

THE JUVENILE COURT OF ANDERSON COUNTY, TENNESSEE

LOCAL RULES OF PRACTICE

ADOPTED JULY 1, 2011

**RULE 1 – RULES OF COURT: SCOPE:
APPLICABILITY: SUSPENSION AND DEFINITIONS**

1.1 Former Rules Abrogated.

All former rules of local practice except as readopted herein are abrogated.

1.2 Applicability.

These rules shall govern the practice and procedure in the Juvenile Court of Anderson County, Tennessee and shall apply to all proceedings in Juvenile Court, including, without limitation, those before the Judge of the Juvenile Court, and the Court's Magistrate(s), and any Judge presiding by interchange. The purpose of the rules will be to expedite Court proceedings and will supplement Tennessee Rules of Juvenile Procedure. Each rule shall be construed consistent with and subject to statutes, Private Acts, and the Tennessee Rules of Juvenile Procedure.

The Court Clerk will make available a copy of the rules to all persons appearing in Juvenile Court, and all such persons shall be charged with knowledge of the rules.

1.3 Suspension of Rules.

Whenever the Court determines that justice requires it, it may suspend any of these rules.

1.4 Definitions.

The following definitions apply to terms used in these rules:

- (a) Clerk – the Juvenile Court Clerk.
- (b) Court – the Judge or any employee of the Juvenile Court.
- (c) Detained or Detention – held or held in a locked facility.
- (d) Intake Officer – a person employed or otherwise designated as such by the Court Judge to perform any of the functions of intake.
- (e) Judge - the Judge presiding over a Juvenile Court matter.
- (f) Magistrate - an individual duly appointed by the Juvenile Judge to hear matters before the Juvenile Court.

All other definitions as set forth in Rule 2 of the Tennessee Rules of Juvenile Procedure shall have the same meanings in these rules.

1.5 Citation.

These rules may be cited as “Anderson County Local Rules of Practice”.

1.6 Time.

Time shall be calculated by the Tennessee Rules of Civil and Criminal Procedure and Tennessee Rules of Juvenile Procedure, if applicable.

RULE 2 – ASSIGNMENT AND DISPOSITION OF CASES

The interchange of Judges and transfer of cases shall be in accordance with the Tennessee Rules of Juvenile Procedure and the Local Rules of Circuit, Chancery, Probate and Criminal Divisions for the Seventh Judicial District, Anderson County, Tennessee, the same being incorporated herein by reference as if copied herein verbatim.

RULE 3 – COURT SESSIONS

The Court offices shall be open from 8:00 a.m. until 5:00 p.m. daily, except Saturdays, Sundays and legal holidays, and shall recess from time to time as the Court finds necessary.

Subject to variations as the presiding Judge may deem necessary, the regularly scheduled Court dockets shall begin at 9:00 a.m. in the morning and at 1:30 p.m. in the afternoon. Hearings may be scheduled outside of the regularly scheduled docket times at the discretion of the Judge or Magistrate presiding over the matter. There will be a one hour recess for lunch as directed by the presiding Judge or Magistrate. Attorneys are urged to discuss their pending matters prior to the beginning of the Court session. Parties and counsel are expected to be prepared to proceed promptly at the beginning of the dockets.

Upon commencement of a proceeding, attorneys and all others present in the courtroom shall not move about in the courtroom, and/or enter or exit the courtroom, unless and until a hearing has concluded. Entrance and exit from the courtroom shall occur prior to the commencement of a proceeding, at the conclusion of a proceeding, or during a recess.

RULE 4 – APPEARANCE AND CONDUCT OF COUNSEL

Representation of clients and conduct of counsel in Court shall be in accordance with the Tennessee Statute, Tennessee Rules of Juvenile Procedure and the Local Rules of Circuit, Chancery, Probate and Criminal Divisions for the Seventh Judicial District, Anderson County, Tennessee, the same being incorporated herein by reference as if copied herein verbatim. In accordance with Rule 19 of the Tennessee Rules of Juvenile Procedure, an attorney of record who wishes to terminate their representation may do so only by permission of the Court.

RULE 5 – COURT FILES

All papers and records of the Court shall be in the custody of the Clerk in accordance with the Tennessee Statute, Tennessee Rules of Juvenile Procedure and the Local Rules of Circuit, Chancery, Probate and Criminal Divisions for the Seventh Judicial District, Anderson County, Tennessee, the same being incorporated herein by reference as if copied herein verbatim.

RULE 6 – FILING AND SERVICE OF PAPERS

All papers, including pleadings, motions, briefs and proposed judgments and orders shall be filed with the Clerk in accordance with the Tennessee Rules of Juvenile Procedure and the Local Rules of Circuit, Chancery, Probate and Criminal Divisions for the Seventh Judicial District, Anderson County, Tennessee, the same being incorporated herein by reference as if copied herein verbatim.

All original paper(s) shall be filed with the Clerk together with the requisite number of copies; provided, all pleadings, except for warrants, shall be filed in an original plus one copy for each child, parent and/or legal custodian and any other party in all causes. Additional copies may be made by the Clerk at the cost of \$.50 per page (or such other amount as set forth by the Clerk), and such cost shall be paid at the time of the request for such copy(ies).

RULE 7 – INTAKE

Intake proceedings shall follow the rules and regulations set forth in the Tennessee Rules of Juvenile Procedure (including, without limitation, Rule 12), and the Intake Officer shall assure that all steps comply with said Rules, and that the record adequately reflects such compliance.

RULE 8 – DISCOVERY

All discovery shall be in accordance with the Tennessee Rules of Juvenile Procedure and to the extent applicable, the Tennessee Rules of Civil and Criminal Procedure. Discovery requests may be informal, and compliance with such requests is required. However, should the parties wish to comply with the Tennessee Rules of Civil and Criminal Procedure, the Rules and their attendant sanctions shall be enforced by the Court.

RULE 9 – SETTING CASES AND CONTINUANCES

9.1 Setting Cases.

Juvenile Court cases shall be set for hearing in one of the following ways:

- (a) By agreement of all counsel after consultation with the Clerk in Juvenile Court as to child support matters, and/or the Court staff as to all other matters; specifically, counsel requesting a hearing in a matter involving multiple parties shall first contact the Court staff to get available dates for the proposed hearing, and then contact all parties and/or their counsel with such proposed date(s), agree upon a date for the hearing, and finally, contact the Court with such date, or include such date in the pleading, so that the matter may be set on the docket.
- (b) By motion in connection with emergency matters;
- (c) By the Court with notice to counsel.

9.2 Continuances.

Hearings may not be continued by agreement and may be continued only by leave of Court. Cases will not be continued except for good cause which shall be brought to the attention of the Court as soon as practicable before the date of the hearing. Any agreements or motions which have the effect of releasing parties or witnesses shall be promptly brought to the attention of the Court.

When a case is set by agreement or set upon motion without objection to have it set, failure to have completed discovery, unavailability of counsel on the hearing date, inability to take a deposition, or failure to have completed any other hearing preparation will not be grounds for a continuance.

In hearings continued, the Court may award expenses and attorney's fees, including compensation to witnesses for lost income and/or travel expenses.

All continuances granted shall be reflected by proper order of the Court setting forth which party continued the case, the reason for the continuance and providing a new hearing date agreeable to all counsel and the new hearing date reflected in the continuance order. Also, the order shall reflect the fact that the Court has given approval for the continuance.

9.3 Delays.

Attorneys will appear at the hearing date and time, even if the client has failed to adequately communicate with the attorney. If an attorney expects to be delayed, he should coordinate with the Court as soon as possible so to prevent unnecessary appearances, delays and inconveniences.

RULE 10 – PLEADINGS

10.1 Compliance in General.

All pleadings shall conform to law, the Tennessee Rules of Juvenile Procedure and these rules. Pleadings on forms provided by the Court shall be presumed to be in compliance with this rule. All orders will have the Judge's or Magistrate's name boldly typed below the signature line.

10.2 Petitions.

Except as otherwise authorized, all proceedings shall be initiated by sworn Petition, conforming to TRJP Rule 9. Addresses of non-custodial or alternative residential parent(s) must be included or the absence explained.

10.3 Filing; Service.

Pleadings should be served on the other counsel or parties and a certification to that effect filed with the pleading. The pleading filed by an attorney shall contain the attorney's name, address, phone number and clearly indicate the party(ies) he/she represents.

10.4 Dismissal.

Petitions not containing the required information may be dismissed or an amendment required.

10.5 Orders.

All orders prepared as directed by the Court shall be submitted to opposing counsel and the Court for approval no later than ten (10) days after the hearing and shall be signed by all parties or their attorneys or certified pursuant to Tenn. R. Civ. Pro. 58.02. If parties or counsel cannot agree to the language of a proposed order, each party shall submit an order containing proposed language within ten (10) days after the hearing, and the Court shall enter an appropriate order or shall set a hearing regarding the determination of the appropriate language.

RULE 11 - SUBPOENA OF WITNESSES

11.1 Forms, Time of Issuance.

All subpoenas shall be typed or printed on forms provided by the Court and submitted to the Clerk of Court, as diligently as possible, but not later than five (5) days, excluding non-judicial days, before the scheduled date of hearing. The five (5) day limit may be waived when justice requires.

11.2 Pro Se.

A party to a proceeding who is not represented by an attorney may simply furnish to the assigned Clerk of Court a list of the names and addresses of the witnesses to be subpoenaed, and it shall be the responsibility of that Clerk to cause subpoenas to be issued in accordance with this rule.

RULE 12 – CONDUCT OF HEARINGS

12.1 Open Hearings.

Court will be open, orderly and informal. Proper dress, courtesy and respect will be practiced by all. Hats and sunglasses shall be removed upon entering the courtroom. Cell phones and other electronic devices shall be turned

off in the courtroom unless otherwise approved by the Judge. There will be no eating, drinking, smoking, distracting noise or behavior. Those violating these standards will be subject to removal and, after warnings, fines and/or contempt action.

12.2 Closed Hearings; Sensitive Matters.

Hearings on particularly sensitive matters or involving very young children may be closed in the discretion of the Judge or Magistrate.

12.3 Appropriate Dress.

Appropriate dress for parties before the Court is defined as follows:

- (a) Pants must be worn at the waist and are not to sag.
- (b) Skirts, dresses and shorts must be beyond fingertip length.
- (c) Shirts, blouses and dresses must completely cover the abdomen, back and shoulders.
- (d) Shirts and tops must cover the waistband of the pants, shorts, or skirts with no midriff showing.
- (e) Footwear is required.
- (f) Clothing must not display the following: racial or ethnic slurs/symbols; vulgar, subversive or sexually suggestive language or images; or products, such as alcohol, tobacco or illegal drugs, which juveniles may not legally purchase.

The Bailiff in attendance upon Court will be charged with the responsibility of requiring compliance with these standards of courtroom conduct and deportment.

RULE 13 – DETENTION

A child ordered detained by the Court shall be placed in such detention or holding facility designated by the Judge.

RULE 14 – TEMPORARY RESTRAINING ORDERS; INJUNCTIONS

14.1 Temporary Restraining Orders.

A temporary restraining order may issue instanter without notice to the opposing party if the Court deems it is in the best interest of the child. The Court shall either set a date for a hearing whether to continue such order or shall allow a hearing upon the request of the party against whom the order is issued. The order shall remain effective until dissolved or the matter is concluded.

14.2 Injunction.

No injunction shall issue without service of process and five (5) days notice of hearing as required in the Tennessee Rules of Civil Procedure.