

LOCAL RULES OF PRACTICE FOR HAMILTON COUNTY JUVENILE COURT

TABLE OF CONTENTS

Rule

1. Adoption of Rules
2. Scope and Purpose
3. Courtroom Decorum
4. Legal Guardian Required
5. Sessions
6. Office Hours
7. Attorneys
8. Pleadings
9. Electronic and Facsimile Filing
10. Motions
11. Scheduling of Hearings and Continuances
12. Service of Process, Subpoenas and Other Documents
13. Discovery
14. Confidential Records
15. Pretrial Motions
16. Conduct of Trials
17. Orders
18. Dormant Cases
19. Guardian ad Litem and CASA
20. Foster Care Review Board
21. Mediation and Parenting Plans
22. Rehearings and Appeals
23. Waivers or Modification of Rules

Rule 1. ADOPTION OF RULES

The Juvenile Court of Hamilton County abrogates all existing local rules of practice and adopts these rules effective July 1, 2022.

Rule 2. SCOPE AND PURPOSE

These rules and the Tennessee Rules of Juvenile Practice and Procedure, or in applicable cases the Tennessee Rules of Civil Procedure, shall govern the practice and procedure in all cases before the Juvenile Court of Hamilton County, Tennessee, unless

specifically excluded or where justice so requires. They are intended to secure simplicity in procedure, fairness in administration and the elimination of unjustifiable expense and delay in accordance with Titles 36 and 37 of the Tennessee Code and the Tennessee Juvenile Rules of Practice and Procedure.

Rule 3. COURTROOM DECORUM

No participant shall dress in a manner which detracts from proper decorum in the Court. There shall be no use of tobacco products, vapes, eating or chewing gum in the courtroom. There shall be no telephones or other electronic devices allowed in the courtroom unless the device is silenced. No recording or photography will be allowed in the courtroom while court is in session, absent specific permission of the Court.

Rule 4. 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 to a legal guardian. A parent or legal guardian must be present at any Paternity or Child Support matter involving a parent who is a minor.

Rule 5. SESSIONS

There shall be a session of court daily, except on non-judicial days, which are Saturdays, Sundays and Hamilton County holidays. Court hours are 8:00 am until 4:30 pm. Exceptions to this schedule may be authorized only by the Presiding Judge. Unless the Judge directs otherwise, any case in which the Court has jurisdiction may be heard in the first instance by a Magistrate.

Rule 6. OFFICE HOURS

The Office of the Clerk of Court shall be open for the regular transaction of business from 8:00 am until 4:30 pm except on non-judicial days, which are Saturdays, Sundays and Hamilton County holidays.

Rule 7. ATTORNEYS

All attorneys licensed to practice law in Tennessee shall be allowed to appear in any matter coming before the Court. In accordance with Rule 104 of the Tennessee Rules of Juvenile Practice and Procedure, an attorney of record who wishes to be relieved from their duty to represent a client may do so only by permission of the Court. All lawyers are expected to comply with the Chattanooga Bar Association Guidelines for Professional Conduct which may be found at <https://chattanoogabar.org/109.117/guidelines-for-professional-conduct>.

Pursuant to Supreme Court Rules 13 and 40, the Juvenile Court of Hamilton County shall maintain a roster of attorneys to appoint to indigent parties and defendants who qualify for appointed counsel. The Court has the inherent authority to establish and maintain qualifications of appointed counsel to ensure that indigent parties and defendants receive competent counsel in all proceedings held in the Hamilton County Juvenile Court. All newly admitted attorneys and attorneys who have less than three (3) years of active practice in the juvenile court shall attend a continuing legal education seminar provided by the Court and should seek a mentor for a period of one (1) year with qualifying juvenile court experience. The Court will assist in pairing the attorney with a mentor upon request.

Rule 8. PLEADINGS

All pleadings filed or presented to this Court shall be on letter-sized (8 1/2" x 11") paper, opaque and unglazed. An original pleading shall be filed in all cases and shall be accompanied by sufficient copies necessary for service to all parties. Attorneys shall provide copies of all exhibits for the Court and all parties.

Form petitions which meet the requirements of law are provided by the Court for every type of proceeding within the jurisdiction of the Court. Court personnel are available to appropriately assist as necessary in the preparation of petitions but do not provide legal advice.

Rule 9. ELECTRONIC AND FACSIMILE FILING

The Juvenile Court Clerk shall accept papers for filing by facsimile transmission as provided in Rule 5A.02 of the Rules of Civil Procedure and Rule 106 of the Tennessee Rules of Juvenile Practice and Procedure. No facsimile filing shall exceed fifty (50) pages in length, including the cover sheet unless authorized by the Court.

The Juvenile Court Clerk shall accept documents for filing by electronic means that comply with technological standards promulgated by the Tennessee Supreme Court. See Addendum below.

Rule 10. MOTIONS

Generally. Motions shall be in writing and cite the rule, statute or other authority for the relief sought and will be set for hearing. Motions for discovery will be routinely granted unless an objection is filed. Legal arguments may be heard and agreements announced on the motion docket. If testimony is required, the case may be re-docketed. Briefs and responses may be required at the discretion of the Court.

Schedule and Call. Motions will be heard every Wednesday at 8:30 am, with the exception of Motions filed in the Child Support Division which will be heard every Tuesday at 8:30 am. Motions may be heard at other times with the consent of the Judge. Motions will be called at the Court's first regularly scheduled motion day occurring no less than five (5) business days after the filing of the motion. Notice of the date and time of the hearing shall be placed on the motion. Motions filed by 4:00 pm on Tuesday will be called the second following Wednesday. Motions filed in the Child Support Division by 4:00 pm Monday will be called on the second following Tuesday.

Rule 11. SCHEDULING OF HEARINGS/CONTINUANCES

All motions for continuance shall be made as soon as practicable 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/or by all the parties if not represented by counsel and shall specify a new trial date. It is the requesting party's responsibility to notify all parties and witnesses subpoenaed of the continuance and the reset court date.

Rule 12. SERVICE OF PROCESS, SUBPOENAS AND OTHER DOCUMENTS

All subpoenas shall be typed or printed on forms provided by the Court and submitted to the Clerk of the Court pursuant to Rules 102 and 107 of the Tennessee Rules of Juvenile Practice and Procedure.

If service of process is effectuated by personal service for an initial setting and the party has presented themselves 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.

Rule 13. DISCOVERY

Discovery should be exchanged pursuant to the terms set forth in the Tennessee Rules of Juvenile Practice and Procedure 206 and 305 for Delinquent and Unruly proceedings and for Dependent and Neglect proceedings and may be allowed pursuant to Tennessee Rule of Civil Procedure 26 and Tennessee Rule of Criminal Procedure 16. Prior to filing a Motion related to Discovery, the interested party shall exhaust all efforts to come to an agreement for discovery and shall have so certified to the Court in the Motion. The District Attorney General's office shall provide or facilitate timely discovery in Delinquency cases.

Rule 14. CONFIDENTIAL RECORDS

All records submitted or filed with the Hamilton 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 Services or other agencies, CASA reports and probation reports) and shall not be disclosed or released to anyone for any purpose other than the proceedings currently before this Court, without further authorization from the Presiding Judge.

Rule 15. PRETRIAL MOTIONS

All pretrial Motions shall be in writing and must be filed with the Court and served by 4:00 pm at least five (5) days before the hearing in the matter.

Rule 16. 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. WebEx appearances will be limited to exceptional needs on a case-by-case basis and shall be requested at least three days before the hearing date.

Rule 17. ORDERS

Unless specifically directed to do so by the Court, attorneys are not required to prepare and submit orders. Orders are otherwise prepared by the Clerk and are reviewed and finalized by the Judge or Magistrate. Any party wishing to prepare and submit an order for approval may simply inform the Court of that intention. Such orders shall be submitted to opposing counsel and be lodged with the Clerk no later than the 10th day following the decision.

Submitted orders shall be signed by all parties or their counsel or certified pursuant to Tennessee Rules of Civil Procedure 58 where applicable or Tennessee Rules of Juvenile Practice and Procedure 117 in all other matters. A proposed order is one that has not been signed by all parties or counsel. Any proposed order lodged with the Clerk shall bear the word "PROPOSED" at the top of the order and will be stamped as "Lodged" by the Clerk. Ten (10) business days after the initial proposed order is lodged, the Clerk shall deliver the proposed order and any objection to the Magistrate or Judge. Business days shall be computed in accordance with Rule 6.01 of the Tennessee Rules of Civil Procedure. Once entered, the Clerk will provide the Order to all parties or their counsel.

Rule 18. 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 19. GUARDIAN AD LITEM AND CASA

The Court will appoint a qualified attorney Guardian ad Litem in all Termination of Parental Rights cases and in other cases where appropriate. The Court may also appoint a Guardian ad Litem at the request of any party when the Court deems such an appointment to be appropriate in other cases.

The Court may also appoint a Court Appointed Special Advocate (“CASA”) to act on behalf of a child in determining the best interest of the child. The CASA shall be given notice of all hearings, staffing meetings, adjudications, dispositions and any other notices given to the parties with regards to the case in which they were appointed. The CASA is entitled to be present at any court proceedings.

Rule 20. FOSTER CARE REVIEW BOARD

Hamilton County Foster Care Review Board (FCRB) Program will abide by Rule 403 of the Tennessee Rules of Juvenile Practice and Procedure in addition to the local rules set forth herein.

Scheduling and Notice: The Department of Children’s Services (“DCS”) is required to provide proof of notice to all parties, their attorneys, the GAL and the foster parents, as early as possible but no less than fifteen (15) calendar days prior to a scheduled Board Review. Board Reviews are held on every first and second Tuesday of the month.

Should there be an error in the timely notice, the DCS liaison shall notify the Foster Care Review Coordinator, who may have the case reset for the following month. If a party is not present due to a lack of timely notice, the case shall be reset and the DCS Deputy Regional Administrator may be notified.

If it is determined at the FCRB meeting that required documents are missing or outdated, the review will be reset and the DCS Deputy Regional Administrator will be notified of the rescheduled review.

A copy of each notification letter must be included in the case documentation packet submitted to the Court. Each notification letter must identify the intended party, their association to the case, the method of contacting the party with address, email address and/or telephone number, and the date notice was given. All required

documentation shall be provided to the FCRB Coordinator. The FCRB Coordinator shall evaluate documented notices to ensure parties were properly notified.

The FCRB Coordinator is responsible for determining that a quorum of members, with a minimum of three (3), exists prior to each review. The FCRB may request a child be present for its next review. If this request is made, DCS is responsible to facilitate transportation for the child to attend.

Rule 21. 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 every good faith effort to address the issues in the best interest 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.

Rule 22. REHEARINGS AND APPEALS

A request for Rehearing of the Magistrate's decision must be filed with the Clerk of Court within ten (10) days of entry of the Order. Upon filing and approval, a Rehearing will be set before the Juvenile Court Judge. The Magistrate's Order is effective and binding upon the parties until the Rehearing is addressed by the Judge. Dependency and Neglect matters may be appealed to the Circuit Court. Other decisions of the Judge may be appealed to the Tennessee Court of Appeals and shall be governed by the Tennessee Rules of Appellate Procedure. Parties should seek legal counsel in determining procedures, deadlines and other requirements for appeals.

Rule 23. 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 a waiver or modification is necessary in order to do justice or to arrive at the equities of the case between or among the parties involved.

ADOPTED AND ENTERED in the minutes of the Court filed with the Juvenile Court Clerk and submitted to the Administrative Office of the Courts on this the 1st day of October 2022.



Robert D. Philyaw, Juvenile Court Judge

ENTERED
9-30-22

ADDITIONAL LOCAL RULES OF PRACTICE FOR HAMILTON COUNTY
JUVENILE COURT, CHILD SUPPORT DIVISION

TABLE OF CONTENTS

Rule

1. Adoption Of Rules
2. Court Sessions
3. Continuances
4. Magistrate Jurisdiction
5. Appeals
6. Waiver or Modification of Rules

Rule 1. **ADOPTION OF RULES**

These local rules are adopted by the Hamilton County Juvenile Court for practice before the Court's Child Support Division.

Rule 2. **COURT SESSIONS**

There shall be a session of Court daily, except on non-judicial days, which are Saturdays, Sundays and Hamilton County holidays. Court hours are 8:00 am until 4:30 pm. Exceptions to this schedule may be authorized only by the presiding Judge. Unless the Judge directs otherwise, any case in which the Court has jurisdiction will be heard in the first instance by a Magistrate.

Rule 3. **CONTINUANCES**

Cases will be continued only upon Magistrate approval. A hearing shall be required for all contested continuance requests.

Rule 4. **MAGISTRATE'S JURISDICTION**

Magistrates in Division IV-D Child Support determine child support issues, including but not limited to the establishment of parentage, support, modification,

enforcement and termination of support. Magistrates may approve and enter agreed-upon parenting plans. Magistrates may not address contested custody or visitation issues which must be addressed after the filing of a Petition with the Clerk of Court of the Hamilton County Juvenile Court, Main Division located at 1600 E. 3rd St., Chattanooga, TN or referred to a Mediation Coordinator.

Rule 5. APPEALS

A request for rehearing of the Division IV Magistrate's decision must be filed with the Clerk of Court within ten (10) days of entry of the order. Upon filing, a hearing is set before the Juvenile Court Judge. The Magistrate's order is effective and binding upon the parties until the rehearing is addressed by the Judge. Decisions of the Judge may be appealed to the Tennessee Court of Appeals and shall be governed by the Tennessee Rules of Appellate Procedure.

Rule 6. 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 a waiver or modification is necessary in order to do justice or to arrive at the equities of the case between or among the parties involved.

ADOPTED AND ENTERED in the minutes of the Court filed with the Juvenile Court Clerk and submitted to the Administrative Office of the Courts on this the 1st day of October 2022.



Robert D. Philyaw, Juvenile Court Judge

ENTERED
9-30-22

ADDENDUM

HAMILTON COUNTY JUVENILE COURT OF THE 11TH JUDICIAL DISTRICT **ELECTRONIC FILING RULES (E-FILING RULES)**

TABLE OF CONTENTS

1. Authority
2. Short Title
3. Definitions
4. Effect on Existing Local Rules
5. Electronic Filing Encouraged Unless Ordered by Court
6. Scope of Rules
7. Electronic Case File
8. Registration Requirements
9. Form of Documents Electronically Filed
10. Time and Effect of Documents Electronically Filed
11. Effect of E-Filing on Service Requirements
12. Payment of Fees
13. Redaction/Filing Under Seal
14. System or User Filing Errors

PART 1- AUTHORITY

In accordance with Tennessee Code Annotated, § 8-21-401, Rules of Juvenile Practice and Procedure, Rule 106, and the Policy and Technical Standards promulgated by the Tennessee Supreme Court, the Juvenile Court of Tennessee for the Eleventh Judicial District adopts electronic filing. Pleadings and other electronic documents filed electronically in the Juvenile Court shall be considered filed the same as court documents filed in paper format.

PART 2- SHORT TITLE

These rules may be cited as “Hamilton County Juvenile Court E-Filing Rules”.

PART 3- DEFINITIONS

“Case Management System” or “CMS” means a computer system operated by the Clerk’s Office which maintains all case information. For Hamilton County Juvenile Court and the Office of the Juvenile Court Clerk, the CMS is referred to as Juvenile, Family and Child Tracking System (JFACTS).

“Clerk” means the Hamilton County Juvenile Court Clerk.

“Convenience Fee” is a statutory fee pursuant to T.C.A. § 9-1-108(c) charged in connection with e-filing that is in addition to statutory filing fees. Such a fee is charged in connection with payment by credit card or ACH and covers the cost of processing the credit card.

“Court” means the Juvenile Court of Hamilton County and the Juvenile Court Judge and Magistrates.

“Document” means a pleading, motion, brief, exhibit, memorandum of law or other instrument in paper form or electronic form which is permitted to be filed pursuant to the Tennessee Rules of Civil Procedure, The Rules of Juvenile Practice and Procedure and Local Rules.

“Document Management System” or “DMS” means a computer system operated by the Clerk’s Office which maintains electronic and scanned paper documents filed with the Clerk in electronic form. For Hamilton County Juvenile Court and the Office of the Juvenile Court Clerk, the DMS is the Hamilton County Imaging system.

“E-file” or “E-filing” means the electronic transmission of original documents to the Clerk’s Office using the dedicated electronic court filing system for purposes of filing said electronic document.

“E-filer” means a registered user who has a Clerk approved e-filing username and password allowing e-filing of documents into CMS and DMS.

“E-filing Fee” is a fee charged in connection with filing that is in addition to statutory filing fees pursuant to Tennessee Code Annotated §8-21-401.

“E-filing Rules” means the Hamilton County Juvenile Court E-Filing Rules.

“Electronic Court Filing System” or “ECF” means an electronic system maintained by the clerk that allows registered users to e-file and review filings recorded in the Court’s CMS and DMS.

“Electronic Notary” or “E-Notarized” means a document that is required to be signed, verified, acknowledged, sworn to or made under oath may be e-filed as a scanned image or electronically notarized in compliance with the “*Online Notary Public Act*” and in accordance with Tennessee Code Annotated, Title 8, Chapter 16.

“Electronic Service” or “E-Served” means the electronic transmission of an e-filed document to a party or a party’s attorney through the ECF and in accordance with these Rules. The notices are specific to a case and are distributed to parties or their legal representatives who are registered in the ECF, recorded in Juvenile, Family and Child Tracking System as a case participant and are linked between the ECF and JFACTS. Electronic service does not include service of process to obtain jurisdictions over persons or property.

“Electronic Signature” means a signature line beginning with an “s/”, “/s”, or “/s/” followed by the typewritten name of the signatory followed by the user’s name, business address, telephone number, e-mail address and state-issued Bar number if applicable. See T.C.A. 16-1-115

“Filing Fee” is the statutory fee for court costs per case as defined in T.C.A. § 8-21-401.

“JFACTS” means the Hamilton County Court Juvenile, Family and Child Tracking System.

“Local Rules” means the rules of the Hamilton County Juvenile Court for the Eleventh Judicial District.

“Notice of Association” means a method provided by the ECF that a self-represented (pro se) filer will use to link the ECF registered user account to a case participant in JFACTS.

“Party” or “Parties” means any person, including an individual, legal or governmental entity whether or not a citizen or domiciliary of this state and whether or not organized under the laws of this state who is a party in a case pending in the Hamilton County Juvenile Court and is represented by an attorney or acting pro se.

“Portable Document Format” or “PDF” means a computer file format developed by Adobe Systems Incorporated for representing documents in a manner that is independent of the original application software, hardware and operating system used to create those documents. Converted documents must contain the “.pdf” extension.

“Registered User” means the following persons who, upon completion of the registration requirements may e-file documents:

- a) Attorneys licensed in Tennessee;
- b) Attorneys who seek pro hac vice;
- c) Judges, Magistrates, Court Staff;
- d) Clerk and all deputy Clerks;
- e) Pro Se Litigants; and
- f) Authorized agencies that have a legal duty to file court documents.

“Terms of User Agreement” means the agreement established by the Clerk that sets forth the parameters for use of the e-filing system by all registered users.

“Traditional Filing” means filing of physical paper documents with the Clerk’s Office.

“Transaction Receipt” means an e-mail confirmation that is transmitted to an e-filer after submission of a document and the Clerk’s acceptance of a document. The transaction receipt displays the date and time the E-filer submitted the document.

“User Guide” means the recommendations and modifications to procedures specific to the Court. All e-filers should periodically check the Clerk’s website for updates to the User’s Guide. The ECF will provide an E-filer’s User Manual on how to use the ECF.

PART 4- EFFECT ON EXISTING LOCAL RULES

These E-Filing Rules are adopted as an Appendix to the Hamilton County Juvenile Court Local Rules and do not supersede or replace any other Local Rules of this Court.

PART 5- ELECTRONIC FILING ENCOURAGED UNLESS ORDERED BY COURT

E-filing and e-service of documents are strongly encouraged by this Court. The Court or the Clerk may exclude documents and/or certain types of cases from e-filing. Notice of these excluded documents and/or cases will be provided on the Clerk’s website and the ECF.

PART 6- SCOPE OF RULES

Except as expressly provided herein, the Court shall accept as validly filed all documents that are e-filed through the ECF. E-filing shall constitute the official filing of such documents. The Court and the Clerk may issue, file and serve notices, orders and other documents electronically, subject to the provisions of these Hamilton County Juvenile Court E-Filing Rules. E-filers may obtain access to the e-filing website through an internet access point. These Hamilton County Juvenile Court E-Filing Rules remain in place and are binding upon the registered user so long as the user remains a registered user of the ECF. Nothing in the Hamilton County E-Filing Rules alters, limits or precludes the right to submit documents or other filings via traditional filing.

PART 7- ELECTRONIC CASE FILE

The Clerk shall maintain all e-filed documents that are reviewed and approved in electronic format as part of the official case file.

PART 8- REGISTRATION REQUIREMENTS

Only persons who are registered users and who seek to e-file or e-serve may register for an account and only for court filings on cases before the Court for whom they are the attorney of record, an active party or authorized agent. Persons who qualify as registered users and who desire to e-file shall register as an E-filer on the ECF website. The registration process requires the prospective user to accept the terms of user agreement, identify their role in the account, enter their personal information, their username and password and submit the request. Attorneys must include a valid Tennessee-issued Bar number or the state of license and license number. There is an approval process that will occur. Once the approval process is completed the registered user will receive an email notifying them that their account has been approved. The registered user must then register their payment options and credit card with the ECF and the Court. If the registered user does not receive an email, the user can log on to the ECF website to determine if their account is activated.

Registration on the ECF constitutes consent of the registered user to receive electronic service of all documents and electronic notices issued by the Court or Clerk. Registered users agree to regularly monitor the ECF notifications, filing statuses, associated e-mail accounts and attempted ECF logins. Registered users shall immediately update their profile upon any change in the registered user's name, law firm name, delivery address, telephone number, fax number or email address. The registered user shall safeguard the registered user's login identification and password. Any e-filing shall be presumed authorized by the registered user whose login and password was used to transmit an e-filing. The registered user is responsible for notifying the Clerk in the event of any suspected fraudulent use of the account.

PART 9- FORM OF DOCUMENTS ELECTRONICALLY FILED

Each e-filed document shall be uploaded in PDF format. The document shall be formatted in accordance with the applicable terms of the user agreement and Local Rules governing formatting and such other formats as the Court may require. The e-filer is responsible for verifying that the documents to be e-filed are legible. Documents that are not legible or scanned sideways will be rejected and the registered user can e-file them again. Once resubmitted, the correct documents will be dated and filed stamped according to the date and time of e-filing the correct documents. In addition to the

information required pursuant to Tennessee Rules of Civil Procedure and Local Rules, the party or attorney signing a document that is being e-filed can use an electronic signature.

A document required by law to be signed, verified, notarized, acknowledged, sworn to or made under oath, may be e-filed if the declarant or notary public has signed a printed form of the document. The printed document bearing the original signatures must be scanned as a PDF and legible. The e-filer shall keep the original document and make it available upon reasonable notice for inspection by other counsel, the Clerk or the Court. Parties or their attorneys shall retain originals until final disposition of the case and the expiration of all appeal opportunities. A registered user e-filing a document that requires notarization may be e-notarized.

PART 10- TIME AND EFFECT OF DOCUMENTS ELECTRONICALLY FILED

Any e-filed document shall be considered as filed with the Clerk once the transmission of the entire document is received and approved by the Clerk. Registered users may e-file twenty-four hours a day, seven days per week. Any document the Clerk receives before midnight local time of the Clerk's Office shall be deemed filed on that date if such document otherwise meets all the requirements for filing under the relevant rules of the Court. Once the Clerk approves the e-filed document, the ECF shall electronically transmit a transaction receipt. The transaction receipt shall serve as proof of filing. The e-filer is responsible for verifying that the Court received and filed the document. Absent a transaction receipt, there is no presumption that the Court received and filed the document.

In the event the Clerk rejects the e-filed document because it does not comply with the applicable filing requirements or because any required filing fee has not been paid, the rejected document shall not become part of the official court record and the e-filer will receive a notice of rejection and the reason for the rejection. E-filers may be required to re-file the document to meet necessary filing requirements. In the event the Clerk rejects the document, the e-filer is allowed up to 48 hours from the notice of rejection to re-file the document to meet necessary filing requirements and deadlines. Documents that are rejected and re-filed will receive a new effective date, upon approval, based on when the correct documents were e-filed.

The Court may electronically transmit orders, opinions, judgments or other court-issued documents through the ECF. When a document electronically transmitted by the Court for filing by the Clerk requires the signature of the Judge, Magistrate, Clerk or authorized deputy clerk, the signature may be reflected at the end of the document with an electronic signature. Any electronically transmitted orders, opinions, judgments or

other court-issued documents with an electronic signature shall have the same effect as if the person signed the document.

PART 11- EFFECT OF E-FILING ON SERVICE REQUIREMENTS

Upon the acceptance by the Clerk of an e-filed document, the ECF will automatically generate and e-mail a notice of filing to all registered users who are registered users that are recorded in JFACTS as case participants or legal representatives. To receive notifications, participants must be registered users and have an active account in the ECF. For the notification to recognize the association of a registered user to a case, they must be recorded on the case in JFACTS as a pro se litigant or as a legal representative with a state-issued Bar number.

All registered users agree to receive their notices of documents that are e-filed in their cases electronically through the ECF. All registered users must include a certificate of service on each pleading just as if it had been filed on paper. E-service shall constitute valid and proper service of the e-filed document on those registered users and have the same legal effect as service of a paper document under the Rules of Juvenile Practice and Procedure and the Tennessee Rules of Civil Procedure. When instructed by the Court, the registered user must submit an original paper copy of any document to the Court for filing to be completed. Registered users shall retain all original documents until all appeal periods have been exhausted. Documents e-filed under seal will not be e-served. Conventional service must be effectuated.

Pro se litigants recorded in JFACTS on a case must be registered users in ECF and have previously filed a Notice of Association that links the ECF user account to the JFACTS participant.

E-service does not replace the need for service of process. E-service satisfies the responsibility of an e-filer to send service to other parties that are registered users and linked as participants in the case for secondary filings. E-Service does not replace the responsibility of the e-filer to notify parties by conventional means when they are not registered users of ECF. The ECF provides a method to identify what case participants are registered users and are recorded in JFACTS as participants in the case. E-service is distributed as an email and the filed document is posted in the ECF for access. It is incumbent on each e-filer to keep the emailed notice of electronic filing in their permanent records as proof of notice.

The Clerk's e-service on registered users of a notice, order, opinion or judgment filed by the court shall constitute proper service and satisfy the notice requirements.

PART 12- PAYMENT OF FEES

All e-filed documents subject to filing fees shall require payment of such filing fees immediately upon filing unless excused by the Court. These filing fees must be paid with a credit card or electronic check at the time of e-filing. Use of the ECF constitutes the e-filer's consent to process and charge the credit card or electronic check supplied. It is the responsibility of the registered user to refer to T.C.A. § 8-21-401 to determine the fees owed. The Clerk's Office can be contacted by phone to obtain the correct amount of fees.

Pursuant to T.C.A. § 8-21-401, the e-filing fee is in addition to the filing fee and is \$5.00 per filing up to a maximum of \$50.00 per case or a \$300.00 annual subscription fee. The annual subscription fee is for a one-year period starting on the date the fee is paid and pays all the e-filing fees for all cases filed by that registered user. The e-filing fee shall not be assessed against the State, a party declared indigent or to that indigent party's legal representative.

The convenience fee is charged in addition to the filing fee and e-filing fee. The convenience fee will appear with each credit card and electronic check transaction.

Refunds due to improper collection will require the e-filer to contact the Clerk's Office directly. The Clerk will issue a refund to the owner of the credit card used to make the payment. The Clerk will issue refunds in the form of a check.

PART 13- REDACTION/FILING UNDER SEAL

E-filers must be sensitive to confidential and personal information filed not under seal that is confidential or protected per state or federal law. It is the sole responsibility of e-filers to be sure that all documents comply with the Local Rules and the law requiring redaction of personal identifiers. The Clerk will not review each document for redaction. When a document includes sensitive data that otherwise would be redacted, the e-filer must hand-file the original and e-file only the redacted version. The original must be filed with a motion to place the original unredacted document under seal. If an entire document is requested to be placed under seal, when no redacted document is e-filed, it must be hand-filed with the Clerk and accompanied by a motion to place that document under seal.

PART 14- SYSTEM OR USER FILING ERRORS

If the e-filing does not occur because of (1) an error in the transmission of the document to the Clerk which was unknown to the sending party; (2) a failure to process the electronic document when received by the Clerk; (3) rejection by the Court or the Clerk; or (4) other technical problems experienced by the e-filer or the Clerk, the Court may, upon satisfactory proof, enter an order permitting the document to be filed nunc pro tunc to the date the document was first attempted to be e-filed and may also extend the date for any response or the period within which any right, duty or other act must be performed.

ADOPTED AND ENTERED in the minutes of the Court filed with the Juvenile Court Clerk and submitted to the Administrative Office of the Courts on this the 1st day of October 2022.



Robert D. Philyaw, Juvenile Court Judge



Gary D. Behler, Juvenile Court Clerk

ENTERED
9-30-22