

# LOCAL RULES OF PRACTICE FOR HAMILTON COUNTY JUVENILE COURT

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### Rule 1. ADOPTION OF RULES

On the effective date indicated below, the Juvenile Court of Hamilton County abrogates all existing local rules of practice and adopts these rules.

### Rule 2. SCOPE AND PURPOSE

These rules and the Tennessee Rules of Juvenile Practice and Procedure or in applicable cases the Tennessee Rules of Civil Procedure shall govern the practice and procedure in all cases before the Juvenile Court of Hamilton County, Tennessee, unless

specifically excluded or where justice so requires. They are intended to secure simplicity in procedure, fairness in administration, and the elimination of unjustifiable expense and delay.

Rule 3. COURTROOM DECORUM

No participant shall dress in a manner which detracts from proper decorum in the Court. There shall be no use of tobacco products, vapes, eating, or chewing gum in the courtroom. There shall be no telephones or other electronic devices allowed in the courtroom unless the device is silenced. No recording or photography will be allowed in the courtroom while court is in session, absent specific permission of the Court.

Rule 4. LEGAL GUARDIAN REQUIRED

In juvenile delinquency proceedings, a parent or legal guardian must be present at every hearing unless excused by the Court in writing or on the record. Unless otherwise authorized in writing, children released from the detention unit will only be released to a legal guardian.

Rule 5. SESSIONS

There shall be a session of court daily, except on non-judicial days, which are Saturdays, Sundays and Hamilton County holidays. Court hours are 8:00 am until 4:30 pm. Exceptions to this schedule may be authorized only by the presiding Judge. Unless the Judge directs otherwise, any case in which the Court has jurisdiction may be heard in the first instance by a Magistrate.

Rule 6. OFFICE HOURS

The Office of the Clerk of Court shall be open for the regular transaction of business from 8:00 am until 4:30 pm except on non-judicial days, which are Saturdays, Sundays and Hamilton County holidays.

Rule 7. ATTORNEYS

All attorneys licensed to practice law in Tennessee shall be allowed to appear in any matter coming before the Court. In accordance with Rule 104 of the Tennessee Rules of Juvenile Practice and Procedure, an attorney of record who wishes to be relieved from his/her duty to represent a client may do so only by permission of the Court. All lawyers are expected to comply with the Chattanooga Bar Association Guidelines for Professional Conduct.

Rule 8.        PLEADINGS

All pleadings filed or presented to this Court shall be on letter-sized (8 1/2" x 11") paper, opaque and unglazed. An original pleading shall be filed in all causes and shall be accompanied by sufficient copies necessary for service upon the parties. Attorneys shall provide copies of all exhibits for the Court and parties.

Form petitions which meet the requirements of law are provided by the Court for every type of proceeding within the jurisdiction of the Court, and Court personnel are available to appropriately assist as necessary in the preparation of petitions.

Rule 9.        ELECTRONIC AND FACSIMILE FILING

The Juvenile Court Clerk shall accept papers for filing by facsimile transmission as provided in Rule 5A.02 of the Rules of Civil Procedure and Rule 106 of the Tennessee Rules of Juvenile Practice and Procedure. No facsimile filing shall exceed fifty (50) pages in length, including the cover sheet unless authorized by the Court.

The Juvenile Court Clerk shall accept documents for filing by electronic means that comply with technological standards promulgated by the Tennessee Supreme Court. Please consult the Juvenile Court Clerk for case types and document types that can be filed electronically, as well as for instructions for e-filing and the requisite fees.

Rule 10.      MOTIONS

Generally. Motions shall be in writing and cite the rule, statute, or other authority for the relief sought and will be set for hearing on the Docket designated by the Judicial Officers to whom the case has been newly assigned or has previously been assigned to

in a related matter. Legal arguments may be heard and agreements announced on the motion docket. If testimony is required, the case may be re-docketed. Briefs and responses may be required at the discretion of the Court.

Schedule and Call. Motions will be heard every Wednesday at 8:30 am with the exception of Motions filed in the Child Support Division which will be heard every Tuesday at 8:30 am. Motions may be heard at other times with the consent of the Judge. Motions will be called at the Court's first regularly scheduled motion day occurring no less than five (5) business days after the filing of the motion. Notice of the date and time of the hearing shall be placed on the motion. Motions filed by 4:00 pm on Tuesday will be called the second following Wednesday (Tuesday for Child Support Division).

Rule 11. SCHEDULING OF HEARINGS CONTINUANCES

All motions for continuance shall be made as soon as practicable before the trial date and must be approved by the Court. Agreed upon continuances shall be by Order signed by counsel for all parties and or by all the parties if not represented by counsel and shall specify a new trial date. It is the requesting party's responsibility to notify all parties and witnesses subpoenaed of the continuance and the reset court date.

Rule 12. SERVICE OF PROCESS, SUBPOENAS AND OTHER DOCUMENTS

All subpoenas shall be typed or printed on forms provided by the Court and submitted to the Clerk of the Court pursuant to Rules 102 and 107 of the Tennessee Rules of Juvenile Practice and Procedure.

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

Rule 13. DISCOVERY

Discovery may be allowed under such terms as set forth in the Tennessee Rules of Juvenile Practice and Procedure 206 and 305. Prior to filing a Motion related to Discovery, the interested party shall exhaust all efforts to come to an agreement for discovery and shall have so certified to the Court in the Motion. The District Attorney General's office shall provide or facilitate discovery in delinquency cases.

Rule 14. CONFIDENTIAL RECORDS

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

Rule 15. PRETRIAL MOTIONS

All pretrial Motions shall be in writing and must be filed with the Court and served by 4:00 pm at least five (5) days before the hearing in the matter.

Rule 16. CONDUCT OF TRIALS

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

Rule 17. ORDERS

Unless specifically directed to do so by the Court, attorneys are not required to prepare and submit orders. Orders are otherwise prepared by the Clerk and are reviewed and finalized by the Judge or Magistrate. Any party wishing to prepare and submit an order for approval may simply inform the Court of that intention. Such orders

shall be submitted to opposing counsel and be lodged no later than the 10<sup>th</sup> day following the decision.

The order shall be signed by all parties or their counsel or certified pursuant to Tennessee Rules of Civil Procedure 58 where applicable or Tennessee Rules of Juvenile Practice and Procedure 117 in all other matters. Any proposed order lodged with the Clerk shall bear the word "PROPOSED" at the top of the order. Ten (10) business days after the initial proposed order is lodged, the Clerk shall deliver the proposed order and any objection to the Magistrate or Judge. Business days shall be computed in accordance with Rule 6.01 of the Tennessee Rules of Civil Procedure. Once entered, the Clerk will provide the Order to all parties or their counsel.

Rule 18.     DORMANT CASES

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

Rule 19.     GUARDIAN AD LITEM AND CASA

The Court will appoint a qualified attorney Guardian ad Litem in all Termination of Parental Rights cases and in other cases where appropriate. The Court may appoint a Guardian ad Litem at the request of any party when the Court deems such an appointment to be appropriate in other cases.

The court may also appoint CASA to act on behalf of a child in determining the best interest of the child. CASA shall be given notice of all hearings, staffing meetings, adjudications, dispositions and any other notices given to the parties with regards to the case in which they were appointed. CASA shall be entitled to be present at any court proceedings.

Rule 20.     FOSTER CARE REVIEW BOARD

Hamilton County Foster Care Review Board (FCRB) Program will abide by Rule 403 of the Tennessee Rules of Juvenile Practice and Procedure in addition to the local rules set forth herein.

**Scheduling and Notice:** The Department of Children's Services (DCS) is required to provide proof of notice to all parties, their attorneys, GAL and foster parents, as early as possible but no less than fifteen (15) calendar days prior to a scheduled board review. Board Reviews are held on every first and second Tuesday of the month.

Should there be an error in timely notice, the DCS liaison shall notify the Foster Care Review Coordinator, who may have the case reset for the following month. If a party is not present due to lack of timely notice, the case shall be reset and the DCS Deputy Regional Administrator will be notified.

If it is determined at the board meeting that required documents are missing or outdated, the review will be reset and the DCS Deputy Regional Administrator will be notified of the rescheduled review.

A copy of each notification letter must be included in the case documentation packet submitted to the Court. Each notification letter must identify the intended party, their association to the case, method of contacting the party with address, email address and/or telephone number and the date notice was given. All required documentation shall be provided to the FCRB Coordinator. The FCRB Coordinator shall evaluate documented notices to ensure parties were properly notified.

The FCRB Coordinator is responsible for determining that a quorum of members, with a minimum of three (3), exists prior to each review. The board may request a child be present for its next review. If this request is made, DCS is responsible to facilitate transportation for the child to attend.

#### Rule 21. MEDIATION AND PARENTING PLANS

Parties shall be made aware that Mediation services are available and may be ordered at the discretion of the Court in contested cases. The Court may also order that a Parenting Plan be submitted and incorporated by reference into any Final Order.

Upon motion of any party or *sua sponte*, the Court may order any eligible matter within the jurisdiction of this Court to be referred to mediation prior to trial on the merits. If the parties cannot agree on a Rule 31 Mediator, the Court may enter an order designating a Mediator.

Rule 22. WAIVERS OR MODIFICATION OF RULES

Any of the rules herein enacted may be waived or modified by special order of the Court when in the Court's opinion such a waiver or modification is necessary in order to do justice or to arrive at the equities of the case between or among the parties involved.

**ADOPTED AND ENTERED** in the minutes of the Court and filed with the Juvenile Court Clerk, this the 30<sup>th</sup> day of December, 2019 with an effective date of January 2, 2020.



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Robert D. Philyaw, Juvenile Court Judge

**ENTERED**  
12-31-19



**ADDITIONAL LOCAL RULES OF PRACTICE FOR HAMILTON COUNTY**  
**JUVENILE COURT, CHILD SUPPORT DIVISION**

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**Rule**

1. Adoption Of Rules
2. Court Sessions
3. Continuances
4. Magistrate Jurisdiction
5. Appeals
6. Waiver or Modification of Rules

Rule 1.       **ADOPTION OF RULES**

These local rules are adopted by the Hamilton County Juvenile Court for practice before the Court's Child Support Division.

Rule 2.       **COURT SESSIONS**

There shall be a session of Court daily, except on non-judicial days, which are Saturdays, Sundays and Hamilton County holidays. Court hours are 8:00 am until 4:30 pm. Exceptions to this schedule may be authorized only by the presiding Judge. Unless the Judge directs otherwise, any case in which the Court has jurisdiction will be heard in the first instance by a Magistrate.

Rule 3.       **CONTINUANCES**

Cases will be continued only upon Magistrate approval. A hearing shall be required for all contested continuance requests.

Rule 4.       **MAGISTRATE'S JURISDICTION**

Magistrates in Division IV-D Child Support determine child support issues, including but not limited to the establishment of parentage, support, modification, enforcement and termination of support. Magistrates may consider agreed upon

parenting plans. Magistrates may not address contested custody or visitation issues which must be addressed after the filing of a Petition with the Clerk of Court of the Hamilton County Juvenile Court, Main Division located at 1600 E. 3<sup>rd</sup> St., Chattanooga, TN.

Rule 5. APPEALS

A request for rehearing of the Division IV Magistrate's decision must be filed with the Clerk of Court within ten (10) days of entry of the order. Upon filing, hearing is set before the Juvenile Court Judge. The Magistrate's order is effective and binding upon the parties until the rehearing is addressed by the Judge. Decisions of the Judge may be appealed to the Tennessee Court of Appeals and shall be governed by the Tennessee Rules of Appellate Procedure.

Rule 6. WAIVERS OR MODIFICATION OF RULES

Any of the rules herein enacted may be waived or modified by special order of the Court when in the Court's opinion such a waiver or modification is necessary in order to do justice or to arrive at the equities of the case between or among the parties involved.

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