

**LOCAL RULES OF PRACTICE
JUVENILE COURT OF TIPTON COUNTY, TENNESSEE**

Effective July 1, 2024

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IN THE JUVENILE COURT FOR TIPTON COUNTY, TENNESSEE

LOCAL RULES OF PRACTICE

2024

PREFACE

Pursuant to the provisions of the *Tennessee Code Annotated*, Section 37-1-101 et seq., and the *Tennessee Supreme Court Rule 18* (2004), and inherent powers of the Courts, the following Rules are hereby adopted.

RULE 1

SCOPE and CONSTRUCTION OF THE RULES
DEFINITIONS OF TERMS

1.01 SCOPE OF THE RULES

Subject to such exceptions as are stated herein, these Rules shall supplement the *Tennessee Rules of Juvenile Practice and Procedure* and the *Tennessee Rules of Civil Procedure* in the Juvenile Court for Tipton County, Tennessee. In the event of any conflict, the *Tennessee Rules of Juvenile Practice and Procedure* shall prevail. All former *Rules of Local Practice* for the Juvenile Court of Tipton County, Tennessee, except as re-adopted herein, are abrogated. 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.

1.02 CONSTRUCTION and CITATION OF THE RULES

These Rules shall be construed to secure simplicity in procedure, fairness in administration, and promote the efficient and cost-effective resolution and disposition of cases brought in the Juvenile Court for Tipton County, Tennessee. These Rules shall be cited as *Rule ___ Local Rules of Practice, Tipton County Juvenile Court*.

1.03 DEFINITION OF TERMS

- A) Within these Rules, the term "Clerk" shall refer to the Clerk of the Juvenile Court.
- B) Within these Rules, the term "Judicial Days" in Tipton County cases shall refer to days when the Tipton County Juvenile Court office and the Tipton County Juvenile Court Clerk's office in Covington are open for business. The date of filing shall not be included in the calculation of days.

RULE 2

GENERAL RULES APPLICABLE TO ALL CASES

2.01 COURTROOM DECORUM

- A) Every person appearing in this Court is charged with knowledge of these rules. Failure of an attorney or pro se litigant to have knowledge of these rules will not constitute grounds for waiver of these rules.
- B) There will be no tobacco products, use of electronic vapor products, chewing of gum, eating, or drinking in the courtroom.
- C) All cellular devices, laptops, notebooks, or any other technology-based communication/social networking device in the courtroom shall be silenced. Allowed electronic devices should be used for professional purposes and shall not create a disruption to the activity of the courtroom. Any such devices that disrupt Court proceedings are subject to seizure and confiscation, and any person who is in possession of such a device that disrupts Court proceedings may be held in contempt of Court and sanctioned accordingly.
- D) Juvenile Court proceedings are confidential. There shall be no recordings of Juvenile Court proceedings except by the Juvenile Court Clerk or with the express permission of the Court.
- E) Attorneys, court attendants, and all persons will be appropriately dressed while in Court attendance. The Court's Dress Code is attached hereto as Appendix A.
- F) 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.

2.02 OFFICE HOURS

The Office of Tipton County Juvenile Court and the Office of the Juvenile Court Clerk shall be open for the regular transaction of business Monday through Friday from 8:00 a.m. until 5:00 p.m., except on non-judicial days.

2.03 SESSIONS

A) All court hearings shall be in-person unless otherwise specified by the Court or by order of the Tennessee Supreme Court. Subject to such variations as the Judge may find necessary or convenient, there will be a session of Court on Wednesdays and the first and third Mondays, except non-judicial days. The regularly scheduled Court dockets shall begin at 9:00 a.m. and 1:00 p.m. Hearings may be scheduled outside of the regularly scheduled docket times at the discretion of the Judge presiding over the matter. There will be one-hour recess for lunch as directed by the Judge.

B) Parties and 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. Attorneys or parties to proceedings shall notify the Court as soon as possible if there is an anticipated delay in their arrival.

C) Attorneys shall be mindful of scheduling matters that would prevent their timely availability for matters on the Juvenile Court docket. If there is an unavoidable conflict, the attorney must communicate the conflict with the Court Administrator (Contact Information is attached hereto as Appendix C) in an attempt to move their matter to another time on the docket. The Court Administrator has discretion to rearrange the docket for the most efficient operation of the Court. The attorney's unavailability may result in their matter being reset.

D) 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 Tipton County Juvenile Court Clerk's Office and the Court Administrator for the Judge. All efforts will be made to conduct the hearing for the parties that appear. In the unlikely event that Court is canceled due to a weather or environmental-based emergency, notice of such will be relayed to local television/radio stations to add to public closure listings.

E) Computation of time under these local rules shall be the same as set forth in the *Tennessee Rules of Juvenile Practice and Procedure*.

2.04 JUVENILE JUSTICE COURT PROCEDURES – FIRST AND THIRD MONDAYS

Court will begin promptly at 9:00 AM. All attorneys, parties, Juvenile Court personnel including the Youth Service Officer, the Assistant District Attorney, Tipton County School Representative, and DCS personnel shall be present and ready to proceed at 9:00 AM.

The Court will take announcements, appoint attorneys, and take up any procedural matters after which the Court will recess to allow attorneys to communicate with their clients, negotiate with the state, and otherwise prepare to take up substantive matters upon the reconvening of the Court.

Upon reconvening, the Court will take up matters as announced by the Assistant District Attorney. All persons with matters pending before the Court shall be present with their attorneys when their case is called to allow for the expedient management of the docket.

2.05 JUVENILE D&N AND CUSTODY COURT PROCEDURES – WEDNESDAYS

The Tennessee Department of Children's Services attorney shall email or call the Court Administrator (Contact Information is attached hereto as Appendix C) the day prior to discuss the docket and determine whether the matter will require procedural or substantive action or both. The Court Administrator will then prepare the docket for the next day.

Court will begin promptly at 9:00 AM. All attorneys, parties, and DCS personnel shall be present and ready to proceed at 9:00 AM. The Court will first take up any announcements, then the DCS attorney will begin calling the docket to address all procedural matters. After all procedural matters are completed, the Court will recess to allow attorneys to communicate with their clients, discuss matters with DCS, and otherwise prepare to take up substantive matters upon the reconvening of the Court.

The courtroom will be cleared and the Court Administrator will have all necessary parties, attorneys, etc. present in the courtroom when Court reconvenes ready to proceed with the first matter. After which, the Court Administrator will notice up the parties and attorneys necessary for the next matter on the docket and provide them with an estimated time to be ready to enter the courtroom.

All attorneys and parties must be ready to proceed when called to enter the courtroom. Failure of a party or attorney to report when called may result in delay of the hearing and may subject the responsible attorney and/or party to sanctions from the Court. Attorneys shall prepare their calendar in accordance with Rule 2.03(C) to avoid causing unnecessary delay of the proceedings. This procedure will continue until the docket is completed.

2.06 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.

2.07 ELECTRONIC AND FACSIMILE FILING

Fax filing shall be accepted according to Tenn. R. Civ. P. Rule 5A. In the event of fax filing, an original is NOT to be filed at a later time as the fax filing will be stamped as an original document. Pursuant to Rule 106 of the *Tennessee Rules of Juvenile Practice and Procedure* and Tenn. R. Civ. P. 5B, the Juvenile Court of Tipton County permits papers to be filed, signed, or verified by electronic means. Documents required by law to be signed under penalty of perjury or to be notarized may be filed electronically if the declarant and/or notary signs a printed form of the document, and thereafter scans and files the document in an electronic format that accurately reproduces the original signatures(s) and contents of the document. *See* Tenn. Sup. Ct. R. 46. All other papers may be signed electronically. Upon receipt of an affidavit or other paper requiring examination, the affiant may be examined by a magistrate either in person or via electronic audio-visual means. Rules 203 and 302 of the *Tennessee Rules of Juvenile Practice and Procedure*.

2.08 FORM OF PLEADINGS

All pleadings filed or presented to the Court shall be on letter-sized (8½" x 11") paper with paragraph text fully justified, and otherwise compliant with TN R S CT Rule 36. An original pleading shall be filed in all causes, unless filed via facsimile in accordance with Rule 2.07, and

shall be accompanied by sufficient copies necessary for service upon the parties. Attorneys shall provide copies of all exhibits for the Court and all parties.

2.09 COURT FILINGS AND PROCESS

Unless the Court orders otherwise, every pleading or other document filed with the Court subsequent to the original Petition shall be served on all parties and shall contain a Certificate of Service. The Certificate of Service shall contain the date and manner of service and the names and locations of each person served.

After service of process has been effectuated by personal service for an initial scheduling and the party has presented him/herself to the Court, subsequent notice may be made by mail or in open court. All parties shall appear at all proceedings unless excused by the Court.

2.10 RECORD OF PROCEEDINGS

All proceedings shall be recorded and maintained by the Juvenile Court Clerk pursuant to Rule 115 of the *Tennessee Rules of Juvenile Practice and Procedure*.

2.11 COURT ORDERS

- A) Unless otherwise directed by the Judge, the prevailing party shall draw the Order and file the same within ten (10) judicial days following the court date. IF the parties are unable to agree to the language in an order, the parties shall submit proposed competing orders for consideration by the Court within fifteen (15) business days from the court date. Proposed competing orders shall be emailed to the Court Administrator in both PDF and DOC format. In all cases, orders shall be provided to all necessary parties and include a certificate of service. Any decision from the Court considered to be a final and appealable order shall be clearly indicated on the document and include language regarding the appeal process.
- B) Attorneys shall take care to ensure the orders submitted to the Court are free from clerical errors, misspelled words, improper words, or grammatical errors. The Judge, at his discretion, may return the order to the attorney for correction. The time submission requirements outlined in Rule 2.11(A) are not stayed by a returned order.
- C) Failure to submit an order in a timely manner, may result in delay and may subject the responsible attorney and/or party to sanctions from the Court.

2.12 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 the Court record by filing a Notice of Appearance. In accordance with Rule 104 of the *Tennessee Rules of Juvenile Practice and Procedure*, an attorney of record who wishes to terminate their representation may do so only by permission of the Court.

Counsel who has entered an appearance in a case will be counsel of record until relieved by the Court. Entry of appearance shall be made by the filing of pleadings, formal entry of a notice of appearance, or by appointment Order from the Court. Counsel of record shall maintain in the court file information as to where they are to be served notice of all filings from the other attorneys on the case and copies of filings from the Juvenile Court Clerk. Counsel wishing to receive notice of filings and/or copies of filings via email or in their designated box in the Clerk's office must clearly indicate the same in the court file.

No counsel of record will be allowed to withdraw except for good cause and by order of the Court upon motion after notice to the party. Motions to withdraw shall state the reason the motion is made except where such is excused under the Rules governing responsibility of counsel to their client. Notice of filing of the motion shall be given to the party who is represented by the attorney seeking to withdraw and to opposing counsel or pro se litigant.

2.13 CONFIDENTIAL RECORDS

All records submitted or filed with the Tipton County Juvenile Court shall be confidential records (which include, but are 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 Tipton County Juvenile Court.

2.14 CONDUCT OF TRIALS

Proceedings in the Court shall be closed hearings except in those cases where the public is allowed by statute. In juvenile delinquency proceedings, a parent or guardian must be present at every adjudicatory hearing.

2.15 DORMANT CASES

The Court may take reasonable measures to dismiss cases that have not been disposed of or scheduled for hearing within twelve (12) months of the date of filing, last summons issued or service, whichever is later, unless the petitioner files for relief from this Rule prior to the dismissal.

RULE 3

LOCAL RULES REGARDING DELINQUENT & STATUS MATTERS

3.01 LEGAL GUARDIAN REQUIRED

In juvenile delinquency proceedings, a parent or legal guardian must be present at every hearing unless excused by the Court in writing or on the record. Unless otherwise authorized in writing, children released from detention will only be released pursuant to Rule 203(d)(4) of the *Tennessee Rules of Juvenile Practice and Procedure*.

3.02 SERVICE OF PROCESS, SUBPOENAS AND OTHER DOCUMENTS

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 subpoena. 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 use the forms provided in the Juvenile Court Clerk's Office.

3.03 PRETRIAL MOTIONS

All filings and settings of all motions shall be done consistent with Rule 105 of the *Tennessee Rules of Juvenile Practice and Procedure*. Additionally, all pretrial motions filed by attorneys shall be in writing and cite the rule, statute or other authority for the relief sought and must be filed with the Court and served on opposing counsel or party five (5) days, excluding non-judicial days, before the hearing in the matter. A copy of all motions filed with the Clerk shall be emailed to the Court Administrator (Contact Information is attached hereto as Appendix C) at the time of filing.

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 (1) party or involving Guardians ad Litem, service shall be had on those persons under the same deadline. Failure to properly serve all persons in a timely manner, may result in delay of the hearing and may subject the responsible attorney and/or party to sanctions from the Court.

3.04 DISCOVERY

In all delinquent proceedings, 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 *Tennessee Rules of Criminal Procedure*, Rule 16, and consistent with Rule 206 of the *Tennessee Rules of Juvenile Practice and Procedure*. To the extent possible, discovery shall be done informally.

3.05 SCHEDULING OF HEARINGS AND CONTINUANCES

Cases may be continued only by leave of Court. Cases will not be continued except for good cause shown. All cases continued by leave of the Court will be by written order stating the reason for the continuance, at whose request, and the date of the 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."

All dispositional hearings shall occur immediately 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.

In cases where a potential hearing date is provided to the parties as a special setting by the Juvenile Court Clerk or the Court Administrator (Contact Information is attached hereto as Appendix C), whether in open Court, at the Clerk's office, or via telephone; an Order must be filed setting the case for hearing. If no Order to Set is submitted, the case will not be heard on the date in question despite the Clerk's calendar having the matter noted as being set.

3.06 CONDUCT OF TRIALS

In the discretion of 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.

3.07 DELINQUENT & UNRULY CASES

- A) Detention Hearings: When conducting detention hearings pursuant to Rule 203, *Tennessee Rules of Juvenile Practice and Procedure* and T.C.A. § 37-1-114, the detention hearings, unless otherwise scheduled, will be heard on the first and third Mondays of each month, excluding non-judicial days. A parent/custodian/guardian must be present.
- B) Following the filing of a petition, and if applicable, after the detention hearing, a preliminary inquiry court date will be scheduled pursuant to Rule 201 of the *Tennessee Rules of Juvenile Practice and Procedure*. If the matter remains unresolved after the preliminary inquiry court date an adjudicatory hearing shall be scheduled. The District Attorney and defense attorney will submit a list of witnesses, to include name(s), address, and phone numbers to the Juvenile Court Clerk for the issuance and service of subpoenas for that hearing. Pre-trial diversion can be considered for all first-time offenders, pursuant to Rule 202 of the *Tennessee Rules of Juvenile Practice and Procedure*.
- C) All cases in which the State has announced its intention to transfer the case to Circuit Court shall be conducted in accordance with Rule 208 of the *Tennessee Rules of Juvenile Practice and Procedure*.

3.08 RESTITUTION

The Court may at the dispositional hearing set restitution in Delinquency cases as provided by *Tennessee Code Annotated* § 37-1-131 on motion of proper parties or on the Court's motion. The Court may limit discovery for the purpose of restitution.

The amount of restitution may be "reserved" at disposition for future action when, in the opinion of the Court, it is in the child's best interest to begin treatment and rehabilitation despite the fact that the amount of restitution is unresolved.

3.09 APPEALS

Consistent with Rule 118 of the *Tennessee Rules of Juvenile Practice and Procedure* and T.C.A. 37-1-159, an appeal from the Court's decision in a delinquency or unruly 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 Court reflecting the appeal. An appeal shall not operate as a stay and the Order of this Court shall remain in effect until or unless this Court or the appeals court enters an order to the contrary.

RULE 4

LOCAL RULES REGARDING CIVIL MATTERS

4.01 SERVICE OF PROCESS

- A) Every petition, pleading, or other document filed within the Court shall be served on all parties and contain either a certificate of service or summons pursuant to Rule 103 of the *Tennessee Rules of Juvenile Practice and Procedure*.
- B) A copy of the petition shall accompany the summons unless the summons is served by publication in which case a general nature of the allegations may suffice with instructions as to where to obtain a copy of the petition may be provided in lieu of the entire petition.
- C) If the petitioner or respondent is represented by an attorney, then that attorney shall be responsible for preparation and service of summons and for providing a certificate of service to the Juvenile Court Clerk.
- D) All returned summons and return of service shall be filed with the Juvenile Court Clerk.

4.02 SUBPOENAS

- A) Every subpoena shall be issued by the Clerk in accordance with Rule 107(a) of the *Tennessee Rules of Juvenile Practice and Procedure*. Forms may be obtained from the Juvenile Court Clerk's Office.
- B) Subpoenas shall be served in conformity with Rule 107 of the *Tennessee Rules of Juvenile Practice and Procedure*.
 - 1) Once served, original documents shall be filed with the Juvenile Court Clerk.
 - 2) If the matter requires an emergency or expedited hearing, or a preliminary hearing, the time limitations set forth for service of subpoenas may be waived; however, subpoenas shall be served as far in advance of the hearing as practicable.

4.03 MOTIONS

All motions are subject to the requirement of Rule 105, *Rules of Juvenile Practice and Procedure*. If made prior to trial, they must be filed with the Court and served pursuant to Rule 106 at least five (5) days prior to the hearing date.

Unless otherwise docketed for a special setting, motion hearings will be set by the Juvenile Court Clerk on Wednesdays. Legal argument may be heard, and agreement announced on these days. Each side is allowed a maximum of fifteen (15) minutes to present all motions. Motions which cannot be heard within thirty (30) minutes shall not be set on Wednesdays without leave of the Court and will be specially set by the Court. Briefs and responses may be required at the discretion of the Judge.

Contested hearings requiring witness(es) testimony shall be set on a temporary hearing docket date which may be obtained from the Juvenile Court Clerk or the Court Administrator (Contact Information is attached hereto as Appendix C).

4.04 TEMPORARY HEARINGS

A. Temporary Custody/Visitation Hearings shall be limited in time per the Court's discretion depending on the complexity of the matters before the Court. Each party will be allowed up to sixty (60) minutes for opening, presentation of witnesses, cross examination of adverse witnesses, and closing arguments unless the Court determines otherwise. The Judge shall set the time on case-by-case basis when the temporary hearing is set on each case.

B. The Court will hear the parties to the action before hearing other witnesses unless for good cause shown, the Court finds it necessary to proceed otherwise.

C. If one or both parties desire entry of a temporary parenting plan or if the Court so requires, parties shall submit proposed temporary parenting plans to the Juvenile Court Clerk to be lodged no later than three (3) judicial days prior to the hearing.

4.05 PETITIONS FOR PATERNITY – CUSTODY – VISITATION

In initial petitions for custody or after establishment of parentage in the event there is a request for visitation and there is no agreement between the parties regarding visitation, unless the Court finds otherwise, the Court's standard visitation schedule shall be entered until there is an agreement of the parties or order of the Court is entered. In the event either party disagrees with standard visitation they may request the matter be scheduled on the appropriate docket for determination by the Court.

4.06 VISITATION

In initial petitions for visitation, in the event there is no agreement between the parties and/or guardian regarding visitation, unless the Court finds otherwise, the Court may enter

an order for co-parenting time with the current nonresidential parent according to the Court's standard visitation schedule until an agreement is reached or the Court makes a further determination.

4.07 PRE-TRIAL EXCHANGES AND BRIEFS

- A) In cases set for trial, lists of all witnesses and exhibits (other than impeachment and rebuttal witnesses and exhibits) shall be filed with the Juvenile Court Clerk and exchanged between counsel at least three (3) full judicial days prior to the hearing. Witnesses and exhibits not listed may not be called/used except for impeachment or rebuttal purposes. For cases involving the Department of Children's Services (DCS), this Rule shall apply only to Dependency and Neglect trials alleging severe abuse and all trials for Termination of Parental Rights.
- B) Parties failing to comply with the discovery rules shall not be allowed to submit their witnesses and exhibits to comply with this rule.
- C) If a party desires or is ordered to file a pre-trial brief, such shall be filed no less than five (5) full judicial days prior to the hearing. Responsive briefs are not required but may be filed no later than 48 hours prior to the hearing with a courtesy copy sent to the Judge via the Court Administrator (Contact Information is attached hereto as Appendix C).

4.08 STATISTICAL DATA FORMS IN PARENTAGE ACTIONS

In parentage cases, no case will be set for hearing until the party seeking the hearing files a completed "Exhibit A" [Statistical Data] form with the Juvenile Court Clerk. A copy of said form is attached hereto as Appendix B and will also be made available to parties by the Juvenile Court Clerk.

4.09 DISCOVERY

A) Filing required only for use by the Court

Interrogatories or Request for Admissions or Production of Documents or other discovery material need NOT be filed with the Clerk unless and until it is to be considered by the Court for some purpose.

B) Number of Interrogatories

No party shall serve on any other party more than thirty (30) single question interrogatories, including subparts without leave of Court. Parties seeking to serve a greater number of interrogatories may do so with leave of Court. Any motion seeking permission to serve additional interrogatories shall contain the proposed interrogatories and shall be accompanied by memorandum establishing good cause for such service. If a party is served with more than thirty (30) interrogatories without an order of the Court, he or she shall respond only to the first thirty (30) in the manner provided by the *Rules of Tennessee Civil Procedure*.

C) Motion regarding discovery issues

(1) The Court shall 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 attorney for the moving party, or the moving party when said party is pro se, 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 be evidenced by a writing from the moving party to the non-moving party describing the alleged deficiencies in discovery and shall include the date for delivery of discovery.

(2) When a Motion to Compel Answers to Interrogatories or Motion to Compel Production of Documents or other Exhibits is filed, counsel shall file the Interrogatories or Requests for Production of Documents for which answers are sought as an exhibit to the motion. Where the opposing party has not been diligent in submitting responses, attorney fees may be awarded.

(3) Discovery in dependency and neglect matters shall be subject to Rule 305, *Tennessee Rules of Juvenile Practice and Procedure*.

(4) Discovery in all other civil matters shall be subject to *Tennessee Rules of Civil Procedure*.

4.10 SCHEDULING OF HEARINGS AND CONTINUANCES

A) Scheduling of adjudicatory and dispositional hearings in dependency and neglect matters shall be done in conformity with Rule 307 and Rule 308 of the *Tennessee Rules of Juvenile Practice and Procedure*.

1) The Juvenile Court Clerk's Office will set all attorney-filed pleadings. However, Service of process and issuance of subpoenas are the responsibility of the attorney.

2) Upon the adjudication of a petition for dependency and neglect, the Court shall immediately proceed to make either a temporary or permanent disposition of the case. The Court may, upon motion of a party or its own motion, set a later date for a disposition hearing, further disposition or Judicial or Administrative Reviews.

3) In cases where a potential hearing date is provided to the parties by the Juvenile Court Clerk, whether in open Court, at the Clerk's Office, or via telephone, an Order must be filed setting the case for hearing. If no Order to Set is filed, the case will not be heard on the date in question despite the Clerk's calendar having the matter noted as being set.

B) For good cause shown, cases may be continued by the Court, or by leave of the Court based upon the agreement of the parties. Agreed upon continuances shall be by order signed by counsel for all parties. No case shall be continued indefinitely, and any order continuing a case

shall specify the date the case will be heard. It is the responsibility of the party requesting the continuance to notify all other parties and witnesses under subpoena of the continuance and the next hearing date. Failure to properly notify all persons in a timely manner, may result in delay of the hearing and may subject the responsible attorney and/or party to sanctions from the Court.

C) If a party or witness requires an interpreter, counsel for the party calling the witness shall notify the Judge's office via the Court Administrator (Contact Information is attached hereto as Appendix C) as soon as possible but in no event later than ten (10) judicial days prior to the hearing with notice of the language to be interpreted so that arrangements may be made to ensure the interpreter's availability and to avoid a continuance.

D) If counsel has a client who is incarcerated and their attendance is required at a hearing, counsel must submit a lodged transport Order with the Clerk's office at least ten (10) judicial days prior to the hearing designating the individual's name, date of birth, facility and/or agency whom has custody of the individual, the type of hearing to be conducted including approximate length of hearing and date and time of hearing.

4.11 PRELIMINARY HEARINGS IN DEPENDENCY-NEGLECT PROCEEDINGS

- A) Preliminary hearings shall be conducted in accordance with Rule 108 and Rule 302, *Tennessee Rules of Juvenile Practice and Procedure*.

Preliminary Hearings shall be limited to two (2) hours. Each side will be allowed a maximum of sixty (60) minutes for opening, presentation of witnesses, cross-examination of adverse witnesses and closing arguments.

It is unnecessary for the Court to hear more of the Petitioner's proof than is necessary to establish probable cause, and the Court may terminate the hearing at any time that probable cause has been established and each Respondent has been afforded the opportunity to cross-examine the witnesses called by the Petitioner and to present defense proof reasonably tending to rebut probable cause.

- B) If a party determines to waive the Preliminary hearing, he/she must, under oath, acknowledge that he/she is waiving his/her right to Preliminary hearing knowingly and voluntarily after discussions with his/her attorney. After which, the party's counsel must submit to the Court a written waiver acknowledging the same, signed by the party and his/her attorney.

4.12 INJUNCTIVE RELIEF

All requests for injunctive relief shall comply with Rule 108, *Tennessee Rules of Juvenile Practice and Procedure*.

4.13 RATIFICATION OF PERMANENCY PLANS

Department of Children's Services shall lodge a proposed Permanency Plan with the Juvenile Court Clerk, along with a Notice of Filing containing a Certificate of Service to all parties at least ten (10) days prior to the date set for the ratification hearing. If no party files a written objection, with notice to all parties, with the Juvenile Court Clerk within three (3) days of the date of the hearing, the Court will deem there to be no opposition to ratification of the proposed Permanency Plan. In either event, the Court will hold the required hearing to determine if approval of the Permanency Plan is appropriate and, in the child's, or children's best interest.

4.14 CHILD AND FAMILY TEAM NON-DCS AND NON-PCO CASES

Parties shall be made aware that the Tennessee Department of Children's Services is available to conduct a CHILD AND FAMILY TEAM conference to aid the Court and to assist the parties to resolve issues alleging that a child is dependent and neglected unless the department is a party or a protective custody order has been entered. The parties' participation in scheduled meetings may be ordered at the discretion of the Court in contested cases upon review by the Court of the departments initial investigative report of the allegations of the petition.

In the event the Court orders a child and family conference, the department will inform the parties, at their last known address, to appear at a place to be designated either together or separately as may be appropriate for them to be instructed as to department's function in facilitating child and family meetings, and shall be informed of the duties and responsibilities of the parties. In the event the parties fail or refuse to participate in said meeting, the Court may render sanctions against the offending party unless good cause is shown for such failure.

4.15 MEDIATION AND PARENTING PLANS

Custody and visitation matters may be referred to mediation at the initiation of the case. Upon the filing of a formal Petition for shared parenting and before the case is to be heard before the Court, the Parties shall attend mediation conducted by a Tennessee Supreme Court Rule 31 Listed Family Mediator. The Parties shall make a good faith effort to address the issues in the best interests of the child and be made aware that mediation services are available that consider income and ability to pay a reduced fee.

If the parties cannot agree on a Rule 31 Mediator, the Court may enter an order designating a Mediator. The Court may also order that a Parenting Plan be submitted and incorporated by reference into any Final Order. If a Petition for Child Support is filed with the Court, the Parenting Plan should include the Child Support Worksheet and Order that addresses Child Support per Tennessee Child Support Guidelines.

The mediators' fees may be taxed as Court cost, or the Court may determine the case is appropriate for pro bono mediation. The parents or guardian may directly negotiate the fees with the mediator.

4.16 GUARDIAN AD LITEM AND C.A.S.A.

In addition to any requirement for appointment of GAL in the Juvenile Rules of Practice and Procedure, 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 an action pending before the Court.

For the purposes of notice, the GAL and/or CASA shall be deemed a party that must be notified of all hearings and meetings. Failure to properly serve all persons in a timely manner, may result in delay of the hearing and may subject the responsible attorney and/or party to sanctions from the Court. Notice shall be given for all hearings; staffing, family and team meetings; adjudications; dispositions; and any other notices given to the parties with regards to the case in which they were appointed.

4.17 DEPOSING VICTIMS OR CHILDREN IN NEGLECT AND ABUSE CASES

Attorneys filing motions to depose victims in neglect, abuse, or sexual abuse cases, or children in custody cases where neglect, abuse, or sexual abuse is alleged, shall provide notice to the District Attorney and criminal defense counsel when the attorneys are aware that a criminal case is pending regarding the same matters.

4.18 CONDUCT OF TRIALS

A. In the discretion of the Court, the general public may be excluded from any juvenile or paternity proceeding and only those persons having 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.

B. Dependency and neglect proceedings shall not be open to the public. When a child testifies, the examination shall be conducted either in chambers or in a courtroom which has been cleared of observers or non-party witnesses. The manner in which the Court shall take the child's testimony shall be at the discretion of the Court, considering all factors set forth in Rule 306, *Rules of Juvenile Practice and Procedure*.

C. Attorneys not representing a party or acting as Guardian ad Litem shall not remain in the courtroom during a hearing/trial of a case of which they have no interest. The Tennessee Department of Children's Services' attorneys, case managers, and investigators may remain in the courtroom during all DCS proceedings unless the Court determines to limit their presence.

D. CASA members and the Court's staff may remain in the courtroom at the discretion of the Court.

4.19 APPEALS

Appeals shall be taken subject to the provisions of Rule 118 of the *Tennessee Rules of Juvenile Practice and Procedure*, T.C.A. 37-1-159, and other applicable law.

A) The right to appeal attaches upon the entry of a final order.

B) An appeal shall not operate as a stay and the Order of the Court shall remain in effect until or unless the appeals court enters an order to the contrary.

4.20 WAIVERS OR MODIFICATIONS 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.

4.21 CONSENT ORDERS IN CIVIL MATTERS

Tennessee Rules of Juvenile Procedure, Rule 22

(A) General Provisions. Most civil matters within the jurisdiction of this Court may be resolved by a written agreement between the parties. After petition is filed, if the parties resolve their matter, they may submit a written agreement to be signed by the Judge, which shall recite that the parties are aware that the agreement is based upon the order of the Court and their failure to comply therewith without just cause places them in contempt of court and subjects them to the action that the Court deems proper within its jurisdiction.

(B) In child custody cases, and cases pursuant to petition for parentage, T.C.A. 36-2-301, et seq., when parties are in complete agreement in matters of custody, support (with completed child support work sheets), and visitation, and a court hearing appears to be unnecessary, the parties may enter into a consent order. Consent orders may be modified, due to change of circumstances, by agreement of the parties with approval of the Court or by order of the Court upon notification to parties and a hearing. In no event shall modification of a consent order result in a child being placed into the custody of the Department of Children Services without the appropriate petition having been filed with the clerk of the court alleging the child to be dependent, neglected, abused, unruly or delinquent.

(C) In petitions alleging dependency, neglect or abuse, the Court shall not approve a consent order regarding custody, support, or visitation granted to a party other than the state unless there has been a social investigation as required by law, and the investigating agency's recommendation concurs with the agreement between the parties. This subsection shall not be construed as eliminating the judicial findings required for child in state custody by T.C.A. section 37-1-166 and 37-2-409 or as otherwise required by case law and federal regulations. The consent order must recite the findings to the court's satisfaction and be signed by the Judge.

4.22 RESTRAINING ORDERS

(A) On application of a party or on the Court's own motion, the Court may make an order restraining or otherwise controlling the conduct of a person, if: (1) An order of disposition of a delinquent, unruly or dependent or neglected child has been or is about to be made in a proceeding under this chapter, or as otherwise authorized by law; (2) The Court finds that the conduct (i) is or may be detrimental or harmful to the child and (ii) will tend to defeat the execution of the order of disposition; and (3) Due notice of the application or motion and the grounds therefor and an opportunity to be heard thereon have been given to the person against whom the order is directed.

(B) Restraining orders may be issued upon such terms and conditions, and shall remain in force for such time, as shall seem just and proper to the Judge. *Tennessee Rules of Juvenile Practice and Procedure*, Rule 108.

RULE 5

LOCAL RULES REGARDING TITLE IV – D CHILD SUPPORT CASES

5.01 INITIAL APPEARANCE OR RESPONDENT UPON ARREST

Any person who is arrested upon an Attachment or Capias issued by the Court and fails to post bond shall be brought before the Court within ten (10) days of being served with the Attachment/Capias. The date for the ten (10) day bond hearing shall be set by the Juvenile Court Clerk.

5.02 SERVICE OF PROCESS

If the parties are not represented by counsel, service of process in Title IV- D Child Support matters shall be the responsibility of the Child Support Enforcement Office in accordance with Tenn. R. Juv. P. 103. Once the pleading is served, the original shall be submitted to the Juvenile Court Clerk's Office, which shall accept them for filing.

5.03 MOTIONS IN TITLE IV – D SUPPORT CASES

All motions regarding child support issues in Title IV – D child support cases shall be set on a Title IV – D child support docket.

5.04 BI-FURCARTION OF TITLE IV – D CHILD SUPPORT CASES FROM PARENTAGE/ PARENTING TIME LITIGATION

Unless the file contains a waiver of the State of Tennessee's interest in the case or other notice relieving the State of Tennessee through IV – D office as a party to the action, all cases involving determination of Parentage or Parenting time shall be bi-furcated from the issue of child support where the IV – D office is or has been involved in the matter involving the same parties and the same child or children.

5.05 ERROR AND EXCEPTIONS

Any error, defect, irregularity or variance which does not affect substantial rights shall be disregarded. Exceptions to rulings of the Court are unnecessary. If a party makes no objection to a ruling or order, absence of an objection does not in itself prejudice the party thereafter.

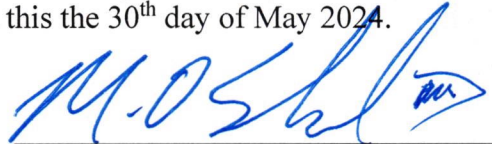
RULE 6

6.01 CONFLICTS

Any alleged conflict that may exist between the Judge and a party shall be brought to the Court's attention by written Motion to Recuse pursuant to the requirements set forth in Tenn. Sup. Ct. R. 10B as soon as possible and heard as soon as practicable.

If the Judge agrees a conflict exists and the conflict is not waived, he will not participate in selecting his successor, absent the agreement of all parties, but will request the designation of a Judge by the Chief Justice, pursuant to Tenn. Sup. Ct. R. 11, § VII(c)(4), using the designation request form.

These Local Rules of Practice of the Juvenile Court of Tipton County, Tennessee, are hereby adopted and entered on the minutes of the Court on this the 30th day of May 2024.



M.O. Eckel, III
Tipton County Juvenile Court Judge

APPENDIX A

Dress Code Notice

All persons appearing before the Juvenile Court shall be appropriately dressed and are required to show deference to the Court in both appearance and demeanor.

Appropriate dress includes but is not limited to the following:

Business casual attire similar to what one would wear to a job interview, which necessitates the following:

- No shorts
- Pants shall be pulled up to the waist
- No underwear shall be visible
- No mesh shirts
- No bare midriffs; no skin shall be visible between the shirt and the pants or skirt
- No low-cut tops; no sleeveless tops or dresses
- No Spandex
- No lounge wear
- No slogans on the seat of the pants
- No open-toe footwear
- No head coverings (except for religious head coverings)
- No gang-related or gang-inspired clothing, coloring, accessories, or hairstyles
- No clothing depicting profanity, alcohol, or illicit drugs.

APPENDIX B

“Exhibit A”

Statistical Data Form

FAILURE TO APPROPRIATELY UPDATE THIS INFORMATION OR GIVING FALSE INFORMATION COULD LEAD TO BEING CITED FOR CONTEMPT OF COURT OR HAVING A DEFAULT JUDGMENT ENTERED AGAINST YOU. BOTH PARTIES MUST UPDATE THE FOLLOWING INFORMATION ANY CHANGES WITHIN 10 DAYS OF THE CHANGE TO THE CLERK OF THE JUVENILE COURT, TIPTON COUNTY, TENNESSEE.

Father’s Information

Full Name: _____ S.S.# _____

Residential Address: _____ Phone: _____

_____ D.O.B. _____

Mailing Address: _____ D.L.# _____

Employer (and address) _____

Mother’s Information

Full Name: _____ S.S.# _____

Residential Address: _____ Phone: _____

_____ D.O.B. _____

Mailing Address: _____ D.L.# _____

Employer (and address) _____

Guardian’s Information

Full Name: _____ S.S.# _____

Residential Address: _____ Phone: _____

_____ D.O.B. _____

Mailing Address: _____ D.L.# _____

Employer (and address) _____

Children’s Information

(1) Full Name: _____ S.S.# _____

Residential Address: _____ D.O.B. _____

(2) Full Name: _____ S.S.# _____

Residential Address: _____ D.O.B. _____

(3) Full Name: _____ S.S.# _____

Residential Address: _____ D.O.B. _____

(If more children, please continue on additional sheet of paper)

APPENDIX C

Contact Information

Court Administrator

Mr. Scottie Delashmit

(901) 634-0217

scdelashmit@tiptonco.com

Juvenile Court Clerk's Office

(901) 475-3315

Juvenile Court's Office

(901) 475-3322