LOCAL RULES OF PRACTICE
TWENTY-FIRST JUDICIAL DISTRICT
HICKMAN, LEWIS, PERRY AND WILLIAMSON COUNTIES

RULES OF THE CIRCUIT AND CHANCERY COURTS FOR THE TWENTY-FIRST JUDICIAL DISTRICT

Adopted Effective December 1, 2014

INTRODUCTION

JUDGES. The 21st Judicial District 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 Court Clerk and a Clerk and Master with powers and duties prescribed by statute for such offices generally. The Clerk and Master is also clerk of the Probate Division of the Chancery Court.

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

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

GRANDJURIES will be 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 the 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 Wednesday following.

[Adopted effective September 1, 2004. Amended Effective December 1, 2014]

CIVIL RULES

Rule 1. General Rules Not Abrogated

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

[Adopted effective September 1, 2004. Amended effective December 1, 2014]

Rule 2. Filing and Serving of Papers

Section 2.01. Filing with the Clerk

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

Section 2.02. Certificate of Service

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

[Adopted effective September 1, 2004. Amended effective September 1, 2010.]

Rule 3. Jury Trial

Section 3.01. Peremptory Challenge Procedure

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

[Adopted effective September 1, 2004. Amended effective September 1, 2010. Further Amended effective December 1, 2014.]

Rule 4. Trial and Motion Schedules and Calendars

Section 4.01. Trial and Motion Schedules and Calendars

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

[Adopted effective September 1, 2004. Amended effective September 1, 2010.]

Rule 5. Pretrial Motions

Section 5.01. General

All pretrial motions must be filed and scheduled for hearing no later than the court's last regular motion day before the scheduled trial date. No motions, including motions in limine to exclude testimony, will be heard on the day of trial.

Section 5.02. Content of Motions

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

Section 5.03. 14-Day Rule

(a) All motions, other than motions for summary judgment, together with all affidavits, sworn income and expense statements, depositions, briefs and other matters presented in support of the motion, must be filed and served by personal delivery at least fourteen (14) days prior to the date set for the hearing on the motion. Notice of the hearing date shall be either set out conspicuously in the motion or in a separate writing filed with the clerk and served on all parties at least fourteen (14) days prior to the hearing date.

(b) Motions for summary judgment, must be scheduled to be heard at least thirty (30) days before a trial date, unless the court orders otherwise. A motion for summary judgment cannot be heard until at least thirty-seven (37) days after the motion and all matters presented in support of the motion are filed, unless the court orders otherwise. Motions for summary judgment will be set for hearing by order of the court upon request of the moving party made at the time the motion is filed.

(c) If a motion is opposed, a written response to the motion must be filed and served on all parties. Responses to motions, including counter-affidavits, sworn income and expense statements, depositions, briefs or any other matters presented in opposition to the motion, must be filed and served by personal delivery. For motions set to be heard in Williamson County, service must be accomplished no later than the close of business on the Monday before the day on which the motion is set to be heard. For motions set to be heard in either Hickman, Lewis, or Perry Counties, such service shall be accomplished not later than the close of business four (4) business days prior to the date on which the motion is set to be heard. There shall be no reply to a response. In the event no written response is filed in opposition to a motion, the counsel for the moving party need not appear on the date set for hearing. Rather, counsel for the moving party may serve and submit an order to be signed by the Judge which order shall be treated as an order not approved for entry by all parties, in accordance with Rule 11.01 of these Local Rules. The Circuit Court Clerk and the Clerk & Master shall establish a "no response" docket which reflects the date and time when a motion is filed and the fact that no response was timely filed.

(d) If, at the time a motion is filed the moving party sets the motion to be heard, the motion shall conspicuously state the date and time of the hearing and shall advise the non-moving party that

the failure to file and serve a written response may result in the motion being granted without further hearing. The following text, if used by the moving party, shall be deemed in compliance with this rule:

"THIS MOTION IS SET TO BE HEARD ON _____(date) AT (time) O'CLOCK, A.M./P.M. ON THE (CIRCUIT) (CHANCERY) COURT MOTION DOCKET HEARD AT THE _____ COUNTY COURTHOUSE. IF NO WRITTEN RESPONSE TO THIS MOTION IS FILED AND SERVED IN THE TIME SET BY THE LOCAL RULES OF PRACTICE, THE MOTION MAY BE GRANTED WITHOUT A HEARING."

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

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

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

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

Section 5.05. Chambers' Copies of Motions and Memoranda

Parties have leave to submit to the courts' chambers an additional copy of all potentially dispositive motions and supporting memoranda of law [e.g. motions to dismiss, judgment on the pleadings, summary judgment] and motions and supporting memoranda of law for class certification. Such submission may be by email to the respective judge's assistant attaching a portable data file. A chambers' copy of supporting evidentiary material is not required nor encouraged. A party submitting a chambers' copy of any motion and/or memorandum shall serve a full and complete copy on the adverse party. Orders are not to be submitted directly to chambers, unless specifically requested by the court. All originals must be filed with the clerk.

[Adopted effective September 1, 2004. Amended effective September 1, 2010. Further Further amended effective December 1, 2014.]

Rule 6. Post-Trial Motions and Motions in Hickman, Lewis, and Perry Counties

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

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

file responsive briefs and written argument or to be heard in oral argument.

Section 6.02. Setting of Motions in Hickman, Lewis, or Perry County

(a) Motions in all civil cases pending in either Hickman, Lewis, or Perry County may be heard on the regular circuit or chancery motion dockets of any of those counties irrespective of the county where the case[s] may be pending. Counsel for a party wishing to have a motion heard in a county other than the county where the case is pending shall give fourteen (14) days notice to adversary counsel and the court of the setting for the hearing and shall be responsible for obtaining the record from the Circuit Clerk or Clerk & Master where the case is pending, delivering the record to the court on the day of the hearing and, following the hearing, promptly returning the record to the Circuit Clerk or Clerk & Master where the case is pending.

(b) The provisions of this Section are applicable only to cases pending in either Hickman, Lewis, or Perry counties, shall not apply to cases pending in Williamson County and does not authorize the setting of any pretrial motions for hearing in Williamson County without prior leave of court.

(c) Notwithstanding the foregoing, no party proceeding *pro se* shall be permitted to set a pretrial motion for hearing in any county other than the county in which the case is pending.

[Adopted effective September 1, 2004. Amended effective September 1, 2010. Further amended effective December 1, 2014.]

Rule 7. Setting Cases for Trial and Continuances

Section 7.01. Setting Cases for Trial

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, but not longer than one (1) day, may be set by agreement after consultation with the Judges' Office. Domestic cases will be set in accordance with Rule 12 of these Local Rules.

Court schedules shall be prepared, released, posted in the clerk's offices and distributed to the attorneys quarterly for the following six- month period. Attorneys may request electronic mail of the court's schedule by providing their electronic mail address to the 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

(a) When a case is set by agreement or by motion without objection, all counsel are certifying that they, their clients, and their necessary witnesses will be available for trial on the trial date and that all discovery has been completed or will be completed prior to the selected trial date. Where a case is set by the court or by motion over the objection of one or more of the parties, the court will specify a reasonable time within which discovery is to be completed and specify a trial date which falls at least fifteen (15) days thereafter. The failure to have completed discovery, inability to take a deposition, or failure to have completed any other trial preparation will not be grounds for a continuance.

(b) In accordance with Rule 5, all pretrial motions, including motions to exclude evidence, must be filed in time to permit oral argument not later than the last regular motion day before the scheduled trial date. No motions will be argued on the morning of trial.

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

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

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

[Adopted effective September 1, 2004. Amended effective September 1, 2010. Further amended effective December 1, 2014.]

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.

[Adopted effective September 1, 2004. Amended effective September 1, 2010.]

Rule 8. General Sessions Appeals

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

[Adopted effective September1, 2004. Amended effective September 1, 2010. Further amended effective December 1, 2014.]

Rule 9. Pre-Trial Procedure in Civil Cases

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

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

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

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

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

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

Section 9.02. Jury Trials and Non-Jury Cases Requiring Two or More Trial Days

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

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

(b) In cases to be tried to a jury, not less than twenty-eight (28) days prior to the trial date, each party shall file and serve proposed jury instructions and requested verdict form and provide a bench copy to the court. A party requesting an instruction contained in the "then-most-current-edition" of the Tennessee Patterned Jury Instructions (Civil), may comply with this rule by citing to the number of the pattern instruction. A party requesting an instruction not contained in the pattern instructions shall provide the full text of the requested instruction together with appropriate citation to legal authority for the proposed instruction.

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

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

(ii) A designation by page and line number of all deposition excerpts to be offered into evidence in lieu of the live testimony of the deponent witness pursuant to Rules 32.01 (2) and (3) of the Tennessee Rule of Civil Procedure and any objection to such designation;

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

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

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

Section 9.03. <u>Customized Case Management</u>

(a) The purpose of customized case management is to provide mandatory, court-supervised case management tailored to the individual needs of appropriate cases. Management of cases is primarily and ultimately the responsibility of the lawyers acting in the best interests of their clients. Customized case management brings to bear the attention and resources of the court to assist the parties in achieving the most efficient planning, scheduling, and progression of the case in order to facilitate the just, speedy, and less costly disposition of civil actions in the 21st Judicial District. Cases appropriate for customized case management are those that present inherent factual, legal, or procedural complexity such that the efficient administration of justice and the interests of the parties will benefit from a greater degree of pre-trial case management.

(b) After the filing of an initial responsive pleading, counsel for either party may, by motion, request that a case be subject to the pre-trial procedures in this Section. The court may, on its own motion, likewise determine that a case be subject to the procedures in this Section. Because the benefits of customized case management are diminished the longer a case is pending, the court will give great weight to the length of time a case has been pending in determining whether the case is appropriate for the procedures of this Section.

(c) A case selected for customized case management will be promptly set for an Initial Case Management Conference which, at the court's discretion, may be held in person with counsel for the parties or by a scheduled telephone conference call. The Initial Case Management Conference shall be conducted in accordance with Rule 26.06 of the Tennessee Rules of Civil Procedure. Prior to the Initial Case Management Conference, counsel for all parties shall, at the initiative of plaintiff's counsel, prepare a proposed case management order that includes to the extent practicable the following elements:

(i) Whether the court's jurisdiction and the venue of the action are disputed;

(ii) The parties' theories of the case and their claims and defenses;

(iii) A proposed discovery plan. In the event the parties are unable to reasonably agree on a proposed discovery plan, each party shall submit the party's own proposed discovery plan; and

(iv) The identification of any legal issues, the resolution of which may substantially shorten the litigation or length of trial.

(d) The court, on its own motion or the parties by agreement or motion, may schedule subsequent case management conferences as appropriate and necessary for the efficient conduct of the case.

(e) The provisions of Section 9.02 shall apply to all cases subject to this Section.

[Adopted effective September 1, 2004. Amended effective September 1, 2010. Further amended effective December 1, 2014.]

Rule 10. Exhibits

Section 10.01. Depositions and Discovery Material

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

[Adopted effective September 1, 2004. Amended effective December 1, 2014.]

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.

[Adopted effective September 1, 2004. Amended effective September 1, 2010.]

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.

[Adopted effective September 1, 2004. Amended effective September 1, 2010.]

Rule 11. Orders and Judgments

Section 11.01 Preparation and Submission

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

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

[Adopted effective September 1, 2004. Amended effective September 1, 2010. Further amended December 1, 2014.]

Section 11.02 <u>Non-Minute Entry Orders</u>

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.

[Adopted effective September 1, 2004. Amended effective September 1, 2010.]

Section 11.03 <u>Court Costs</u>

(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.

[Adopted effective September 1, 2004. Amended effective September 1, 2010.]

Rule 12. <u>Divorce and Child Parenting Hearings</u>

Section 12.01. <u>Parenting Seminars</u>

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

[Adopted effective September 1, 2004. Amended effective September 1, 2010. Further amended December 1, 2014.]

Section 12.02 Temporary Parenting and Support Hearings and Orders

Section 12.02(a) Agreement of the Parties

Where the parties with minor children can agree upon temporary parenting and support arrangements, a Temporary Parenting Plan 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.

Section 12.02(b) Failure of the Parties to Reach an Agreement

If the parties cannot agree upon a Temporary Parenting Plan, the issue may be mediated or brought before the court upon the filing of a proper motion. 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 outlined in **Appendix B** attached hereto. 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.

(c) 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 Williamson County, Tennessee website, http:/www.williamsoncounty-tn.gov/index.aspx?nid=242.

[Adopted effective September 1, 2004. Amended effective September 1, 2010. Further amended effective December 1, 2014.]

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 fourteen (14) days prior to the hearing on the motion. Prior to the date of hearing on the motion to set, the moving party shall file and serve upon the adverse party:

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

[Adopted effective September 1, 2004. Amended effective September 1, 2010. Further amended effective December 1, 2014.]

(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 the 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.

[Adopted effective September 1, 2004. Amended effective September 1, 2010.]

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.

Section 12.05 **Effective Date**

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

[Adopted effective September 1, 2004. Amended effective September 1, 2010. Further amended effective December 1, 2014.]

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.

[Adopted effective September 1, 2004. Amended effective September 1, 2010.]

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.

[Adopted effective September 1, 2004. Amended effective September 1, 2010.]

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.

[Adopted effective September 1, 2004. Amended effective September 1, 2010.]

Section 15.02. Hearings

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

[Adopted effective September 1, 2004. Amended effective September 1, 2010. Further amended effective December 1, 2014.]

Rule 16. Suspension of Rules

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

[Adopted effective September 1, 2004. Amended effective September 1, 2010.]

Rule 17. After Hours Filings

The Circuit Court Clerk and Clerk & Master for Williamson County may establish and maintain a suitably secure receptacle for the filing, after hours and on days when their offices are closed, of pleadings, motions, and other matters required to be filed. The after-hours box will be emptied at 8:00 a.m. every week day the courthouse is open for public business. All items retrieved from the after-hours box will be stamped as having been filed at 6:00 p.m. on the immediately preceding business day when the courthouse was open for public business.

[Adopted effective December 1, 2014.]

Rule 18. Probate Practice

The following Local Rules apply to probate practice in the respective counties:

Section 18.01. Williamson County

Section 18.02. Hickman County

Section 18.03. Lewis County

Section 18.04. Perry County

[Adopted effective December 1, 2014.]

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. EQUESTS FOR DISCOVERY, MOTIONS AND APPLICATIONS FOR PRETRIAL DIVERSION.

Section 2.01.

(1) Unless reciprocal discovery is agreed between the state and the defense at the time of arraignment, written requests for discovery shall be filed within 14 days from arraignment.

(2) All pre-trial motions, other than requests for discovery, shall be filed within 30 days of the date discovery is furnished by the state to the defense, and shall be heard on the Court's next regular motion day unless otherwise set for hearing on a date approved by the Court.

(3) The Court at arraignment or thereafter, upon written motion, may extend the period for filing pre-trial 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 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 and a plea date. On the review date or the plea date, the Court may:

(1) Consider any plea bargain agreements between the district attorney general and the defendant and his or her attorney.

(2) Hear any pretrial motions filed by either party.

(3) Determine whether there are pretrial motions which cannot be heard either in accordance with these rules or for reasons of fairness to the respective parties and, if so, set those motions for appropriate disposition.

(4) Set all cases for trial that have no pretrial motions pending, except for those cases described in Section 2.04 below.

(5) Pass the case to the next appropriate date.

Section 2.04

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

(a.) That an application for pretrial diversion is pending.

(b.) That an application for pretrial diversion has been denied and the defendant intends to seek review of that denial.

(c.) That there has been an adverse determination upon a review of the denial of

pretrial diversion and the defendant intends to appeal that determination.

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

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

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

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

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

RULE 3. SETTING CASES FOR TRIAL.

Cases will be set for trial (1) on either the review date or the plea 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. If no plea agreement is entered on or before the plea date as stated in the scheduling order, the case will be docketed for trial, unless an amended scheduling order is filed and agreed to by the Court.

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

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

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

[Adopted effective September 1, 2004. Amended effective September 1, 2010. Further amended December 1, 2014.]

RULE 5. REQUEST FOR SEQUESTRATION OF JURY.

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

RULE 6. ORDERS AND JUDGMENTS

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

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

Section 6.03. Counsel who has been served with a proposed order prepared by adversary counsel at the direction of the court, shall immediately notify the court and opposing counsel of any disagreement with the contents of the proposed order. Objecting counsel shall, within 3 days, submit a revised order and serve a copy on opposing counsel. Opposing counsel shall immediately notify the court of any objection to the contents of the revised order. The court will either approve one of the orders submitted with notice to counsel, enter the court's own order with respect to the underlying ruling, schedule a chambers conference, or set the matter for hearing.

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

RULE 7. FORM ORDERS.

Section 7.01. Arraignment and Scheduling Order: at arraignment, the court will enter an Arraignment and Scheduling Order in the form set out as **Appendix E**. Defense counsel shall make their elections with respect to discovery and in-person arraignment prior to the court signing the completed Arraignment and Scheduling Order.

Section 7.02. Transportation Order: Defense counsel may elect to use the form Transportation Order set out as **Appendix F**. The deadlines set forth in the suggested Transportation Order shall be observed whether or not the form is used.

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

RULE 8. SUSPENSION OF RULES.

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

ORDER

The foregoing Local Rules of Practice 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 1ST day of December, 2014.

JOSEPH A. WOODRUFF
JUDGE, DIVISION I
21st JUDICIAL DISTRICT

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

MICHAEL W. BINKLEY
JUDGE, DIVISION III
21st JUDICIAL DISTRICT

DEANNA B. JOHNSON
JUDGE, DIVISION IV
21st JUDICIAL DISTRICT

APPENDIX A

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

STATE OF TENNESSEE	COURT *(Must be completed)*	COUNTY *(Must be completed)*
TEMPORARY **PERMANENT PARENTING PLAN ORDER** ☐ **PROPOSED** ☐ **AGREED** ☐ **ORDERED BY THE COURT**		**FILE No.** _____ *(Must be completed)* **DIVISION** _____
PLAINTIFF *(Name: First, Middle, Last)* _____ ☐ Mother ☐ Father	**DEFENDANT** *(Name: First, Middle, Last)* _____ ☐ 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 G mother G father shall have responsibility for the care of the child or children except at the following times when the other parent shall have responsibility:

From _____ to _____
Day and Time *Day and Time*

☐ every week ☐ every other week ☐ other: _____.

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

From _____ to _____
Day and Time *Day and Time*
☐ every week ☐ every other week ☐ other: _____.

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

C. HOLIDAY SCHEDULE AND OTHER SCHOOL FREE DAYS

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

	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 4th	_____	_____
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.

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. The parent exercising parenting time shall furnish the other parent with a telephone number where the child may be reached at the days and time specified in a parenting plan or other court order or, where days and times are not specified, at reasonable times;
(2) The right to send mail to the child which the other parent shall not destroy, deface, open or censor. The parent exercising parenting time shall deliver all letters, packages and other material sent to the child by the other parent as soon as received and shall not interfere with their delivery in any way, unless otherwise provided by law or court order;
(3) The right to receive notice and relevant information as soon as practicable but

within twenty-four (24) hours of any hospitalization, major illness or injury, or death of the child. The parent exercising parenting time when such event occurs shall notify the other parent of the event and shall provide all relevant healthcare providers with the contact information for the other parent;

(4) The right to receive directly from the child's school any educational records customarily made available to parents. Upon request from one parent, the parent enrolling the child in school shall provide to the other parent as soon as available each academic year the name, address, telephone number and other contact information for the school. In the case of children who are being homeschooled, the parent providing the homeschooling shall advise the other parent of this fact along with the contact information of any sponsoring entity or other entity involved in the child's education, including access to any individual student records or grades available online. The school or homeschooling entity shall be responsible, upon request, to provide to each parent records customarily made available to parents. The school may require a written request which includes a current mailing address and may further require payment of the reasonable costs of duplicating such records. These records include copies of the child's report cards, attendance records, names of teachers, class schedules, and standardized test scores;

(5) Unless otherwise provided by law, the right to receive copies of the child's medical, health or other treatment records directly from the treating physician or healthcare provider. Upon request from one parent, the parent who has arranged for such treatment or health care shall provide to the other parent the name, address, telephone number and other contact information of the physician or healthcare provider. The keeper of the records may require a written request including a current mailing address and may further require payment of the reasonable costs of duplicating such records. No person who receives the mailing address of a requesting parent as a result of this requirement shall provide such address to the other parent or a third person;

(6) The right to be free of unwarranted derogatory remarks made about such parent or such parent's family by the other parent to or in the presence of the child;

(7) The right to be given at least forty-eight (48) hours notice, whenever possible, of all extracurricular school, athletic, church activities and other activities as to which parental participation or observation would be appropriate, and the opportunity to participate in or observe them. The parent who has enrolled the child in each such activity shall advise the other parent of the activity and provide contact information for the person responsible for its scheduling so that the other parent may make arrangements to participate or observe whenever possible, unless otherwise provided by law or court order;

(8) The right to receive from the other parent, in the event the other parent leaves the state with the minor child or children for more than forty-eight (48) hours, an itinerary which shall include the planned dates of departure and return, the intended destinations and mode of travel and telephone numbers. The parent traveling with the child or children shall provide this information to the other parent so as to give that parent reasonable notice; and

(9) The right to access and participation in the child's education on the same bases that are provided to all parents including the right of access to the child during lunch and other school activities; provided, that the participation or access is legal and reasonable; however, access must not interfere with the school's day-to-day operations or with the child's educational schedule.

VII. NOTICE REGARDING PARENTAL RELOCATION

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

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

(1) Statement of intent to move;
(2) Location of proposed new residence;
(3) Reasons for proposed relocation; and
(4) Statement that 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 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):

		Myself	Children
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 *(Must be completed)*	COUNTY *(Must be completed)*
PERMANENT PARENTING PLAN ORDER ☐ PROPOSED ☐ AGREED ☐ ORDERED BY THE COURT		FILE No. _____ *(Must be completed)* DIVISION _____
PLAINTIFF *(Name: First, Middle, Last)* _____ ☐ Mother ☐ Father	DEFENDANT *(Name: First, Middle, Last)* _____ ☐ 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 G mother G father shall have responsibility for the care of the child or children except at the following times when the other parent shall have responsibility:

From _____ to _____
Day and Time *Day and Time*

☐ every week ☐ every other week ☐ other: _____.

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

From _____ to _____
Day and Time *Day and Time*

☐ every week ☐ every other week ☐ other: _____.

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

C. HOLIDAY SCHEDULE AND OTHER SCHOOL FREE DAYS

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

	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 4th	_____	_____
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.

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:

E. Preference shall be given to carrying out this Parenting Plan.
F. The parents shall use the process to resolve disputes relating to implementation of the Plan.
G. A written record shall be prepared of any agreement reached, and it shall be provided to each parent.
H. 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:

(10) The right to unimpeded telephone conversations with the child at least twice a week at reasonable times and for reasonable durations. The parent exercising parenting time shall furnish the other parent with a telephone number where the child may be reached at the days and time specified in a parenting plan or other court order or, where days and times are not specified, at reasonable times;

(11) The right to send mail to the child which the other parent shall not destroy, deface, open or censor. The parent exercising parenting time shall deliver all letters, packages and other material sent to the child by the other parent as soon as received and shall not interfere with their delivery in any way, unless otherwise provided by law or court order;

(12) The right to receive notice and relevant information as soon as practicable but within twenty-four (24) hours of any hospitalization, major illness or injury, or death of the child. The parent exercising parenting time when such event occurs shall notify the other parent of the event and shall provide all relevant healthcare providers with the contact

information for the other parent;

(13) The right to receive directly from the child's school any educational records customarily made available to parents. Upon request from one parent, the parent enrolling the child in school shall provide to the other parent as soon as available each academic year the name, address, telephone number and other contact information for the school. In the case of children who are being homeschooled, the parent providing the homeschooling shall advise the other parent of this fact along with the contact information of any sponsoring entity or other entity involved in the child's education, including access to any individual student records or grades available online. The school or homeschooling entity shall be responsible, upon request, to provide to each parent records customarily made available to parents. The school may require a written request which includes a current mailing address and may further require payment of the reasonable costs of duplicating such records. These records include copies of the child's report cards, attendance records, names of teachers, class schedules, and standardized test scores;

(14) Unless otherwise provided by law, the right to receive copies of the child's medical, health or other treatment records directly from the treating physician or healthcare provider. Upon request from one parent, the parent who has arranged for such treatment or health care shall provide to the other parent the name, address, telephone number and other contact information of the physician or healthcare provider. The keeper of the records may require a written request including a current mailing address and may further require payment of the reasonable costs of duplicating such records. No person who receives the mailing address of a requesting parent as a result of this requirement shall provide such address to the other parent or a third person;

(15) The right to be free of unwarranted derogatory remarks made about such parent or such parent's family by the other parent to or in the presence of the child;

(16) The right to be given at least forty-eight (48) hours notice, whenever possible, of all extracurricular school, athletic, church activities and other activities as to which parental participation or observation would be appropriate, and the opportunity to participate in or observe them. The parent who has enrolled the child in each such activity shall advise the other parent of the activity and provide contact information for the person responsible for its scheduling so that the other parent may make arrangements to participate or observe whenever possible, unless otherwise provided by law or court order;

(17) The right to receive from the other parent, in the event the other parent leaves the state with the minor child or children for more than forty-eight (48) hours, an itinerary which shall include the planned dates of departure and return, the intended destinations and mode of travel and telephone numbers. The parent traveling with the child or children shall provide this information to the other parent so as to give that parent reasonable notice; and

(18) The right to access and participation in the child's education on the same bases that are provided to all parents including the right of access to the child during lunch and other school activities; provided, that the participation or access is legal and reasonable; however, access must not interfere with the school's day-to-day operations or with the child's educational schedule.

VII. NOTICE REGARDING PARENTAL RELOCATION

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

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

(5) Statement of intent to move;
(6) Location of proposed new residence;
(7) Reasons for proposed relocation; and
(8) 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

IN THE _____ COURT OF _____ COUNTY, TENNESSEE

_____,	)	
Plaintiff,	)	
	)	
vs.	)	No._____
	)	
_____,	)	
Defendant.	)	

STATEMENT OF ISSUES, INCOME, PROPERTY AND EXPENSES

ISSUES: The contested issues in this cause include:

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

_____ alimony
_____ child support
_____other:_____

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):

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

TOTAL $_____ EXPENSE $_____
(Weekly/Monthly)

NET INCOME LESS EXPENSES $_____

PROPOSED DIVISION OF MARITAL PROPERTY

Assets	Value/Equity	Awarded to Husband	Awarded to Wife

Real Estate

Description:
Titled:
FMV:
Debt:

Bank Accounts/Liquid Asset Accounts

Bank:
Owner:
Acct. #:
Balance:

Stocks/Mutual Funds/Other Securities

Description:
Market price:

Retirement

Description:
Owner:
Acct. #:
Balance:

Insurance

Description:
Policy #:
Face Value:
Insured:
Beneficiary:
CSV:

Assets	Value/Equity	Awarded to Husband	Awarded to Wife

Vehicles

Make/Model/Year:
Titled:
FMV:
Debt:

Furniture

Miscellaneous

SEPARATE PROPERTY TO HUSBAND

Description	Value

SEPARATE PROPERTY TO WIFE

Description	Value

MARITAL DEBTS OF HUSBAND

Description	Monthly Payment	Balance

MARITAL DEBTS OF WIFE

Description	Monthly Payment	Balance

SEPARATE DEBTS OF HUSBAND

Description of Liability	Monthly Payment	Balance

SEPARATE DEBTS OF WIFE

Description	Monthly Payment	Balance

This _____ day of _____, 20____.

_____
Plaintiff/Defendant

_____
Attorney

CERTIFICATE OF SERVICE

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

_____
Attorney

APPENDIX E

IN THE CIRCUIT COURT FOR WILLIAMSON COUNTY, TENNESSEE
AT FRANKLIN

STATE OF TENNESSEE,	)	
	)	
PLAINTIFF,	)	
	)	
VS.	)	**CASE NO. _____**
	)	
_____,	)	
	)	
DEFENDANT.	)	

ARRAIGNMENT AND SCHEDULING ORDER

The Defendant was arraigned on the ___ day of _____, 20___, on the charges contained in the indictment by Counsel, _____.

The Defendant received a copy of the indictment, waived reading of the indictment or was read the indictment in open court, entered a plea of not guilty, and was allowed the appropriate time to file pretrial motions.

The Defendant will be represented by (__) appointed (__) retained counsel, _____ _____.

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

The defense counsel has filed a requisite Motion for Arraignment, signed by the defendant and defendant's counsel, with the Clerk of the court waiving appearance of both defendant and defendant's counsel at arraignment, prior to this arraignment date. Said motion shall be incorporated by reference into this scheduling order.

The Court hereby sets the following scheduling order:

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

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

■ First Review/Status Date: _____

■ Plea Date: _____
(approximately 30 days after Status Date, if needed)

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

■ Transportation Requests for Defendants in Custody:

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

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

(a) For Defendants in the custody of the County Sheriff, not less than 14 days prior to the appearance date;
(b) For Defendants in the custody of the Tennessee Department of Corrections not less than 45 days prior to the appearance date.

ENTERED this ____ day of _____, 20___.

_____
Circuit Court Judge

CLERK'S CERTIFICATE OF SERVICE

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

_____
Circuit Court Clerk

APPENDIX F

IN THE CIRCUIT COURT FOR WILLIAMSON COUNTY, TENNESSEE

AT FRANKLIN

STATE OF TENNESSEE	)	
	)	
v.	)	**No. _____**
	)	
_____,	)	
	)	
Defendant.	)	

TRANSPORTATION ORDER

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

1st Review: _____

Plea Date: _____

The defendant is currently housed at _____.

TOMIS #_____.

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

ENTERED this ____ day of _____, 20___.

_____

Circuit Court Judge

CLERK'S CERTIFICATE OF SERVICE

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

_____

Circuit Court Clerk

APPENDIX G

IN THE CIRCUIT COURT FOR WILLIAMSON COUNTY, TENNESSEE

AT FRANKLIN

STATE OF TENNESSEE	)	
	)	
v.	)	**No. _____**
	)	
_____,	)	
	)	
Defendant.	)	

WAIVER OF ARRAIGNMENT

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

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

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

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

_____
Defendant

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

_____ _____
Date Attorney for Defendant

ORDER

The Motion in this cause is hereby approved by the Court. A plea of NOT GUILTY is ORDERED entered for the Defendant and his/her review dates are set as shown above.

ENTER this _____ day of _____, 20_____.

_____
CIRCUIT COURT JUDGE