

IN THE JUVENILE COURT FOR _____ COUNTY, TENNESSEE

| | | |
|------------------------------------|---|----------------------|
| STATE OF TENNESSEE |) | CHILD/CHILDREN UNDER |
| DEPARTMENT OF CHILDREN'S SERVICES, |) | THE AGE OF EIGHTEEN |
| |) | |
| IN THE MATTER OF: |) | |
| _____ |) | DOCKET NO: _____ |

MOTION TO DECLARE CASE COMPLEX AND/OR EXTENDED

Comes now, _____, court-appointed {guardian ad litem for the child(ren); counsel for mother or father of the minor child(ren); or attorney for the child(ren) appointed pursuant to Tenn. Sup. Ct. Rule 40}, and would respectfully request this Court to declare this matter complex and extended pursuant to Tenn. Sup. Ct. Rule 13, Sec. 2(e).

In support thereof, Movant would show this matter is complex and/or extended in that [list reasons why representation was complex and/or extended]:

Example 1: This matter involved allegations that the male child sexually abused his sister; evidence was obtained from another state and another county in Tennessee (name state or county and type of evidence); expert testimony was presented as to the children or parents (state type of expert testimony); extensive discovery was conducted; and/or, there existed the possibility of criminal incrimination of the mother.)

Example 2: The newborn infant had to be removed from his mother's custody at birth because of the risk to him based on the esophageal tear perpetrated on the child by the mother. (The mother was criminally indicted for felony child abuse and eventually pled guilty during the course of these proceedings.) The newborn is in a foster care home and the older child was in DCS custody, but subsequently placed with the paternal grandfather. This post-dispositional phase of the foster care case required two permanency hearings, three court reviews, and two extensive foster care review board hearing to try to persuade the Court and the Board that the mother was making progress on the plans. Counsel was required to intervene with the client's therapist to ensure that the client was "engaged" in the therapeutic process. The mother is just twenty-three years old, unskilled, uneducated, and the victim of domestic violence by both fathers. The case continued to involve extensive work to force the agency to provide visitation and services to the mother so that she could ultimately reunite with her children.

Example 3: This matter involved the second DCS contested adjudication of dependency neglect (initial proceeding resulted in mother maintaining custody), in which certain allegations were based upon drug abuse and mental health problems of the mother (indicate the nature of the mental health problems). The DCS petition maintained that the child was at risk of injury due to the mother's conditions. Consequently, this matter required review of voluminous medical, psychological and treatment records of the mother; eight court appearances over a nine-month period of time including two days of dispositional hearings; and the consultation with several therapists, a psychiatrist, caseworkers, family members, witnesses, and psychologists.

Example 4: The representation involved several disruptions in foster homes, disruptions at school which required multiple conferences with the foster care parents, DCS workers and school officials and/or

school liaisons. The representation also required some involvement and attention to delinquency charges where the child was represented by another court appointed attorney. In addition, the representation also involved multiple court appearances (state number and time) involving DCS's failure to appropriately place the child.

WHEREFORE, Movant requests this Court declare this matter complex and extended pursuant to Tenn. Sup. Ct. Rule 13, Sec. 2(e).

Respectfully submitted,

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of this Motion was forwarded by U.S. Mail, postage prepaid, to the following persons on this the _____ day of _____, _____:

[List the names and addresses of each attorney/person/party noticed.]

Attorney Name

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ORDER DECLARING CASE COMPLEX *AND/OR* EXTENDED

This cause came on to be heard the _____ day of _____, _____, before the Honorable _____, Judge of the Juvenile Court for _____ County, Tennessee, upon the Motion to Determine Case Complex and/or Extended, filed by the court-appointed {*guardian ad litem for the child(ren); counsel for mother or father of the minor child(ren); or attorney for the child(ren) appointed pursuant to Tenn. Sup. Ct. Rule 40*}.

Upon statements of counsel and the entire record, the Court FINDS that this matter is complex *and/or* extended pursuant to Tenn. Sup. Ct. Rule 13, Sec. 2(e).

It is therefore ORDERED, ADJUDGED AND DECREED that this matter is complex and/or extended pursuant to Supreme Court Rule 13, Sec. 2(e). **[List ALL the reasons why the representation is extended and/or complex as listed in the motion. See examples listed in the motion in this section on page 9.]**

Enter this the _____ day of _____, _____.

JUDGE