



LOCAL RULES OF PRACTICE
JUVENILE COURT OF RUTHERFORD COUNTY, TENNESSEE

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IN THE JUVENILE COURT FOR RUTHERFORD COUNTY, TENNESSEE

LOCAL RULES OF PRACTICE

2024

PREFACE

Pursuant to the provisions of *Tennessee Code Annotated*, Section 37-1-101 et seq., and the *Tennessee Supreme Court Rule 18* (2004), and inherent powers of the Courts, the following Rules are hereby adopted.

RULE 1

SCOPE and CONSTRUCTION OF THE RULES
DEFINITIONS OF TERMS

1.01 SCOPE OF THE RULES.

Subject to such exceptions as are stated herein, these Rules shall supplement the *Tennessee Rules of Juvenile Procedure* and the *Tennessee Rules of Civil Procedure* in the Juvenile Court for Rutherford County, Tennessee. In the event of any conflict, the *Tennessee Rules of Juvenile Procedure* shall prevail. All former *Rules of Local Practice* for the Juvenile Court for Rutherford County, Tennessee, except as re-adopted herein, are abrogated. Any of the rules herein enacted may be waived or modified by special Order of the Court when in the Court's opinion such waiver or modification is necessary in order to protect the child(ren)'s best interests, to do justice, or to arrive at the equities of the case between or among the parties involved.

1.02 CONSTRUCTION and CITATION OF THE RULES.

These Rules shall be construed to secure simplicity in procedure, fairness in administration, and promote the efficient and cost-effective resolution and disposition of cases brought in the Juvenile Court for Rutherford County, Tennessee. These Rules shall be cited as *Rule ____ Local Rules of Practice, Rutherford County Juvenile Court.*

1.03 DEFINITION OF TERMS.

(A) Within these Rules, the term “Clerk” shall refer to the Clerk of the Juvenile Court.

- (B) Within these Rules, the term “Judicial Days” in Rutherford County cases shall refer to days when the Juvenile Services Center in Murfreesboro is open for business and the Clerk’s office is open. The date of filing shall not be included in the calculation of days.

RULE 2

GENERAL RULES APPLICABLE TO ALL CASES

2.01. COURTROOM DECORUM.

- (A) Every person appearing in this Court is charged with knowledge of these rules. Failure of an attorney or pro se litigant to have knowledge of these rules will not constitute grounds for waiver of these rules.
- (B) There will be no tobacco products, use of electronic vapor products, chewing of gum, eating or drinking in the courtroom.
- (C) All cellular devices, laptops, notebooks, or any other technologically base communication/social networking device in the courtroom shall be silenced. Allowed electronic devices should be used for professional purposes and shall not create a disruption to the activity of the courtroom. Any such devices that disrupt Court proceedings are subject to seizure and confiscation, and any person who is in possession of such a device that disrupts Court proceedings may be held in contempt of Court and sanctioned accordingly.
- (D) Juvenile Court proceedings are confidential. There shall be no recordings of Juvenile Court proceedings except by the Juvenile Court Clerk or with the express permission of the Court.
- (E) Lawyers, court attendants, and all persons will be appropriately dressed while in Court attendance. The Court's Dress Code is attached hereto as Appendix A.
- (F) The Court Officer or Court Security in attendance upon Court will be charged with the responsibility of requiring compliance with these standards of courtroom conduct.

2.02 OFFICE HOURS.

The Office of the Rutherford County Juvenile Services Center and the Office of the Juvenile Court Clerk shall be open for the regular transaction of business from 8:00 a.m. until 4:15 p.m., except on non-judicial days.

2.03 SESSIONS.

All court hearings shall be in-person unless otherwise specified by the Court or by orders of the Tennessee Supreme Court. Subject to such variations as the Judge may find necessary or convenient, there will be a session of Court daily except non-judicial days. The regularly scheduled Court dockets shall begin at 9:00 a.m. and 1:00 p.m. Hearings may be scheduled outside of the regularly scheduled docket times at the discretion of the Judge or Magistrate presiding over the matter. There will be one-hour recess for lunch as directed by the Judge or Magistrate.

Parties and attorneys are strongly urged to discuss their pending matters PRIOR to the beginning of the Court session. Parties are expected to be prepared to proceed promptly at the beginning of the morning and afternoon sessions. Attorneys or parties to proceedings shall notify the Court as soon as possible if there is an anticipated delay in their arrival.

In the event of a **weather or environmental-based emergency**, the Court will continue to hold scheduled sessions. If parties are unable to commute to Court, they must notify the Court of the inability to be present by contacting the Rutherford County Juvenile Court Clerk's Office or the Rutherford County Juvenile Services Center. All efforts will be made to conduct the hearing for the parties that appear. In the unlikely event that Court is cancelled due to a weather or environmental-based emergency, notice of such will be relayed to local television/radio stations to add to public closure listings.

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

2.04 COURT COSTS AND FILING FEES.

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

2.05 ELECTRONIC AND FACSIMILE FILING.

Fax filing shall be accepted according to Rule 5A. In the event of fax filing, an original is not to be filed at a later time as the fax filing will be stamped as an original document. Pursuant to Tenn. R. Juv. P. 106 and Tenn. R. Civ. P. 5B, the Juvenile Court of Rutherford County permits papers to be filed, signed, or verified by electronic means. Documents required by law to be signed under penalty of perjury or to be notarized may be filed electronically if the declarant and/or notary signs a printed form of the document, and thereafter scans and files the document in an electronic format that accurately reproduces the original signature(s) and contents of the document. *See* Tenn. Sup. Ct. R. 46. All other papers may be signed electronically. Upon receipt of an affidavit or other

paper requiring examination, the affiant may be examined by a magistrate either in person or via electronic audio-visual means. Tenn. R. Juv. P. 203, 302.

2.06 FORM OF PLEADINGS.

All pleadings filed or presented to the Court shall be on letter-sized (8 ½” x 11”) paper. An original pleading shall be filed in all causes and shall be accompanied by sufficient copies necessary for service upon the parties. Attorneys shall provide copies of all exhibits for the Court and all parties.

2.07 COURT FILINGS AND PROCESS.

Unless the Court orders otherwise, every pleading or other document filed with the Court subsequent to the original Petition shall be served on all parties and shall contain a Certificate of Service. The Certificate of Service shall contain the date and manner of service and the names and locations of each person served.

After service of process has been effectuated by personal service for an initial scheduling 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.

2.08 RECORD OF PROCEEDINGS.

All proceedings shall be recorded and maintained by the Juvenile Court Clerk pursuant to Rule 115 of the *Tennessee Rules of Juvenile Practice and Procedure*.

2.09 COURT ORDERS.

(A) Unless otherwise directed by the Judge or Magistrate, the prevailing party shall draw the Order and file the same within ten (10) judicial days following the court date. The prevailing party shall serve a copy on the opposing party. If the parties are unable to agree to the language in an order, the parties shall submit a proposed order lodged with the Clerk for ten (10) Judicial Days to afford the opposing party an opportunity to object. Absent an objection, upon presentation by the Clerk to the Judge, the order will be entered. Any decision from the court considered to be a final and appealable order shall be clearly indicated on the document and include language regarding the appeal process.

(B) Objections to orders must be filed within ten (10) Judicial Days. A party objecting to an order shall submit an alternative order to the Court for consideration and identify specific objections to the original proposed order. Upon receipt of an objection and the alternative order, the Court shall either enter the original proposed order, the alternative proposed order, the Court’s own order, or set the matter for hearing.

(C) Any Agreed Order that is announced in Court on the record does not have to be signed by the parties prior to being lodged with the Juvenile Court Clerk. However, such Orders must state in the body of the Order that the agreement was announced in open Court, all parties and counsel who were in attendance, the date it was announced and the Judge or Magistrate before whom the parties appeared.

2.10 ATTORNEYS.

All attorneys licensed to practice law in Tennessee shall be allowed to appear in any matter coming before the Court. It is the responsibility of attorney representing the party to bring it to the Court's attention as soon as practical to be made a part of the Court record by filing 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 terminate their representation may do so only by permission of the Court.

Counsel who has entered an appearance in a case will be counsel of record until relieved by the Court. Entry of appearance shall be made by the filing of pleadings, formal entry of a notice of appearance, or by appointment Order from the Court. Counsel of record shall maintain in the court file information as to where they are to be served notice of all filings from the other attorneys on the case and copies of filings from the Juvenile Court Clerk. Counsel wishing to receive notice of filings and/or copies of filings via email or in their designated box in the Clerk's office must clearly indicate the same in the court file on a form prescribed by the Court available in the Clerk's office.

No counsel of record will be allowed to withdraw except for good cause and by order of the Court upon motion after notice to the party. Motions to withdraw shall state the reason the motion is made except where such is excused under the Rules governing responsibility of counsel to their client. Notice of the filing of the motion shall be given to the party who is represented by the attorney seeking to withdraw and to opposing counsel or pro se litigant.

2.11 MAGISTRATES.

(A) Unless the Judge directs otherwise, a Magistrate may hear any case over which the Court has jurisdiction. Any ruling by a Magistrate on a preliminary matter is final and not reviewable by the Judge, except on the Court's own motion. T.C.A. Sec. 37-1-107(f). A party may, within ten (10) days after entry of the Magistrate's order, file a written request for a review of the record by the Judge as to any Magistrate ruling on a nonpreliminary matter. A prematurely filed request for rehearing shall be treated as if it were timely filed immediately after the entry of the Magistrate's Order. All requests for a rehearing will be conducted in accordance with T.C.A. Sec. 37-1-107(d).

(B) At any time during the pendency of the proceedings and with the permission of the Court, the parties may collectively waive their right to a review of the record by the Judge, thereby

stipulating that the final ruling of the Magistrate will be the final Order of the Juvenile Court. If all parties to a pending action wish to waive their right to a review of the record, they shall execute and file a "Notice, Consent, and Waiver of Right to a Review of the Record by the Judge" form, as set forth in Appendix B. The waiver may be required by the Court before a matter is placed for a final hearing on a Magistrate's docket.

2.12 CONFIDENTIAL RECORDS.

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

2.13 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.

2.14 DORMANT 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 3

LOCAL RULES REGARDING DELINQUENT & STATUS MATTERS

3.01 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 pursuant to Rule 203(d)(4) of the *Tennessee Rules of Juvenile Practice and Procedure*.

3.02 SERVICE OF PROCESS, SUBPOENAS AND OTHER DOCUMENTS.

All subpoenas shall be typed or printed and served on the party, witness, or officer. Forms are available at the Juvenile Court Clerk's office. If the party is represented by an attorney, then it is

the attorney's responsibility to prepare, print and serve the subpoenas. Once served, original documents shall be filed with the Juvenile Court Clerk. Subject to the discretion of the court, the service shall occur as quickly as possible, but not later than five (5) days, excluding non-judicial days, before the scheduled date of trial. If the matter requires an emergency or expedited hearing, the five (5) day requirement may be waived. Parties not represented by attorneys may use the forms provided in the Juvenile Court Clerk's Office.

3.03 PRETRIAL MOTIONS.

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

3.04 DISCOVERY.

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

3.05 SCHEDULING OF HEARINGS AND CONTINUANCES.

Cases may be continued only by leave of the Court. Cases will not be continued except for good cause shown. All cases continued by leave of the Court will be by written order stating the reason for the continuance, at whose request, and the date of the reassignment. Agreed continuances shall be by order signed by counsel for all parties and shall specify a new hearing date. It is the responsibility of the party requesting the continuance to notify all other parties and witnesses under subpoena of the continuance and the reset date. No case shall be "continued indefinitely".

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

In cases where a potential hearing date is provided to the parties by the Juvenile Court Clerk, whether in open Court, at the Clerk's office, or via telephone, an Order must be filed setting

the case for hearing. If no Order to Set is filed, the case will not be heard on the date in question despite the Clerk's calendar having the matter noted as being set.

3.06 CONDUCT OF TRIALS.

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

3.07 DELINQUENT & UNRULY CASES.

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

(B) Following the filing of a petition, and if applicable, after the detention hearing, a preliminary inquiry court date will be scheduled pursuant to Rule 201 of the *Tennessee Rules of Juvenile Practice and Procedure*. If the matter remains unresolved after the preliminary inquiry court date an adjudicatory hearing shall be scheduled. The District Attorney and defense attorney will submit a list of witnesses, to include name(s), address, and phone numbers to the Juvenile Court Clerk for the issuance and service of subpoenas for that hearing. Pre-trial diversion can be considered for all first-time offenders, pursuant to Rule 202.

(C) All cases in which the State has announced its intention to transfer the case to Circuit Court shall be conducted in accordance with Rule 208 of the *Tennessee Rules of Juvenile Practice and Procedure*.

3.08 RESTITUTION.

The Court may at the dispositional hearing set restitution in Delinquency cases as provided by *Tennessee Code Annotated* § 37-1-131 on motion of proper parties or on the Court's motion. The Court may limit discovery for the purpose of restitution.

The amount of restitution may be "reserved" at disposition for future action when, in the opinion of the Court, it is in the child's best interest to begin treatment and rehabilitation despite the fact that the amount of restitution is unresolved.

3.09 REQUEST FOR A REVIEW OF MATTERS HEARD BY THE MAGISTRATE.

Any party requesting a review of the record by the Juvenile Judge shall file a written request for a review of the record within ten (10) days of the entry of the final order by the Magistrate, excluding non-judicial days. A review will not be allowed in any delinquency or unruly cases in which the magistrate recommends dismissal after a hearing on the merits. The recommendation of the magistrate, in all matters before the Court, shall be the decree of the Court pending a rehearing, unless a stay is issued by the Judge. The Judge may, on his own motion, order a rehearing of any matter heard by a Magistrate.

3.10 APPEALS.

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

RULE 4

LOCAL RULES REGARDING CIVIL MATTERS

4.01 SERVICE OF PROCESS.

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

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

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

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

4.02 SUBPOENAS.

(A) Every subpoena shall be issued by the Clerk in accordance with Rule 107(a) of the *Tennessee Rules of Juvenile Practice and Procedure*. Forms may be obtained from the Juvenile Court Clerk's Office.

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

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

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

4.03 MOTIONS.

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

Unless otherwise docketed, motions will be set by the Juvenile Court Clerk on a designated motion day. Legal argument may be heard and agreements announced on the motion docket. Each side is allowed a maximum of fifteen (15) minutes to present all motions. Motions which cannot be heard within thirty (30) minutes shall not be set on a motion day without leave of the Court. Briefs and responses may be required at the discretion of the Judge or Magistrate. Contested hearings requiring witness(es) testimony shall be set on a temporary hearing docket dates for which may be obtained from the Juvenile Court Clerk. Designating the matter as a "Motion" will not qualify the matter to be heard on a Motion docket if it does not fall within the parameters outlined herein.

4.04 TEMPORARY HEARINGS.

(A) Temporary Custody/Visitation Hearings shall be limited to two (2) hours. Each side will be allowed a maximum of sixty (60) minutes for opening, presentation of witnesses, crossexamination of adverse witnesses, and closing arguments.

(B) The Court will hear the parties to the action before hearing other witnesses unless, for good cause shown, the Court finds it necessary to proceed otherwise.

(C) If one or both parties desire entry of a temporary parenting plan or if the Court so requires, parties shall submit proposed temporary parenting plans to the Juvenile Court Clerk to be Lodged no later than three (3) judicial days prior to the hearing.

4.05 PRE-TRIAL EXCHANGES AND BRIEFS.

(A) In cases set for trial, lists of all witnesses and exhibits (other than impeachment and rebuttal witnesses and exhibits) shall be filed with the Juvenile Court Clerk and exchanged between counsel at least three (3) full judicial days prior to the hearing. Witnesses and exhibits not listed may not be called/used except for impeachment or rebuttal purposes. For cases involving the Department of Children's Services (DCS), this Rule shall apply only to Dependency and Neglect trials alleging severe abuse and all trials for Termination of Parental Rights.

(B) If a party desires to file a pre-trial Brief, such shall be filed no less than three (3) full judicial days prior to the hearing. Responsive Briefs are not required, but may be filed no later than 24 hours prior to the hearing with a courtesy copy sent directly to the Judge or Magistrate.

4.06 STATISTICAL DATA FORMS IN PARENTAGE ACTIONS.

In parentage cases, no case will be set for hearing until the party seeking the hearing files a completed "Exhibit A" [Statistical Data] form with the Juvenile Court Clerk. A copy of said form is attached hereto as Appendix C, and will also be made available to parties by the Juvenile Court Clerk.

4.07 DISCOVERY.

(A) Filing required only for use by Court.

Interrogatories or Request for Admissions or Production of Documents or other discovery material need not be filed with the Clerk unless and until it is to be considered by the Court for some purpose.

(B) Number of Interrogatories.

No party shall serve on any other party more than thirty (30) single question interrogatories, including subparts without leave of Court. Parties seeking to serve a greater number of interrogatories may do so with leave of Court. Any motion seeking permission to serve additional interrogatories shall contain the proposed interrogatories and shall be accompanied by a memorandum establishing good cause for such service. If a party is served with more than thirty (30) interrogatories without an order of the Court, he or she shall respond only to the first thirty (30) in the manner provided by the *Rules of Tennessee Civil Procedure*.

(C) Motions regarding discovery issues.

(1) The Court shall refuse to rule on any motion related to discovery, including a motion to compel for failure to timely respond, unless the motion contains a statement which certifies the lawyer for the moving party, or the moving party when said party is pro se, has conferred with opposing counsel, or party, in a good faith effort to resolve the matters alleged in the motion and that the effort has not been successful. Such good faith effort shall be evidenced by a writing from the moving party to the non-moving party describing the alleged deficiencies in discovery and shall include the date for delivery of discovery.

(2) When a Motion to Compel Answers to Interrogatories or Motion to Compel Production of Documents or other Exhibits is filed, counsel shall file the Interrogatories or Requests for Production of Documents for which answers are sought as an exhibit to the motion. Where the opposing party has not been diligent in submitting responses, attorney fees may be awarded.

(3) Discovery in dependency and neglect matters shall be subject to Rule 305, *Rules of Juvenile Practice and Procedure*.

4.08 SCHEDULING OF HEARINGS AND CONTINUANCES.

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

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

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

(3) In cases where a potential hearing date is provided to the parties by the Juvenile Court Clerk, whether in open Court, at the Clerk's office, or via telephone, an Order must be filed setting the case for hearing. If no Order to Set is filed, the case will not be heard on the date in question despite the Clerk's calendar having the matter noted as being set.

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

(C) If a party or witness requires an interpreter, counsel for the party calling the witness shall notify the Judge's office as soon as possible but in no event later than ten (10) judicial days prior to the hearing with notice of the language to be interpreted so that arrangements may be made to ensure the interpreter's availability and to avoid a continuance.

(D) If counsel has a client who is incarcerated and their attendance is required at a hearing, counsel must submit a lodged transport Order with the Clerk's office at least ten (10) judicial days prior to the hearing designating the individual's name, date of birth, facility and/or agency whom has custody of the individual, the type of hearing to be conducted including approximate length of hearing and date and time of hearing.

4.09 PRELIMINARY HEARINGS IN DEPENDENCY-NEGLECT PROCEEDINGS.

Preliminary hearings shall be conducted in accordance with Rule 108 and Rule 302, *Tennessee Rules of Juvenile Practice and Procedure*.

Preliminary Hearings shall be limited to two (2) hours. Each side will be allowed a maximum of sixty (60) minutes for opening, presentation of witnesses, cross-examination of adverse witnesses, and closing arguments.

It is unnecessary for the Court to hear more of the Petitioner's proof than is necessary to establish probable cause, and the Court may terminate the hearing at any time that probable cause has been established and each Respondent has been afforded the opportunity to cross-examine the witnesses called by the Petitioner and to present defense proof reasonable tending to rebut probable cause.

4.10 INJUNCTIVE RELIEF.

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

4.11 RATIFICATION OF PERMANENCY PLANS.

Department of Children's Services shall lodge a proposed Permanency Plan with the Juvenile Court Clerk, along with a Notice of Filing containing a Certificate of Service to all parties at least ten (10) days prior to the date set for the ratification hearing. If no party files a written objection, with notice to all parties, with the Juvenile Court Clerk within (3) days of the date of the hearing, the Court will deem there to be no opposition to ratification of the proposed Permanency Plan. In either event, the Court will hold the required hearing to determine if approval of the Permanency Plan is appropriate and in the Child or Children's best interest.

4.12 MEDIATION AND PARENTING PLANS.

All custody and visitation matters will be referred to mediation at the initiation of the case. Upon the filing of a formal Petition for shared parenting and before the case is to be heard before the Court, the Parties shall attend mediation conducted by a Tennessee Supreme Court Rule 31 Family Mediator. The Parties shall make a good faith effort to address the issues in the best interests of the child and be made aware that mediation services are available that consider income and ability to pay a reduced fee. If the parties cannot agree on a Rule 31 Mediator, the Court may enter an order designating a Mediator. The Court may also order that a Parenting Plan be submitted and incorporated by reference into any Final Order. The Parenting Plan should include Child Support Worksheets and Order the obligated parent to pay child support pursuant to the Worksheets.

4.13 GUARDIAN AD LITEM AND C.A.S.A.

In addition to any requirement for appointment of GAL in the Juvenile Rules of Practice and Procedure, the Court may, either on its own motion or at the request of any party, appoint a Guardian ad Litem and/or CASA to act on behalf of a child in determining the best interest of the child in an action pending before the Court.

For purposes of notice, CASA shall be deemed a party that must be notified of all hearings and staffings.

4.14 DEPOSING VICTIMS OR CHILDREN IN NEGLECT AND ABUSE CASES.

Attorneys filing motions to depose victims in neglect, abuse, or sexual abuse cases, or children in custody cases where neglect, abuse, or sexual abuse is alleged, shall provide notice to the District Attorney and criminal defense counsel when the attorneys are aware that a criminal case is pending regarding the same matters.

4.15 CONDUCT OF TRIALS.

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

(B) Dependency and neglect proceedings shall not be open to the public. When a child testifies, the examination shall be conducted either in chambers or in a courtroom which has been cleared of observers or non-party witnesses. The manner in which the Court shall take the child's testimony shall be at the discretion of the Court, considering all factors set forth in Rule 306, *Rules of Juvenile Practice and Procedure*.

4.16 APPEALS.

Appeals shall be taken subject to the provisions of Rule 118 of the Tennessee Rules of Juvenile Practice and Procedure, T.C.A. 37-1-159, and other applicable law.

- (A) The right to appeal attaches upon the entry of a final order.
- (B) An appeal shall not operate as a stay and the order of the court shall remain in effect until or unless the appeals court enters an order to the contrary.

4.17 WAIVERS OR MODIFICATIONS OF RULES.

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

RULE 5

LOCAL RULES REGARDING TITLE IV-D CHILD SUPPORT CASES

5.01 INITIAL APPEARANCE OF RESPONDENT UPON ARREST.

Any person who is arrested upon an Attachment or Capias issued by the Court and fails to post bond shall be brought before the Court within ten (10) days of being served with the Attachment/Capias. The date for the ten (10) day bond hearing shall be set by the Juvenile Court Clerk.

5.02 SERVICE OF PROCESS.

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

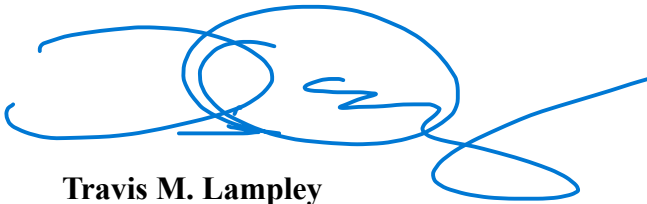
5.03 MOTIONS IN TITLE IV-D CHILD SUPPORT CASES.

All motions regarding child support issues in Title IV-D child support cases shall be set on a Title IV-D child support docket, and not on a regular motion day.

5.04 BI-FURCATION OF IV-D CHILD SUPPORT CASES FROM PARENTAGE/
PARENTING TIME LITIGATION.

Unless the file contains a waiver of the State of Tennessee's interest in the case or other notice relieving the State of Tennessee through the IV-D office as a party to the action, all cases involving determination of Parentage or Parenting time shall be bi-furcated from the issue of child support where the IV-D office is or has been involved in the matter involving the same parties and the same child or children.

These Local Rules of the Juvenile Court of Rutherford County, Tennessee, are hereby adopted and entered on the minutes of the Court on this, the 3rd day of September, 2024.

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

Travis M. Lampley
Juvenile Court Judge

APPENDIX A

Dress Code Notice

All persons appearing before the Juvenile Court shall be appropriately dressed and are required to show deference to the Court in both appearance and demeanor.

Appropriate dress includes but is not limited to the following:

- No shorts
- Pants shall be pulled up to the waist
- No underwear shall be visible
- No see-through clothing; no mesh shirts
- No bare midriffs; no skin shall be visible between the shirt and the pants or skirt
- No low-cut tops; no tube tops; no tank tops; no halter tops; no open backs - No sundresses; no spaghetti straps
- No Spandex
- No pajama bottoms
- No slogans on the seat of the pants
- No flip-flops
- No head coverings (except for religious head coverings)
- No offensive clothing
- No piercings shall be visible except in ears
- No tattoos shall be visible
- No gang-related or gang-inspired clothing, coloring, accessories, or hairstyles

APPENDIX B

IN THE JUVENILE COURT OF RUTHERFORD COUNTY, TENNESSEE AT MURFREESBORO

Petitioner(s),

v.

Case No. _____

Respondent(s)

NOTICE, CONSENT, AND WAIVER OF RIGHT TO A REVIEW OF THE RECORD BY THE JUDGE

Notice of a Magistrate's availability. A Magistrate of this Court is available to conduct all proceedings in this cause. Pursuant to T.C.A. 37-1-107(e), the parties in this cause may waive their right to a review before the Juvenile Court Judge, and thereby consent that the final findings and decision of the Magistrate will be the final Order of the Court. The final decision of the Magistrate may then be appealed directly to the Court of Appeals or Circuit Court, pursuant to T.C.A. 37-1-159. A Magistrate may exercise this authority only if all parties voluntarily consent.

You may consent to waive your right to a review of the record by the Judge of the Juvenile Court, or you may withhold your consent without adverse substantive consequences. If you decide to waive your right to a review of the record by the Judge, this waiver shall be made orally in open Court, and shall also be confirmed in writing below.

Waiver of right to a review of the record by the Juvenile Court Judge. The following parties hereby waive their right to a review of the record by the Juvenile Court Judge, and consent that the final findings and decision of the Juvenile Court Magistrate will be the final Order of the Court in this cause.

<i>Parties' printed names</i>	<i>Signatures of parties</i>	<i>Dates</i>
_____	_____	_____

<i>Attorneys ' printed names</i>	<i>Signatures of attorneys</i>	<i>Dates</i>
	_____	_____

CONFIRMED this the _____ day of _____, 20____.

JUDGE/MAGISTRATE

APPENDIX C

Exhibit A

FAILURE TO APPROPRIATELY UPDATE THIS INFORMATION OR GIVING FALSE INFORMATION COULD LEAD TO BEING CITED FOR CONTEMPT OF COURT OR HAVING A DEFAULT JUDGMENT ENTERED AGAINST YOU. BOTH PARTIES MUST UPDATE FOLLOWING INFORMATION ANY CHANGES WITHIN 10 DAYS OF THE CHANGE TO THE CLERK OF THE JUVENILE, COURT, RUTHERFORD COUNTY, TENNESSEE.

Father's Information

Full Name: _____

S.S.# _____

Residential Address: _____

Phone: _____

Mailing Address: _____

Employer (and address) _____

D.O.B.

D.L.#

Mother's Information

Full Name: _____

S.S.# _____

Residential Address: _____

Phone: _____

Mailing Address: _____

Employer (and address) _____

D.O.B.

D.L.#

Guardian's Information

Full Name: _____

S.S.# _____

Residential Address: _____

Phone: _____

Mailing Address: _____

Employer (and address) _____

D.O.B.

D.L.#

Children's Information

(1) Full Name: ___ S.S.# Residential Address: ___ D.O.B.

(2) Full Name: _____
Residential Address: _____
D.O.B.

S.S.# _____

(3) Full Name: _____
Residential Address: _____
D.O.B.

S.S.# _____

(If more children, please continue on additional sheet of paper)