JUVENILE COURT
WILLIAMSON CO. TN

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BRENDA HYDEN
FILED-CLERK OF COURT

# LOCAL RULES OF PRACTICE FOR THE WILLIAMSON COUNTY JUVENILE COURT

2017

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WCJS

408 Century Court, Franklin, TN, 37064

## Table of Contents

### Local Rules of General Practice


1. Adoption of Rules ..... 4
2. Scope and Purpose ..... 4
3. Courtroom Decorum ..... 4
4. Office Hours ..... 5
5. Sessions ..... 5
6. Court Costs and Filing Fees ..... 6
7. Form of Pleadings ..... 6
8. Record of Pleadings ..... 6
9. Court Orders ..... 7
10. Attorneys ..... 7

## Local Rules Regarding Delinquent & Status Matters


11. Service of Process, subpoenas, and other documents ..... 8

12. Confidential Records ..... 8

13. Pretrial Motions ..... 9

14. Discovery ..... 9

15. Conduct of Trials ..... 9

16. Scheduling of Hearings and Continuances ..... 10

17. Delinquent and Unruly Cases ..... 10

18. Rehearing of Matters Heard by a Magistrate ..... 11

19. Appeals ..... 11


## Local Rules Regarding Civil Matters


20. Service of Process ..... 12

21. Child Support Matters ..... 12

22. Subpoenas ..... 12

23. Motions ..... 13

24. Discovery ..... 13

25. Conduct of Trials ..... 13

26. Scheduling of Hearings and Continuances ..... 14

27. Guardian Ad Litem and C.A.S.A. ..... 15

28. Preliminary Hearings in Dependency-Neglect Proceedings ..... 15

29. Injunctive Relief ..... 15

30. Appeals ..... 15

31. Mediations and Parenting Plans ..... 15

32. Waivers or Modification of Rules ..... 16

# Local Rules of General Practice

**Rule 1. ADOPTION OF RULES.** These local rules are adopted by the Williamson County Juvenile Court for practice before the Judge of the Juvenile Court and the Court's Magistrates.

**Rule 2. SCOPE AND PURPOSE.** These rules and the Tennessee Rules of Juvenile Practice and Procedure shall govern the practice and procedure in the Juvenile Court of Williamson County, Tennessee. They are intended to provide for the speedy and just determination of every proceeding, and in juvenile proceedings they shall at all times be enforced and construed beneficially for the remedial purposes embraced in the Tennessee Code Annotated. In the event of any conflict, the Tennessee Rules of Juvenile Practice and Procedure shall prevail.

**Rule 3. COURTROOM DECORUM.** There will be no tobacco products, use of electronic vapor products, chewing of gum, eating or drinking in the courtroom.

There will be no cellular devices, laptops, notebooks or any other technologically-based communication/social networking device, allowed in the courtroom unless such devices are silenced. *Allowed electronic devices should be used for professional purposes and shall not create a disruption to the activity of the courtroom.* For the general public, audience, and all juvenile defendants, the electronic devices must be turned off.

Lawyers, Court attendants, and all persons will be appropriately dressed while in Court attendance.

The Court Officer or Court Security in attendance upon Court will be charged with the responsibility of requiring compliance with these standards of courtroom conduct .

**Rule 4. OFFICE HOURS.** The Office of Williamson County Juvenile Services and the Office of the Juvenile Court Clerk shall be open for the regular transaction of business from 8:00 a.m. until 4:30 p.m., except on non-judicial days. The Williamson County Juvenile Detention Center will be open 24 hours per day and 7 days per week.

**Rule 5. SESSIONS.** Subject to such variations as the Judge may find necessary or convenient, there will be a session of Court daily except non-judicial days. The regularly scheduled Court dockets shall begin at 8:30 a.m. for Detention Hearings and 9:00 a.m. and 1:00 p.m. for all other matters. Hearings may be scheduled outside of the regularly scheduled docket times at the discretion of the Judge or Magistrate presiding over the matter. There will be a one-hour recess for lunch as directed by the presiding Judge or Magistrate. Parties and attorneys will not be excused until released by the Court. Attorneys are strongly urged to discuss their pending matters PRIOR to the beginning of the Court session. Parties are expected to be prepared to proceed promptly at the beginning of the morning and afternoon sessions. Law enforcement, attorneys, defendants, etc., are to be in the courtroom and seated, at the opening of the session for docket call. The Judge will get status reports of the cases pending at that time and go over any preliminary matters. Attorneys or parties to proceedings shall notify the Court or the clerk as soon as possible if there is an anticipated delay in their arrival. In the event of a weather or environmental-based emergency, the Court will continue to hold scheduled sessions. If parties are unable to commute to Court, they must notify the Court of the inability to be present by contacting the Williamson County Juvenile Court Clerk's Office or Williamson County Juvenile Services. All efforts will be made to conduct the hearing for the parties that appear. In the unlikely event that Court is cancelled due to a weather or environmental-based emergency, notice of such will be relayed to the local television/radio stations and available on Social Media to add to public closure listings.

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

**Rule 6. COURT COSTS AND FILING FEES.** Costs for filing a pleading, service of process, and Court costs are to be established and assessed by the Juvenile Court Clerk. The schedule of fees is available for inspection and copying upon request in the office of the Juvenile Court Clerk. Filing fees or costs may be waived by the Court for good cause.

**Rule 7. FORM OF PLEADINGS.** All pleadings filed or presented to the Court shall be on letter-sized (8 1/2" x 11") paper. An original pleading shall be filed in all causes and shall be accompanied by sufficient copies necessary for service upon the parties. Fax filing shall be accepted according to Rule 5A of the Rules of Civil Procedure. In the event of fax filing, an original is not to be filed at a later time as the fax filing will be stamped as an original document. However, an original document must be maintained by the party and produced if requested by the court. Electronic filing procedures are not in place with the Williamson County Juvenile Court until further notice.

**Rule 8. RECORD OF PROCEEDINGS.** All proceedings shall be recorded by the Juvenile Court Clerk. Audio/video recordings will be maintained by the Court for a period of one (1) year. In the discretion of the Court, copies of audio recordings may be released to attorneys of record or court reporters. Any such party who desires to obtain a copy of a recording shall submit a written request to the Court, setting forth the reasons supporting the party's need to review the recording and identifying their role in the case.

**Rule 9. COURT ORDERS.** Orders shall be prepared by the Clerk of the Court unless otherwise directed by the Judge or Magistrate. When an order is prepared by counsel, such order shall be submitted to opposing counsel and the Court for approval no later than five (5) business days, excluding non-judicial days following the court date. If the parties are unable to agree to the language in an order, the parties shall submit a proposed order for consideration by the Court within fifteen (15) business days from the court date. In all cases, orders shall be provided to all necessary parties and include a certificate of service. Any decision from the court considered to be a final and appealable order shall be clearly indicated on the document and include language regarding the appeal process.

**Rule 10. ATTORNEYS.** All attorneys licensed to practice law in Tennessee shall be allowed to appear in any matter coming before the Court. It is the responsibility of the attorney representing the party to bring it to the Court's attention as soon as practical or by filing a Notice of Appearance. In accordance to Rule 104 of Tennessee Rules of Juvenile Practice and Procedure, an attorney of record who wishes to terminate their representation may do so only by permission of the Court.

## Local Rules Regarding Delinquent & Status Matters

**Rule 11. SERVICE OF PROCESS, SUBPOENAS AND OTHER DOCUMENTS.**

**Subpoenas**. All subpoenas shall be typed or printed and served on the party, witness, or officer. Forms are available at the Juvenile Court Clerk's office. Subject to the discretion of the court, the service shall occur as quickly as possible, but not later than five (5) days, excluding non-judicial days, before the scheduled court date. If the matter requires an emergency or expedited hearing, the five (5) day requirement may be waived. Parties not represented by attorneys may contact the Youth Service Officer assigned to the case regarding necessary subpoenas and shall provide the Court with contact information, including name, address, and phone numbers. See Local Rule 17 (b).

**Rule 12. CONFIDENTIAL RECORDS.** All records submitted or filed with the Williamson County Juvenile Court shall be confidential records (which includes, but is not limited to, medical records or evaluations, mental health records or evaluations, substance abuse assessment/treatment records, drug screen results, reports from the Tennessee Department of Children's Services or other agencies, CASA reports and probation reports) and shall not be disclosed or re-released to anyone for any purpose other than the proceedings currently before this Court without further authorization from the Judge of the Williamson County Juvenile Court.

**Rule 13. PRETRIAL MOTIONS.** All filings and setting of all motions shall be done consistent with Rule 105 of the Tennessee Rules of Juvenile Practice and Procedure. Additionally, all pretrial motions filed by attorneys shall be in writing and must be filed with the Court and served on opposing counsel or party by 4:30 p.m., five (5) days, excluding non-judicial days, before the hearing in the matter. When a child is in detention or an emergency hearing is necessary, this rule may be suspended to allow quick preparation for court. In cases involving more than one party or involving Guardians ad Litem, service shall be had on those persons in the same deadline.

**Rule 14. DISCOVERY.** In all delinquent proceedings, the attorney for the child, upon request, shall be given access to inspect and/or copy, or be informed of all matters in the possession or control of the state which would be discoverable in Criminal Court under the Tennessee Rules of Criminal Procedure, Rule 16, and consistent with Rule 206 of the Tennessee Rules of Juvenile Practice and Procedure. To the extent possible, discovery shall be done informally.

**Rule 15. CONDUCT OF TRIALS.** In the discretion of the Court, the general public may be excluded from any juvenile proceeding and only those persons having a direct interest in the case may be admitted. In juvenile proceedings a parent or guardian must be present at every court appearance unless excused by the Court in writing or on the record.

**Rule 16. SCHEDULING OF HEARINGS AND CONTINUANCES.**

Cases may be continued only by leave of the Court. Cases will not be continued except for good cause. All cases continued by leave of the Court will be by written order stating the reason for the continuance, at whose request, and the date of reassignment. Agreed continuances shall be by order signed by counsel for all parties and shall specify

a new hearing date. It is the responsibility of the party requesting the continuance to notify all other parties and witnesses under subpoena of the continuance and the reset date. No case shall be "continued indefinitely".

All dispositional hearings shall immediately occur after the adjudication of a petition unless the Court deems otherwise. The Court may, upon proper motion or on its own motion, set a later dispositional date.

**Rule 17. DELINQUENT & UNRULY CASES.**

(a) Detention Hearings: When conducting detention hearings pursuant to Rule 203, Tennessee Rules of Juvenile Practice & Procedure and T.C.A. 37-1-114, the detention hearings, unless otherwise scheduled, will be heard Monday through Friday and a parent/custodian/guardian must be present.

(b) Following the filing of a petition, and if applicable, after the detention hearing, a first appearance court date will be scheduled. Only the petitioner, juvenile, parents, and attorneys will be required to attend. If the matter remains unresolved after the first appearance court date, an adjudicatory hearing shall be scheduled. The District Attorney and defense attorney will submit a list of witnesses, to include name(s), address, and phone numbers to the Juvenile Court Clerk for the issuance and service of subpoenas for that hearing. Pre-trial diversion can be considered for all first time offenders, pursuant to Rule 202.

(c) All cases in which the State has announced its intention to transfer the case to Criminal Court shall be conducted in accordance to Rule 208 of the Tennessee Rules of Juvenile Practice & Procedure. However, if a child is detained beyond the statutory time period, upon appropriate application to the Court by the attorney for the child, the Court will entertain a Motion to Set Bond.

(d) Rules for the pre-trial and post-trial detention of delinquent offenders are governed by T.C.A. 37-1-114 and the Williamson County Juvenile Detention Center Administrative Manual. Those rules outlined in the manual regarding the rights of the juvenile, his/her parents, guardian and representatives as to intervening, visiting, questioning and other need for access to the child in detention have been approved and adopted by the Court and are incorporated herein by reference.

**Rule 18. REHEARING OF MATTERS HEARD BY THE MAGISTRATE.** Any party requesting a rehearing before the Juvenile Judge shall file a request to set within ten (10) days of the entry of the final order by the Juvenile Magistrate, excluding non-judicial days. A rehearing will not be allowed in any delinquency or unruly cases in which the Magistrate recommends dismissal after hearing on the merits. The recommendation of the Magistrate, in all matters before the Court, shall be the decree of the Court pending a rehearing, unless a stay is issued by the Judge. The Judge may, on his/her own motion, order a rehearing of any matter heard by a Magistrate.

**Rule 19. APPEALS.** Consistent with Rule 118 of the Tennessee Rules of Juvenile Practice and Procedure and Tenn. Code Ann. Section 37-1-159, an appeal from the Court's decision in a delinquency or unruly case may be perfected by filing, in Juvenile Court, a notice of appeal within ten (10) days, excluding non-judicial days, of the entry of the final order in the Juvenile Court. The notice of appeal shall also be filed in the Circuit Criminal Court reflecting the appeal. An appeal shall not operate as a stay and the order of this Court shall remain in effect until or unless this Court or the appeals court enters an order to the contrary.

## Local Rules Regarding Civil Matters

**Rule 20. SERVICE OF PROCESS.**

(a) Every petition, pleading, or other documents filed with the Court shall be served on all parties and contain either a certificate of service or summons pursuant to Rule 103 of the Tennessee Rules of Juvenile Procedure.

(b) A copy of the petition shall accompany the summons unless the summons is served by publication in which case a general nature of the allegations may suffice with instructions as to where to obtain a copy of the petition may be provided in lieu of the entire petition.

(c) If the petitioner or respondent is represented by an attorney, then that attorney shall be responsible for preparation and service of summons and for providing a certificate of service to the Juvenile Clerk.

(d) All returned summons and return of service shall be filed with the Juvenile Clerk.

**Rule 21. CHILD SUPPORT MATTERS.**

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

**Rule 22. SUBPOENAS.**

(a) Every subpoena shall be issued by the Clerk in accordance with Rule 107(a) of the Tennessee Rules of Juvenile Procedure.

(i) If the party is represented by an attorney, it is the responsibility of the attorney to prepare and serve the subpoena. Forms may be obtained from the Juvenile Court Clerk's Office.

(ii) Parties not represented by counsel may contact the Youth Services Officer assigned to the case regarding necessary subpoenas. The party shall provide the Youth Services Officer

with the name, address, and telephone number of the person they wish to subpoena.

(b) Subpoenas shall be served in conformity with Rule 107 of the Tennessee Rules of Juvenile Practice and Procedure.

(i) Once served, original documents shall be filed with the Juvenile Court Clerk.

(ii) If the matter requires an emergency or expedited hearing, or a preliminary hearing, the time limitations set forth for service of subpoenas may be waived; however, subpoenas shall be served as far in advance of the hearing as practicable.

**Rule 23. MOTIONS.** All motions are subject to the requirements of Rule 105, Rules of Juvenile Practice and Procedure. If made prior to trial, they must be filed with the Court and served pursuant to Rule 106 by 4:30 p.m. at least five (5) days before the hearing date.

**Rule 24. DISCOVERY.** Discovery shall be subject to Rule 305, Rules of Juvenile Practice and Procedure.

**Rule 25. CONDUCT OF TRIALS.**

(a) In the discretion of the Court, the general public may be excluded from any juvenile or paternity proceeding and only those persons having direct interest in the case may be admitted. In juvenile proceedings a parent or guardian must be present at every adjudicatory hearing unless excused by the Court in writing or on the record.

(b) Dependency and neglect proceedings shall not be open to the public. When a child testifies, the examination shall be conducted either in chambers or in a

courtroom which has been cleared of observers or non-party witnesses. The manner in which the Court shall take the child's testimony shall be at the discretion of the Court, considering all factors set forth in Rule 306, Rules of Juvenile Practice and Procedure.

**Rule 26. SCHEDULING OF HEARINGS AND CONTINUANCES.**

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

(i) The Juvenile Court Clerk's Office will set all attorney-filed pleadings. Service of process and issuance of subpoenas is the responsibility of the attorney.

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

(b) For good cause shown, cases may be continued by the Court, or by leave of the Court based upon the agreement of the parties. Agreed upon continuances shall be by order signed by counsel for all parties. No case shall be continued indefinitely, and any order continuing a case shall specify the date the case will be heard. It is the responsibility of the party requesting the continuance to notify all other parties and witnesses under subpoena of the continuance and the next hearing date.

**Rule 27. GUARDIAN AD LITEM AND C.A.S.A.** In addition to any requirement for appointment of GAL in the Juvenile Rules of Practice and Procedure, the Court may, either on its own motion or at the request of any party, appoint a Guardian ad Litem

and/or CASA to act on behalf of a child in determining the best interest of the child in an action pending before the Court.

**Rule 28. PRELIMINARY HEARINGS IN DEPENDENCY-NEGLECT PROCEEDINGS.** Preliminary hearings shall be conducted in accordance with Rule 108 and Rule 302, Rules of Juvenile Practice and Procedure.

**Rule 29. INJUNCTIVE RELIEF.** All requests for injunctive relief shall comply with Rule 108, Rules of Juvenile Practice and Procedure.

**Rule 30. APPEALS.** Appeals shall be taken subject to the provisions of Rule 118 of the Tennessee Rules of Juvenile Procedure, Tenn. Code Ann. § 37-1-159, and other applicable law.

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

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

**Rule 31. MEDIATION AND PARENTING PLANS.** Parties shall be made aware that mediation services are available and may be ordered at the discretion of the Court in contested cases. The Court may also order that a Parenting Plan be submitted and incorporated by reference into any final order. Unless otherwise ordered, the Court recommends contested actions, either for initial orders or modification of existing orders, involving the following issues to be referred to mediation prior to a trial on the merits:

1. Custody of the minor children;
2. Co-parenting responsibilities and schedules.

Upon motion of any party or *sua sponte*, the court may order any other eligible matter within the jurisdiction of the court, except delinquency, and dependency/neglect

matters, to be referred to mediation prior to a trial on the merits. The parties may agree on any person to be a mediator. If the parties cannot agree on a mediator, a motion shall be made to the court to appoint a Rule 31 dispute resolution neutral mediator. Nothing in this rule shall prevent the parties from proceeding with settlement negotiations prior to mediation. If the parties cannot afford the fees of mediation, then upon filing an affidavit with the court, mediation expenses may be supplemented by the

**Rule 32. WAIVERS OR MODIFICATION OF RULES.** Any of the rules herein enacted may be waived or modified by special order of the Court when in the Court's opinion such waiver or modification is necessary in order to protect the child(ren)'s best interests, to do justice, or to arrive at the equities of the case between or among the parties involved.

**These Local Rules of the Juvenile Court of Williamson County, Tennessee, are hereby adopted and entered on the minutes of the Court on this,**

**The** 4th **day of** January**, 20** 17**.**

Sharon Guffee

**Sharon Guffee, Juvenile Court Judge**