

LOCAL RULES OF PRACTICE

APPLICABLE IN THE CIRCUIT
AND CHANCERY COURTS
OF
HICKMAN, LEWIS, PERRY & WILLIAMSON COUNTIES

INDEX

	<u>PAGE</u>
Introduction	3
Local Rules of Civil Procedure	4
Local Rules of Criminal Procedure	11
Appendix A – Temporary Parenting Plan	15
Appendix B – Statement of Income and Expenses	21
Appendix C – Permanent Parenting Plan	24
Appendix D – Statement of Issues, Income, Property and Expenses	33

LOCAL RULES
TWENTY-FIRST JUDICIAL DISTRICT

INTRODUCTION

JUDGES. The 21st Judicial District as presently established embraces Hickman, Lewis, Perry and Williamson Counties. All Judges of the 21st Judicial District have full civil and criminal jurisdiction therein and are assigned areas of responsibility by the Presiding Judge.

CLERKS. Each county within the District has a Circuit Clerk and a Clerk and Master with powers and duties prescribed by statute for such offices generally. The Clerk and Master is 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 the bonds therefor, which the Clerks are authorized to perform under the applicable statutes.

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

GRAND JURIES will be empanelled as follows:

WILLIAMSON COUNTY - First Monday in January and July.

When the first Monday in January is January 1, the Grand Jury will be empanelled on January 2.

When first Monday in July is July 4, the Grand Jury will be empanelled on July 5.

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 empanelled on the next Tuesday following.

PERRY COUNTY - Fourth Monday in February and August.

If the fourth Monday is a holiday, the Grand Jury will be empanelled on the next Tuesday following.

LOCAL CIVIL RULES

RULE 1. GENERAL RULES NOT ABROGATED.

The Tennessee Rules of Civil, Criminal and Appellate Procedure, of Evidence, and the Codes of Professional Responsibility and Judicial Conduct, will be given full faith and credit.

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 parties/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 Rule 11.01).

RULE 3. JURY TRIAL.

Section 3.01. Demand Procedure. In any civil case in which a jury is demanded, the words "JURY DEMAND" shall be typewritten in capital letters on the first page of the pleading opposite the style of the case above the space for the case number.

Section 3.02. Peremptory Challenge Procedure. At trial, peremptory challenges will be written on a sheet of paper provided the respective attorneys for that purpose. These challenge sheets will be taken up by the court officer and then shown to opposing counsel. 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 to 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. 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.

All pretrial motions must be filed and scheduled for hearing not 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.

RULE 6. MOTIONS

Section 6.01. Motions will be set on scheduled motion days by notice as provided in the Tennessee Rules of Civil Procedure.

Section 6.02. Motions for new trial, motions for judgment n.o.v. and motions to alter or amend will not be set for hearing exception 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.

Section 6.03. Motions To Compel/ Efforts to Resolve Discovery Conflicts.

The Court will refuse to rule on any motion related to discovery unless moving counsel files with the motion a statement which certifies that the lawyer has conferred with opposing counsel in a good faith effort to resolve the discovery dispute and that the effort has not been successful.

RULE 7. SETTING CASES FOR TRIAL AND CONTINUANCES.

Section 7.01. Except for divorce and parenting plan actions and cases anticipated to take longer than 3 days to try, cases shall be set for trial in one of the following ways:

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

Non-jury trials which are anticipated to require 2 hours or less may be set by agreed order on the regularly scheduled non-jury days. Cases requiring longer than 2 hours may be set by agreement after consultation with the Judges' Office. Domestic cases will be set in accordance with Rule 12 of the Local Rules.

Generally, cases will not be set for trial more than six months in advance. Court schedules shall be prepared, released, posted in the clerk's offices and distributed to the attorneys monthly for the following six- month period. Attorneys may request electronic mail of the court's schedule by providing their electronic mail address to the judge'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 three days will be set by motion only.

Section 7.02. Certifying Cases Ready When Set. 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, 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 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.

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.

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.

Section 8.01. All General Sessions appeals will be set for trial by the clerk on the next day scheduled for trial of such cases occurring more than 10 days after the appeal is perfected. The clerk will notify the appealing party of the trial date at the time the appeal is perfected and will on the same day furnish written notice of the trial date to the appellees.

RULE 9. PRE-TRIAL PROCEDURE IN CIVIL CASES.

In all civil actions set for trial on the merits, at least 72 hours prior thereto:

(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.

(c) In divorce hearings, either final or temporary, involving alimony child support issues, a property, income and expense statement in the form attached as Appendix A or D, as appropriate, shall be filed with the Clerk and a copy furnished opposing counsel. The parties may also include a proposed division of property and indebtednesses.

A violation of the above may be grounds for a continuance but shall not be grounds for exclusion of the evidence.

RULE 10. EXHIBITS

Section 10.01. Depositions and Discovery Material. Depositions and discovery material submitted to the Clerk as evidence that is not read to the court may be made trial exhibits at the request of either party.

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 orders for entry by the court. Orders approved for entry by counsel for all affected parties must be received by the clerk not more than 10 days following the day on which the ruling is made by the court. Orders not approved for entry by counsel for all affected parties must be received by the clerk within 3 business days following the day on which the ruling is made by the court. If, within 5 business days following receipt of such an order by the clerk there has been no proposed order submitted by opposing counsel, the judge will assume that opposing counsel approve the order with respect to accuracy and form.

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. DIVORCES AND CHILD PARENTING HEARINGS.

Section 12.01. Parenting Seminars. All parties to a divorce action who have minor children shall be required to attend a four (4) hour parenting seminar, approved by the court, within thirty (30) days of service of the original complaint. At the time divorce actions are filed, the Clerk of the court shall deliver to the filing party or the filing party's attorney a copy of the general order stating this requirement together with a list of organizations or individuals that have been approved by the court to conduct these seminars. A copy of the general order 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 complaint and the Clerk shall mail a copy of the general order to that party.

Section 12.02. Temporary Parenting and Support Hearings and Orders.
(a) Agreement of the Parties. Where the parties with minor children can agree upon temporary parenting and support arrangements, a Temporary Parenting Plan substantially in the form attached as Appendix A, 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.

(b) Failure of the Parties To Reach An Agreement. If the parties cannot agree upon a

(c) Temporary Parenting Plan, the issue may be mediated or brought before the court on motion or show cause order. At the hearing of this issue, each of the parties to the divorce action shall submit a proposed Temporary Parenting Plan and shall submit an affidavit of income and expenses in the form attached as Appendix B. The court will either adopt one of the plans submitted, appropriately alter and adopt one of them or may, in the court's discretion, hear additional testimony before determining a Temporary Parenting Plan.

(d) Parenting plans and income and expense forms will be available in each clerk's office and also may be found under Rules of Practice at the Circuit Court Judges' website, <http://www.williamsoncounty-tn.gov/index.aspx?nid=242>.

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 fifteen (15) days prior to the hearing on the motion. Prior to the date of hearing on the motion to set, each of the parties shall file and serve upon the adverse party:

- a. their agreed or proposed Permanent Parenting Plan (Appendix C)
- b. an Asset and Liability Statement (Appendix D)
- c. their request for relief
- d. whether they have attempted mediation and, if not, a statement justifying their refusal to mediate
- e. their certificate of attendance to the parent education seminar

(b) Hearings On Motions To Set. At the hearing on motions to set for trial on divorce and parenting actions, the court will review and determine (1) whether parties have attended the parenting seminar as required by Rule 12.01, above; (2) whether the parties have attempted mediation and, if not, whether the case is appropriate for mediation; (3) whether the court should appoint 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.

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 C. 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.

Rule 12.05. Effective Date. The provisions of this section (Rule 12) shall apply to all actions filed after January 1, 2001.

RULE 13. ADOPTIONS.

Section 13.01. Filing. All adoption petitions shall be filed with the Chancery Court Clerk.

Section 13.02. Adoption by Step-Parents and Relatives. Cases where the adopting parents are the grandparents, the aunt or uncle or the step-parent of the child or children to be adopted shall not be set for adjudication by the clerk until the following documents have been filed:

- (a) The birth certificate or certificates of the child or children.
- (b) A certified copy of the marriage license of the adopting petitioners.
- (c) A certified copy of the final judgment of divorce in the event either of the adopting petitioners have previously thereto been married to another spouse.
- (d) A death certificate if either natural parent be deceased.
- (e) A death certificate of either petitioner's former spouse if said spouse is deceased.

Section 13.03. Presentation of Testimony. The testimony of adopting petitioners may be presented in person or, in the event the adopting petitioners are not within the State of Tennessee at the date of the adjudication, by interrogatory or deposition.

Section 13.04. Attendance of Adoptive Child. It shall be optional with the adopting petitioners as to whether the child or children involved in said adoption attend the adjudication.

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. Except for domestic relations cases, all applications for temporary injunctions 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. MOTIONS, REQUESTS FOR DISCOVERY AND APPLICATION FOR PRETRIAL DIVERSION.

Section 2.01. From the time of arraignment, each defendant shall have a period of 20 days within which to file pretrial motions as defined by Rule 12(b), T.R.Cr.P., except that requests for discovery shall be filed within 10 days from arraignment and motions to suppress evidence must be filed within 10 days of the date the state has complied with a request for discovery. The court at arraignment or thereafter upon motion may extend the period for filing pretrial motions upon good cause shown.

Section 2.02. Applications for pretrial diversion shall be filed with the Office of the District Attorney within 15 days from the date of arraignment unless otherwise extended by the court. The district attorney may, in his or her discretion, refuse to consider any such application not timely filed and denial of pretrial diversion on that basis shall not be deemed an abuse of his discretion, nor shall the trial of the case be continued pending a review of such denial.

Section 2.03. At the time of arraignment, the court shall designate a review date not less than 30 days after arraignment. On the review date, the court will:

- (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 at least five days prior to the review date.
- (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.

Section 2.04. 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:

- (1) That an application for pretrial diversion is pending.
- (2) That an application for pretrial diversion has been denied and the defendant intends to seek review of that denial.
- (3) That there has been an adverse determination upon a review of the denial of

pretrial diversion and the defendant intends to appeal that determination.

(4) That a pretrial motion is pending or that the time for filing pretrial motions in accordance with these rules has not expired.

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

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 respond to a reciprocal request for discovery pursuant to Rule 16, T.R.Cr.P. 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. 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 (1) on the review date, referred to in Rule 2, (2) on the date set for trial when crowded off the docket, by agreement between the district attorney or an assistant district attorney and the defendant and his or her attorney, or (3) by the court upon motion of either party or on its own motion with notice to the respective parties or attorneys.

RULE 4. CONTINUANCES.

Section 4.01. 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 4.02. Absent an agreement, continuances may be granted by the court upon written motion after notice to opposing counsel specifying the time and place a continuance will be sought.

Section 4.03. Any request for a continuance in a case where the defendant is charged with the 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 48 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. 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 counsel at the direction of the court shall immediately notify the judge 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 judge of any objection to the contents of the revised order. The court will either approve one of the orders submitted with notice to counsel, 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 judge.

RULE 7. 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 applicable in the Circuit, Chancery and Criminal Courts of Williamson County within the Twenty-First Judicial District. All standing orders not incorporated in these rules are declared invalid and shall have not effect.

Adopted and effective as of the 30th day of September, 2010.

**ROBBIE T. BEAL
JUDGE, DIVISION I
21st JUDICIAL DISTRICT**

**JAMES G. MARTIN, III
JUDGE, DIVISION II
21st JUDICIAL DISTRICT**

**JEFFREY S. BIVINS
JUDGE, DIVISION III
21st JUDICIAL DISTRICT**

**TIMOTHY L. EASTER
JUDGE, DIVISION IV
21st JUDICIAL DISTRICT**

APPENDIX A

(Pursuant to T.C.A. 36-6-403)

IN THE _____ COURT OF _____ COUNTY TENNESSEE

_____	)	
Mother/Father	)	Case No. _____
	)	_____ Proposed Plan
_____	)	
Father/Mother	)	

TEMPORARY PARENTING PLAN

Proposed by Mother _____	Agreed by Parties _____
Proposed by Father _____	Ordered by Court _____

This parenting plan applies to the following children:

<u>Name</u>	<u>Birthdate</u>
_____	_____
_____	_____
_____	_____
_____	_____

RESIDENTIAL TIME:

With Mother from _____ to _____
(Day/Time) (Day/Time)

() every other week () every week

With Father from _____ to _____
(Day/Time) (Day/Time)

() every other week () every week

Other Special Provisions _____

HOLIDAY and VACATION SCHEDULE DURING THE NEXT SIX MONTHS

DAY TO DAY DECISIONS Each parent shall make decisions regarding the day-to-day care and control of each child while the child is residing with that parent. The parents shall otherwise confer with each other.

TRANSPORTATION

() Father will pick up and return
or

() Mother will pick up and return
or

() Other _____

STANDARD PARENTING ORDERS. Pursuant to *Tennessee Code Annotated*, '36-6-101(a) both parents are entitled to the following rights:

1. unimpeded telephone conversations with the child at least twice each week at reasonable times and for a reasonable duration;
2. sending mail to the child which the custodial parent will not open and will not censor;
3. receiving notice and relevant information as soon as practical (but not more than 24 hours) in the event of hospitalization, major illness, or death of the child;
4. receiving, directly from the school, copies of the child's report cards, attendance records, teacher's names, class schedules, standardized test scores, and other records which are customarily made available to parents. A written request must be made to the school with a current mailing address and payment must be made for the reasonable cost of duplicating and mailing these records;
5. receiving, directly from the child's physician and other health care providers, copies of the child's medical records. A written request must be made to the health care provider with a current mailing address and payment must be made for the reasonable cost of duplicating and mailing these records;
6. to be free of derogatory remarks made about the noncustodial parent and his or her family by the custodial parent to the child or in the child's presence;

7. to be given at least forty-eight (48) hours notice, whenever possible, of all extra curricular activities, and the opportunity to participate or observe, including, but not limited to, the following:

- (I) School activities;
- (ii) Athletic activities;
- (iii) Church activities; and
- (iv) Other activities as to which parental participation or observation would be appropriate.

8. to receive from the other parent, in the event the other parent leaves the state with the minor child or children for more than two (2) days, an itinerary including telephone numbers for use in the event of an emergency;

9. access and participation in education, including the right of access to the minor child or children for lunch and other activities, on the same basis that is provided to all parents, provided the participation or access is reasonable and does not interfere with day-to-day operations or with the child's educational performance.

CHILD SUPPORT The [] mother [] father will pay child support, in accordance with the Tennessee Child Support Guidelines, in the amount of \$_____ based upon a gross/net (choose one) annual income of \$_____.

____ weekly
____ monthly

____ every two weeks
____ twice per month

() Directly to the other parent

or

() To the Clerk of the Court (plus a 5% clerks fee)

at _____

or

() By wage assignment (see attached Order)

TOTAL AMOUNT OF CHILD SUPPORT \$_____

To be paid beginning ____ day of _____, 20____.

SPOUSAL SUPPORT [IF APPLICABLE] () Mother () Father shall pay additional support in the amount of \$_____ per month beginning ____ day of _____,20____.

OR he/she shall pay the following household bills:

- | | |
|--------------------------------------|----------------------|
| () Mortgage/Taxes/Insurance/Rent | () Home repair |
| () Utilities | () Lawn care |
| () Auto note | () Trash pick up |
| () Auto repairs | () _____ |
| () Auto insurance | () _____ |

HEALTH, DENTAL AND LIFE INSURANCE and UNCOVERED EXPENSES

These policies shall remain in effect during the duration of the divorce proceedings. The spouse and/or children shall be the beneficiaries. All uncovered medical and dental bills will be paid by () father () mother () split between the parties.

Mother

Date

Father

Date

IT IS SO ORDERED ADJUDGED AND DECREED this _____ day of
_____, 20_____.

JUDGE

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

(Pursuant to T.C.A. 36-6-404(d) and

<http://www.tsc.state.tn.us/geninfo/Programs/Parenting/PPPOrder.htm>)

STATE OF TENNESSEE	COURT <i>(Must be completed)</i>	COUNTY <i>(Must be completed)</i>
PERMANENT PARENTING PLAN ORDER ☐ PROPOSED ☐ AGREED ☐ ORDERED BY THE COURT		FILE No. _____ <i>(Must be completed)</i> DIVISION _____
PLAINTIFF <i>(Name: First, Middle, Last)</i> _____ ☐ Mother ☐ Father		DEFENDANT <i>(Name: First, Middle, Last)</i> _____ ☐ Mother ☐ 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 Primary Residential Parent is _____

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 ☐ mother ☐ 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:

	MOTHER	FATHER
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 th	_____	_____
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 _____.

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	☐ mother	☐ father	☐ joint
Non-emergency health care	☐ mother	☐ father	☐ joint
Religious upbringing	☐ mother	☐ father	☐ joint
Extracurricular activities	☐ mother	☐ father	☐ joint
_____	☐ mother	☐ father	☐ 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 why:

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*

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.

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.

* 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.

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 with the ☐ mother ☐ father. 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;

- (2) The right to send mail to the child which the other parent shall not open or censor;
- (3) The right to receive notice and relevant information as soon as practicable but within twenty-four (24) hours of any event of hospitalization, major illness or death of the child;
- (4) The right to receive directly from the child's school any school records customarily made available to parents. (The school may require a written request which includes a current mailing address and upon payment of reasonable costs of duplicating.) These 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 physician or health care provider who provided treatment or health care. (The keeper of the records may require a written request which contains a current mailing address and the payment of reasonable costs of duplication.) No person who receives the mailing address of a 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 the parent or his or her family by the other parent to the child or in the presence of the child;
- (7) The right to be given at least forty-eight (48) hours notice, whenever possible, of all extra-curricular activities, and the opportunity to participate or observe them. These include the following: school activities, athletic activities, church activities and other activities where parental participation or observation would be appropriate;
- (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 two (2) days, an itinerary including telephone numbers for use in the event of an emergency;
- (9) The right to access and participation in education on the same basis that is provided to all parents. This includes the right of access to the child for lunch and other activities. However participation or access must be reasonable and not interfere with day-to-day operations or with the child's educational performance

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:

If a parent who is spending intervals of time with a child desires to relocate outside the state or more than one hundred (100) 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 the other parent may file a petition in opposition to the move within thirty (30) days of receipt of the notice.

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 rather than one agreed 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

Attorney for Father

Address

Address

Address

Address

Phone and BPR Number

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 D

_____	)	
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(ren)	_____ 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> |
|--|---------------|-----------------|
|--|---------------|-----------------|

PROPOSED DIVISION OF MARITAL PROPERTY

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

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

Make/Model/Year:

Titled:

FMV:

Debt:

Furniture

Miscellaneous

SEPARATE PROPERTY TO HUSBAND

<u>Description</u>	<u>Value</u>
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SEPARATE PROPERTY TO WIFE

<u>Description</u>	<u>Value</u>
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MARITAL DEBTS OF HUSBAND

<u>Description</u>	<u>Monthly Payment</u>	<u>Balance</u>
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MARITAL DEBTS OF WIFE

<u>Description</u>	<u>Monthly Payment</u>	<u>Balance</u>
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SEPARATE DEBTS OF HUSBAND

<u>Description of Liability</u>	<u>Monthly Payment</u>	<u>Balance</u>
---------------------------------	------------------------	----------------

SEPARATE DEBTS OF WIFE

<u>Description</u>	<u>Monthly Payment</u>	<u>Balance</u>
--------------------	------------------------	----------------

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