

# **LOCAL RULES OF PRACTICE FOR THE JUVENILE COURT FOR SUMNER COUNTY, TENNESSEE**

## **RULE 1: Scope and Purpose**

Pursuant to the authority vested in the Judge of the Juvenile Court for Sumner County, Tennessee, by Tenn. Code Ann. § 37-1-101 *et seq.*, and the Tenn. R. of Juv. Prac. & Proc., these Local Rules shall govern the practices and procedures of the Juvenile Court for Sumner County, Tennessee. These Local Rules shall supersede all Rules of Practice and Procedure adopted prior to July 1, 2016. Every person appearing before the Juvenile Court for Sumner County, before the Judge or the Magistrate, shall be charged with the knowledge and application of these Local Rules.

## **RULE 2: Courtroom Decorum**

There shall be no smoking, eating, drinking, or chewing gum in the courtroom. Additionally, there shall be no cellular devices, laptops, notebooks, or other technologically-based communication or social-networking devices allowed in the courtroom unless prior permission from the Court has been specifically given. Any allowed electronic devices shall be used for professional purposes only and shall not create a disruption to courtroom activity. Any such devices that disrupt courtroom proceedings shall be subject to seizure and confiscation, and any person who is in possession of such a device that disrupts Court proceedings may be held in direct contempt of court and sanctioned accordingly.

Lawyers, court attendants, and all persons having business before the Court shall be appropriately dressed while in court attendance. Shorts, tank tops, halter tops, cut-off sleeves, pajama pants, hats, and any clothing with inappropriate images or statements are prohibited. Any person wearing inappropriate clothing that disrupts courtroom proceedings may be held in direct contempt of court and sanctioned accordingly.

The Court Officers in attendance will be charged with the responsibility of enforcing compliance with these standards of courtroom conduct. This responsibility may necessitate the removal of any person(s) in violation of these standards from the courtroom and courthouse.

## **RULE 3: Sessions and Office Hours**

Sessions of the Court are scheduled by the Judge or Magistrate as needed. Traditionally, Mondays and Fridays are reserved for special-set hearings and/or proceedings arising from General Sessions, Division II. Tuesdays are generally designated for delinquent cases; Wednesday mornings are generally designated for dependent and neglected cases, while Wednesday afternoons are generally designated for child support establishment and/or enforcement involving the Title IV-D Office; and Thursdays are generally designated for delinquent and unruly cases, including truancy. The regularly-scheduled dockets, except child support cases, shall begin at 8:30 a.m.; child support cases shall begin at 1:30 p.m. Any other matters to be heard by the Court will be scheduled by the Judge or Magistrate.

Court hours are 8:00 a.m. until 4:30 p.m., Monday through Friday. The Court is not open on Saturdays, Sundays, and holidays. Exceptions to this schedule may be authorized by the Judge or Magistrate. In the event of inclement weather or other such emergency, the Juvenile Court Judge has sole discretion to close the courthouse and defer any court business.

**RULE 4: Magistrates; Findings and Recommendations; Rehearings; Surrenders**

Unless the Judge directs otherwise, the Magistrate may hear any case over which the Juvenile Court has jurisdiction. The Magistrate has the same authority as the Judge to issue any and all process. The Magistrate, in the conduct of the Court's proceedings, has the powers of a trial judge, including contempt powers. At the conclusion of a case, the Magistrate's ruling shall be made by written Order or Findings and Recommendations. No confirming order of the Magistrate's ruling will be required.

The following language shall be inserted in all of the Magistrate's Orders or Findings and Recommendations:

This Order may be appealed to the Juvenile Court Judge or, as provided by statute, by filing a Request for Rehearing with the Juvenile Court Clerk within ten (10) judicial days of the Order being entered. This Rehearing is *de novo*. The Magistrate's Order shall be obeyed unless the Judge orders otherwise. Any failure to comply with the Magistrate's Order is punishable by Contempt, for which the penalties may include a Fine and/or Incarceration.

Any ruling by the Magistrate on a preliminary matter is final and not reviewable by the Judge, except at the Court's own motion. Any ruling by the Magistrate on a non-preliminary matter may be appealed to the Judge by filing a Request for Rehearing with the Juvenile Court Clerk within ten (10) judicial days of the date on which the Magistrate's Order or Findings and Recommendations has been stamped by the Juvenile Court Clerk as "Filed." A prematurely filed Request for Rehearing shall be treated as if it were timely filed immediately after the Magistrate's order. Unless the Judge orders otherwise, the Magistrate's Findings and Recommendations shall be considered the decree of the Court pending a Rehearing.

The Judge's Office shall set the Request for Rehearing for a trial date at which time **all** parties and/or their attorneys and/or witnesses shall be present in court. This hearing shall be *de novo*. Failure of the requesting party to appear at the set Rehearing date shall cause the Request for Rehearing to be denied and dismissed with costs assessed to the requesting party. Failure of the respondent party to appear at the set rehearing date may allow the Court to grant the requested relief by Default with costs assessed to the respondent.

The Magistrate's dismissal of a Petition for Delinquency or Unruly Behavior following a full adjudicatory hearing is not subject to a *de novo* rehearing based upon constitutional prohibitions for double jeopardy.

The Magistrate, pursuant to T.C.A. 36-1-102(16)(c), shall have the authority to take a surrender of a child and to take a revocation of such surrender.

**RULE 5: 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 clerk's 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 shown.

**RULE 6: Form of Pleadings**

All pleadings filed or presented to the Court should be on letter-sized (8 ½" x 11"), white paper. An original pleading shall be filed in all cases and shall be accompanied by sufficient copies necessary for services upon the parties and, in the case of siblings, each sibling file.

**RULE 7: Attorneys**

Only attorneys licensed to practice law in Tennessee who have entered an appearance in a case shall be considered counsel of record. An entry of appearance may be made as follows: (1) as a written request by counsel to the Clerk that an appearance be entered; (2) through the filing of any pleadings, including a formal Notice of Appearance; and (3) by an appearance as counsel at any court proceeding. In accordance with Rule 104 of the Tenn. R. of Juv. Prac. & Proc., an attorney of record who wishes to terminate their representation may do so only by permission of the Court.

**RULE 8: Record of Proceeding**

The Court will record all hearings which must, by law, be recorded. Audio recordings will be maintained by the Court for one (1) year from the day of the final disposition of the case. In the discretion of the Court, copies of audio recordings may be released to attorneys of record or court reporters. Any party who desires to obtain a copy of a recording shall submit a written request to the Court and shall provide the necessary medium on which to acquire the recording.

**RULE 9: Intake, Service of Process, Subpoenas and Other Documents**

1. All process shall be delivered to the office of the Juvenile Court Clerk for service of process to be completed by any means reasonably sufficient to ensure that the parties have proper, statutory notice.
2. 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 name and location of each person served. If the Petitioner or Respondent is represented by an Attorney, then it is that attorney's responsibility to prepare any/all Certificates of Service and/or Summons and forward the same to the Juvenile Court Clerk. If the Petitioner or

Respondent is *pro se*, then it is the duty and responsibility of the Juvenile Court Clerk to prepare and issue service of process and Summons.

3. After service of process has been effectuated by personal service for an initial scheduling and the parties have presented themselves to the Court, subsequent notice may be made by mail or in open Court. All parties shall appear at the proceedings unless excused by the Judge or Magistrate.
4. In delinquent and/or unruly cases, when a Detention Hearing is needed, the Petition(s) at issue must be filed with the Juvenile Court Clerk by 9:00 a.m. on the morning of the Detention Hearing. For non-Detention Hearings, the Petition(s) must be filed at least five (5) judicial days before the hearing.
5. Subpoenas shall be governed by Rule 107 of the Tenn. R. of Juv. Prac. & Proc.:
  - a. *Subpoena of Persons*: With the exception of emergency hearings, preliminary hearings, detention hearings, or for good cause shown, all subpoenas for the attendance of witnesses shall be served at least 5 calendar days prior to the hearing.
  - b. *Subpoena for Production of Documents*: With the exception of emergency hearings, preliminary hearings, and detention hearings, all subpoenas for the production of documents, images, records, data or like information shall be served at least 10 calendar days prior to the hearing, unless otherwise provided by law.
6. In Title IV-D cases, leading process shall be the responsibility of the Office of the District Attorney General. After service is effectuated, the pleadings and necessary documents are filed with the Juvenile Court Clerk.
7. Service of process is not effectuated by leaving a copy of any Petitions, Answers, Summons, Subpoena, or other pleadings in an attorney's Juvenile Court mailbox. Any copy placed in the mailbox is complimentary only and shall not constitute proper knowledge or service.

**RULE 10: Schedule of Hearings; Mediation; Continuances**

1. Upon motion of any party or its own motion at any time prior to the trial date, the Court may refer any appropriate case for mediation. The parties can stipulate to a mediator or, should they be unable to reach an agreement, may ask the Court to designate a mediator. It is the responsibility of the parties to pay any and all fees associated with mediation, including those when/if the Court has appointed the mediator.
2. Delinquent, Unruly, and Dependent and Neglect cases shall be timely set through the Juvenile Court. Title IV-D Child Support cases shall be set by the Office of

the District Attorney General. Cases involving the State of Tennessee Department of Children's Services (DCS) shall be set by DCS and the Court.

3. Special Set Cases before the Judge or Magistrate, including custody, visitation, parentage, child support matters in which the District Attorney is not involved, Dependent and Neglect actions not filed by DCS, and any modifications of the aforementioned, shall be set through the Court and, specifically, through contact with the Judge's or Magistrate's Office. An estimate of how much time is anticipated for the hearing shall be given to the Judge or Magistrate. **All special set cases shall designate on the pleadings and Summons whether they will be heard before the Judge or Magistrate.**
4. Cases may be continued only by leave of the Court. All Motions for Continuance shall be made as soon as practical **before** the trial date. Cases shall not be continued except for good cause shown. All cases continued shall be by written Order stating the reason for the continuance, at whose instance it was requested, and the date of the case's reassignment. Agreed continuances shall be by Order and signed by counsel for all parties and shall specify the date of the case's reassignment. 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."
5. The absence of a witness will not be grounds for a continuance unless the witness has been properly served with a subpoena in accordance with these Rules and the Rules of Civil Procedure.
6. When a case is set without objection to having it set, failure to complete discovery, unavailability of counsel on the hearing date, inability to take depositions, or failure to complete any other trial preparation shall not be grounds for a continuance except for good cause shown prior to the hearing date. In any case that is continued, the Court may award expenses and attorney fees, including the compensation to a witness for lost income and/or travel expenses and tax the same as Court costs. Emergencies and other unforeseen circumstances for the attorneys, parties, and key witnesses (particularly those under subpoena) may constitute exceptions at the Court's discretion.
7. All dispositional hearings shall be set immediately after the adjudication of a Petition unless the Court deems otherwise. The Court may, on its own motion or upon a party's motion, set a later dispositional date, but said date shall be set immediately after the adjudication to be held "within **15 days** of the adjudication hearing if the child is in detention or otherwise has been placed out of the home by court order, and within **90 days** of the adjudicatory hearing in all other cases. Upon good cause shown the dispositional hearing may be continued to a date certain." *See* Tenn. R. of Juv. Prac. & Proc. 211(a) (Emphasis Added).

8. Any case not specifically scheduled for a hearing within one (1) year of the date of filing or last issued service of process, whichever is later, shall be subject to dismissal at the Court's discretion. In the event of the Court's dismissal under this section, the Court may award court costs, expenses, and attorney fees to the prevailing party.
9. Notice of Intent to seek Transfer of Jurisdiction of Child to Criminal Court: The state must file written notice, in good faith and not for the purpose of delay, of the intent to seek transfer in accordance with Tenn. Code Ann. § 37-1-134. "The decision on whether or not the state will seek transfer must be made within **90 days** of the child being charged with an offense and **no less than 14 days prior** to the transfer hearing or the adjudicatory hearing, whichever comes first. This time period may be extended by the court for good cause. *See* Tenn. R. of Juv. Prac. & Proc. 208(a) (Emphasis Added). In reviewing such a request to extend the time for the transfer hearing, the Court will consider the circumstances of the case, the reason for the request, the well-being of the child, and whether the delay will affect other related cases in any other court.

If a case is reset due to a request to extend the time period, upon appropriate application to the Court, the Court will entertain a Motion to Set Bond.

#### **RULE 11: Motions**

1. Motions shall be filed at least five (5) judicial days prior to the hearing date thereon, unless all parties waive the five-day requirement or special approval from the Court is obtained prior to filing. All Motions shall be in writing. Further, in cases involving more than one party, or involving a Guardian *ad litem*, notice of Motions shall be provided on those persons under the same time requirements.
2. Unless otherwise docketed, motions will be set by the offices of the Judge or Magistrate on a designated day. **All Motions shall designate whether it will be heard before the Judge or the Magistrate.** Attorneys are encouraged to communicate and propose dates by agreement. Legal arguments may be heard and agreements announced on that day.

Each side is allowed a maximum of fifteen (15) minutes to present their motions. Motions which cannot be heard within thirty (30) minutes shall not be set on the motion day without leave of the Court. Briefs and responses may be required solely at the discretion of the Judge or Magistrate.

3. In Delinquency proceedings, the following issues must be raised via written motion prior to trial or transfer: Motions to Suppress Evidence, Request for Discovery and Inspection, and Motions for Severance or Consolidation. Failure of a party to raise defenses or objections or to file motions prior to the trial or transfer shall constitute a waiver thereof, but the Court, for good cause, may grant relief from the waiver.

4. Attorneys filing motions to depose victims or children in cases where neglect, abuse, or sexual abuse is alleged, shall provide notice to DCS, the Guardian *ad litem*, the District Attorney, and the criminal defense counsel when attorneys are aware that a criminal case is pending regarding the same matters.
5. Failure of Attorneys (either for the Petitioner or Respondent) or a *pro se* litigant to appear for the motion hearing will result in the motion potentially being dismissed with cost assessed to the filing party. Upon good cause shown, the Court may choose to redocket said motion.

**RULE 12: Discovery**

1. Local Rule for Discovery (Non-Delinquent cases): Parties shall act in good faith to share information without a formal request for discovery. The Court will, however, allow discovery upon motion by either party, being timely filed, and upon good cause shown. Discovery may then be allowed under such terms and conditions as the Court may prescribe.
2. Local Rule for Discovery (Delinquent cases): In all delinquent proceedings where the complainant is the State of Tennessee or the District Attorney is involved, the child's attorney, upon request, shall be informed of and given access to all matters in the possession and control of the State which would be discoverable in Criminal Court under the Rules of Criminal Procedure. To the extent possible, however, discovery shall be done informally.

**RULE 13: Guardians *ad litem* and CASA**

The Court may appoint a Guardian *ad litem* either on its own motion or at the request of any party when the Court deems such an appointment to be appropriate. A Guardian *ad litem* shall be appointed in all cases that have alleged Dependency and Neglect and said Guardian shall be compensated at the rate and manner prescribed as any other appointed attorney. In custody proceedings that do not allege Dependency and Neglect where the Court specifically finds that the child's best interests are not adequately protected by the parties and that separate representation of the child's best interest is necessary, a Guardian *ad litem* may be appointed and compensated pursuant to Rule 40A, Section 3 of the Tennessee Rules of the Supreme Court, consistent with Tenn. Code Ann. § 36-4-132. Additionally, in cases where one or more parties are not indigent, and upon motion of the Guardian *ad litem*, the Court may consider the payment of the Guardian's fees by the parties.

The Court may also appoint CASA to act on behalf of a child in determining the best interest of the child in any action pending before the Court. Any party to a proceeding may request that CASA be appointed. In any case in which CASA has been appointed, CASA shall be given notice of all hearings, staffings, adjudications, dispositions, and any other notices given to the parties. CASA shall be entitled to be present at any court proceedings or other formal or informal proceedings, including, but not limited to, mediations, pre-trial conferences, or other such proceedings involving the child where the other parties have a right to be present.

**RULE 14: Pre-Trial Issues, Briefs, Parenting Plans and Child Support Worksheets**

1. Private Cases: In all non-State cases set for trial or disposition, lists of all witnesses and exhibits (other than impeachment and rebuttal witnesses and exhibits) shall be filed with the Juvenile Clerk and exchanged between Counsel at least three (3) judicial days prior to the hearing. Witnesses and exhibits not listed may not be called or used except for impeachment or rebuttal.
2. State Cases: In all cases in which the State of Tennessee is a party, lists of all witnesses and exhibits (other than impeachment or rebuttal witnesses and exhibits) shall, upon the request of any party, be exchanged between Counsel at least three (3) judicial days prior the hearing. If requested, witness and exhibit lists not exchanged may not be used except for impeachment or rebuttal.
3. Briefs: If a party desires to file a Pre-Trial Brief, such a Brief shall be filed no less than three (3) judicial days prior to the hearing. Responsive Briefs are not required but may be filed no later than twenty-four (24) hours prior to the hearing with a courtesy copy sent directly to the Judge or Magistrate.
4. Parenting Plans and Child Support Worksheets: In all non-State cases where custody, visitation, and child support are to be heard, Proposed Parenting Plans (Temporary or Permanent, depending upon the requirements of the hearing) and Proposed Child Support Worksheets shall be filed and incorporated by reference with the initial Petition. Responsive Proposed Parenting Plans and Child Support Worksheets shall be filed with and attached to any Answer. At the conclusion of the hearing, the Court may order that a Parenting Plan and Child Support Worksheet be submitted and incorporated by reference into any Final Order.
5. Additionally, the Court may Order parents to complete parenting classes, including the Parent Education seminar, in any case, including Delinquent and/or Unruly cases. Upon completion of said classes, the attending parent shall ensure that the certificate of completion is properly filed with the Clerk.

**RULE 15: Extraordinary Relief**

1. Protective Custody Order and Temporary Restraining Orders: Persons seeking *ex parte* Orders shall first file a Petition with the Juvenile Court Clerk; once filed, the Court will then determine whether the matter is an emergency and should be considered immediately for *ex parte* relief or whether all parties can be given notice and the opportunity to be heard. When the opposing party has counsel of record, the party seeking the *ex parte* Order shall dutifully endeavor to give Counsel notice that he or she is seeking an *ex parte* Order. Exceptions to this rule include situations where time is of the essence and the best interest or welfare of the child(ren) will be compromised if notice is given. Such notice as the circumstances permit shall be given. Where no notice is given and Counsel for the opposing party is known, parties seeking an *ex parte* Order should present an Affidavit showing why it was not possible to give notice. *Ex parte* relief lies solely at the discretion of the Judge or Magistrate.



2. Granting of Age Waiver for Marriage License: The Court may determine whether to grant judicial consent to the removal of the time and/or age requirement for the marriage license. This lies at the sole discretion of the Judge.
3. Request for Consent to Abortion: Only the Judge, not the Magistrate, may determine whether to grant judicial consent to abortion upon proper application consistent with the procedure of Rule 24 of the Rules of the Supreme Court of Tennessee.
4. Request for Authorization for Use of Child in Law Enforcement Operation: The Court may determine, at its sole discretion, whether to grant permission to use a child in law enforcement operations.

**RULE 16: Dormant Cases**

To expedite matters, the Court may take reasonable measures to purge the docket of old cases where the cases have been dormant for an extended period of time. In the event the Court does choose to purge dormant cases, the Clerk's Office shall provide written notice to all parties (whether *pro se* or represented by counsel) and all counsel prior to said purge.

**RULE 17: Notice Requirements Provided by the Department of Children's Services**

Pursuant to Tenn. Code Ann. § 37-2-416, the Tennessee Department of Children's Services shall ensure at each hearing concerning a child in foster care that the foster parents, pre-adoptive parents (if applicable), and relative caregivers are notified of all proceedings with respect to the child in care.

**RULE 18: Conduct of Trials**

Except for cases where the public is allowed by statute, proceedings in the Court may be private. 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 on the record. The Court may appoint a Guardian *ad litem* to act on the child's behalf in determining the interests of the child at any stage of the proceedings when the child is without a parent or guardian or when it appears that the child's interests so require.

**RULE 19: Orders & Decrees**

1. Unless otherwise directed, the prevailing party shall draw the Order and submit it to be filed within fourteen (14) judicial days of the hearing. All Orders must include a certificate of service to all parties or their respective Counsel.
2. Any Agreed Order that is announced in Court on the record does not have to be circulated to all parties for their signatures prior to being submitted for filing; however, such Orders must state in the body of the Order that the agreement was announced in open Court.

**RULE 20: Restitution**

The Court may order restitution in Delinquency cases. The Court may limit discovery pertaining to restitution if it determines that the information sought is unreasonably cumulative or duplicative, or is obtainable from some other, more convenient, source that is less burdensome, or expensive, taking into account the needs of the child.

The amount of said restitution may be "Reserved" by the Court or the State at disposition for future action when, in the opinion of Court, it is in the child's best interest to begin a treatment or rehabilitation program, despite the fact that the amount of restitution is unresolved.

Unpaid restitution balances ordered by the Court may be converted by the recipient into a civil judgment that shall remain in effect for ten (10) years from the date of entry. This form of civil judgment shall be enforceable by the recipient in the same manner and extent as other civil judgments.

**RULE 21: Delinquent Cases**

1. Arrest and Detention: In cases alleging juvenile delinquency, no child shall be placed in Juvenile Detention unless an officer authorized by law effects a proper arrest (reference is made to Rule 4 of the Rules of Criminal Procedure, for illustration of the proper procedure).
2. Detention Hearings: When conducting Detention Hearings pursuant to Rule 203(d)(3) of the Tenn. R. of Juv. Prac. & Proc. for children alleged to be delinquent, the Court shall
  - (A) Determine whether probable cause exists as to whether the charged offense or a lesser included offense has been committed and whether the child committed it; and
  - (B) If probable cause has been determined, whether the offense is one which qualifies for continued detention under T.C.A. § 37-1-114; and
  - (C) If probable cause has been determined and the offense qualifies for continued detention, determine whether it is in the best interest of the child and the community that the child remain in detention pending further hearings. In making this best interest determination, the court should consider the likelihood that the child would abscond or be removed from the jurisdiction of the court; and
  - (D) Determine whether any less restrictive alternatives to detention are available which would satisfy the court's best interest determination above. The court may impose conditions on release such as the setting of bail, restrictions on the child's movements and activities, requirements of the child's parent, guardian or custodian, or other community-based alternatives as an alternative to continued detention.

Evidence in these hearings shall be admitted pursuant to the Tennessee Rules of Evidence except that such evidence may include reliable hearsay. *See* Tenn. R. of Juv. Prac. & Proc. 203(d)(2).

3. Plea Agreements: Before accepting a plea of guilty or no contest (in addition to following the requirements of Rule 205 of the Tenn. R. of Juv. Prac. & Proc.), all parties must enter a written plea agreement using the form provided by the Court, which details those requirements under Rule 209 of the Tenn. R. of Juv. Prac. & Proc.
4. Under Rule 202 of the Tenn. R. of Juv. Prac. & Proc., Pretrial Diversion agreements must be in writing. This may be effectuated by a form provided by the Court or incorporated into the Valid Court Order.

#### **RULE 22: Unruly Cases**

In cases alleging Unruly Behavior, based upon the allegations of the child's disobedience of his/her parent(s), guardian, or custodian, it shall be necessary for the Petitioner to prove that the child "**habitually is disobedient of the reasonable and lawful commands of the child's parent(s), guardian[,] or legal custodian to the degree that such child's health and safety are endangered.**" *See* Tenn. Code Ann. § 37-1-1-102(a)(25)(ii) (Emphasis Added).

#### **RULE 23: Child Support Cases**

It is the duty and responsibility of all Counsel, in actions for paternity and/or child support, to notify, if required, the Offices of the District Attorney General who acts as the Title IV-D contractor so that the District Attorney General may participate, as needed, in any hearing. The failure to notify the District Attorney's Office may result in a necessary delay in the proceedings.

Child support, paternity, custody, and visitation cases that do not require the notification and/or participation of the District Attorney General **shall not** be set on the Court's regularly-scheduled, Wednesday afternoon child-support-establishment or enforcement dockets; these cases shall be special set on the Court's calendar.

Child support debt compromise under Tenn. Code Ann. § 36-5-101 applies only to child support arrearages to the obligee by the obligor; it does not apply to monies owed to the State of Tennessee (or another State). If there are assigned arrears to the State, this amount cannot be compromised, but the unassigned arrears portion, including interest, can be negotiated if an agreement is reached between the parties (after 12 full months of consistent payments in full). In all Title IV-D cases, the Department of Human Services or its contractors must be a party to the action of settlement and compromise. All parties seeking the compromise and settlement of child support arrears shall use the forms, including the Agreed Order and Explanation of Rights, generated by the Tennessee Department of Children's Services. The Court shall require, prior to reviewing and accepting the compromise and settlement Agreed Order, that a Motion to Accept the Compromise and Settlement be filed and that all necessary parties appear in court.

**RULE 24: Confidential Records**

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

**RULE 25: Appeals from the Juvenile Court Judge**


An appeal from the Judge's decision in a Delinquency case may be perfected by filing, with the Juvenile Court Clerk, a Notice of Appeal within ten (10) judicial days of the entry of the Court's Order. Said Notice of Appeal shall also be filed in the Circuit Court Clerk's Office reflecting the appeal made. Appeals on Dependency and Neglect cases, or Unruly cases, shall be made to the Circuit Court Clerk's Office. Appeals of Termination of Parental Rights cases shall be made to the Court of Appeals, Middle Section at Nashville. Appeals of all matters heard in Juvenile Court pursuant to Title 36 shall be made to the Court of Appeals, Middle Section at Nashville. An appeal shall not operate as a stay of judgment and the Order of this Court shall remain in effect until the appellate court enters an Order to the contrary.

**RULE 26: Waivers & 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 to protect the child(ren)'s best interests, to do substantial justice, or to arrive at the equities of the case between or among the parties involved.

**These Local Rules of Practice for the Juvenile Court for Sumner County, Tennessee are hereby adopted and ENTERED on the Minutes of this Court on this, the**

1<sup>st</sup> day of July, 2016.

  
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Barry R. Brown, Judge

  
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David R. Howard, Magistrate