

MINOR SETTLEMENT APPROVALS

Davidson County, Nashville, Tennessee

OVERVIEW

Pursuant to Court Order, beginning on November 1, 2023, all Minor Settlement Approvals which have not yet been assigned to a particular Circuit Court will be heard by Judge Lynne T. Ingram in the Eighth Circuit Court. If a case is currently in litigation in another Circuit Court, that Minor Settlement Approval will remain with that Court, absent agreement between the courts that the matter will be heard in the Eighth Circuit.

STATUTORY AUTHORITY

T. C. A. § 29-34-105

§ 29-34-105. Settlements on behalf of minors

(a)(1) In any tort claim settlement involving a minor, the court shall conduct a hearing at which the minor and legal guardian are present if the tort claim settlement:

(A) Is a settlement of ten thousand dollars (\$10,000) or more;

(B) Is a structured settlement; or

(C) Involves a minor who is not represented by an attorney licensed to practice in this state.

(2) Notwithstanding subdivision (a)(1), the court may, in its discretion, conduct the hearing in chambers or by remote communication and may excuse the minor from attending the hearing.

(b) A tort claim settlement does not otherwise require court approval merely because it involves a minor.

(c) In the order approving a tort claim settlement authorized by this section, the court has the discretion to determine whether the settlement proceeds are to be paid to the minor's legal guardian or held in trust by the court until the appropriate time.

MINOR SETTLEMENT APPROVAL HEARINGS GREATER THAN \$10,000.00

- Pursuant to T.C.A. § 29-34-105(a)(1)(A), Minor Settlement Approvals will need to be set for hearing in front of Judge Lynne T. Ingram when the total settlement amount is greater than \$10,000.00.
- The Eighth Circuit hears Minor Settlement Approvals on Thursdays at 10:30 a.m. in Suite 604. Parties may select the Thursday of their choosing. If a special setting is needed, the parties may contact the Court to select a date.
- The Court requests the legal guardian attend the hearing to testify and lay the foundation for the Petition. The Court may have a few questions for the legal guardian as well. The minor does not

need to attend the hearing but is more than welcome to attend. Defense counsel does not need to attend the hearing absent exceptional circumstances.

- In-person appearance is required. However, the Court will consider Zoom requests on a case-by-case basis. Parties may contact the Court with a Zoom request.
- The dates the Court is NOT hearing Minor Settlement Approvals are posted outside of Suite 604 and on the Davidson County Circuit Clerk's Website. The Court is available to answer additional questions regarding its availability as needed.

DOCUMENTATION

- If the case has not yet been filed, the parties do not need to file any documentation prior to appearing before the Court.
- The Court welcomes Minor Settlement Approval documentation by email prior to the hearing, but it is not necessary.
- Required documentation:
 - Petition: background of what has happened in the case; age of minor; breakdown of settlement; detailed information regarding where the funds will go.
 - Affidavit of Legal Guardian: only required when the total settlement amount is less than \$10,000.00.
 - Proposed Order
 - Sworn Application for Fees: The Court may require testimony or a more detailed fee statement the greater the amount of the settlement to provide a basis under *Wright ex rel. Wright v. Wright*, 337 S.W.3d 166 (Tenn. 2011).

MINOR SETTLEMENT APPROVAL HEARINGS LESS THAN \$10,000.00

- Minor Settlement Approvals involving a total settlement amount less than \$10,000.00 need not be set for hearing. The Court will hold a hearing on these matters at the request of the parties.
- These matters may be reviewed on the pleadings. Parties should email the Court all Minor Settlement Approval documentation.
- Upon approval, the Court will email the signed Order to the parties for filing. (All documentation can be filed at the same time as the signed Order.)

GUARDIAN AD LITEM

- The Court will appoint a Guardian ad Litem when necessary for adjudication of a Minor Settlement Approval.

DAVIDSON COUNTY CLERK OF COURT INTEREST-BEARING ACCOUNT

- It is the standard practice of the Court to place the remaining Minor Settlement funds directly into an interest-bearing account with the Davidson County Circuit Clerk of Court until the minor reaches the age of majority.

INTERPRETERS

- Judge Lynne T. Ingram follows Tennessee Supreme Court Rule 42 and the AOC guidelines which state an interpreter shall be a court-appointed, state certified court interpreter, if one is reasonably available.
 - The parties may request a state registered court interpreter if a state certified court interpreter cannot be located.
 - A non-credentialed court interpreter may only be utilized if neither a state certified court interpreter nor a state registered court interpreter is available and pursuant to Tenn. Sup. Ct. R. 42, § 3(d) and (e).
- Parties shall request State Trial Court Interpreter Services at <https://trialcourts.nashville.gov/interpreter/>.
- To locate a state certified court interpreter or a state registered court interpreter, parties can refer to the court interpreter roster on the AOC's website: <https://tncourts.gov/programs/court-interpreters/find-court-interpreter>.
- Should the parties be unable to secure a state certified court interpreter or a state registered court interpreter pursuant to Tenn. Sup. Ct. R. 42, the parties must notify the Court prior to the hearing.

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