

**AMENDED AND RESTATED
LOCAL RULES OF PRACTICE
TWENTY-FIRST JUDICIAL DISTRICT
WILLIAMSON COUNTY, TENNESSEE**

Effective March 1, 2023

I. INTRODUCTION

A. JUDGES

The Twenty-First ("21st") Judicial District embraces Williamson County, Tennessee. All of the Circuit Court Judges/Chancellors of the 21st Judicial District have full civil and criminal jurisdiction.

B. CLERKS AND MASTERS

The Circuit Court Clerk and the Chancery Court Clerk and Master, referred to in these Local Rules as the "Clerk," exercise the powers and perform the duties prescribed by statute for their respective offices. The Chancery Court Clerk and Master and the Probate Master preside over probate matters as provided in Part IV of these Local Rules.

C. GRAND JURIES

Grand Juries will be empaneled on the first Monday in January and July each year. When the first Monday in January falls on January 1, the Grand Jury will be empaneled on January 2. When the first Monday in July falls on July 4, the Grand Jury will be empaneled on July 5. If the first Monday is a holiday, the Grand Jury will be empaneled on the Tuesday immediately following.

II. CIVIL RULES

Rule 1. General Rules Not Abrogated; Terminology

Section 1.01. The Tennessee Rules of Civil, Criminal, and Appellate Procedure, Rules of Evidence, and Rules of Professional Conduct and Judicial Conduct, will take precedence over these Local Rules.

Section 1.02. Unless a particular rule indicates to the contrary, the word “complaint” may also mean “petition,” the word “plaintiff” may also mean “petitioner,” and the word “defendant” may also mean “respondent.”

Rule 2. Filing and Service; Formatting; Redaction and Sealing

Section 2.01. Filing

Pleadings, motions, and responses to motions shall be filed with the Clerk with all supporting material. Proposed judgments and orders shall be filed with the Clerk in accordance with Local Rule 11. Depositions and other discovery material shall not be filed with the Clerk unless specifically ordered by the Court

Section 2.02. Service and Proof of Service

Service and proof of service shall be in accordance with Tenn. R. Civ. P. 5.02 and 5.03 for all methods of service, including E-service made pursuant to Tenn. R. Civ. P. 5.02(3). A Notice of Electronic Filing generated by the Electronic Court Filing System is not effective proof of service.

Section 2.03. Page Numbers

Every page of papers filed with the Clerk must contain a page number in the format “Page ___ of ___,” e.g., “Page 1 of 13.”

Section 2.04. Redacted and Under-Seal Documents

Filed documents shall be redacted as required by court order or state statute, including but not limited to Tenn. Code Ann. § 20-6-102, and may not otherwise be redacted. It is the sole responsibility of filers to ensure all documents comply with redaction requirements. The Clerk will not review documents for redaction compliance.

The Clerk shall not file a document under seal except pursuant to court order. Documents requested to be filed under seal shall be filed with the Clerk with a filed, served, and properly noticed motion to file the submitted documents under seal.

Rule 3. Jury Trial; Peremptory Challenge Procedure

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

Rule 4. Court Schedules and Calendars

The Presiding Judge will provide to the Clerks an official schedule designating dates for motions, bench trials, and jury trials for each Judge. Court schedules will be posted by the Clerks and distributed to attorneys quarterly for the following six (6)-month period. Individual trial and motion calendars will be prepared by the Clerks.

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

Legal analysis and argument may be provided in the motion or by separate memorandum of law. If a party relies on unpublished authority, the party shall provide a copy of the authority, subject to the following exception: If a party relies on an unpublished court decision, in lieu of filing a copy the party may provide the full legal citation, including title, court, court case number, Westlaw or Lexis case number, and full date.

Section 5.03. Motions Other Than Motions for Summary Judgment

(a) Thirteen (13)-Day Rule

All pretrial motions other than motions for summary judgment and motion specified in Section 6 of these Local Rules, must be filed and served with all supporting material, including without limitation, all affidavits, deposition excerpts, discovery responses, proposed temporary parenting plans, sworn statements of income, and all other factual material on which the moving party relies for the relief requested, no later than thirteen (13) days prior to the date set for the hearing on the motion.

(b) Responses

If a motion is opposed, a written response must be filed and served with all supporting material no later than close of business **three (3)** business days prior to the date set for hearing. For example, if a motion is set to be heard on a Thursday, the response must be filed and served no later than the close of business the Monday prior; if a motion is set to be heard on a Monday, the response must be filed and served no later than the close of business the Wednesday prior.

There shall be no reply in support of a motion or in rebuttal to a response.

(c) Failure to Respond

Motions to which no written response has been filed may be deemed unopposed and granted at the hearing on first call of the docket.

(d) Notice of Hearing

Notice of hearing shall be provided conspicuously in the motion or in a separate writing filed with the Clerk and served on all parties no later than thirteen (13) days prior to the hearing date. The notice shall state the date, time, and place of the hearing and 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 template complies with this rule:

THIS MOTION IS SET TO BE HEARD ON [DATE] AT [TIME] AT THE WILLIAMSON COUNTY JUDICIAL CENTER, 135 FOURTH AVENUE SOUTH, FRANKLIN, TN 37064. IF NO WRITTEN RESPONSE TO THIS MOTION IS FILED AND SERVED AT LEAST THREE (3) BUSINESS DAYS PRIOR TO THE HEARING DATE, 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 filed and served on all parties, set the motion to be heard within the time constraints established by these rules.

Section 5.04. Motions for Summary Judgment

Absent leave of court, motions for summary judgment must be heard at least thirty (30) days before the scheduled trial date. Motions for summary judgment shall be set for hearing only by the court. The moving party shall file and serve the motion and all supporting material with sufficient time to allow the court to set a hearing date at least thirty-seven (37) days after the motion was filed and served.

In order to assist the court in setting the motion for hearing and establishing a schedule for briefing by the non-moving party, the moving party shall also file and serve the form ***Notice and Order of Hearing Summary Judgment Motion*** at **Appendix A** as a proposed order. The Clerk shall forward the ***Notice and Order of Hearing Summary Judgment Motion*** to the chambers of the assigned judge who will then establish a briefing schedule, set the motion for hearing and return the completed ***Notice and Order of Hearing Summary Judgment Motion*** to the Clerk for entry.

Section 5.05. Discovery Motions

Discovery motions shall describe in detail the good-faith, written efforts made to resolve the matters alleged prior to filing the motion.

Section 5.06. Bench Copies

Parties may submit PDF copies of filed and served motions and memoranda of law by email to the Judge's judicial assistant. Bench copies of supporting evidentiary material filed with the Clerk should not be submitted in advance but may be tendered to the court when the motion is heard.

Proposed orders shall not be submitted directly to chambers but shall be filed with the Clerk.

Rule 6. Post-Trial Motions

Motions for new trial, for judgment *notwithstanding the verdict*, motions to alter or amend and all other motions seeking relief from judgments or orders, shall not be set for hearing except at the direction of the court; however, such motions will not be granted without affording non-moving parties an opportunity to file a written response.

Rule 7. Setting Cases for Trial; Certification; Continuances

This rule does not govern divorce, post-divorce, and child custody or parenting cases, which are governed by Local Rule 12.

Section 7.01. Setting Cases for Trial

At the time a case is set for trial, counsel shall provide their best good-faith estimate of the time required for trial. Trials may be set only by order of the court. Procedures for obtaining a trial date are as follows:

Non-jury trials anticipated to require two (2) hours or less may be set by agreed order on regularly scheduled motion dockets. Non-jury trials anticipated to require more than two (2) hours but less than one (1) day may be set by agreed order after consultation with the judge's judicial assistant. All jury trials, and all non-jury trials anticipated by at

least one party to require two (2) or more days, shall be set only by motion of the parties or on the court's own motion.

When a case is set on the court's own motion or on an opposed motion filed by a party, and discovery is not yet complete, the Court will set trial at least fifteen (15) days after a reasonable deadline for the completion of discovery.

Cases shall be docketed in the order in which the Clerk receives the order setting the case for trial.

Section 7.02. Certification of Readiness

When a case is set by agreed order or unopposed motion, all counsel are certifying that they, their clients, and all necessary witnesses will be ready to proceed on the trial date, and that all discovery has been completed or will be completed prior to the trial date.

Section 7.03. Continuances

Once set for trial, cases may be continued only by leave of Court. Motions set for hearing may be continued by agreed order approved by the court. Motions and proposed agreed orders for continuance must be supported by affidavit or declaration and either be signed by the party or the attorney, and contain a certificate that a copy of the motion has been provided to the party or parties whom a signing attorney represents.

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 of a trial setting absent a showing of good cause by the moving party.

Section 7.04. Mediation

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, no civil action shall be set for trial unless the parties have:

- (a) mediated in good faith without success;
- (b) scheduled mediation for a date certain;
- (c) obtained a scheduling order with a deadline for mediation; or
- (d) obtained a court order excusing mediation for good cause.

This rule does not apply to appeals from judgments in the General Sessions Court or Juvenile Court, or cases seeking termination of parental rights.

Rule 8. General Sessions Appeals

General Sessions appeals will be set for trial by court order following status conference. The Court will set the status conference by the **Notice and Order** at **Appendix B**.

Rule 9. Pre-Trial Procedure

Parties may file, or the court may enter *sua sponte*, the **Pre-Trial Order [Civil Jury Trial]** at **Appendix C**.

Section 9.01. Non-Jury Trials of One (1) Day or Less

For non-jury trials anticipated by all parties to require one (1) day or less, at least three (3) business days prior to the date set for trial, the parties shall exchange:

- (a) names and addresses of all witnesses; and
- (b) copies of all proposed exhibits; however, if impractical, the proposed exhibit may be made available for inspection upon reasonable notice.

Section 9.02. Non-Jury Trials of Two (2) or More Days

For non-jury trials anticipated by at least one party to require two (2) or more days:

(a) Not less than twenty-eight (28) days prior to the trial date, parties shall supplement all prior written discovery responses to the fullest extent required by Tenn. R. Civ. P. 26.05(3). Nothing in this section shall be construed to relieve any party of the duty to seasonably supplement discovery responses pursuant to Tenn. R. Civ. P. 26.05(1) and (2).

(b) Not less than seven (7) days prior to the trial date, parties shall jointly file a pre-trial statement containing:

(i) the name of each witness to be called during each party's case-in-chief, either in person or by deposition, and 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 by the party in lieu of in-person testimony pursuant to Tenn. R. Civ. P. 32.01(2) and (3), and any objections to such testimony made by the opposing party;

(iii) a list of all exhibits to be offered into evidence during each party's case-in-chief, and whether the parties stipulate to the exhibit's authenticity and/or admissibility. The use of generic descriptions such as "all documents exchanged in discovery", "all correspondence", "all

documents relied upon by the opposing party” ***shall not satisfy the requirements of this rule***; and

(iv) concise statements of each party’s claims and defenses.

In the event that the parties are unable to file a joint pre-trial statement, each party shall file and serve a separate pre-trial statement containing the foregoing information for the filing party.

(c) Not less than seven (7) days prior to the trial date, each party shall separately file and serve by hand delivery or email a pre-trial brief setting forth the party’s position and legal argument on the issues to be tried. In the alternative, a party may serve (but not file) proposed findings of fact and conclusions of law on all parties, with a bench copy to the Judge’s judicial assistant, by hand delivery or email.

Section 9.03. Jury Trials

For jury trials:

(a) Not less than twenty-eight (28) days prior to the trial date:

(i) Parties shall supplement all prior written discovery responses to the fullest extent required by Tenn. R. Civ. P. 26.05(3). Nothing in this section shall be construed to relieve any party of the duty to seasonably supplement discovery responses pursuant to Tenn. R. Civ. P. 26.05(1) and (2).

(ii) Parties shall file and serve proposed jury instructions and requested verdict forms, with bench copies by email to the Judge’s judicial assistant. A party requesting an instruction contained in the current edition of the Tennessee Pattern Jury Instructions (TPI) may comply by citing to the number of the pattern instruction. A party requesting an instruction not contained in the current edition of the TPI shall provide the full text of the requested instruction and a citation to legal authority supporting the proposed instruction.

(b) Unless the trial judge has ordered otherwise in connection with scheduling a pre-trial conference, not less than seven (7) days prior to the trial date, the parties shall jointly file a pre-trial statement providing:

(i) the name of each witness to be called during each party’s case-in-chief, either in person or by deposition, and 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 in-person testimony pursuant to Tenn. R. Civ. P. 32.01(2) and (3), and any objections;

(iii) a list of all exhibits to be offered into evidence during each party's case-in-chief, and whether the parties stipulate to the exhibit's authenticity and/or admissibility (the use of generic descriptions such as "all documents exchanged in discovery", "all correspondence", "all documents relied upon by the opposing party" ***shall not satisfy the requirements of this rule***); and

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

Section 9.04. Customized Case Management

Case management is primarily and ultimately the responsibility of the lawyers acting in the best interests of their clients. However, cases which present some factual, legal, and/or procedural complexity may benefit from customized case management, in which the Court provides greater, mandatory supervision tailored to the individual needs of the case.

The Court may order customized case management on its own motion, or any party may move for customized case management after the filing of an initial responsive pleading. Because the benefits of customized case management diminish over time, the Court will give priority to cases in earlier stages of litigation.

A case selected for customized case management will be promptly set for an Initial Case Management Conference. The Initial Case Management Conference shall be conducted in accordance with Tenn. R. Civ. P. 26.06; and will be held in person, by telephone conference, or by videoconference at the Court's discretion.

At least three (3) business days prior to the Initial Case Management Conference, the parties shall file a proposed case management order including:

- (a) Any jurisdiction or venue disputes;
- (b) Theories of the case, claims, and defenses;
- (c) An agreed proposed discovery plan or, if unable to reasonably agree, separate proposed discovery plans; and
- (d) All legal issues which, if resolved, may substantially shorten litigation or trial.

The Court may schedule additional case management conferences on its own motion, on the motion of any party, or by proposed agreed order.

Section 9.05. Criminal Contempt

(a) Notice of Initial Appearance

Upon the filing of any request for criminal contempt by a private party, the Clerk shall cause to be entered an ***Order to Appear*** conforming to **Appendix D**, requiring the contempt defendant to appear pursuant to Tenn. R. Crim. P. 42. The party initiating the criminal contempt matter shall serve the Order to Appear upon the contempt defendant and/or his or her counsel of record, if any, without unreasonable delay.

(b) Waiver of Initial Appearance

Prior to the initial appearance, a contempt defendant may waive the right to an initial appearance by filing and serving a ***Notice of Waiver*** conforming to **Appendix E**.

(c) Initial Appearance; Scheduling Order

Unless the contempt defendant waives the right to an initial appearance, at the initial appearance the Court will provide the notices described in Tenn. R. Crim. P. 42(b)(1). Following the initial appearance or waiver thereof, the Court will enter a ***Rule 42 Order*** conforming to **Appendix F**, providing:

- (i) confirmation of Tenn. R. Crim. P. 42(b) notice;
- (ii) a schedule for disposition of the contempt charge;
- (iii) a stay of discovery served on the contempt defendant; and
- (iv) a hearing date, if feasible.

Rule 10. Exhibits

Section 10.01. Depositions and Discovery Material

Depositions and other discovery material shall not be filed with the Clerk. Discovery material offered into evidence at trial and not read into the record may be made a trial exhibit upon the granting of a properly made motion.

Section 10.02. Custody of the Clerk

All trial exhibits shall be marked by, accounted for, and placed in the custody of the Clerk, unless otherwise directed by the Court.

Section 10.03. Disposition of Exhibits in Civil Cases

After final determination of any case, the parties shall have thirty (30) days to withdraw exhibits. The Clerk may destroy or dispose of exhibits not so withdrawn.

Section 10.04 Appellate Exhibits

In the discretion of the trial judge, papers not received into evidence or included in the record on appeal pursuant to Tenn. R. App. P. 24 (e.g., papers supporting an offer of proof, juror questions, or denied proposed jury instructions) may be designated Appellate Exhibits, alphabetically and sequentially labeled, and included by the Clerk in the record on appeal.

Rule 11. Orders and Judgments

Section 11.01. Preparation and Submission

Unless otherwise directed, the prevailing party shall prepare and file with the Clerk a proposed order not more than seven (7) days following the Court's ruling. If the proposed order reflects it has been approved for entry by all parties, the Court may promptly enter the proposed order or enter its own order. Unless expressly referred to as an agreed order, a party's approval for entry of a proposed order shall be construed only as the approving party's agreement that the proposed order accurately reflects the Court's ruling.

If a proposed order does not reflect it has been approved for entry by all parties, the Clerk shall hold the proposed order for seven (7) days to afford the opposing party an opportunity to file an alternative proposed order. If the opposing party files with the Clerk an alternative proposed order, the alternative proposed order shall be conspicuously identified as such by the filing party. The Court will promptly enter the original proposed order, the alternative proposed order, or the Court's own order.

The time periods in this section may be extended by the Court for good cause.

Section 11.02. Non-Minute Entry Orders

Orders not affecting the legal course of an action, such as orders setting a case for trial or acting upon a request for a continuance, may be designated by the Clerk as a non-minute entry order. Non-minute entry orders shall be placed in the file of the case but not entered into the minutes of the Court.

Section 11.03. Court Costs

All final judgments shall provide for the taxing of court costs. Whenever it appears to the Clerk that a judgment has been satisfied but court costs have not been paid, the

Clerk may apply to the Court to re-tax court costs. The Clerk shall notify the parties of the application and the date and time it will be considered by the Court.

Rule 12. Divorce, Post-Divorce, Child Custody and Parenting

Notwithstanding any other provisions of these Local Rules, the following rules apply to trials and hearings in divorce, post-divorce, child custody and parenting cases.

Section 12.01. Statutory Restraining Orders

(a) Statutory Restraining Order

Pursuant to Tenn. Code Ann. § 36-4-106(d), a party filing a claim for divorce or legal separation shall file a **Statutory Restraining Order** conforming to **Appendix G**, certifying that the party has read and understands the Statutory Restraining Order; and shall cause the Statutory Restraining Order to be served on the opposing party with the party's pleading.

(b) Certification of Rights of Parents

Pursuant to Tenn. Code Ann. § 36-6-101, a party filing a claim for child custody or parenting time shall file a **Certification of Rights of Parents** in the form of **Appendix H**, certifying that the party has read and understands the Rights of Parents; and shall cause the Certification of Rights of Parents to be served on the opposing party with the party's pleading.

Section 12.02. Parenting Seminars

Parties to a divorce action who have minor children shall complete a four (4)-hour parenting seminar approved by the Court. The Clerk shall maintain a list of organizations or individuals offering approved seminars. A party filing a claim for divorce shall serve a copy of the Clerk's list on the opposing party with the party's pleading. The Clerk shall mail a copy of the list to a party who has waived service of process.

Section 12.03. Temporary Parenting and Support

(a) Agreed Pendente Lite Parenting and Support

Parties with minor children may file an agreed **Temporary Parenting Plan**, in the form of **Appendix I** or the current form promulgated by the Administrative Office of the Courts. If approved and entered by the Court, the Temporary Parenting Plan will govern parenting and support during pendency of the divorce or child custody action.

(b) Contested Pendente Lite Parenting and Support

Motions for *pendente lite* parenting or support, and oppositions thereto, are governed by the procedure in Local Rule 5.03. In addition, motions and oppositions shall include the filing party's proposed Temporary Parenting Plan. If a movant seeks *pendente lite* support, the motion and opposition shall include the filing party's **Sworn Income and Expense Statement**, in the form of **Appendix J**.

Pendente lite proceedings are not a substitute for, or shortcut toward, final adjudication. Hearings on *pendente lite* parenting and support should ordinarily be conducted in two (2) hours or less and set on a domestic motions docket. Live testimony will be limited to relevant matters not contained in the parties' Sworn Income and Expense Statements or other filed affidavits. If the hearing cannot be conducted in two (2) hours or less, the parties shall contact the Judge's judicial assistant for a special setting.

Section 12.04. Uncontested Cases

Parties may agree to a divorce based on irreconcilable differences or stipulated statutory grounds. If the responding party has not filed an answer, the plaintiff need not move for default judgment, provided: (a) the facts giving the Court personal and subject-matter jurisdiction are contained in the sworn complaint or a separate affidavit; and (b) the defendant waives service of process and the filing of an answer in a marital dissolution agreement, in a separate affidavit, or in an agreed final judgment.

Parties with minor children may agree to resolve their custody and/or parenting disputes by filing with the Clerk a proposed **Permanent Parenting Plan** in the form of **Appendix K** or the current form promulgated by the Administrative Office of the Courts.

A plaintiff with minor children who has obtained a default shall file with the Clerk a proposed Permanent Parenting Plan at or before the final hearing.

Section 12.05. Contested Cases

The pretrial procedures in Local Rule 5 and Local Rule 9 apply to contested divorce, post-divorce, and child custody or parenting cases. In addition, not less than twenty-one (21) days prior to the trial date, parties shall file and serve:

(a) separate or joint proposed **Permanent Parenting Plan(s)** in the form of **Appendix K** or the current form promulgated by the Administrative Office of the Courts;

(b) a **Joint and Asset Liability Statement** in the form of **Appendix L**, reflecting the parties' proposed disposition of each item of marital property and allocation of each marital debt;

(c) a **Historical Statement of Income and Expenses** in the form of **Appendix M**;

(d) a statement that mediation was unsuccessful, was excused by the Court, or will be conducted prior to the trial date;

(e) each party's certificate of attendance at an approved parent education seminar;

(f) each party's affidavit of attorney fees with supporting documentation, addressing (i) the Tenn. Sup. Ct. R. 8, RPC 1.5(a) factors; (ii) the amount of attorney fees paid to date which the party seeks reimbursed as alimony *in solido*; and (iii) the amount of attorney fees incurred but unpaid which the party seeks to have allocated as marital debt;

(g) each party's proposal for relief.

Rule 13. Adoptions; Surrenders

Section 13.01. Adoptions: Filing and Review

Adoptions shall be filed with the Chancery Court Clerk and Master and reviewed by the Probate Master. The Probate Master shall approve all notices or requests for final hearing on uncontested adoptions.

Section 13.02. Adoptions by Step-Parent or Relative

Adoptions by a step-parent or relative shall not be set for final hearing prior to the filing of the following documents:

(a) The birth certificate(s) of the adoptee(s);

(b) The marriage license of adopting petitioners;

(c) A certified copy of the final judgment of divorce, if either adopting petitioner was previously married to another spouse;

(d) A death certificate if either biological or legal parent is deceased, or if either adopting petitioner's former spouse is deceased.

Section 13.03. Presentation of Testimony

The testimony of adopting petitioners may be presented in person or, if 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 Adoptee

Adoptees fourteen (14) years of age or older must attend a final adoption hearing and sign a consent before the Judge. Adoptees under fourteen (14) years of age may, but are not required to, attend the final hearing.

Section 13.05 Surrenders: Filing and Review

Requests for surrender hearing shall be made to the Probate Master. Surrender documents shall be filed with the Chancery Court Clerk and Master and reviewed by the Probate Master prior to the hearing.

Rule 14. Fiduciary Accountings; Return of Supporting Documentation

Documentation supporting a fiduciary accounting, including but not limited to canceled checks, bank statements, and receipts, shall be made available by the Clerk for retrieval by the filer thirty (30) days following approval of the accounting by the Court.

Rule 15. Extraordinary Interlocutory Relief

Section 15.01. Injunctive Relief

- (a) Requests for injunctive relief shall comply in all respects with Tenn. R. Civ. P. 65. Such motions shall be accompanied by all affidavits, declarations, deposition excerpts, verified discovery responses, and/or all written evidence on which the moving party relies for the requested relief, all of which shall be filed and served with the motion.
- (b) Proposed restraining orders shall be filed with the Clerk when an application for restraining order is filed. Proposed restraining orders shall (a) provide for the Court to set the date, time, and place of a temporary injunction hearing; and (b) provide for the Court to set bond as a condition to entry, except in domestic relations cases.
- (c) A party opposing a motion for injunctive relief shall also file and serve all affidavits, declarations, deposition excerpts, verified discovery responses, and/or all written evidence on which the opposing party relies.

Section 15.02. Hearings

Absent leave of Court to present live testimony, applications for temporary injunctive and other extraordinary interlocutory relief will be heard upon verified pleadings, affidavits, declarations, deposition excerpts, and other forms of documentary evidence and written proof.

Rule 16. Suspension of Rules

The Court may suspend application of any Local Rule if justice so requires.

III. PROBATE RULES

Rule 1.

The Chancery Court has jurisdiction over all probate matters, including decedent estates, conservatorships, and guardianships.

Rule 2.

Will contests will be heard by the assigned Chancellor. Once a will contest is filed, the Chancellor will hear all matters until conclusion of the will contest.

Rule 3.

Solemn form probates will be heard by the assigned Chancellor. If there is no resulting will contest, the probate administration will be heard as any other probate matter by the Clerk and Master.

Rule 4.

The Clerk and Master will hear all decedent estate matters and will establish the day-to-day procedures.

Rule 5.

A request for review or "appeal" to the Chancellor may be made on any order entered by the Clerk and Master on a contested matter.

- (a) The appeal or request must be made within thirty (30) days of entry of the order.
- (b) The appeal will be *de novo* on the record and no additional evidence will be presented.
- (c) The appeal must be accompanied by a transcript of the hearing.
- (d) The Chancellor will:
 - (i) Affirm the Clerk and Master Order;
 - (ii) Enter an order consistent with the evidence; OR
 - (iii) Set aside the order and set for rehearing before the Chancellor.

Rule 6.

The Probate Master will hear all conservator and guardianship matters.

Rule 7.

The Probate Master shall schedule the proceedings, take evidence, hear testimony, rule on admissibility, and upon conclusion, transmit to the Chancellor all papers relating to the case, together with the Master's written Findings of Fact and Conclusions of Law.

Rule 8.

After the filing of the Master's Report, any party may, within five (5) days thereafter, excluding non-judicial days, file a request with the Court for hearing.

Rule 9.

The Chancellor may, on the Chancellor's own motion, order a rehearing of any matter heard before the Master, and shall allow a hearing if a request for such hearing is filed as prescribed.

Rule 10.

Unless the Chancellor orders otherwise, the Report of the Probate Master shall be the decree of the Court pending a rehearing.

Rule 11.

If no request for a rehearing is made or the Chancellor does not order a hearing, the Report shall be the decree of the Court upon entry of an Order of Confirmation.

IV. ELECTRONIC FILING ("E-FILING) RULES

A. DEFINITIONS

"Case Management System" or "CMS" means a computer-system operated by the Clerk's Office which maintains all case information. For the Williamson County Clerk and Master and Circuit Civil Court Clerk, the CMS is TNCIS;

"Clerk" means the Clerk and Master and the Circuit Clerk of Williamson County;

"Clerk's Office" means the Office of the Clerk and Master and the Circuit Civil Clerk in the Williamson County Judicial Center;

"Convenience Fee" is the fee charged by the credit card company for payments made online or in connection with electronic filing. The fee is charged in connection with payment by credit card or ACH;

"Court" means the Chancery Court or the Circuit Civil Court of Williamson County and the Judges/Chancellors;

"Court Administrator" means the Chancery Court Deputy Clerk and Master and the Circuit Civil Court Deputy Clerk designated by the Clerk to administer TNCIS, the OMS, and internal users;

"Document" means a pleading, plea, motion, application, request, exhibit, brief, memorandum of law, paper, or other instrument in paper form or electronic form which is permitted to be filed pursuant to the TRCP and the Local Rules;

"Document Management System" or "DMS" means a computer system operated by the Clerk's Office which maintains all electronic and scanned paper documents filed in the Court in electronic form. For the Williamson County Clerk and Master and the Circuit Civil Court Clerk, the OMS is TNCIS;

"E-File" or "E-Filing" means the electronic transmission of original Documents to the Court, and from the Court, for the purposes of recording information and Court documents to a Court case or other official Court purposes. For purposes of these rules, e-filing does not include the filing of faxed documents;

"E-Filer" is an Authorized User who has an E-Filing approved username and password allowing E-Filing of documents into the **OMS**;

"E-Filing Fee" is the fee an attorney or *pro se* litigant pays for using the E-Filing system. This fee is \$5.00 per filing, up to a maximum of \$50.00 per case, or a \$300.00 flat subscription fee per lawyer or *pro se* litigant for a one-year period, commencing on the date the flat fee is paid. The flat fee pays all of the E-Filing fees for all cases that lawyer

or *pro se* litigant participates in, in any Court in the State of Tennessee using the *Tybera* E-Filing System. This fee is in addition to the Convenience Fee charged by the credit card processor. The E-Filing fee shall not be assessed against the State or to a party declared indigent, or to that indigent party's legal representative. *Tybera* will keep an account of the amount of fees paid in each case;

"E-Filing Rules" means the Williamson County Chancery and Circuit Civil Courts E-Filing Rules;

"Electronic Court Filing System" or "ECF" means the software and services provided to Authorized Users to E-File, review filings, and process information that is recorded to the Court's CMS and OMS. For the Williamson County Clerk and Master and Circuit Civil Court Clerk, the ECF is *Tybera*;

"Filing Fee" is the statutory fee for court costs per case as defined in Tennessee Code Annotated section 8-21-401. The schedule of court costs can be found at www.williamsonchancery.org;

"Local Rules" mean the Rules of the Chancery and Circuit Courts for the Twenty-First Judicial District;

"Notice of Association" means a method provided by the ECF that a *pro se* filer will use to link the ECF Authorized User account to a case participant in TNCIS;

"Notice of Electronic Filing" or "NEF" means an electronic notice distributed by the ECF to Authorized Users when Court documents are E-Filed to a case. The notices are specific to a case and are distributed to case participants or their legal representatives who are registered in the ECF System, recorded in TNCIS as a case participant, and are linked between ECF and TNCIS;

"Party" or "Parties" means any person, including an individual, executor, administrator, or other personal representative, or a corporation, partnership, association or any other legal, governmental or commercial entity, whether or not organized under the laws of this State, who is a party in a case pending in the Court, and is represented by an attorney or acting *pro se*;

"PDF" or "Portable Document Format" means a computer file format developed by Adobe Systems for representing documents in a manner that is independent of the original application software, hardware, and operating system used to create those documents. Converted Documents must contain the ".pdf" file extension;

"Public Access Terminal" means a publicly-accessible computer provided by the Clerk for the purposes of Allowing E-Filing and viewing of public electronic Court records. The public-access terminal shall be located in the Clerk's Office and made available during normal business hours. The Clerk's Office may also offer printed copies of the electronic Court records and apply relevant copying fees as permitted by relevant statutory and

Court rules;

"System Administrator" means the *Tybera Development Group, Inc.* management team that supports the Court Administrator, and the registration and support of Authorized Users;

"Terms of Use Agreement" means the agreement established by the Clerk(s) that sets forth the parameters for the use of the ECF System by all Authorized Users;

"TNCIS" or "CMS" means the Tennessee Case Information System or Case Management System software supported by Local Government, owned and controlled by the Tennessee Administrative Office of the Courts, used to manage and record case information specific to Tennessee;

"Traditional Filing" is a process by which a Party files a paper document with the Clerk;

"TRCP" means the Tennessee Rules of Civil Procedure;

"User Guide" means the recommendations and modification to procedures specific to the Court. All E-Filers should periodically check the Clerk and Master's website, www.williamsonchancery.org, for updates to the User's Guide. The ECF system will provide a Filer's User Manual specific to how to use the ECF system that will function for state courts in all counties.

B. RULES

Rule 1. Filings

Unless excepted by these Local Rules, any document may be E-Filed that could be filed in Court as a paper document pursuant to the Tennessee Rules of Civil Procedure, and these Local Rules. Such E-Filing shall constitute the official filing of such documents.

The Court and the Clerk may issue, file, and serve notices, orders, and other documents electronically.

Rule 2. Filings After Effective Date of These Local Rules

Except as expressly provided herein, for all new documents filed on or after the effective date of the E-Filing Rules, the Court shall accept as validly-filed, all documents that are filed through E-Filing.

Rule 3. Case Files

The Clerk shall maintain the original and official case file in electronic format for all new cases filed on or after the effective date of these Local Rules. Existing cases can be

converted to e-filed cases at the request of the litigants or their attorneys.

Rule 4. Time and Effect of E-Filing

Any E-Filed document shall be considered as filed with the Clerk when the transmission of the entire document is received by the Clerk. Any document received by the Clerk before midnight local time of the Clerk's Office shall be deemed filed on that date if such document otherwise meets all the requirements for filing under the relevant rules of the Court. Upon receipt by the Clerk of an E-Filed-document, the Clerk shall electronically transmit a Transaction Receipt indicating that the E-Filing has been received. The Transaction Receipt shall serve as proof of filing. In the event the Clerk rejects the submitted document following review, the rejected document shall not become part of the official Court record and the E-Filer will receive notification of the rejection. The E-Filer may be required to re-file the document to meet filing requirements.

A document that is required to be signed, verified, notarized, acknowledged, sworn to, or made under oath may be E-Filed only as a scanned image. The original document shall be maintained by the filing party or attorney and shall be made available upon reasonable notice, for inspection by other counsel, the Clerk, or the Court. Parties or their attorneys shall retain originals until final disposition of the case and the expiration of all appeal opportunities.

If the E-Filing does not occur because of (1) an error in the transmission of the document to the Clerk which was unknown to the sending party; (2) a failure to process the electronic document when received by the Clerk; (3) rejection by the Court or Clerk; or (4) other technical problems experienced by the E-Filer or the Clerk, the Court may, upon satisfactory proof, enter an order permitting the document to be filed *nunc pro tunc* to the date the document was first attempted to be filed electronically, and may also extend the date for any response, or the period within which any right, duty, or other act must be performed.

Rule 5. Redaction and Under-Seal Documents

E-filers must be sensitive to confidential and personal information filed publicly, not under seal. E-Filers shall refrain from including, or shall redact as follows where inclusion is necessary, the following personal identifiers from all documents filed publicly with the Clerk, including exhibits thereto, unless required by statute or otherwise ordered by the Court. If a Social Security Number or Taxpayer Identification Number must be included in a document, only the last four digits of that number must be used. If an individual's date of birth must be included in a document, only the year must be used. If a minor is named, use only the minor's initials. If financial accounts are relevant, only the last four digits of these numbers must be used.

It is the responsibility of the Authorized User to redact all documents that are E-Filed. When a document includes sensitive data that otherwise would be redacted, the E-Filer must hand-file the original and e-file the redacted version. Only the redacted

version will be stored for public access. The original must be filed with a motion to place the original unredacted document under seal. If an entire document is requested to be placed under seal, when no redacted document is E-Filed, it must be hand-filed with the Clerk and accompanied by a motion to place that document under seal.

It is the sole responsibility of E-Filers to ensure all documents comply with the Rules of this Court and the law requiring redaction of personal identifiers. The Clerk will not review each document for redaction.

Rule 6. Form of Documents Electronically Filed

Each E-filed document shall be uploaded in a *pdf* format, unless it is a proposed order for a Judge to review. The document should be formatted in accordance with the applicable Terms of Use Agreement as well as the TRCP and Local Rules governing formatting of paper documents, and in such other and further format as the Court may require from time-to-time. Proposed orders are to be E-Filed in *Microsoft Word* format.

The E-Filer is responsible for verifying that the documents to be E-Filed are legible. Documents that are illegible, or scanned sideways will be rejected and will require the E-Filer to correct the document and E-File them again. The corrected documents will be date-and-time-stamped according to the date and time of E-Filing the corrected documents.

In addition to the information required by Tennessee Rules of Civil Procedure 11, and any other Local Rule, the party or attorney signing a document that is being E-Filed shall also follow the requirements in Rule 4 herein.

Rule 7. Registration Requirement

Persons who qualify as Authorized Users and who desire to electronically file a Document shall register as an E-Filer on the ECF Website. The registration process requires the prospective user to accept the User Agreement, identify their role for the account, enter their personal information, their username and password, and submit the request. Attorneys must include a valid Tennessee-issued Board of Professional Responsibility number. There is an approval process that will occur. Once the approval process is completed, the user will receive an email notifying them their account is approved. The user must then register their payment options and credit card with the ECF system and to each Court with which the Authorized User will E-File. If the user does not receive an email, the user can try to determine if their account is activated by logging into the ECF website.

E-Filers shall change their E-Filing profile immediately upon any change in firm name, delivery address, phone number, fax number, or e-mail address.

Attorneys who intend to practice *Pro Hac Vice* are not allowed to register. Out-of-State Attorneys who are not admitted to the Tennessee Bar are required to associate with

an attorney who has a Tennessee-issued Bar number, and they must follow the rules for participating in a case.

Rule 8. Notice of Electronic Filing (NEF)

When a person E-files to a case, whether they are a case participant or not, notifications of the E-Filing are distributed to Authorized Users that are recorded in TNCIS as case participants or legal representatives. To receive notifications, participants must be Authorized Users and have an active account in the ECF System. In order for the notification to recognize the association of an Authorized User to a case, they must be recorded on the case in TNCIS as a *pro se* litigant or as a legal representative with a Bar Number. TNCIS only maintains Tennessee-issued Bar Numbers.

All Authorized Users agree to receive their notices of documents which are E-Filed in their cases electronically through the ECF system.

Pro se litigants recorded in TNCIS on a case must be registered Authorized Users in ECF and have previously filed a Notice of Association that links the ECF user account to the TNCIS participant ID.

The Court has the ability to configure when NEFs are distributed. Some notifications are distributed when a filer submits to the Court documents in ECF. Some notifications are distributed after Clerk review and approval of the E-Filing. The Court has the ability to configure some documents to not distribute notifications. This last condition may be used when a criminal warrant for an arrest is issued through the ECF system, and the Court does not want this information distributed to parties on the case.

The NEF does not replace the need for service of process. The NEF satisfies the responsibility of an E-filer to send service to other parties who are registered in the ECF System and linked as participants on the case for secondary filings. This service does not replace the responsibility of E-Filers to notify parties physically when they are not registered in the ECF system. The ECF system provides a method to identify what case participants are Authorized Users and recorded in TNCIS as participants in the case.

The NEF is distributed as an email and posted in the ECF web interface for access. The email is not always reliable and considered a courtesy notice. It is the responsibility of each Authorized User to login to the ECF and review their NEFs prior to ninety days (90) from the time the NEF is posted to their user account. After ninety (90) days, the NEFs are cleaned up, and the information is removed from the Authorized User's account.

Rule 9. Payment of Filing Fees

Section 9.01. Court Costs

All E-Filed cases subject to statutory filing fees/court costs shall require payment of such filing fees immediately upon filing unless excused by the Court. These filing fees

must be paid with a credit card at the time of E-Filing. Use of the E-Filing Website constitutes the E-Filer's consent to process or charge the credit card supplied. It is the responsibility of the Authorized User to refer to the Clerk and Master's website "williamsonchancery.org" or call the Clerk and Master's Office during regular office hours for a table of fees for cases and documents filed. The ECF system will not calculate the fees in this release of the E-Filing system (release one). When the ECF system provides an estimate in later releases, the Clerk is still responsible for calculation of the fees which may be different from the estimates. This can occur when the Clerk makes corrections to information entered by the filer.

Refunds due to improper collection will require the E-Filer to contact the Clerk's Office directly. The Clerk will issue checks for refunds. Refunds on a case will be paid to the owner of the credit card used to make the payment.

Section 9.02. E-Filing Fee

The E-filing fee is in addition to the statutory filing fees. This fee is \$5.00 per filing, up to a maximum of \$50.00 per case, or a \$300.00 flat-subscription-fee per lawyer or *pro se* litigant for a one (1)-year period commencing on the date the flat fee is paid. The flat fee pays all the E-filing fees for all cases filed by that lawyer or *pro se* litigant in any Court in the State using the *Tybera* E-Filing System. This fee is in addition to the Convenience Fee charged by the credit card processor. The E-Filing fee shall not be assessed against the State, or to a party declared indigent, or to that indigent party's legal representative. *Tybera* will keep an account of the amount of E-filing fees paid in each case.

Section 9.03. Convenience Fee

The credit card vendor will charge a convenience fee for using the credit card services. That fee is paid to the vendor at the time of the charge. Currently, in Williamson County, the convenience fee is 2.50% for credit and debit cards and fifty cents (\$.50) for online e-checks.

V. CRIMINAL RULES

Rule 1. Trial and Motions' Schedules and Calendars

Section 1.01. Court Calendars

The Presiding Judge will prepare and deliver to the Clerks a schedule designating days for motions and trials for all judges.

Rule 2. Arraignments

Section 2.01. Arraignment and Scheduling Order

At arraignment, the Court will enter an ***Arraignment and Scheduling Order*** in the form as shown on **Appendix N** attached hereto. Defense counsel shall make their elections with respect to discovery prior to the Court's signing the completed ***Arraignment and Scheduling Order***. The arraignment form order shall contain a default option for defense counsel, at the time of arraignment, to request discovery of evidence by the State of all information made subject to the disclosure Tenn. R. Crim. P. 16(a)(1).

Section 2.02. Waiver of Arraignment

Defendants and defense counsel may, in writing, **waive "in-person arraignment,"** provided they complete and execute a written waiver in the form of a ***Motion for Waiver of Arraignment and Scheduling Order*** set forth in **Appendix O** attached hereto.

Rule 3. Review Date

On the review date for each particular case:

(a) It shall be the responsibility of the defendant or their attorney to advise the Court if the State has failed to respond to a request for discovery filed pursuant to Tenn. R. Crim. P. 16.

(b) It shall be the responsibility of the District Attorney General/Assistant District Attorney, to advise the Court the defendant has failed to provide discovery per reciprocal agreement, or as requested pursuant to Tenn. R. Crim. P. 16.

(c) 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.

(d) At the review date the court shall:

(i) Consider any plea bargain agreements among/between the District Attorney General/Assistant District Attorney, the defendant, and/or his or her attorney;

(ii) Hear any pretrial motions filed by either party or set such motions specially for hearing;

(iii) 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;

Rule 4. Plea Date

On the plea date, the Court shall:

(a) Consider any plea bargain agreements among/between the District Attorney General/Assistant District Attorney, the defendant, and/or his or her attorney;

(b) Hear any pretrial motions filed by either party;

(c) 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;

(d) Set all cases for trial that have no pretrial motions pending;

(e) Pass the case to the next appropriate date if the State and defense present sufficient grounds for passing the case.

Rule 5. Pre-Trial Motions

Section 5.01. Evidentiary Motions

All pre-trial motions requiring an evidentiary hearing shall comply with Tenn. R. Crim. P. 47, shall be filed and served in accordance with Tenn. R. Crim. P. 49(b), and shall be set for hearing on the Court's regular motion calendar, consistent with the scheduling order applicable to the particular case, not less than twenty-one (21) days following the date of filing and service.

Section 5.02. Non-Evidentiary Motions

Pre-trial motions not requiring an evidentiary hearing shall be filed, served and set on the Court's docket, consistent with the scheduling order applicable to the particular case, not less than thirteen (13) days following the date of filing and service.

Responses

A party opposing a motion shall file and serve a written response, no later than the close of business **five (5) days** prior to the scheduled hearing date, setting forth the grounds upon which the party relies for opposing the relief sought by the moving party. For purposes of computing compliance with the time requirements of this section, the provisions of Tenn. R. Crim. P. 45(a) and (d) shall be strictly applied.

Notice of Hearing

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. 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 CRIMINAL COURT MOTION DOCKET HEARD AT THE WILLIAMSON COUNTY JUDICIAL CENTER, 135 FOURTH AVENUE SOUTH, FRANKLIN, TN 37064. A WRITTEN RESPONSE TO THIS MOTION IS FILED AND SERVED AT LEAST FIVE (5) BUSINESS DAYS PRIOR TO THE HEARING.

Failure to Notice Hearing of Motion

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 is not being 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.

Service of Motions

For purposes of this Local Rule, service, other than lead process, 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, or (iii) via regular U.S. M Notice of the hearing date shall be conspicuously set forth by the moving party in the motion at the time of filing and service.

Relief from the time requirements of the foregoing Section 5.06 may be granted, in the Court's discretion, upon a showing of good cause supported by affidavit or other written evidence.

Setting Cases for Trial

Cases will be set for trial:

- (a) on either the review date or the plea date, referred to in Rule 2;
- (b) on the date set for trial when “crowded off” the docket, by agreement between/among the District Attorney General/Assistant District Attorney, and the defendant, and/or their attorney; or
- (c) by the Court upon motion of either party or on its own motion with notice to the respective parties or attorneys.

Rule 7. Continuances

Section 7.01.

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 approved by the Court.

Section 7.02.

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 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.

Section 7.03.

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 one hundred eighty (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 7.04.

Cases involving a defendant charged with a crime of violence causing death or serious bodily injury shall be given priority in scheduling and selection of dates for trial over cases not involving such a charge.

Rule 8. Request for Sequestration of Jury

Except in capital cases, both the defendant and the State shall be deemed to have waived any right they/it may have to a sequestered jury unless a written request has been filed with the Clerk of the court at least seventy-two (72) hours prior to the time the case is set for trial.

Rule 9. Orders and Judgments

Section 9.01.

Once sentencing has been completed, a proposed judgment document shall be prepared by the District Attorney General/Assistant 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 9.02 herein, and shall be submitted directly to the Judge.

Section 9.02.

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 9.03.

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 three (3) days, file 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 filed, 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 filed in accordance with this Rule, the order will be presumed correct and will be entered, unless amended by the Court.

Rule 10. Form Orders

Section 10.01. Transportation Order

Defense counsel may elect to use the form of the ***Transportation Order*** set forth as **Appendix P** attached hereto. The deadlines set forth in the suggested Transportation Order shall be observed whether or not the form is used.

Rule 11. Signature on Pleadings

Every request for relief, written motion, proposed orders, and other papers filed with the Clerk shall be signed by at least one attorney of record in the attorney's individual name, or, if the party is not represented by an attorney, shall be signed by the party. Each paper shall state the signer's name, address, telephone number, e-mail address, which

party they represent, and their Tennessee Board of Professional Responsibility number, if the filer/preparer is an attorney. Except when otherwise specifically provided by rule or statutes, pleadings need not be verified or accompanied by affidavit. An unsigned paper shall be stricken unless omission of the signature is corrected promptly after being called to the attention of the attorney or party.

Rule 12. Page Numbers on All Pleadings, Papers, Orders, etc.

Each page of all papers, including but not limited to, motions, briefs, affidavits, proposed orders, etc., must contain a page number in the format of "Page ___ of ___," e.g., "Page 1 of 13."

Rule 13. Certificate of Service

All papers filed with the Clerk must contain a certificate of service to opposing party's(ies')/counsel. The certificate 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 of the Tennessee Rules of Civil Procedure.

Rule 14. Suspension of Rules

Whenever the Court determines justice requires it, the Court may suspend any of the foregoing Local Rules of Practice.

**IN THE CIRCUIT, CHANCERY, AND CRIMINAL COURTS
OF WILLIAMSON COUNTY, TENNESSEE
21ST JUDICIAL DISTRICT AT FRANKLIN**

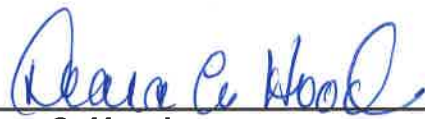
O R D E R

The foregoing Local Rules of Practice for the Twenty-First Judicial District, effective March 1, 2023, are applicable in the Circuit, Chancery, and Criminal Courts of Williamson County, Tennessee. All standing Orders not incorporated in these Rules are declared invalid and shall have no effect.

Adopted and effective March 1, 2023.



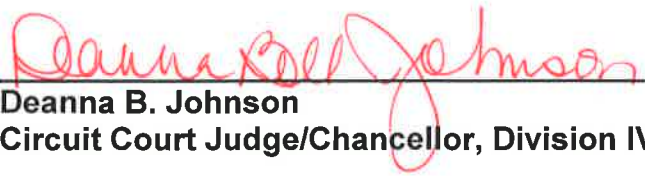
Joseph A. Woodruff
Circuit Court Judge/Chancellor, Division I



Deana C. Hood
Circuit Court Judge/Chancellor, Division II



Michael W. Binkley
Circuit Court Judge/Chancellor, Division III



Deanna B. Johnson
Circuit Court Judge/Chancellor, Division IV

APPENDIX A

ABC,	)	
	)	
PLAINTIFF,	)	
	)	
VS.	)	CASE NO. 12345678
	)	
THE BEST COMPANY EVER,	)	
	)	
DEFENDANT.	)	

Notice is hereby given the *Motion for Summary Judgment* filed by _____
 _____ [moving party] on _____ [date motion was
 filed] will be heard on _____ [date of hearing as
 designated by Court's Judicial Legal Assistant] at _____ (a.m.) (p.m.) [time
 of hearing as designated by Court's Judicial/Legal Assistant] at the Williamson County
 Judicial Center, 135 Fourth Avenue South, Franklin, Tennessee 37064. It is anticipated
 this hearing will take _____ [total anticipated time of hearing]
TOTAL to be heard, which includes argument from each party.

1. Non-movant's written responses in opposition to the Motion and to the Rule 56.03 statement, together with all supporting evidentiary matters shall be filed and served not later than _____ [date to be inserted by the Court's Judicial/Legal Assistant].

2. Movant's reply brief (not to exceed twenty (20) pages) and reply to new factual matters asserted in the non-movant's Rule 56.03 response (if any) shall be filed and served not later than _____ [date to be inserted by the Court's Judicial Legal Assistant].

The Court hereby requests the parties file chambers' copies the Motion for Partial Summary Judgment as well as any and all supporting memoranda of law in accordance with Section 5.05, Local Rules of Practice for the 21st Judicial District.

Any party seeking relief from the foregoing hearing date and briefing scheduled shall do so by timely written motion.

The parties may not alter or amend this Order upon their agreement absent Court approval.

This matter is not currently scheduled for trial.

All other matters are reserved.

ENTERED this ____ day of _____, 20__.

[insert appropriate Judge's name here]
Circuit Court Judge/Chancellor

CLERK'S CERTIFICATE OF SERVICE

I hereby certify a true and exact copy of the foregoing Notice of Hearing was mailed, postage prepaid, and/or emailed, and/or faxed, to:

[insert all counsel of record (or party if pro se)'s full name, address, fax number and/or email address for proper service]

This the ____ day of _____, 20__.

Circuit Court Clerk/Clerk & Master
[choose appropriate clerk]

APPENDIX B

Circuit Court Judge/Chancellor

CLERK'S CERTIFICATE OF SERVICE

I hereby certify a true and exact copy of the foregoing *Order Setting Case for Hearing* as entered by the Court has been forwarded postage prepaid, and/or emailed, and/or faxed, to:

This the _____ day of _____, 2022.

Circuit Court Clerk

APPENDIX C

IN THE CIRCUIT/CHANCERY COURT FOR WILLIAMSON COUNTY, TENNESSEE
21ST JUDICIAL DISTRICT AT FRANKLIN

JOHN DOE,

PLAINTIFF,

VS.

JANE DOE,

DEFENDANT.

COURT CASE NO. _____

PRE-TRIAL ORDER
CIVIL JURY TRIAL

The above-styled and numbered case is set for trial on _____
_____, at _____ a.m./p.m. before a Jury. It is anticipated the case will take _____
(_____) days for trial. The Court directs the parties submit proposed jury instructions on
or before _____ to the Court's Judicial/Legal Assistant, via email
at _____ in *Word* format. In submitting their proposed jury
instructions, the parties are required to make reference to the most recent edition of the
Tennessee Pattern Jury Instructions ("TPI"), Civil, where applicable.

This Court sets this matter for a pre-trial conference on _____
_____ at _____ a.m./p.m. with counsel in the Judges' chambers. In
advance of the pre-trial conference, the Court will endeavor to submit a draft of a
proposed jury charge to counsel for all parties' consideration and discuss at the
pre-trial conference.

IT IS SO ORDERED.

ENTERED this ____ day of _____, 20__.

Circuit Court Judge/Chancellor

CLERK'S CERTIFICATE OF SERVICE

I hereby certify a true and exact copy of the foregoing *Pre-Trial Order* was mailed, postage prepaid, and/or emailed, and/or faxed, to:

This ____ day of _____, 20__.

Circuit Court Clerk

APPENDIX D

IN THE CIRCUIT/CHANCERY [choose appropriate court]
COURT FOR WILLIAMSON COUNTY, TENNESSEE
21ST JUDICIAL DISTRICT AT FRANKLIN

JOHN DOE,

PLAINTIFF/PETITIONER,

VS.

JANE DOE,

DEFENDANT/RESPONDENT.

CASE NO. _____

ORDER TO APPEAR
PURSUANT TO RULE 42 OF THE
TENNESSEE RULES OF CRIMINAL PROCEDURE

Respondent/Defendant, _____, is hereby ordered to appear before the Court on _____, at which time the Court will conduct proceedings required in connection with these criminal contempt proceedings including but not limited to:

- a. Setting the time and place for the hearing;
- b. Allowing a reasonable time to prepare a defense; and
- c. State the essential facts constituting the criminal contempt charged and describe it as such.

Accordingly, **IT IS SO ORDERED, ADJUDGED and DECREED.**

ENTERED this the _____ day of _____, 20__.

[insert appropriate Judge's name here]
Circuit Court Judge/Chancellor

**THIS ORDER SHALL BE SERVED
WITH THE PETITION AND
SERVICE OF THIS ORDER SHALL BE
NOTED ON THE SUMMONS**

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Order to Appear Pursuant to Rule 42 of the Tennessee Rules of Criminal Procedure was mailed, postage prepaid, and/or emailed, and/or faxed, to:

[insert all counsel of record (or party if *pro se*)'s

full name, address, fax number and/or email address for proper service]

This _____ day of _____, 20_____.

Circuit Court Clerk/Clerk & Master
[choose appropriate clerk]

APPENDIX E

IN THE CIRCUIT/CHANCERY [choose appropriate court]
COURT FOR WILLIAMSON COUNTY, TENNESSEE
21ST JUDICIAL DISTRICT AT FRANKLIN

JOHN DOE,	)	
	)	
PLAINTIFF/PETITIONER,	)	
	)	
VS.	)	CASE NO. _____
	)	
JANE DOE,	)	
	)	
DEFENDANT/RESPONDENT.	)	

**WAIVER OF INITIAL APPEARANCE PURSUANT TO COURT'S ORDER UNDER
RULE 42 OF THE TENNESSEE RULES OF CRIMINAL PROCEDURE**

Respondent/Defendant, _____, hereby waives his/her appearance ordered by the Court on _____; and certifies to the Court that he/she understands the essential facts constituting criminal contempt charged. Further, Defendant/Respondent represents to the Court that he/she understands that: _____

1. he/she is being charged with criminal contempt;
2. he/she has been advised that a finding of criminal contempt could result in incarceration of up to ten (10) days and/or a fine of up to \$50.00, or both, for each act constituting criminal contempt;
3. he/she is entitled to be represented by counsel and if he/she cannot afford counsel, the Court will appoint counsel to represent him/her;
4. he/she understands that the Plaintiff/Petitioner must prove his/her guilt beyond a reasonable doubt; and
5. he/she understands that he/she cannot be compelled or forced to testify and that if he/she elects not to testify, the Court will not hold it against him/her because he/she is exercising his/her constitutional right against self-incrimination.

_____ I acknowledge the pending charge of criminal contempt is set to be tried at _____, o'clock,

____.m. on the _____ day of _____, 20____, and represent to the Court that setting the trial on that day affords me time to prepare a defense.

or

_____ I acknowledge my counsel of record will, within twenty-one (21) days of the date this waiver is executed, meet and confer with opposing counsel for the purpose of submitting a scheduling order providing for the orderly management of this charge of contempt, which scheduling order shall include a date for trial.

Defendant/Respondent

Date

Counsel for Defendant/Respondent

Date

[insert appropriate Judge's name here]
Circuit Court Judge/Chancellor

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing *Waiver of Appearance Pursuant to Court's Order Under Rule 42 of the Tennessee Rules of Criminal Procedure* has been mailed, postage prepaid, and/or emailed, and/or faxed, to:

[insert all counsel of record (or party if *pro se*)'s full name,
address, fax number and/or email address for proper service]

This the _____ day of _____, 20_____.

Circuit Court Clerk/Clerk & Master
[choose appropriate clerk]

APPENDIX F

1. That he/she is being charged with criminal contempt;
2. That a finding of criminal contempt could result in incarceration for up to ten (10) days and/or a fine of \$50.00, or both, for each act constituting criminal contempt;
3. That the Defendant/Respondent is entitled to be represented by counsel and if he/she cannot afford counsel, the Court will appoint counsel to represent him/her;
4. That the Plaintiff/Petitioner must prove the guilt of the Defendant/Respondent beyond a reasonable doubt;
5. That the Defendant/Respondent cannot be compelled or forced to testify and if he/she elects not to testify, the Court will not hold it against him because he/she is exercising his/her constitutional right against self-incrimination;
6. That all civil proceedings between the parties which might reasonably require the Defendant/Respondent to produce documents, things, and/or testimony relevant to these

criminal contempt proceedings are stayed pending conclusion of these criminal contempt proceedings;

7. That the trial of the criminal contempt proceeding shall be, and is hereby, set for the ____ day of _____, 20__, at ____ a.m./p.m.

The Court reviewed with the Defendant/Respondent the essential facts constituting the criminal contempt charged and described it as such.

In setting the case for trial, the Court afforded the Defendant/Respondent a reasonable time to prepare a defense.

Accordingly, **IT IS SO ORDERED, ADJUDGED and DECREED.**

ENTERED this the _____ day of _____, 20__.

[insert appropriate Judge's name here]
Circuit Court Judge/Chancellor

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing *Order* was mailed, postage prepaid, and/or emailed, and/or faxed, to:

[insert all counsel of record (or party if *pro se*)'s full name, address, fax number and/or email address for proper service]

this _____ day of _____, 20__.

Circuit Court Clerk/Clerk & Master
[choose appropriate clerk]

APPENDIX G

IN THE CHANCERY COURT OF WILLIAMSON COUNTY, TENNESSEE

vs. _____

)
)
) NO. _____
)

TEMPORARY RESTRAINING ORDER
RELATING TO CHILD CUSTODY

Pursuant to T.C.A. § 36-6-101 et seq., it is hereby ORDERED as follows:

1. Each party is restrained and enjoined from voluntarily canceling, modifying, terminating, assigning or allowing to lapse for non-payment of premiums, any insurance policy, including but not limited to, life and health, where such insurance policy provides coverage to a child who is the subject of the custody action, or that names either of the parties or the child as beneficiaries without the consent of the other party or an order of the court. For the purposes of this section, "modifying" includes any change in beneficiary status.
2. Each party is restrained and enjoined from harassing, threatening, assaulting or abusing the other party and from making disparaging remarks about the other party to or in the presence of any children of the parties or to an employer of a party.
3. Each party is restrained and enjoined from hiding, destroying or spoiling, in whole or in part, any evidence that may be relevant to the custody proceeding, whether electronically stored on computer hard drives or other memory storage devices
4. Each party is restrained and enjoined from relocating any children of the parties outside the State of Tennessee or for more than 50 miles from the marital home without permission of the other party or a court order pursuant to 36-6-108, except in the case of a removal based upon a well-founded fear of physical abuse against either the fleeing parent or the child. In such case, upon the request of the non-relocating parent, the Court will conduct an expedited hearing by telephone conference if appropriate, to determine the reasonableness of the relocation and to make such other orders as appropriate.

ENTER this ____ day of _____, 20____.

Chancellor

Clerk's Certificate of Service

I hereby certify that a true and exact copy of the foregoing Order has been mailed or delivered to all parties and/or counsel of record.

This the ____ day of _____, 20____.

Clerk and Master

IN THE CHANCERY COURT OF WILLIAMSON COUNTY, TENNESSEE
AT FRANKLIN

VS.

NO. _____

STATUTORY RESTRAINING ORDER

Pursuant to T.C.A. §§36-4-106(d), it is hereby **ORDERED** as follows:

- (1) Both parties are hereby restrained and enjoined from transferring, assigning, borrowing against, concealing or in any way dissipating or disposing, without the consent of the other party or an order of the court, of any marital property. Nothing herein is intended to preclude either of the parties from seeking broader injunctive relief from the court;
- (2) Expenditures from current income to maintain the marital standard of living and the usual and ordinary costs of operating a business are not restricted by this injunction. Each party shall maintain records of all expenditures, copies of which shall be available to the other party upon request;
- (3) Both parties are hereby restrained and enjoined from voluntarily canceling, modifying, terminating, assigning, or allowing to lapse for nonpayment of premiums, any insurance policy, including, but not limited to, life, health, disability, homeowners, renters, and automobile, where such insurance policy provides coverage to either of the parties or the children, or that names either of the parties or the children as beneficiaries without the consent of the other party or an order of the court. "Modifying" includes any change in beneficiary status;
- (4) Both parties are hereby restrained and enjoined from harassing, threatening, assaulting or abusing the other and from making disparaging remarks about the other to or in the presence of any children of the parties or to either party's employer;
- (5) Both parties are hereby restrained and enjoined from hiding, destroying or spoiling, in whole or in part, any evidence electronically stored or on computer hard drives or other memory storage devices;
- (6) Both parties are hereby restrained and enjoined from relocating any children of the parties outside the state, or more than fifty (50) miles from the marital home, without the permission of the other party or an order of the court, except in the case of a removal based upon a well-founded fear of physical abuse against either the fleeing parent or the child. In such cases, upon request of the nonrelocating parent, the court will conduct an expedited hearing, by telephone conference if appropriate, to determine the reasonableness of the relocation and to make such other orders as appropriate.
- (7) The provisions of these injunctions shall be attached to the summons and the complaint and shall be served with the complaint. The injunctions are an order of the court and apply to the plaintiff upon the filing of the complaint and apply to the defendant upon receipt of notice of the Restraining Order and its terms. However, nothing shall preclude either party from applying to the court for further temporary orders, an expanded temporary injunction, or modification or revocation of this temporary injunction.
- (8) The injunctions shall only apply to the spousal parties named in the petition and shall not apply to any third party named in the petition; provided, however, that nothing shall preclude any party from applying to the court for an order of injunctive or extraordinary relief against any other party named in any petition as provided by law or rule.
- (9) Nothing shall preclude the Court from revising, modifying or expanding the terms of this Order pursuant to T.R.C.P. 65.07.

ENTERED this _____ day of _____, 20____.

CHANCELLOR

Plaintiff's Certification

I am the Plaintiff in the above styled case. I certify that I have read the Statutory Restraining Order that applies to my case and that I understand the terms and conditions of the restraining Order.

This the _____ day of _____, 20____.

Plaintiff

Clerk's Certificate of Service

I hereby certify that a true and exact copy of the foregoing order has been served pursuant to Rule 5.02 of the Tennessee Rules of Civil Procedure on all parties and/or counsel of record.

This the ____ day of _____, 20____.

Clerk

Return of Service

I hereby certify and return, that on the _____ day of _____, 20____, I served this Statutory Restraining Order as follows: _____

This the _____ day of _____, 20____.

Sheriff/Process Server

IN THE CIRCUIT COURT OF WILLIAMSON COUNTY, TENNESSEE
AT FRANKLIN

vs.

NO. _____

STATUTORY RESTRAINING ORDER

Pursuant to T.C.A. §§36-4-106(d), it is hereby **ORDERED** as follows:

- (1) Both parties are hereby restrained and enjoined from transferring, assigning, borrowing against, concealing or in any way dissipating or disposing, without the consent of the other party or an order of the court, of any marital property. Nothing herein is intended to preclude either of the parties from seeking broader injunctive relief from the court;
- (2) Expenditures from current income to maintain the marital standard of living and the usual and ordinary costs of operating a business are not restricted by this injunction. Each party shall maintain records of all expenditures, copies of which shall be available to the other party upon request;
- (3) Both parties are hereby restrained and enjoined from voluntarily canceling, modifying, terminating, assigning, or allowing to lapse for nonpayment of premiums, any insurance policy, including, but not limited to, life, health, disability, homeowners, renters, and automobile, where such insurance policy provides coverage to either of the parties or the children, or that names either of the parties or the children as beneficiaries without the consent of the other party or an order of the court. "Modifying" includes any change in beneficiary status;
- (4) Both parties are hereby restrained and enjoined from harassing, threatening, assaulting or abusing the other and from making disparaging remarks about the other to or in the presence of any children of the parties or to either party's employer;
- (5) Both parties are hereby restrained and enjoined from hiding, destroying or spoiling, in whole or in part, any evidence electronically stored or on computer hard drives or other memory storage devices;
- (6) Both parties are hereby restrained and enjoined from relocating any children of the parties outside the state, or more than fifty (50) miles from the marital home, without the permission of the other party or an order of the court, except in the case of a removal based upon a well-founded fear of physical abuse against either the fleeing parent or the child. In such cases, upon request of the nonrelocating parent, the court will conduct an expedited hearing, by telephone conference if appropriate, to determine the reasonableness of the relocation and to make such other orders as appropriate.
- (7) The provisions of these injunctions shall be attached to the summons and the complaint and shall be served with the complaint. The injunctions are an order of the court and apply to the plaintiff upon the filing of the complaint and apply to the defendant upon receipt of notice of the Restraining Order and its terms. However, nothing shall preclude either party from applying to the court for further temporary orders, an expanded temporary injunction, or modification or revocation of this temporary injunction.
- (8) The injunctions shall only apply to the spousal parties named in the petition and shall not apply to any third party named in the petition; provided, however, that nothing shall preclude any party from applying to the court for an order of injunctive or extraordinary relief against any other party named in any petition as provided by law or rule.
- (9) Nothing shall preclude the Court from revising, modifying or expanding the terms of this Order pursuant to T.R.C.P. 65.07.

ENTERED this _____ day of _____, 20____.

CIRCUIT COURT JUDGE

Plaintiff's Certification

I am the Plaintiff in the above styled case. I certify that I have read the Statutory Restraining Order that applies to my case and that I understand the terms and conditions of the restraining Order.

This the _____ day of _____, 20____.

Plaintiff

Clerk's Certificate of Service

I hereby certify that a true and exact copy of the foregoing order has been served pursuant to Rule 5.02 of the Tennessee Rules of Civil Procedure on all parties and/or counsel of record.

This the ____ day of _____, 20____.

Clerk

Return of Service

I hereby certify and return, that on the _____ day of _____, 20____, I served this Statutory Restraining Order as follows: _____

This the _____ day of _____, 20____.

Sheriff/Process Server

APPENDIX H

IN THE CIRCUIT COURT OF WILLIAMSON COUNTY, TENNESSEE
21ST JUDICIAL DISTRICT AT FRANKLIN

VS.

NO. _____

PETITIONER'S CERTIFICATION
RIGHTS OF PARENTS INVOLVING CHILD CUSTODY (T.C.A. § 36-6-101)

I am the Petitioner in the above-styled case. I certify I have read the *Rights of Parents* pursuant to T.C.A. § 36-6-101 set forth below, and I understand it applies to my case. Further, I understand the terms and conditions of the *Rights of Parents* pursuant to T.C.A. § 36-6-101 and violation of these terms and conditions can result in subjecting me to contempt proceedings.

This the _____ day of _____, 20____.

Petitioner

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.

IN THE CHANCERY COURT OF WILLIAMSON COUNTY, TENNESSEE
21ST JUDICIAL DISTRICT AT FRANKLIN

vs.

NO. _____

PETITIONER'S CERTIFICATION
RIGHTS OF PARENTS INVOLVING CHILD CUSTODY (T.C.A. § 36-6-101)

I am the Petitioner in the above-styled case. I certify I have read the *Rights of Parents* pursuant to T.C.A. § 36-6-101 set forth below, and I understand it applies to my case. Further, I understand the terms and conditions of the *Rights of Parents* pursuant to T.C.A. § 36-6-101 and violation of these terms and conditions can result in subjecting me to contempt proceedings.

This the _____ day of _____, 20____.

Petitioner

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.

APPENDIX I

STATE OF TENNESSEE	COURT (Must be completed)	COUNTY (Must be completed)
TEMPORARY 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 4 th	_____	_____
Labor Day	_____	_____
Halloween	_____	_____
Thanksgiving Day & Friday	_____	_____
Children's Birthdays	_____	_____
Other School-Free Days	_____	_____
Mother's Birthday	_____	_____
Father's Birthday	_____	_____
Other:	_____	_____

A holiday shall begin at 6:00 p.m. on the night preceding the holiday and end at 6:00 p.m. the night of the holiday, unless otherwise noted here _____.

D. FALL VACATION (If applicable)

The day to day schedule shall apply except as follows: _____
beginning _____.

E. WINTER (CHRISTMAS) VACATION

The ☐ mother ☐ father shall have the child or children for the first period from the day and time school is dismissed until December _____ at _____ a.m./p.m. ☐ in odd-numbered years ☐ in even-numbered years ☐ every year. The other parent will have the child or children for the second period from the day and time indicated above until 6:00 p.m. on the evening before school resumes. The parties shall alternate the first and second periods each year.

Other agreement of the parents: _____

F. SPRING VACATION (If applicable)

The day-to-day schedule shall apply except as follows: _____

_____ beginning _____.

G. SUMMER VACATION

The day-to-day schedule shall apply except as follows: _____

_____ beginning _____.

Is written notice required? ☐ Yes ☐ No. If so, _____ number of days.

H. TRANSPORTATION ARRANGEMENTS

The place of meeting for the exchange of the child or children shall be: _____

Payment of long distance transportation costs (if applicable): ☐ mother ☐ father ☐ both equally.

Other arrangements: _____

If a parent does not possess a valid driver's license, he or she must make reasonable transportation arrangements to protect the child or children while in the care of that parent.

I. SUPERVISION OF PARENTING TIME (If applicable)

☐ Check if applicable

Supervised parenting time shall apply during the day-to-day schedule as follows:

☐ Place: _____

☐ Person or organization supervising: _____

☐ Responsibility for cost, if any: ☐ mother ☐ father ☐ both equally.

J. OTHER

The following special provisions apply :

II. DECISION-MAKING

A. DAY-TO-DAY DECISIONS

Each parent shall make decisions regarding the day-to-day care of a child while the child is residing with that parent, including any emergency decisions affecting the health or safety of a child.

B. MAJOR DECISIONS

Major decisions regarding each child shall be made as follows:

Educational decisions ☐ mother ☐ father ☐ joint

Non-emergency health care ☐ mother ☐ father ☐ joint

Religious upbringing ☐ mother ☐ father ☐ joint

Extracurricular activities ☐ mother ☐ father ☐ joint

_____ ☐ mother ☐ father ☐ joint

III. FINANCIAL SUPPORT

A. CHILD SUPPORT

Father's gross monthly income is \$ _____

Mother's gross monthly income is \$ _____

1. The final child support order is as follows:

a. The ☐ mother ☐ father shall pay to the other parent as regular child support the sum of \$ _____ ☐ weekly ☐ monthly ☐ twice per month

☐ every two weeks. The Child Support Worksheet shall be attached to this Order as an Exhibit.*

If this is a deviation from the Child Support Guidelines, explain why:

2. Retroactive Support: A judgment is hereby awarded in the amount of \$_____ to ☐ mother ☐ father against the child support payor representing retroactive support required under Section 1240-2-4.06 of the D.H.S. Income Shares Child Support Guidelines dating from _____ which shall be paid (including pre/post judgment interest) at the rate of \$_____ per ☐ week ☐ month ☐ twice per month ☐ every two weeks until the judgment is paid in full.

3. Payments shall begin on the _____ day of _____, 20____.

This support shall be paid:

☐ directly to the other parent.

☐ to the Central Child Support RECEIPTING Unit, P. O. Box 305200, Nashville, Tennessee 37229, and sent from there to the other parent at: _____.

☐ A Wage Assignment Order is attached to this Parenting Plan.

☐ by direct deposit to the other parent at _____ Bank for deposit in account no. _____.

☐ income assignment not required; Explanation: _____.

☐ other: _____.

The parents acknowledge that court approval must be obtained before child support can be reduced or modified.

*Child Support Worksheet can be found on DHS website at <http://www.state.tn.us/humanserv/is/isdocuments.html> or at your local child support offices.

B. FEDERAL INCOME TAX EXEMPTION1

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.

1 NOTE: The child support schedule assumptions in the guidelines (1240-2-4-.03 (6)(b)) assume that the parent receiving the child support will get the tax exemptions for the child.

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:

After custody or co-parenting has been established by the entry of a permanent parenting plan or final order, 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. A notary public is required if this is an agreed plan 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

Address

Address

Phone and BPR Number

Attorney for Father

Address

Address

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 J

[illegible]

APPENDIX K

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

The mother and father will behave with each other and each child so as to provide a loving, stable, consistent and nurturing relationship with the child even though they are divorced. They will not speak badly of each other or the members of the family of the other parent. They will encourage each child to continue to love the other parent and be comfortable in both families.

This plan ☐ is a new plan.
 ☐ modifies an existing Parenting Plan dated _____.
 ☐ modifies an existing Order dated _____.

Child's Name	Date of Birth

I. RESIDENTIAL PARENTING SCHEDULE

A. RESIDENTIAL TIME WITH EACH PARENT

The Parenting Plan must designate the parent with whom the child is scheduled to reside a majority of the time as the Primary Residential Parent of the child(ren). The designation shall not affect either parent's rights and responsibilities under the Parenting Plan.

The Primary Residential Parent is

- ☐ Mother
- ☐ Father
- ☐ Joint Primary Residential Parents (only if by agreement)
 Child must reside an equal amount of time with both parents.
- ☐ Waived by Mother and Father (only if by agreement)
 Child must reside an equal amount of time with both parents.

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 4 th	_____	_____
Labor Day	_____	_____
Halloween	_____	_____
Thanksgiving Day & Friday	_____	_____
Children's Birthdays	_____	_____
Other School-Free Days	_____	_____
Mother's Birthday	_____	_____
Father's Birthday	_____	_____
Other:	_____	_____

A holiday shall begin at 6:00 p.m. on the night preceding the holiday and end at 6:00 p.m. the night of the holiday, unless otherwise noted here _____.

This holiday schedule and other school free days shall supersede the Day-To-Day Schedule.

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 all of the following:

The reason for the deviation: _____

The presumptive amount of the child support (without the deviation): _____

How is the application of the Guidelines unjust or inappropriate?

How is the best interest of the child served?

Does the child support obligation after the deviation provide for all of the child(ren)'s needs, taking into consideration both parents' income? _____

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

* NOTE: The child support schedule assumptions in the guidelines (1240-2-4-.03 (6)(b)) assume that the parent receiving the child support will get the tax exemptions for the child.

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 as designated in Section I.A. 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:

- (a) After custody or co-parenting has been established by the entry of a permanent parenting plan or final order, 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 absent agreement between the parents or an objection by the non-relocating parent within thirty (30) days of the date notice is sent by registered or certified mail in accordance with subsection (a), the relocating parent will be permitted to do so by law.
- (b) Absent agreement by the parents on a new visitation schedule within thirty (30) days of the notice or upon a timely objection in response to the notice, the relocating parent

shall file a petition seeking approval of the relocation. The non-relocating parent has thirty (30) days to file a response in opposition to the petition. In the event no response in opposition is filed within thirty (30) days, the parent proposing to relocate with the child shall be permitted to do so.

- (c) (1) If a petition in opposition to relocation is filed, the court shall determine whether relocation is in the best interest of the minor child.

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. A notary public is required if this is an agreed plan 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 L

A	B	C	D	E	F	G	H	I	J	K	L	M
		FMV	Debt	Equity	Distributions			FMV	Debt	Equity	Distributions	
					To Husband	To Wife					To Husband	To Wife
33												
34												
35												
36	C. Bank and Institutional Accounts:											
37	1 [NAME OF INSTITUTION]											
38	Last 4 digits of account #:											
39	Style of account:											
40	Balance as of _____:											
41												
42	2 [REPEAT FOR EACH BANK OR INSTITUTIONAL ACC.]											
43	Add more lines as necessary.											
44												
45												
46	Total Bank and Institutional Accounts:	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
47												
48												
49												
50	D. Retirement Accounts:											
51	1 [NAME OF INSTITUTION]											
52	[NAME OF CUSTODIAN, IF APPLICABLE]											
53	Style of account:											
54	Last 4 digits of account #, if applicable:											
55	Balance as of _____:											
56												
57	2 [REPEAT FOR EACH RETIREMENT ACCOUNT]											
58	Add more lines as necessary.											
59												
60												
61	Total Retirement Accounts:	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
62												
63												
64												
65	E. Business Interests:											
66	1 [NAME OF BUSINESS]											
67	Percentage of Business Owned:											
68	Value of Business Interest as of _____:											
69												
70	2 [REPEAT FOR EACH BUSINESS INTEREST]											
71	Add more lines as necessary.											
72												
73												
74	Total Business Interests:	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

[illegible]

A		B		C		D		E		F		G		H		I		J		K		L		M			
				FMV		Debt		Equity		Distributions		To Husband		To Wife		FMV		Debt		Equity		Distributions		To Husband		To Wife	
I. Unsecured Debt																											
1 Balance of attorney's fees and expenses owed by wife to _____ as of _____																											
2 Amount of attorney's fees and expenses paid by wife to _____ as of _____																											
3 Balance of attorney's fees and expenses owed by husband to _____ as of _____																											
4 Amount of attorney's fees and expenses paid by husband to _____ as of _____																											
5 [OTHER UNSECURED DEBT]																											
6 [CHARGE ACCOUNT AND CREDIT CARD]																											
Last 4 digits of charge card or credit card: _____																											
Name in which charge account or credit card is issued: _____																											
Outstanding Balance as of _____																											
7 [REPEAT FOR EACH CREDIT CARD AND CHARGE ACCOUNT]																											
Add more lines if necessary.																											
Total Unsecured Debt: \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00																											
SUMMARY																											
TOTAL MARITAL PROPERTY AND MARITAL DEBT																											
Distribution Percentage																											

A		B		C		D		E		F		G		H		I		J		K		L		M			
				FMV		Debt		Equity		Distributions		To Husband		To Wife		FMV		Debt		Equity		Distributions		To Husband		To Wife	
C. Bank and Institutional Accounts:																											
1 [NAME OF INSTITUTION]																											
Last 4 digits of account #:																											
Style of account:																											
Balance as of _____:																											
2 [REPEAT FOR EACH BANK OR INSTITUTIONAL ACC.]																											
Add more lines as necessary.																											
				Total Bank and Institutional Accounts:		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	
D. Retirement Accounts:																											
1 [NAME OF INSTITUTION]																											
[NAME OF CUSTODIAN, IF APPLICABLE]																											
Style of account:																											
Last 4 digits of account #, if applicable:																											
Balance as of _____:																											
2 [REPEAT FOR EACH RETIREMENT ACCOUNT]																											
Add more lines as necessary.																											
				Total Retirement Accounts:		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	
E. Business Interests:																											
1 [NAME OF BUSINESS]																											
Percentage of Business Owned:																											
Value of Business Interest as of _____:																											
2 [REPEAT FOR EACH BUSINESS INTEREST]																											
Add more lines as necessary.																											
				Total Business Interests:		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	

A	B	C	D	E	F	G	H	I	J	K	L	M
271												
272												
273												
274												
275	I. Unsecured Debt											
276	1 [CHARGE ACCOUNT AND CREDIT CARD]											
277	Last 4 digits of charge card or credit card:											
278	Name in which charge account or credit card is issued:											
279	Outstanding Balance as of											
280												
281	2 [REPEAT FOR EACH CREDIT CARD AND CHARGE ACCOUNT]											
282	Add more lines if necessary.											
283												
284	3 [OTHER UNSECURED DEBT]											
285												
286												
287	Total Unsecured Debt:	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
288												
289												
290												
291	SUMMARY											
292	HUSBAND'S TOTAL SEPARATE PROPERTY AND SEPARATE DEBT	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
293												
294												
295												
296	Distribution Percentage											
297												
298												

A		B		C		D		E		F		G		H		I		J		K		L		M	
				Husband's Position				Wife's Position																	
				FMV		Debt		Equity		Distributions		FMV		Debt		Equity		Distributions		FMV		Debt		Equity	
				To Husband		To Wife		To Husband		To Wife		To Husband		To Wife		To Husband		To Wife		To Husband		To Wife		To Husband	
SECTION III - WIFE'S SEPARATE PROPERTY AND SEPARATE DEBT																									
A. Real Property																									
1 [ADDRESS]																									
Titled:																									
Date of Purchase:																									
Purchase Price:																									
Fair Market Value:																									
Balance of 1st Mortgage owed to _____:																									
Balance of 2nd Mortgage or HELOC owed to _____:																									
Monthly Payment:																									
2 [REPEAT FOR EACH PARCEL OF REAL PROPERTY]																									
Add more lines as necessary.																									
Total Real Property:																									
B. Household Furnishings/Other Personal Property																									
1 [ITEM]																									
2 [REPEAT FOR EACH ITEM]																									
Add more lines as necessary.																									
Total Household Furnishings/Other Personal Property:																									

A	B	C	D	E	F	G	H	I	J	K	L	M
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332												
333												
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C. Bank and Institutional Accounts:

1 [NAME OF INSTITUTION]

Last 4 digits of account #:

Style of account:

Balance as of _____:

2 [REPEAT FOR EACH BANK OR INSTITUTIONAL ACC.]

Add more lines as necessary.

Total Bank and Institutional Accounts:

FMV \$0.00 Debt \$0.00 Equity \$0.00 Distributions To Husband \$0.00 To Wife \$0.00

Wife's Position

FMV Debt Equity Distributions To Husband To Wife

D. Retirement Accounts:

1 [NAME OF INSTITUTION]

[NAME OF CUSTODIAN, IF APPLICABLE]

Style of account:

Last 4 digits of account #, if applicable:

Balance as of _____:

2 [REPEAT FOR EACH RETIREMENT ACCOUNT]

Add more lines as necessary.

Total Retirement Accounts:

FMV \$0.00 Debt \$0.00 Equity \$0.00 Distributions To Husband \$0.00 To Wife \$0.00

Wife's Position

FMV Debt Equity Distributions To Husband To Wife

E. Business Interests:

1 [NAME OF BUSINESS]

Percentage of Business Owned:

Value of Business Interest as of _____:

2 [REPEAT FOR EACH BUSINESS INTEREST]

Add more lines as necessary.

Total Business Interests:

FMV \$0.00 Debt \$0.00 Equity \$0.00 Distributions To Husband \$0.00 To Wife \$0.00

Wife's Position

FMV Debt Equity Distributions To Husband To Wife

[illegible]

[illegible]

	A	B	C	D	E	F	G	H	I	J	K	L	M
442	Respectfully submitted,												
443													
444	Attorney for Plaintiff												
445													
446	Attorney for Defendant												
447													
448	STATE OF TENNESSEE												
449	COUNTY OF WILLIAMSON												
450	I, _____, after first being duly sworn according to law, do hereby swear or affirm that I have read the foregoing Joint Statement of Assets and Liabilities and that the information contained therein is true and correct to the best of my knowledge, information, and belief.												
451													
452													
453	[NAME HERE], Affiant												
454	Plaintiff												
455	Sworn to and subscribed before me, this _____ day of _____, 20____.												
456	NOTARY PUBLIC												
457	My Commission Expires: _____												
458	STATE OF TENNESSEE												
459	COUNTY OF WILLIAMSON												
460	I, _____, after first being duly sworn according to law, do hereby swear or affirm that I have read the foregoing Joint Statement of Assets and Liabilities and that the information contained therein is true and correct to the best of my knowledge, information, and belief.												
461													
462	[NAME HERE], Affiant												
463	Defendant												
464	Sworn to and subscribed before me, this _____ day of _____, 20____.												
465	NOTARY PUBLIC												
466	My Commission Expires: _____												
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APPENDIX M

IN THE CIRCUIT/CHANCERY COURT FOR WILLIAMSON COUNTY, TENNESSEE
21ST JUDICIAL DISTRICT AT FRANKLIN

JANE DOE,

PLAINTIFF,

VS.

JOHN DOE,

DEFENDANT.

CASE NO. 22-CV-20001

**HISTORICAL
STATEMENT OF INCOME AND EXPENSES**

[Name of Party], [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, insurance, etc.) \$ _____
4. Insurance (life and other) \$ _____
5. Installment contracts and monthly payments:
Personal loans _____; Auto _____
Household _____; Other _____

TOTAL INSTALLMENT CONTRACTS

\$ _____

GENERAL EXPENSES TOTAL

\$ _____

B.	<u>Other Expenses (monthly):</u>	<u>Myself</u>	<u>Children</u>
1.	Food	_____	_____
2.	Clothing	_____	_____
3.	Medical, Dental & Drugs	_____	_____
4.	Laundry & Cleaning	_____	_____
5.	Recreation (specify)	_____	_____
6.	School expenses	_____	_____
7.	Babysitting/Other Child Care	_____	_____
8.	Beauty or Barber Shop	_____	_____
9.	Other (specify)	_____	_____
10.	Other _____	_____	_____
11.	Other _____	_____	_____
	Subtotals	\$ _____	\$ _____
	TOTAL	\$ _____	\$ _____ (Weekly/Monthly)
	NET INCOME LESS EXPENSES		\$ _____
	I need \$ _____ (Weekly/Monthly)		

Under penalty of perjury, I make oath the information set forth above is true and correct to the best of my knowledge.

Plaintiff/Defendant

This the _____ day of _____, 20____.

STATE OF TENNESSEE
COUNTY OF _____

Sworn to and subscribed before me, _____, a Notary Public for the State of Tennessee, on this the _____ day of _____, 20____.

Notary Public

My Commission Expires: _____

CERTIFICATE OF SERVICE

I hereby certify a true and exact copy of the foregoing *Historical Statement of Income and Expenses* was mailed, postage prepaid, and/or emailed, and/or faxed, to:

[insert all counsel of record (or party if pro se)'s full name, address, fax number and/or email address for proper service]

[attorney's signature, name, BPR number, mailing address, telephone and fax numbers, email address, and the party whom they represent]

APPENDIX N

**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 Waiver of 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.

DEFENDANT'S APPEARANCE AT FIRST REVIEW

Unless excused for good cause by court order, defense counsel is required to appear at the first review date and plea date. The defendant, however, may elect not to appear in person at the first review date, provided notice, confirmed in writing, is given by defense counsel, at least two business days in advance, to the clerk's office, adversary counsel, and, for defendants in pre-trial custody, the confinement facility responsible for transportation.

■ Settlement Schedule:

☐ The State will submit a written settlement offer to the defense at the time discovery materials are provided.

☐ The Defendant will provide a written response to the State's settlement offer within 30 days of receipt of the offer in the case of misdemeanors, 45 days in the case of B, C, and D felonies and 60 days in the case of A felonies.

■ Transportation Requests for Defendants in Custody:

Defense counsel have sole responsibility for notifying the Clerk's office of the location of the Defendants 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

* Absent exceptional circumstances, all misdemeanors should be set within 60 days of arraignment. Class B, C, D and E felonies should be set within 90 days of arraignment. Class A felonies should be set within 120 days of arraignment.
**The State and the Defendant may, by agreement, enter a negotiated plea agreement on any regularly-scheduled motion date prior to date set for trial.

APPENDIX O

IN THE CIRCUIT COURT FOR WILLIAMSON COUNTY, TENNESSEE
AT FRANKLIN

STATE OF TENNESSEE

v.

No. _____

Defendant.

MOTION FOR WAIVER OF ARRAIGNMENT
AND
SCHEDULING ORDER

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 and waive my right to have it read to me in
open Court.
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.

Date

Defendant

ATTORNEY CERTIFICATE

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.

- ☐ 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.

Date

Attorney for Defendant

ORDER

Defendant's Motion in this cause is hereby approved by the Court. A plea of NOT GUILTY is entered for the Defendant.

Further, 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:** _____

■ Settlement Schedule

- ☐ The State will submit a written settlement offer to the defense at the time discovery materials are provided.
- ☐ The Defendant will provide a written response to the State's settlement offer within 30 days of receipt of the offer in the case of misdemeanors, 45 days in the case of B, C, and D felonies and 60 days in the case of A felonies.

- First/Status Review Date: (Approximately 60 days after arraignment in the case of misdemeanors, 90 days after arraignment in the case of B, C, D

and E felonies, and 120 days after arraignment in the case of A felonies)

• Plea Date (Next Available Motion Date) _____

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 has sole responsibility for notifying the Clerk's office of the location of a Defendant who is 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.

ENTER this _____ day of _____, 20_____.

CIRCUIT COURT JUDGE

* The State and the Defendant may by agreement enter a negotiated plea agreement on any regularly scheduled motion date prior to this date.

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Order was mailed, postage prepaid, and/or emailed and/or faxed to:

District Attorney

Defense Attorney/Defendant

this _____ day of _____, 201__.

Clerk

* Absent exceptional circumstances, all misdemeanors should be set within 60 days of arraignment. Class B, C, D and E felonies should be set within 90 days of arraignment. Class A felonies should be set within 120 days of arraignment.

**The State and the Defendant may, by agreement, enter a negotiated plea agreement on any regularly-scheduled motion date prior to date set for trial.

APPENDIX P

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