

LOCAL RULES OF PRACTICE FOR KNOX COUNTY JUVENILE COURT

Adopted 7-1-2007

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Rule 1. ADOPTION OF RULES. These local rules are adopted by the Knox County Juvenile Court for practice before the Judge of the Juvenile Court and the Court's Referees.

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 Knox 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.

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.

Appropriate dress for juveniles 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) Jewelry in visible facial piercings must be removed.

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 Judge or Referee 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:

“This Honorable Juvenile Court of Knox County is now open for the transaction of business pursuant to adjournment, the Honorable _____ presiding.”

Thereupon the Judge or Referee 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:

“This Honorable Court now stands adjourned until tomorrow morning at _____ o’clock. (or until a day certain.)

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 4:30 p.m. except on non-judicial days.

Rule 6. SESSIONS. Subject to such variations as the presiding 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. 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 Referee presiding over the matter. There will be a one-hour recess for lunch as directed by the presiding Judge or Referee. Parties and attorneys will not be excused until released by the Court. 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 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 Information Desk at 215-6414 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 Information Desk at 215-6414 as soon as possible and identify the matter in which the attorney or party is involved. The Information Desk shall ensure that the Court's Probation Officer or Family Service Officer is informed of the delay or absence of an attorney or party to a scheduled matter immediately and the Probation Officer or Family Service Officer shall notify the Judge or Referee presiding over the scheduled proceeding and other attorneys and parties to the proceeding.

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 a part of Court record. In accordance to Rule 19 of 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 copies of every pleading shall be filed in all causes, one of the same to be marked "duplicate." Such pleadings must be filed 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 filing.

Rule 9. INITIATION OF CASES AND INTAKE PROCEEDINGS. Intake proceedings shall follow the rules and regulations set forth in the Probation Officer's Administrative Manual on file in the Court Administrator's office. The manual shall be made available to all parties and their representatives or counsel

and has been approved and adopted by the Court and is incorporated herein by reference.

Rule 10. SCHEDULING OF HEARINGS AND CONTINUANCES. All Delinquent cases shall be scheduled by the court at Detention Hearings or Initial Appearances. Hearings shall be set as soon as possible with the concurrence of the child's probation officer. Initial Appearances shall be scheduled for all juveniles charged with delinquent or unruly offenses on Tuesday afternoons or Friday mornings unless the juvenile had a Detention Hearing. The juvenile shall be informed of his/her rights and served with any pending petitions.

All Family Services cases shall be scheduled by the Family Service Officer in a timely manner in accordance with docket limitations.

All Motions for Continuance shall be made 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, said date to be in accordance with the docket clerk. 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 on forms 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 trial. A party to a proceeding who is not represented by an attorney may simply furnish the Clerk of the Court 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 the Court shall prescribe. Costs of discovery shall be upon the party making Motion and the result of the discovery shall be filed with the Court by 4:30 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. PRETRIAL MOTIONS. All pretrial Motions shall be in writing and must be filed with the Court and served on opposing counsel or party by 4:30 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 14. 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 in behalf of a child when it appears to the Court that the interest of the child so require.

Rule 15. ERROR 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 16. ORDERS 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 seven (7) days after the hearing. It shall be signed by all parties or their attorneys or certified pursuant to Rule 58.02 TRCP.

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

Rule 17. REHEARING OF MATTERS HEARD BY REFEREE. The Judge may, on his own Motion, order a rehearing of any matter heard by a Referee. Any party may, within five (5) days after the date of the hearing before the Referee, excluding non-judicial days, file request for and be allowed a hearing before the presiding Judge. Provided, however, that a rehearing will not be allowed in any delinquency or unruly cases in which the Referee recommends dismissal after hearing on the merits. The recommendation of the Referee, in all matters before the Court, shall be the decree of the Court pending a rehearing.

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, excluding non-judicial days, of the final order in the Juvenile Court. The notice of appeal shall also be filed in the Criminal Court reflecting the appeal of the Juvenile Court final order. 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. If a rehearing of a matter heard by a referee is not requested or provided pursuant to TCA § 37-1-107(e), the date of the expiration of the time within which to request rehearing shall be the date of disposition for appeal purposes, allowing fifteen (15) days for appeal. 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, PRETRIAL DIVERSIONS AND JUDICIAL DIVERSIONS

Informal Adjustment

The Court shall administer informal adjustments through the First Offender Program 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 or Referee is involved in that there must be court approval of any agreement. (See Committee Comment Rule 23 of the Tennessee Rules of Juvenile Procedure.)

Judicial Diversion

First time juvenile offenders may be eligible for judicial diversion if they are charged with a misdemeanor or a low level felony and have had no other delinquent charges filed against them in any jurisdiction. If a juvenile qualifies for judicial diversion, diversion may be part of a plea agreement with the District Attorney's Office subject to the Court's approval or the juvenile may enter a guilty plea and move the Court to grant diversion in the Court's own discretion.

If a party seeks to have judicial diversion revoked, then a written notice of intent must be filed with the court and served on the client, the child's parents or the attorney of record for the child.

If diversion is granted and the juvenile completes all requirements of the diversionary program (including maintaining a clean record), then all Court records pertaining to the diverted charge will be automatically destroyed at the juvenile's 18th or 19th birthday, depending upon the terms of the diversion.

Rule 20. DETENTION. Rules for the pre-trial and post-trial detention of delinquent offenders are governed by TCA § 37-1-114 and the Richard L. Bean Regional Juvenile Detention Center Administrative Manual. Those rules outlined in the Manual 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. MARRIAGE LICENSE WAIVER. The Court may grant judicial consent to the removal of the time and/or age requirement of the marriage license pursuant to T.C.A. § 36-3-107. Before approval is granted, the following conditions shall be met by the parties:

The minor party shall be over fifteen (15) years of age and have a copy of his or her birth certificate and a doctor's statement of pregnancy for a female or her infant child's birth certificate. The adult must have proof of age by valid driver's license, birth certificate or voter's registration card. A copy of blood test results is also needed.

If the minor's parents are consenting, their presence is necessary and if divorced, the custodial parent's presence and proof of custody is necessary. If the custodial parent objects to the marriage, a three (3) day notice will be given such parent to appear before the Court to show cause why said waiver should not be allowed. If the child is in the custody of a state agency, the child's counselor and said state agency shall be given notice and an opportunity to express their position to the Court.

All requests for a marriage license waiver shall be made to the dependency and neglect Family Service Officers. It is the sole discretion of the Court to approve or deny the waiver.

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

Adopted 7-1-2007

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Rule 1. ADOPTION OF RULES. These local rules are adopted by the Knox County Juvenile Court for practice before the court's Referees, Child Support Division.

Rule 2. COURT SESSIONS. Court opens at 9:00 a.m. and adjourns upon the completion of all matters before the court. It is recommended that attorneys dealing with Title IV-D cases appear prior to 9:00 a.m., as pre-trial conference with the State's attorney expedites the resolution of issues.

Rule 3. CONTINUANCES. The time restrictions of TCA 36-5-402 and 36-5-405 are applicable to virtually all hearings before the Juvenile Court Referees. Consequently, cases will be continued only upon the Referee's approval, or in Title IV-D cases, with the approval of the attorney for the State of Tennessee. Agreed continuances may be granted informally by the Referee. Hearing shall be required for all disputed continuance requests.

Rule 4. REFEREES' JURISDICTION. Referees in the child support division determine child support issues, including but not limited to support establishment, modification, enforcement and termination. Parentage establishment is required in many cases preliminarily to support establishment. Routine examination of the existing co-parenting situation is required for any support review. However, the Referee may not address contested custody and visitation issues, which shall be referred to the Knox County Mediation Center for assistance, unless a history of domestic violence exists. In the event mediation fails or is inappropriate, the Referee shall execute an order transferring the custody/visitation issue to the Juvenile Court Judge for disposition on Division Street.

Rule 5. STANDARD VISITATION. The Tennessee Child Support Guidelines provide that visitation between sixty-nine (69) and ninety-two (92) days requires no adjustment in the support amount. Standard visitation for the Referees' courts shall be eighty (80) days per year, pursuant to the Guidelines, 1240-2-4-.04 (7) (a).

Rule 6. HEALTH INSURANCE, NON-INSURED EXPENSE. Liability for health insurance for the child(ren) shall be established in all cases, pursuant to the Tennessee Child Support Guidelines. The parent who pays a non-covered medical expense for the child's treatment shall provide the other party with written proof of this expense within thirty (30) days of the payment. The parent who receives such notice shall reimburse the required amount within thirty (30) days of receipt. Failure to adhere to this rule may result in greater liability for the offending parent.

Rule 7. APPEALS. A request for rehearing of the Referee's decision must be filed with the court clerk within five (5) days of the entry of the order. Upon filing, hearing is set before the Juvenile Court Judge. Appeals are heard by the Judge at the Child Support Division, Old Knox County Courthouse, Main Street, Knoxville,

TN, and are not heard at the Division Street location of the Court. The Referee's order is effective and binding upon the parties until the appeal is addressed by the Judge. Appeals of the Judge's decision shall be made to the Court of Appeals.

Rule 8. WAIVER AND MODIFICATION OF RULES. Any of these rules may be waived or modified by any of the Referees if justice so requires.