

LOCAL RULES OF PRACTICE FOR
BRADLEY COUNTY GENERAL SESSIONS COURT DIVISION I

04/13/2023

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2023 MAY -3 AM 11:58

GAYLA H. MILLER
BRADLEY COUNTY CLERK

Rule 1. ADOPTION OF RULES

On the effective date indicated below, the General Sessions Court of Bradley County Division I abrogates all existing local rules of practice and adopts these rules for General Sessions Division I and Juvenile Court.

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, and the relevant statutes pertaining to General Sessions Court shall govern the practice and procedure in all cases before Division I of the General Sessions Court of Bradley 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 AND TIMELINESS

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.

Any attorney that expects to be late to their hearing time shall give notice to opposing counsel, and the Court, by way of contacting the Director of Court Affairs, as soon as the conflict is known.

Any negotiations regarding cases set on the Court's Docket shall take place prior to the commencement of the Docket.

Rule 4. LEGAL GUARDIAN REQUIRED

In juvenile delinquency and unruly 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. COURT SESSIONS

There shall be a session of court daily, except on non-judicial days, which are Saturdays, Sundays, and Bradley County holidays. Unless otherwise noted, Court hours are 9:00am until 4:30pm. The "Morning Docket" shall take place between 9:00am and 12:00pm. The "Afternoon Docket" shall take place between 1:30pm and 4:30pm. Effective January 1, 2023, Court sessions shall take place as follows:

- a. Special settings may take place on Monday mornings and afternoons, pending the availability of the Court and generally will be held at the Juvenile Justice Center.
- b. Juvenile Delinquent hearings shall take place on Tuesday mornings at the Juvenile Justice Center typically beginning at 8:45am.
- c. Pro Se juvenile custody hearings shall take place on Tuesday afternoons at the Courthouse, typically beginning at 1:30pm.
- d. Special settings may take place on Tuesday afternoons, pending the availability of the Court and the length of the Juvenile Delinquency and Pro Se dockets.
- e. Civil Sessions cases shall take place on Wednesday mornings at the Courthouse, typically beginning at 9am.
- f. Order of Protection hearings shall take place on Wednesday mornings at the Juvenile Justice Center, typically beginning at 8:45am and generally will be heard by the Magistrate. Any request for the elected Judge shall be made as soon as possible and may be heard later on the docket.
- g. Special settings may take place on Wednesday late mornings and afternoons, pending the availability of the Court and the length of the Civil Sessions and Order of Protection dockets.
- h. Hearings in which the Department of Children's Services is named as a party shall take place on Thursday mornings at the Courthouse and may carry over into Thursday afternoon, but typically will begin at 8:30am. This does not include preliminary hearings or special settings involving the Department, which may be set as needed. The Thursday docket generally will be held at the Juvenile Justice Center beginning July 6, 2023.
- i. Family Court and Delinquent/Unruly arraignments/reviews/status hearings and other matters not typically involving the District Attorney's office shall take place on Thursday afternoons at the Juvenile Justice Center typically beginning at 1pm.
- j. Special settings may take place on Friday mornings and afternoons, pending the availability of the Court and generally will be held at the Juvenile Justice Center.

Matters involving the Magistrate or a Special Judge shall be set at the discretion of the Judge's office.

Rule 6. SCHEDULING

All special settings shall be scheduled in communication with the Judge's office, specifically, by emailing judgemorganassistant@gmail.com. Prior to requesting a special setting, the requesting party shall review the "special settings" blocks on the Judge's published calendar for available dates

and times:

<https://calendar.google.com/calendar/u/0?cid=anVkJ2ZVhbmRyZXdidW9yZ2FuQGdtYWlsLmNvbQ>.

The requesting party shall include with their request the style of the case, any attorneys or third parties on the case, and an estimate of the time required for the setting. The Judge's office will then confirm the setting with the requesting party via email. Should Counsel discover that the case will not be ready for hearing, the Court shall be alerted as soon as possible and a Motion to Continue be filed, unless all parties confirm they are agreeable to a continuance and the Court approves the same.

Rule 7. CONFLICTS

Any conflicts that exist between the Judge's office and a party shall be brought to the Court's attention as soon as possible and a new Judge will be assigned to the case at issue if the Judge agrees a conflict exists and is not waived. The Court may seek a substitute judge sua sponte should a conflict be discovered. Any Motion to Recuse shall be made in writing and heard as soon as practicable. Should the Judge have a conflict, the Magistrate will hear the case, if possible. Should the Magistrate be unavailable, efforts may be made for the General Sessions Court Division II Judge to hear the matter prior to seeking a Designation from the AOC or utilizing the standing order with Polk County.

Rule 8. OFFICE HOURS AND CONTACT

- The Office of the Clerk of Court is open for the regular transaction of business from 8:30 am until 4:30 pm (and 5pm on Fridays) except on non-judicial days, which are Saturdays, Sundays, and Bradley County holidays. All contact with the Court regarding scheduling or other official business shall go through the Director of Court Affairs, Ben Absher, who can be reached at JudgeMorganAssistant@gmail.com. Any direct contact with the Judge shall be made through his County issued cell phone, which number can be obtained through his office.

Rule 9. ATTORNEYS

All attorneys licensed to practice law in Tennessee shall be allowed to appear in any matter coming before the Court. All attorneys shall file a Notice of Appearance. 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 and after Motion and Notice or agreement by the client. Failure of an attorney to appear for Court on a case in which the attorney has not properly been relieved may result in a show cause being issued, as well as other remedies available to the Court.

Rule 10. PLEADINGS

All pleadings filed or presented to this Court shall be on letter-sized (8.5" 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.

Pro Se parties may find certain approved standardized forms available for their use at: www.BradleySessionsCourt.com and www.BradleyJuvenile.com

Rule 11. ELECTRONIC AND FACSIMILE FILING

The Juvenile and General Sessions Court Clerk accepts 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 and General Sessions Court Clerk accepts documents for filing by electronic means that comply with technological standards promulgated by the Tennessee Supreme Court. Please consult the Juvenile and General Sessions 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 12. 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 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 by special setting by emailing the Judge's Office to schedule: judgemorganassistant@gmail.com. Motions may be heard at other times with the consent of the Judge. Motions shall be in writing and must be filed with the Court and served by 4:00 pm at least five (5) business days before the hearing in the matter.

Rule 13. 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, if approved by the Court, 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. If an agreement cannot be reached to continue the matter, a Motion to Continue shall be filed and a phone conference be scheduled with the Court as soon as practicable.

Rule 14. SERVICE OF PROCESS, SUBPOENAS, NOTICE

Service of Process. 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. All service of process shall comply with T.C.A. §16-15-901, et seq. or Rule 103 of the Tennessee Rules of Juvenile Practice and Procedure, as applicable.

Subpoenas. All subpoenas shall be typed or printed on forms provided by the Court and submitted to the Clerk of the Court and shall otherwise comply with T.C.A. §16-15-708 or Rules 102 and 107 of the Tennessee Rules of Juvenile Practice and Procedure, as applicable.

Notice. Notice for all proceedings shall comply with the T.C.A. §16-15-101, et seq. or the Rules of Juvenile Practice and Procedure, as applicable. Hearings may be scheduled in an expedited fashion for emergency matters by contacting the Judge's office, but no ex parte order shall be signed that is not set for hearing before the Court within the statutory timeframe.

Service of Juvenile Petitions. All juvenile petitions shall be properly served upon the parties pursuant to Rule 103 of the Tennessee Rules of Juvenile Practice and Procedure.

Rule 15. DISCOVERY

Discovery may be allowed under such terms as set forth in Rules 26 - 37 of the Tennessee Rules of Civil Procedure, pursuant to T.C.A. §24-9-102 or Rule 206 and 305 of the Tennessee Rules of Juvenile Practice and Procedure, as applicable. 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, with a clear preference of the Court for informal discovery.

Rule 16. CONFIDENTIAL RECORDS

All records submitted or filed with the Bradley County Juvenile Court shall be confidential records (which includes, but is not limited to, medical records or evaluations, mental health records or evaluations, substance abuse assessment/treatment records, drug screen results, reports from the Tennessee Department of Children's Services or other agencies, CASA reports and probation reports) and shall not be disclosed or released to anyone for any purpose other than the proceedings currently before this Court, without further authorization from the Judge presiding over the case. All attorneys of record, Guardians ad Litem, CASA, Department of Children's Services employees appointed, retained, investigating or otherwise officially connected with the case shall have the ability to view the casefile without an order from the Court. A Party, other than an attorney of record, that accesses records under the guise of meeting one of the above criteria but in fact do not, as related to the accessed case, shall be brought to the Court's attention and may lose the privilege of accessing case files without a signed order

Rule 17. CONDUCT OF TRIALS

Proceedings in the Juvenile 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 hearing. Proceedings in the General Sessions Court shall not be closed hearings, except in those cases where a private hearing may be required by statute or as Ordered by the Court. No party shall be present in the Courtroom for a juvenile proceeding other than the child, parents, guardians, attorneys, case workers, court staff, witnesses, victims or others specifically approved by the Court. The Rule of Sequestration may be requested by any party.

Rule 18. ORDERS AND DECREES

Orders shall be prepared by the prevailing party or the attorney designated by the Judge. If the parties are pro se, the Judge or Magistrate shall prepare the order.

The order shall be signed by all parties or their counsel or certified pursuant to Rule 58 of the Tennessee Rules of Civil Procedure or Rule 117 of the Tennessee Rules of Juvenile Practice and Procedure, where applicable. All Orders shall be submitted pursuant to Rule 13 of the Local Rules of Court for the Circuit, Chancery and Criminal Courts of the 10th Judicial District.

All orders shall be submitted to the Judge's office for review and entry no later than 10 calendar days from the date of the hearing.

Rule 19. 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 six (6) 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. The Court shall notify the parties to a dormant case or their counsel, in writing, of its intent to dismiss the case at issue, and the parties or their counsel shall then have thirty (30) days to file for relief from this Rule prior to the dismissal. This does not preclude the Court from dismissing all other cases for failure to prosecute if Petitioners fail to appear.

Rule 20. GUARDIAN AD LITEM AND CASA

The Court will appoint a qualified attorney Guardian-ad-Litem (GAL) in all Termination of Parental Rights cases, dependency and neglect cases and in other cases where appropriate. The Court may appoint a Guardian-ad-Litem at the request of any party, or when the Court deems such an appointment to be appropriate. In all Termination of Parental Rights cases, the attorney for the Petitioner(s) shall file a Scheduling Order and GAL Appointment Order simultaneously with the filing of their Petition. All Termination of Parental Rights cases shall be heard within six months of filing, pursuant to statute, unless a hearing is held and good cause shown that it is in the best interest of the child to extend beyond six months.

The Court may also appoint CASA to act on behalf of a child to determine 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.

When filing an Ex Parte Petition for Dependency and Neglect, the Order shall list a line for the appointment of a Guardian ad Litem, a disclosure that a request for an expedited hearing may be made by emailing JudgeMorganAssistant@gmail.com as well as Plaintiff's counsel and the GAL, and a disclosure that failure to pay support or visit your children for four consecutive months may be grounds for termination of parental rights, as well as a line for the date, time and location of the preliminary hearing. Additionally, a line in the Order shall be included that directs the Respondent that they may visit www.BradleyJuvenile.com to download and fill out an Indigent Attorney Request Affidavit that may be filed with the Juvenile Clerk in Room 204 of the Bradley County Courthouse.

Rule 21. FOSTER CARE REVIEW BOARD

Bradley 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 22. 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.

Child support calculations pursuant to the Tennessee Child Support Guidelines shall be included along with every parenting plan approved by the Court.

Rule 23. ZOOM OR TELEPHONIC PARTICIPATION

Parties shall be made aware that the Court may allow testimony by Zoom, telephonic other electronic means upon approval of the Court, and any attorney, witness, or third party may utilize the Zoom meetings below for Zoom appearances.

Courthouse Appearances: Meeting ID: 161 250 0318 Passcode: 851578

Juvenile Justice Center Appearances: Meeting ID: 161 675 5937 Passcode: 511074

Any party, witness, or third party wishing to appear by Zoom shall request permission from the Court to appear by Zoom by emailing JudgeMorganAssistant@gmail.com, as well as any other party/Counsel for another party. The Court typically has no opposition to these requests, depending on the type of case, witness, information sought and evidence that may be offered through the witness.

Any evidence that a party intends to introduce via Zoom must be available in digital format so that it may be shared digitally via Zoom. The Court will not find acceptable any exhibits offered to the Court by way of holding them up to the camera.

In the event that a hearing is expected to be contested, or exceed thirty (30) minutes in length, parties are required to attend the hearing in person unless an exception is granted from the Court.

Rule 24. DETAINDER WARRANTS AND WRITS

All detainer warrants shall include with the filing a copy of the Notice to Vacate that was served on the Respondent, unless a waiver of notice of non-payment of rent was included in the parties' lease agreement.

Service of all detainer warrants shall comply with T.C.A. 29-18-115. Specifically, in the event that the landlord utilizes the services of a local constable pursuant to T.C.A. 29-18-115(e)(2), the landlord shall supply the constable with a pre-stamped envelope to mail a copy of the warrant to the named defendants at the address of the subject premises or the defendants' last known address, should service be made by posting on the door pursuant to statute.

All Writs shall be issued within thirty (30) days of a judgement of possession. In the event that a Writ is issued after thirty (30) days from a judgement of possession, the issuer of said Writ shall accompany the Writ with a sworn affidavit that no rent has been collected from the tenants since the entry of the judgement of possession OR shall accompany the Writ with a tenant-signed waiver/reservation of rights.

Rule 25. QUEST CASE MANAGEMENT SYSTEM

Due to the increasing needs of the Court, the Court is implementing the Quest Case Management software as the Tennessee Administrative Office of the Court has deemed it to be a software of distinction such that the implementation and conversion costs have been covered by state tax dollars. As such, the Court finds that a need exists for the Juvenile Court Clerk to upload and maintain all case information for every juvenile case of any sort, filed in the Bradley County Juvenile Court, into the Quest Case Management software in real time, so as to allow for the proper and efficient administration of justice. All interested parties to a case shall provide email addresses to the Clerk to be entered into to the Quest system and the individual cases so that all pleadings and orders will be emailed out to the participants by Quest on behalf of the Clerk to comply with the Clerk's noticing requirements and certificate of service. All Orders

in Juvenile Court shall be submitted to the Judge by way of Quest for e-signature, unless specifically allowed to be submitted as a hard copy.

Rule 26. 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 and General Sessions Court Clerk this 3rd day of May, 2023, with an effective date of the 3rd day of May, 2023.



Andrew B. Morgan, General Sessions Judge, Division I.