

LOCAL RULES OF PRACTICE FOR UNION COUNTY JUVENILE COURT

Adopted 9/27/2022

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Rule 1. ADOPTION OF RULES. These local rules are adopted by the Union County Juvenile Court for practice before the Judge of the Juvenile Court.

Rule 2. SCOPE AND PURPOSE. These rules and the Tennessee Rules of Juvenile Procedure shall govern the practice and procedure in the Juvenile Court of Union County, Tennessee. They are intended to provide for the speedy and just determination of every proceeding, and in juvenile proceedings they shall at all times be enforced and construed beneficially for the remedial purposes embraced in Titles 36 and 37 of the Tennessee Code Annotated. In the event of any conflict, the Tennessee Rules of Juvenile Procedure shall prevail.

FILED 9-27-22
UNION COUNTY JUVENILE CLERK,
Barbara Williams
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Rule 3. COURTROOM DECORUM. All persons in the courtroom will stand while the Court is being opened and also while the Court is being adjourned. There will be no smoking, chewing of gum, eating, or drinking in the courtroom. All lawyers and Court attendants will be appropriately dressed while in court attendance. All juveniles and their parents/guardians will be appropriately dressed while in court attendance. No purses or bags allowed in the courtroom. No cell phones or electronic devices allowed in the courtroom. Any electronic device that makes an audible noise during Court proceedings may be confiscated by the Bailiff at the request of the Court and will be returned to the owner at the conclusion of the hearing. Owner could face fine of \$25 at discretion of the Judge. Conversations in audience of courtroom shall be kept quiet and to a minimum to avoid disruption of the court. No audio or video recordings, photographs or any other methods of recording of the Court proceedings by personal electronic devices will be permitted.

Appropriate dress for juvenile court is defined as follows:

1. Pants must be worn at the waist. They are not to sag.
2. Skirts, dresses, and shorts must be beyond fingertip length.
3. Shirts, blouses, and dresses must completely cover the abdomen, back, and shoulders.
4. Shirts and tops must cover the waistband of the pants, shorts, or skirts with no midriff showing.
5. Shirrtails are to be tucked into the pants, shorts, or skirt.
6. Footwear is required.
7. Clothing must not display a) racial or ethnic slurs/symbols, b) vulgar, subversive, or sexually suggestive language or images, or c) products, such as alcohol, tobacco, or illegal drugs, which juveniles may not legally purchase.
8. No hats, caps, or sunglasses to be worn in the courtroom.
9. No bags, purses, or cell phones are allowed in the courtroom without prior approval of the Judge.

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

Rule 4. OPENING AND ADJOURNMENT OF COURT. Upon the entering the courtroom preparatory to the formal opening of Court, the Bailiff will call the courtroom to order, directing all in attendance upon the Court to stand will open Court in substantially the manner following:

Thereupon the Judge will take his seat upon the bench and those in the courtroom will be seated. Upon the Court instructing the Bailiff to adjourn Court for the day, the Bailiff will direct all in attendance upon the Court to stand, as will the Judge, and will adjourn Court in substantially the manner following:

Rule 5. OFFICE HOURS. The Office of the Clerk of Court shall be open for the regular transaction of business from 8:00 a.m. until 4:00 p.m. except on non-judicial days. Use of the Juvenile Office shall be by appointment only or if you need immediate assistance knock on the door and someone will assist you.

Rule 6. SESSIONS. Subject to such variations as the presiding Judge may find necessary or convenient, there will be a session of Court weekly on Tuesdays, except on non-judicial days. The regularly scheduled Court dockets shall begin at 9:00 a.m. Hearings may be scheduled outside of the regularly scheduled docket times at the discretion of the Judge presiding over the matter. A one (1) hour lunch break may be taken at discretion of the Judge. Parties and attorneys will not be excused until released by the Court. Attorneys are strongly encouraged 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 the proceedings scheduled before the Court shall notify the Court as soon as possible if there is an anticipated delay in the arrival of the attorney or party. The attorney or party shall notify the Clerk's Office at 865-992-3081 as soon as possible and identify the matter in which the attorney or party is involved and the estimated time of arrival. If an attorney or party has an emergency that will necessitate their absence at the scheduled Court proceeding, the attorney or party shall notify the Clerk's Office at 865-992-3081 as soon as possible and identify the matter in which the attorney or party is involved.

Rule 7. 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 the attorney representing the party to bring it to the Court's attention as soon as practical to be made part of Court Record. In accordance to Rule 19 fo 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 8. PLEADINGS. All petitions, answers, orders, briefs, or other legal documents filed or presented to this Court shall be typewritten on forms provided by the Court or typewritten on letter sized (8 ½ by 11) paper, opaque and unglazed. Two copied of every pleading shall be filed in all causes, one of the same to be marked "duplicate." Such pleadings must be filled with the Clerk of the Court, and it shall be the duty of the Clerk of Court to indicate on each copy the date and time of the filing.

Rule 9. INITIATION OF CASES AND INTAKE PROCEEDINGS. Any person or agency having knowledge of the facts may file a complaint in accordance with the Rules of Juvenile Practice and Procedure.

Rule 10. SCHEDULING OF HEARINGS AND CONTINUANCES. All Emergency matters shall be scheduled by the Court within 72 hours or as soon as possible based on the Court's schedule. Non-emergency matters shall be scheduled between 30-60 days after filing based on the Court's schedule and a home study shall be completed prior to the hearing.

Delinquent cases shall be scheduled by the court and Hearings shall be set as soon as possible in accordance with the Court's schedule. Initial Appearances shall be scheduled for all juveniles charged with delinquent or unruly offenses on Tuesdays unless the juvenile had a Detention Hearing. The juvenile shall be informed of his/her rights and served with any pending petitions.

Requests for cases to be added to docket shall be submitted in writing within five (5) business days prior to court date.

Requests for hearing to be held via Zoom shall be requested in writing by noon at a minimum of five (5) business days prior to scheduled court date.

All Motions for Continuance shall be made in writing as soon as practical 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 shall specify a new trial date. It is the party's responsibility requesting the continuance to notify all parties and witnesses subpoenaed of the continuance and the reset Court date.

Rule 11. SERVICE OF PROCESS. All subpoenas shall be typed or printed and submitted to the Clerk of the Court, as diligently as possible, but not later than five (5) days, excluding non-judicial days, before the scheduled date of trial. A party to a proceeding who is not represented by an attorney may simply furnish the Clerk of the Court with a list of the names and addresses of the witnesses to be subpoenaed, and it shall be the responsibility of the Clerk of the Court to cause subpoenas to be issued in accordance with this rule.

Rule 12. DISCOVERY. The Court shall allow limited discovery within the framework of the rules upon written Motion by each party by timely filing and upon good cause shown. Any party may object to discovery by filing a written response promptly after the filing of the Motion for Discovery. Failure to respond to the Motion for Discovery shall be considered consent to such Motion. The party, prior to filing a Motion for Discovery, shall exhaust all efforts to come to an agreement for discovery and shall have so certified to the Court in Motion of Discovery.

Discovery may be allowed under such terms and conditions as set forth in the Tennessee Rules of Juvenile Procedure (Rule 25). Costs of discovery shall be upon the party making Motion and the result of the discovery shall be filed with the Court by 4:00 p.m. two (2) days prior to the hearing in the matter. These rules of discovery shall not pertain to confidential information as set forth by statute.

Rule 13. **CONFIDENTIAL RECORDS.** All records submitted or filed with the Union 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 Union County Juvenile Court. At the conclusion of the proceedings, all confidential records in the possession of the parties or their legal counsel shall be returned to the Court. After 45 days of the close of any case all confidential records will be destroyed.

Rule 14. **PRETRIAL MOTIONS.** All pretrial Motions shall be in writing and must be filed with the Court and served on opposing counsel or party by 4:00 p.m., five (5) days before the hearing in the matter. In cases involving more than one party or involving Guardians ad Litem, service shall be had on those persons in the same deadline.

Rule 15. **CONDUCT OF TRIALS.** Proceedings in the Court shall be closed hearings except those cases where the public is allowed by statute. 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. The Court may appoint a Guardian ad Litem to act on behalf of a child when it appears to the Court that the interest of the child so require.

Rule 16. **ERRORS AND EXCEPTIONS.** Any error, defect, irregularity of variance which does not affect substantial rights shall be disregarded. Exceptions to the rulings of the Court are unnecessary. If a party makes no objection to a ruling or order, absence of an objection does not in itself prejudice him thereafter.

Rule 17. **ORDERS, PLANS, AND DECREES.** Orders and Decrees in Family Services cases shall be prepared by the attorneys, as directed by the Court. The attorney preparing the order shall submit the order to opposing counsel and the Court for approval no later than ten (10) days after the hearing. It shall be signed by all parties or their attorneys or certified pursuant to Rule 58.02 TRCP.

Orders of Reference shall be submitted by noon on Friday prior to date of hearing.

Permanency Plans shall be submitted by noon on Friday prior to date of hearing.

Competing orders shall be submitted within ten (10) business days.

Responses to Bench Order shall be filed within 72 hours.

Orders and Decrees in delinquent and unruly cases shall be prepared by the Clerk of the Court unless otherwise directed by the Judge.

All Orders submitted to the Court for entry shall contain the following language:

“That all records provided to Union County Juvenile Court during these proceedings shall be maintained by the parties and their counsel as confidential records 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 Union County Juvenile Court; and that at the conclusion of the proceedings, all copies of the reports shall be returned to the Court.

Rule 18. APPEALS. An appeal from the Court’s decision in a delinquency case may be perfected by filing a notice of appeal within ten (10) days to the Circuit Court, excluding non-judicial days, of the final order in the Juvenile Court. Appeals on dependent and neglect cases and unruly cases shall be made to the Circuit Court. Appeals of Termination of Parental Rights cases shall be made to the Court of Appeals. Appeals of matters heard in Juvenile Court pursuant to Title 36 shall be made to the Court of Appeals. An appeal shall not operate as a stay, and the order of this Court shall remain in effect until or unless the appeals court enters an order to the contrary.

Rule 19. INFORMAL ADJUSTMENT AND PRETRIAL DIVERSIONS.

Informal Adjustment

The Court shall administer informal adjustments through the Youth Services Officer in accordance with Rule 14 of the Tennessee Rules of Juvenile Procedure. The designated court officer shall determine which cases are appropriate for informal adjustment and may consult with the District Attorney’s Office for guidance.

Pretrial Diversion

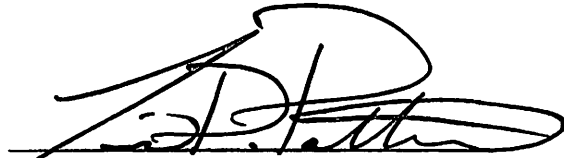
The Court shall administer pretrial diversions in accordance with Rule 23 of the Tennessee Rules of Juvenile Procedure. The procedures set forth in this rule essentially allow for a process similar to informal adjustment, with no official finding as to guilt, except that the court in the person of the Judge is involved in that there must be court approval of any agreement. The court will notify the District Attorney General on more serious cases. (See Committee Comment Rule 23 of the Tennessee Rules of Juvenile Procedure).

Rule 20. DETENTION. Rules for the pre-trial and post-trial detention of delinquent offenders are governed by TCA § 37-1-114. Those rules outlined regarding the rights of the juvenile, his/her parents, guardian, and representatives as to intervening, visiting, questioning, and other need for access to the child in detention have been approved and adopted by the Court and are incorporated herein by reference.

Rule 21. PATERNITY, LEGITIMATION AND GUARDIANSHIPS. Paternity and legitimation cases shall comply with TCA § 36-2-301 et. seq. Parents shall be co-petitioners in guardianship cases or shall be served with process prior to a hearing in this matter.

Rule 22. WAIVER AND MODIFICATION OF RULES. Any of these rules may be waived or modified by any of the Judges if justice so requires.

SO ORDERED this 27th day of September, 2022.

A handwritten signature in black ink, appearing to read "Travis D. Patterson", written over a horizontal line.

TRAVIS D. PATTERSON, JUDGE