insurance (life and other)	\$ _____
5.	Installment contracts and monthly payments:	
	Personal loans _____; Auto _____	
	Household _____; Other _____	
	TOTAL INSTALLMENTS CONTRACTS	\$ _____
	GENERAL EXPENSE TOTAL	\$ _____

B.	Other Expenses (monthly):	<u>Myself</u>	<u>Children</u>	
1.	Food	_____	_____	
2.	Clothing	_____	_____	
3.	Medical, Dental & Drugs	_____	_____	
4.	Laundry & Cleaning	_____	_____	
5.	Recreation (specify)	_____	_____	
6.	School expenses	_____	_____	
7.	Babysitting/Other Child Care	_____	_____	
8.	Beauty or Barber Shop	_____	_____	
9.	Other (specify)	_____	_____	
10.	Other _____	_____	_____	
11.	Other _____	_____	_____	
	Subtotals	\$ _____	\$ _____	
	TOTAL	\$ _____	EXPENSE	\$ _____
				(Weekly/Monthly)

NET INCOME LESS EXPENSES \$ \_\_\_\_\_

I need \$ \_\_\_\_\_ (Weekly/Monthly)

Under penalty of perjury, I make oath that the information set forth above is true and correct to the best of my knowledge.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Plaintiff/Defendant

STATE OF TENNESSEE  
COUNTY OF \_\_\_\_\_

Sworn to and subscribed before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_



**CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing has been furnished, to \_\_\_\_\_ (attorney for the Plaintiff/Defendant), on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Attorney

## **APPENDIX C**

IN THE CIRCUIT/CHANCERY [choose appropriate court] COURT FOR \_\_\_\_\_ COUNTY,  
TENNESSEE

JOHN DOE, )  
 )  
 Plaintiff/Petitioner, )  
 )  
 v. ) No. \_\_\_\_\_  
 )  
 JANE DOE, )  
 )  
 Defendant/Respondent. )

**ORDER TO APPEAR PURSUANT TO RULE 42 OF THE TENNESSEE RULES OF CRIMINAL  
PROCEDURE**

Respondent/Defendant, \_\_\_\_\_, is hereby ordered to appear before the Court on \_\_\_\_\_, at which time the Court will conduct proceedings required in connection with these criminal contempt proceedings including but not limited to:

- a. Setting the time and place for the hearing;
- b. Allowing a reasonable time to prepare a defense; and
- c. State the essential facts constituting the criminal contempt charged and describe it as such.

Accordingly, **IT IS SO ORDERED, ADJUDGED and DECREED.**

**ENTERED** this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
**Michael E. Spitzer**  
**Circuit Court Judge/Chancellor**

**THIS ORDER SHALL BE SERVED WITH THE PETITION AND SERVICE OF SAME SHALL BE NOTED ON THE SUMMONS.**

**CLERK'S CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing Order was mailed, postage prepaid, to Plaintiff/Petitioner and Plaintiff/Petitioner's Counsel, if applicable.

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Circuit Court Clerk/Clerk & Master  
[choose appropriate clerk]

## **APPENDIX D**

IN THE CIRCUIT/CHANCERY [choose appropriate court] COURT FOR \_\_\_\_\_ COUNTY,  
TENNESSEE

JOHN DOE, )  
 )  
 Plaintiff/Petitioner, )  
 )  
 v. ) No. \_\_\_\_\_  
 )  
 JANE DOE, )  
 )  
 Defendant/Respondent. )

ORDER

This matter was before the Court on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_, pursuant to Order of the Court requiring the Defendant/Respondent to appear pursuant to Rule 42 of the Tennessee Rules of Criminal Procedure. During the course of the proceedings, the Court addressed the Defendant/Respondent and advised the Defendant/Respondent:

1. That he/she is being charged with criminal contempt;
2. That a finding of criminal contempt could result in incarceration for up to ten (10) days and/or a fine of \$50.00, or both, for each act constituting criminal contempt;
3. That the Defendant/Respondent is entitled to be represented by counsel and if he/she cannot afford counsel, the Court will appoint counsel to represent him/her;
4. That the Plaintiff/Petitioner must prove the guilt of the Defendant/Respondent beyond a reasonable doubt;
5. That the Defendant/Respondent cannot be compelled or forced to testify and if he/she elects not to testify, the Court will not hold it against him because he/she is exercising his/her constitutional right against self-incrimination;
6. That all civil proceedings between the parties which might reasonably require the Defendant/Respondent to produce documents, things, and/or testimony relevant to these criminal contempt proceedings are stayed pending conclusion of these criminal contempt proceedings;

7. That the trial of the criminal contempt proceeding shall be, and is hereby, set for the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_\_ a.m./p.m.

The Court reviewed with the Defendant/Respondent the essential facts constituting the criminal contempt charged and described it as such.

In setting the case for trial, the Court afforded the Defendant/Respondent a reasonable time to prepare a defense.

Accordingly, **IT IS SO ORDERED, ADJUDGED and DECREED.**

**ENTERED** this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

---

**Michael E. Spitzer**  
**Circuit Court Judge/Chancellor**

**CLERK'S CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing Order was mailed, postage prepaid, to Plaintiff/Petitioner and Plaintiff/Petitioner's Counsel, if applicable.

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

---

Circuit Court Clerk/Clerk & Master  
[choose appropriate clerk]

## **APPENDIX E**



IN THE CIRCUIT/CHANCERY [choose appropriate court] COURT FOR \_\_\_\_\_ COUNTY,  
TENNESSEE

\*\*\* )  
 )  
VS. ) CASE NO.  
 )  
\*\*\* )

---

**WAIVER OF APPEARANCE PURSUANT TO COURT'S ORDER UNDER  
RULE 42 OF THE TENNESSEE RULES OF CRIMINAL PROCEDURE**

---

Respondent/Defendant, \_\_\_\_\_, hereby waives his/her appearance ordered by the Court on \_\_\_\_\_; and certifies to the Court that he/she understands the essential facts constituting criminal contempt charged. Further, Defendant/Respondent represents to the Court that he/she understands that:

1. he/she is being charged with criminal contempt;
2. he/she has been advised that a finding of criminal contempt could result in incarceration of up to ten (10) days and/or a fine of up to \$50, or both, for each act constituting criminal contempt;
3. he/she is entitled to be represented by counsel and if he/she cannot afford counsel, the Court will appoint counsel to represent him/her;
4. he/she understands that the Plaintiff/Petitioner must prove his/her guilt beyond a reasonable doubt; and
5. he/she understands that he/she cannot be compelled or forced to testify and that if he/she elects not to testify, the Court will not hold it against him/her because he/she is exercising his/her constitutional right against self-incrimination.

\_\_\_\_ I acknowledge that the pending charge of criminal contempt is set to be tried at \_\_\_\_\_, o'clock, \_\_\_\_m. on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and represents to the Court that setting the trial on that day affords me time to prepare a defense.

or

\_\_\_\_\_ I acknowledge that my counsel of record will, within twenty one (21) days of the date this waiver is executed, meet and confer with opposing counsel for the purpose of submitting a scheduling order providing for the orderly management of this charge of contempt, which scheduling order shall include a date for trial.

\_\_\_\_\_

Defendant/Respondent

\_\_\_\_\_

Date

\_\_\_\_\_

Counsel for Defendant/Respondent

\_\_\_\_\_

Date

\_\_\_\_\_

**Michael E. Spitzer**

**Circuit Court Judge/Chancellor**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing has been forwarded via United States mail, first class postage prepaid, email or facsimile to:

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Circuit Court Clerk/Clerk & Master  
[choose appropriate clerk]

## **APPENDIX F**

<b>STATE OF TENNESSEE</b>	<b>COURT</b> <i>(Must be completed)</i>	<b>COUNTY</b> <i>(Must be completed)</i>
<b>PERMANENT PARENTING PLAN ORDER</b>		FILE NO. _____ <i>(Must be completed)</i>
<input type="checkbox"/> PROPOSED <input type="checkbox"/> AGREED <input type="checkbox"/> ORDERED BY THE COURT		DIVISION _____
<b>PLAINTIFF</b> <i>(Name: First, Middle, Last)</i> _____	<b>DEFENDANT</b> <i>(Name: First, Middle, Last)</i> _____	
<input type="checkbox"/> Mother <input type="checkbox"/> Father	<input type="checkbox"/> Mother <input type="checkbox"/> Father	

*The mother and father will behave with each other and each child so as to provide a loving, stable, consistent and nurturing relationship with the child even though they are divorced. They will not speak badly of each other or the members of the family of the other parent. They will encourage each child to continue to love the other parent and be comfortable in both families.*

This plan             is a new plan.  
 modifies an existing Parenting Plan dated \_\_\_\_\_.  
 modifies an existing Order dated \_\_\_\_\_.

Child's Name	Date of Birth

**I. RESIDENTIAL PARENTING SCHEDULE**

**A. RESIDENTIAL TIME WITH EACH PARENT**

The Parenting Plan must designate the parent with whom the child is scheduled to reside a majority of the time as the Primary Residential Parent of the child(ren). The designation shall not affect either parent's rights and responsibilities under the Parenting Plan.

The Primary Residential Parent is

- Mother
- Father
- Joint Primary Residential Parents (only if by agreement)  
Child must reside an equal amount of time with both parents.
- Waived by Mother and Father (only if by agreement)  
Child must reside an equal amount of time with both parents.

Under the schedule set forth below, each parent will spend the following number of days with the children:

Mother \_\_\_\_\_ days                      Father \_\_\_\_\_ days

**B. DAY-TO-DAY SCHEDULE**

The G mother G father shall have responsibility for the care of the child or children except at the following times when the other parent shall have responsibility:

From \_\_\_\_\_ to \_\_\_\_\_  
*Day and Time Day and Time*

every week  every other week  other: \_\_\_\_\_.

The other parent shall also have responsibility for the care of the child or children at the additional parenting times specified below:

From \_\_\_\_\_ to \_\_\_\_\_  
*Day and Time Day and Time*

every week  every other week  other: \_\_\_\_\_.

This parenting schedule begins  \_\_\_\_\_ or  date of the Court's Order.  
*Day and Time*

**C. HOLIDAY SCHEDULE AND OTHER SCHOOL FREE DAYS**

Indicate if child or children will be with parent in ODD or EVEN numbered years or EVERY year:

	<b>MOTHER</b>	<b>FATHER</b>
New Year's Day	_____	_____
Martin Luther King Day	_____	_____
Presidents' Day	_____	_____
Easter Day (unless otherwise coinciding with Spring Vacation)	_____	_____
Passover Day (unless otherwise coinciding with Spring Vacation)	_____	_____
Mother's Day	_____	_____
Memorial Day (if no school)	_____	_____
Father's Day	_____	_____
July 4 <sup>th</sup>	_____	_____
Labor Day	_____	_____
Halloween	_____	_____
Thanksgiving Day & Friday	_____	_____
Children's Birthdays	_____	_____
Other School-Free Days	_____	_____
Mother's Birthday	_____	_____
Father's Birthday	_____	_____
Other:	_____	_____

A holiday shall begin at 6:00 p.m. on the night preceding the holiday and end at 6:00 p.m. the night of the holiday, unless otherwise noted here \_\_\_\_\_.

This holiday schedule and other school free days shall supersede the Day-To-Day Schedule.

**D. FALL VACATION (If applicable)**

The day to day schedule shall apply except as follows: \_\_\_\_\_  
\_\_\_\_\_ beginning \_\_\_\_\_.

**E. WINTER (CHRISTMAS) VACATION**

The  mother  father shall have the child or children for the first period from the day and time school is dismissed until December \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.  in odd-numbered years  in even-numbered years  every year. The other parent will have the child or children for the second period from the day and time indicated above until 6:00 p.m. on the evening before school resumes. The parties shall alternate the first and second periods each year.

Other agreement of the parents: \_\_\_\_\_

**F. SPRING VACATION (If applicable)**

The day-to-day schedule shall apply except as follows: \_\_\_\_\_  
\_\_\_\_\_ beginning \_\_\_\_\_.

**G. SUMMER VACATION**

The day-to-day schedule shall apply except as follows: \_\_\_\_\_  
\_\_\_\_\_ beginning \_\_\_\_\_.

Is written notice required?  Yes  No. If so, \_\_\_\_\_ number of days.

**H. TRANSPORTATION ARRANGEMENTS**

The place of meeting for the exchange of the child or children shall be: \_\_\_\_\_

Payment of long distance transportation costs (if applicable):  mother  father  both equally.

Other arrangements: \_\_\_\_\_

If a parent does not possess a valid driver's license, he or she must make reasonable transportation arrangements to protect the child or children while in the care of that parent.

**I. SUPERVISION OF PARENTING TIME (If applicable)**

Check if applicable

Supervised parenting time shall apply during the day-to-day schedule as follows:

Place: \_\_\_\_\_

Person or organization supervising: \_\_\_\_\_

Responsibility for cost, if any:  mother  father  both equally.

**J. OTHER**

The following special provisions apply:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**II. DECISION-MAKING**

**A. DAY-TO-DAY DECISIONS**

Each parent shall make decisions regarding the day-to-day care of a child while the child is residing with that parent, including any emergency decisions affecting the health or safety of a child.

**B. MAJOR DECISIONS**

Major decisions regarding each child shall be made as follows:

- |                            |                          |        |                          |        |                          |       |
|----------------------------|--------------------------|--------|--------------------------|--------|--------------------------|-------|
| Educational decisions      | <input type="checkbox"/> | mother | <input type="checkbox"/> | father | <input type="checkbox"/> | joint |
| Non-emergency health care  | <input type="checkbox"/> | mother | <input type="checkbox"/> | father | <input type="checkbox"/> | joint |
| Religious upbringing       | <input type="checkbox"/> | mother | <input type="checkbox"/> | father | <input type="checkbox"/> | joint |
| Extracurricular activities | <input type="checkbox"/> | mother | <input type="checkbox"/> | father | <input type="checkbox"/> | joint |
| _____                      | <input type="checkbox"/> | mother | <input type="checkbox"/> | father | <input type="checkbox"/> | joint |

**III. FINANCIAL SUPPORT**

**A. CHILD SUPPORT**

Father's gross monthly income is \$ \_\_\_\_\_

Mother's gross monthly income is \$ \_\_\_\_\_

1. The final child support order is as follows:

- a. The  mother  father shall pay to the other parent as regular child support the sum of \$ \_\_\_\_\_  weekly  monthly  twice per month  every two weeks. **The Child Support Worksheet shall be attached to this Order as an Exhibit.\***

If this is a deviation from the Child Support Guidelines, explain all of the following:

The reason for the deviation: \_\_\_\_\_

The presumptive amount of the child support (without the deviation): \_\_\_\_\_

How is the application of the Guidelines unjust or inappropriate?

\_\_\_\_\_

How is the best interest of the child served?

\_\_\_\_\_

Does the child support obligation after the deviation provide for all of the child(ren)'s needs, taking into consideration both parents' income? \_\_\_\_\_

2. Retroactive Support: A judgment is hereby awarded in the amount of \$ \_\_\_\_\_ to  mother  father against the child support payor representing retroactive support required under Section 1240-2-4.06 of the D.H.S. Income Shares Child Support Guidelines dating from \_\_\_\_\_ which shall be paid (including pre/post judgment interest) at the rate of \_\_\_\_\_



\$ \_\_\_\_\_ per  week  month  twice per month  every two weeks until the judgment is paid in full.

3. Payments shall begin on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

This support shall be paid:

- directly to the other parent.
- to the Central Child Support Receipting Unit, P. O. Box 305200, Nashville, Tennessee 37229, and sent from there to the other parent at: \_\_\_\_\_.
- A Wage Assignment Order is attached to this Parenting Plan.
- by direct deposit to the other parent at \_\_\_\_\_ Bank for deposit in account no. \_\_\_\_\_.
- income assignment not required; Explanation: \_\_\_\_\_.
- other: \_\_\_\_\_.

The parents acknowledge that court approval must be obtained before child support can be reduced or modified.

\*Child Support Worksheet can be found on DHS website at <http://www.state.tn.us/humanserv/is/isdocuments.html> or at your local child support offices.

### B. FEDERAL INCOME TAX EXEMPTION<sup>1</sup>

The  mother  father is the parent receiving child support.

The Mother shall claim the following children: \_\_\_\_\_

The Father shall claim the following children: \_\_\_\_\_

The  mother  father may claim the exemptions for the child or children so long as child support payments are current by the claiming parent on January 15 of the year when the return is due. The exemptions may be claimed in:  alternate years starting \_\_\_\_\_

each year  other: \_\_\_\_\_.

The  mother  father will furnish IRS Form 8332 to the parent entitled to the exemption by February 15 of the year the tax return is due.

### C. PROOF OF INCOME AND WORK-RELATED CHILD CARE EXPENSES

Each parent shall send proof of income to the other parent for the prior calendar year as follows:

- IRS Forms W-2 and 1099 shall be sent to the other parent on or before February 15.
- A copy of his or her federal income tax return shall be sent to the other parent on or before April 15 or any later date when it is due because of an extension of time for filing.
- The completed form required by the Department of Human Services shall be sent to the Department on or before the date the federal income tax return is due by the parent paying child support. *This requirement applies only if a parent is receiving benefits from the Department for a child.*

The parent paying work-related child care expenses shall send proof of expenses to the other parent for the prior calendar year and an estimate for the next calendar year, on or before February 15.

<sup>1</sup> NOTE: The child support schedule assumptions in the guidelines (1240-2-4-.03 (6)(b) ) assume that the parent receiving the child support will get the tax exemptions for the child.

#### D. HEALTH AND DENTAL INSURANCE

Reasonable health insurance on the child or children will be:

- maintained by the mother
- maintained by the father
- maintained by both

Proof of continuing coverage shall be furnished to the other parent annually or as coverage changes. The parent maintaining coverage shall authorize the other parent to consult with the insurance carrier regarding the coverage in effect.

Uncovered reasonable and necessary medical expenses, which may include but is not limited to, deductibles or co-payments, eyeglasses, contact lens, routine annual physicals, and counseling will be paid by  mother  father  pro rata in accordance with their incomes. After insurance has paid its portion, the parent receiving the bill will send it to the other parent within ten days. The other parent will pay his or her share within 30 days of receipt of the bill.

If available through work, the  mother  father shall maintain dental, orthodontic, and optical insurance on the minor child or children.

#### E. LIFE INSURANCE

If agreed upon by the parties, the  mother  father  both shall insure his/her own life in the minimum amount of \$\_\_\_\_\_ by whole life or term insurance. Until the child support obligation has been completed, each policy shall name the child/children as sole irrevocable primary beneficiary, with the  other parent  other \_\_\_\_\_, as trustee for the benefit of the child(ren), to serve without bond or accounting.

#### IV. PRIMARY RESIDENTIAL PARENT (CUSTODIAN) FOR OTHER LEGAL PURPOSES

The child or children are scheduled to reside the majority of the time as designated in Section I.A. This parent is designated as the primary residential parent also known as the custodian, **SOLELY** for purposes of any other applicable state and federal laws. If the parents are listed in Section II as joint decision-makers, then, for purposes of obtaining health or other insurance, they shall be considered to be joint custodians. THIS DESIGNATION DOES NOT AFFECT EITHER PARENT'S RIGHTS OR RESPONSIBILITIES UNDER THIS PARENTING PLAN.

#### V. DISAGREEMENTS OR MODIFICATION OF PLAN

Should the parents disagree about this Parenting Plan or wish to modify it, they must make a good faith effort to resolve the issue by the process selected below before returning to Court. *Except for financial support issues including child support, health and dental insurance, uncovered medical and dental expenses, and life insurance*, disputes must be submitted to:

- Mediation by a neutral party chosen by the parents or the Court.
- Arbitration by a neutral party selected by parents or the Court.
- The Court DUE TO ORDER OF PROTECTION OR RESTRICTIONS.

The costs of this process may be determined by the alternative dispute process or may be assessed by the Court based upon the incomes of the parents. It must be commenced by notifying the other parent and the Court by  written request  certified mail

other: \_\_\_\_\_.

In the dispute resolution process:

- A. Preference shall be given to carrying out this Parenting Plan.
- B. The parents shall use the process to resolve disputes relating to implementation of the Plan.
- C. A written record shall be prepared of any agreement reached, and it shall be provided to each parent.
- D. If the Court finds that a parent willfully failed to appear without good reason, the Court, upon motion, may award attorney fees and financial sanctions to the prevailing parent.

## **VI. RIGHTS OF PARENTS**

Under T.C.A. § 36-6-101 of Tennessee law, both parents are entitled to the following rights:

- (1) The right to unimpeded telephone conversations with the child at least twice a week at reasonable times and for reasonable durations. The parent exercising parenting time shall furnish the other parent with a telephone number where the child may be reached at the days and time specified in a parenting plan or other court order or, where days and times are not specified, at reasonable times;
- (2) The right to send mail to the child which the other parent shall not destroy, deface, open or censor. The parent exercising parenting time shall deliver all letters, packages and other material sent to the child by the other parent as soon as received and shall not interfere with their delivery in any way, unless otherwise provided by law or court order;
- (3) The right to receive notice and relevant information as soon as practicable but within twenty-four (24) hours of any hospitalization, major illness or injury, or death of the child. The parent exercising parenting time when such event occurs shall notify the other parent of the event and shall provide all relevant healthcare providers with the contact information for the other parent;
- (4) The right to receive directly from the child's school any educational records customarily made available to parents. Upon request from one parent, the parent enrolling the child in school shall provide to the other parent as soon as available each academic year the name, address, telephone number and other contact information for the school. In the case of children who are being homeschooled, the parent providing the homeschooling shall advise the other parent of this fact along with the contact information of any sponsoring entity or other entity involved in the child's education, including access to any individual student records or grades available online. The school or homeschooling entity shall be responsible, upon request, to provide to each parent records customarily made available to parents. The school may require a written request which includes a current mailing address and may further require payment of the reasonable costs of duplicating such records. These records include copies of the child's report cards, attendance records, names of teachers, class schedules, and standardized test scores;
- (5) Unless otherwise provided by law, the right to receive copies of the child's medical, health or other treatment records directly from the treating physician or healthcare provider. Upon request from one parent, the parent who has arranged for such treatment or health care shall provide to the other parent the name, address, telephone number and other contact information of the physician or healthcare provider. The keeper of the records may require a written request including a current mailing address and may further require payment of the reasonable costs of duplicating such records. No person who receives the mailing address of a requesting parent as a result of this requirement shall provide such address to the other parent or a third person;
- (6) The right to be free of unwarranted derogatory remarks made about such parent or such parent's family by the other parent to or in the presence of the child;
- (7) The right to be given at least forty-eight (48) hours notice, whenever possible, of

all extracurricular school, athletic, church activities and other activities as to which parental participation or observation would be appropriate, and the opportunity to participate in or observe them. The parent who has enrolled the child in each such activity shall advise the other parent of the activity and provide contact information for the person responsible for its scheduling so that the other parent may make arrangements to participate or observe whenever possible, unless otherwise provided by law or court order;

- (8) The right to receive from the other parent, in the event the other parent leaves the state with the minor child or children for more than forty-eight (48) hours, an itinerary which shall include the planned dates of departure and return, the intended destinations and mode of travel and telephone numbers. The parent traveling with the child or children shall provide this information to the other parent so as to give that parent reasonable notice; and
- (9) The right to access and participation in the child's education on the same bases that are provided to all parents including the right of access to the child during lunch and other school activities; provided, that the participation or access is legal and reasonable; however, access must not interfere with the school's day-to-day operations or with the child's educational schedule.

## **VII. NOTICE REGARDING PARENTAL RELOCATION**

The Tennessee statute (T.C.A. § 36-6-108) which governs the notice to be given in connection with the relocation of a parent reads in pertinent part as follows:

(a) After custody or co-parenting has been established by the entry of a permanent parenting plan or final order, if a parent who is spending intervals of time with a child desires to relocate outside the state or more than fifty (50) miles from the other parent within the state, the relocating parent shall send a notice to the other parent at the other parent's last known address by registered or certified mail. Unless excused by the court for exigent circumstances, the notice shall be mailed not later than sixty (60) days prior to the move. The notice shall contain the following:

- (1) Statement of intent to move;
  - (2) Location of proposed new residence;
  - (3) Reasons for proposed relocation; and
  - (4) Statement that absent agreement between the parents or an objection by the non-relocating parent within thirty (30) days of the date notice is sent by registered or certified mail in accordance with subsection (a), the relocating parent will be permitted to do so by law.
- (b) Absent agreement by the parents on a new visitation schedule within thirty (30) days of the notice or upon a timely objection in response to the notice, the relocating parent shall file a petition seeking approval of the relocation. The non-relocating parent has thirty (30) days to file a response in opposition to the petition. In the event no response in opposition is filed within thirty (30) days, the parent proposing to relocate with the child shall be permitted to do so.
- (c) (1) If a petition in opposition to relocation is filed, the court shall determine whether relocation is in the best interest of the minor child.

## **VIII. PARENT EDUCATION CLASS**

This requirement has been fulfilled by  both parents  mother  father  neither.  
Failure to attend the parent education class within 60 days of this order is punishable by contempt.

---

**Under penalty of perjury, we declare that this plan has been proposed in good faith and is in the best interest of each minor child and that the statements herein and on the attached child**

**support worksheets are true and correct. (A notary public is required if this is a proposed plan by one parent. A notary public is required if this is an agreed plan by both parents.)**

\_\_\_\_\_  
Mother Date and Place Signed

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

My commission expires: \_\_\_\_\_  
\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Father Date and Place Signed

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

My commission expires: \_\_\_\_\_  
\_\_\_\_\_  
Notary Public

**APPROVED FOR ENTRY:**

\_\_\_\_\_  
*Attorney for Mother*  
\_\_\_\_\_  
*Address*  
\_\_\_\_\_  
*Address*  
\_\_\_\_\_  
*Phone and BPR Number*

\_\_\_\_\_  
*Attorney for Father*  
\_\_\_\_\_  
*Address*  
\_\_\_\_\_  
*Address*  
\_\_\_\_\_  
*Phone and BPR Number*

*Note: The judge or chancellor may sign below or, instead, sign a Final Decree or a separate Order incorporating this plan.*

**COURT COSTS (If applicable)**

Court costs, if any, are taxed as follows: \_\_\_\_\_.

It is so ORDERED this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Judge or Chancellor

# **APPENDIX G**

IN THE \_\_\_\_\_ COURT OF \_\_\_\_\_ COUNTY, TENNESSEE

\_\_\_\_\_, )  
Plaintiff, )  
vs. ) No. \_\_\_\_\_ )  
\_\_\_\_\_, )  
Defendant. )

**STATEMENT OF ISSUES, INCOME, PROPERTY AND EXPENSES**

**ISSUES:** The contested issues in this cause include:

_____ grounds for divorce	_____ alimony
_____ care of child(ran)	_____ child support
_____ attorney's fees	_____ other: _____
_____ court costs	
_____ payment of debts	
_____ division of property	

**REGULAR INCOME:**

A. 1. Gross Wages and commission: Weekly \_\_\_\_\_  
Twice Monthly \_\_\_\_\_ Monthly \_\_\_\_\_ \$ \_\_\_\_\_

2. Deductions each pay period: Fed. Tax \_\_\_\_\_  
FICA \_\_\_\_\_; Other \_\_\_\_\_ - \_\_\_\_\_

3. Net take-home earnings on a \_\_\_\_\_ basis \$ \_\_\_\_\_

B. Other income (from any source) \$ \_\_\_\_\_

NET TAKE HOME \_\_\_\_\_ TOTAL \$ \_\_\_\_\_  
(Weekly/Monthly)

**NECESSARY MONTHLY EXPENSES**

A. General Expenses:

1. Rent or mortgage, including taxes and insurance \$ \_\_\_\_\_
  2. Utilities: Water \_\_\_\_\_; Gas \_\_\_\_\_  
                   Elec. \_\_\_\_\_; Tel. \_\_\_\_\_  
                   Cable/Internet \_\_\_\_\_;                   TOTAL UTILITIES                   \$ \_\_\_\_\_
  3. Car Operation (gas, oil, repair, ins.) \$ \_\_\_\_\_
  4. Insurance (life and other) \$ \_\_\_\_\_
  5. Installment contracts and monthly payments:  
     Personal loans \_\_\_\_\_; Auto \_\_\_\_\_  
     Household \_\_\_\_\_; Other \_\_\_\_\_
- 
- TOTAL INSTALLMENTS CONTRACTS \$ \_\_\_\_\_
- GENERAL EXPENSE TOTAL \$ \_\_\_\_\_

B. Other Expenses (monthly):

	<u>Myself</u>	<u>Children</u>
1. Food	_____	_____
2. Clothing	_____	_____
3. Medical, Dental & Drugs	_____	_____
4. Laundry & Cleaning	_____	_____
5. Recreation (specify)	_____	_____
6. School expenses	_____	_____
7. Babysitting/Other Child Care	_____	_____
8. Beauty or Barber Shop	_____	_____
9. Other (specify)	_____	_____
10. Other _____	_____	_____
11. Other _____	_____	_____
Subtotals	\$ _____	\$ _____
TOTAL \$ _____	EXPENSE \$ _____	\$ _____

(Weekly/Monthly)

NET INCOME LESS EXPENSES \$ \_\_\_\_\_



**PROPOSED DIVISION OF MARITAL PROPERTY**

<u>Assets</u>	<u>Value/Equity</u>	<u>Awarded to Husband</u>	<u>Awarded to Wife</u>
---------------	---------------------	---------------------------	------------------------

**Real Estate**

Description:

Titled:

FMV:

Debt:

**Bank Accounts/Liquid Asset Accounts**

Bank:

Owner:

Acct. #:

Balance:

**Stocks/Mutual Funds/Other Securities**

Description:

Market price:

**Retirement**

Description:

Owner:

Acct. #:

Balance:

**Insurance**

Description:

Policy #:

Face Value:

Insured:

Beneficiary:

CSV:

Assets                      Value/Equity                      Awarded to Husband   Awarded to Wife

**Vehicles**

Make/Model/Year:

Titled:

FMV:

Debt:

**Furniture**

**Miscellaneous**

**SEPARATE PROPERTY TO HUSBAND**

Description                      Value

**SEPARATE PROPERTY TO WIFE**

Description                      Value

**MARITAL DEBTS OF HUSBAND**

Description                      Monthly Payment                      Balance

**MARITAL DEBTS OF WIFE**

Description                      Monthly Payment                      Balance

**SEPARATE DEBTS OF HUSBAND**

Description of Liability                      Monthly Payment                      Balance

**SEPARATE DEBTS OF WIFE**

Description                      Monthly Payment                      Balance

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Plaintiff/Defendant

\_\_\_\_\_  
Attorney

## CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing has been furnished to \_\_\_\_\_ (attorney for the Plaintiff/Defendant) on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Attorney

# **APPENDIX H**

IN THE CIRCUIT COURT FOR \_\_\_\_\_ COUNTY, TENNESSEE  
AT FRANKLIN

STATE OF TENNESSEE

v.

No. \_\_\_\_\_

\_\_\_\_\_,  
Defendant.

---

MOTION FOR WAIVER OF ARRAIGNMENT  
AND  
SCHEDULING ORDER

---

I am \_\_\_\_\_, the Defendant in this case and my attorney is  
\_\_\_\_\_. My date of birth is \_\_\_\_\_. The last four  
digits of my Social Security Number are: \_\_\_\_\_. I hereby acknowledge receipt of:

1. The indictment in this case and waive my right to have it read to me in open Court.
2. Notice and advice from my attorney that I may appear in open Court for arraignment.
3. Notice and advice from my attorney that I may waive formal arraignment.
4. That my REVIEW DATE is \_\_\_\_\_ at 9:00 a.m. and my PLEA DATE is  
\_\_\_\_\_ at 9:00 a.m.

I hereby request to be allowed to waive my personal appearance at arraignment and that of my attorney at arraignment and I further request the Court to enter my plea of not guilty. I acknowledge that my REVIEW DATE is \_\_\_\_\_ at 9:00 a.m. and that my PLEA DATE is \_\_\_\_\_ at 9:00 a.m., and I certify that I will appear.

I respectfully submit this Motion pursuant to Rule 43(a) of the Tennessee Rules of Criminal Procedure.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant

## ATTORNEY CERTIFICATE

As attorney for the Defendant named above, I certify that I am retained to represent the Defendant throughout the trial of this cause and that I have not signed my client's signature to this Motion. I also certify that my client is aware of all court dates and that he/she must be present at all court dates.

- The Defendant hereby requests discovery from the State of Tennessee of all information subject to disclosure pursuant to Rule 16(a) of the Tennessee Rules of Criminal Procedure. This scheduling order serves as written notice of said formal demand. Agreeing to this provision does not preclude either party from serving written discovery requests at a later time if the party deems it necessary.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney for Defendant

**ORDER**

Defendant's Motion in this cause is hereby approved by the Court. A plea of NOT GUILTY is entered for the Defendant.

Further, the Court hereby sets the following Scheduling Order:

■ Initial Discovery Deadline for the State (check one):

- All misdemeanors within 30 days of arraignment
- Class B, C, D and E felonies within 45 days of arraignment
- Class A felonies within 60 days of arraignment

\_\_\_\_\_

■ First Review/Status Date:\* \_\_\_\_\_

Plea Date:\*\* \_\_\_\_\_

If no plea agreement is entered on or before the plea date above, the case will be docketed for trial, unless an amended scheduling order is filed and agreed to by the Court. Local Criminal Rule 4 shall apply to all requests for continuance of trial.

■ Transportation Requests for Defendants in Custody:

Defense counsel has sole responsibility for notifying the Clerk's office of the location of a Defendant who is in custody, including specifically any changes in Defendant's location, and for timely requesting, through the Clerk's office, the issuance of appropriate transportation orders.

Defense counsel shall make all requests for transportation of Defendants in custody in writing through the Circuit Clerk's office sufficiently in advance of all required court dates as follows:

(a) For Defendants in the custody of the County Sheriff, not less than 14 days prior to the appearance date;



(b) For Defendants in the custody of the Tennessee Department of Corrections not less than 45 days prior to the appearance date.

ENTER this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
CIRCUIT COURT JUDGE

**CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing Order was mailed, postage prepaid, and/or emailed and/or faxed to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

District Attorney

Defense Attorney/Defendant

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Clerk

\* Absent exceptional circumstances, all misdemeanors should be set within 60 days of arraignment. Class B, C, D and E felonies should be set within 90 days of arraignment. Class A felonies should be set within 120 days of arraignment.

\*\*The State and the Defendant may, by agreement, enter a negotiated plea agreement on any regularly-scheduled motion date prior to date set for trial.

# **APPENDIX I**

IN THE CIRCUIT COURT FOR \_\_\_\_\_ COUNTY, TENNESSEE

STATE OF TENNESSEE

v.

No. \_\_\_\_\_

\_\_\_\_\_,

Defendant.

**TRANSPORTATION ORDER**

The sheriff of the above referenced county shall transport the defendant to the two referenced review dates in this order. They are the following:

1<sup>st</sup> Review: \_\_\_\_\_

Plea Date: \_\_\_\_\_

The defendant is currently housed at \_\_\_\_\_.

TOMIS # \_\_\_\_\_.

Notice is hereby served on the Clerk of the court and the sheriff to comply with this said transportation order.

ENTERED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Circuit Court Judge

**CLERK'S CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing Transportation Order has been forwarded, via postage pre-paid mail, and/or fax, and/or email, to \_\_\_\_\_, Attorney for Defendant, and District Attorney General, Kim R. Helper, Esq., on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Circuit Court Clerk