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**Third Circuit Court**  
**Chamber Rules**  
**Judge Bethany Peery Glandorf**

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**I. SCOPE OF RULES**

- A.** The following Chamber Rules apply to all matters in the Circuit Court Division III of the Twentieth Judicial District of Tennessee (“Third Circuit Court”). The Tennessee Rules of Evidence, the Rules of Criminal, Civil, and Appellate Procedure, the Rules of Professional Conduct, and the Code of Judicial Conduct shall supersede these Rules for any conflicting provisions.
- B.** These chamber rules or any part thereof are subject to suspension by the Court when, in the Court’s discretion, it is required for justice.
- C.** All previous Chamber Rules of the Third Circuit Court are hereby set aside.
- D.** These rules shall be effective on January 1, 2026.

**II. GENERAL COURT INFORMATION**

- A.** Location and Contact Information

**Office Address**

Historic Metro Courthouse  
1 Public Square  
Courtroom 611  
Nashville, TN 37201

**Office Phone**

615-862-5907

**Office Hours**

Monday – Friday 8:00 a.m. to 4:30 p.m.

- B.** Parking Information  
Public Parking is available in the Public Square Parking Garage at 101 James Robertson Parkway. Entrances to the garage are located on James Robertson Parkway and Gay Street. Regular parking rates will apply.
- C.** Court Closures and Holidays  
The Court will follow the annual holidays established by the State of Tennessee and as set forth by the Trial Court Administrator’s Office each year.

New Year’s Day  
Dr. Martin Luther King, Jr. Day  
President’s Day  
Good Friday  
Memorial Day

Juneteenth-June 19<sup>th</sup>  
 Independence Day-July 4<sup>th</sup>  
 Labor Day  
 Veteran's Day-November 11<sup>th</sup>  
 Thanksgiving Day and the Friday After Thanksgiving  
 Christmas Eve-December 24<sup>th</sup>  
 Christmas Day-December 25<sup>th</sup>

**D. Inclement Weather Policy**

There may be occasions where the Court is closed, or dockets are cancelled for inclement weather or other adverse conditions that make the Court's operation infeasible. Decisions to close the Court for inclement weather will be made on a case-by-case basis and in consultation with the Presiding Judge of the Davidson County Trial Court. Notices about Court closure in these instances will be posted on the Metro Nashville website and the Trial Courts website at <https://trialcourts.nashville.gov/> Announcements are also made to local media outlets and will be shared to social media as practicable.

**E. Regular Weekly Dockets**

The Court's normal weekly docket schedule is as follows:

**Monday**

1:30 p.m. Child Support Services Docket Courtroom 611

**Tuesday**

9:00 a.m. Uncontested and Default Divorce Docket Courtroom 611

10:00 a.m. Trial Docket Courtroom 611

**Wednesday**

9:00 a.m. Uncontested and Default Divorce Docket Courtroom 611

9:00 a.m. Order of Protection Docket Courtroom 510

10:00 a.m. Trial Docket Courtroom 611

**Thursday**

9:00 a.m. Show Cause, Contempt, and Order of Protection Rehearing Docket  
Courtroom 611

9:00 a.m. Order of Protection Motions and Firearms Compliance Docket  
Courtroom 510

**Friday**

9:00 a.m. Motion Docket Courtroom 611

### **III. CORRESPONDENCE WITH THE COURT**

**A.** It is the preference of the Court that all matters be communicated to the Court in pleadings, notices, and memoranda, with the adverse party copied accordingly, or in open court.

**B.** When timing does not allow for communication with the Court in a formal pleading, notice memoranda, or in open court, communication with the Court regarding a substantive or fact specific matter of a case, including a matter to be considered by the Judge outside of a formal hearing, may take place via email to the appropriate staff person with opposing counsel copied (or opposing party if a self-represented litigant).

**C.** Matters that are not substantive and request general direction, scheduling, administration, procedure, or general assistance from court staff may be communicated via written email correspondence to a staff member of the Court or a telephone call to the Court's staff.

**D.** Unless otherwise allowed in these Chamber Rules, discussing the merits of a pending case with a staff member is strictly prohibited.

### **IV. COURTROOM DECORUM**

The purpose of this section is to set forth basic principles concerning appropriate behavior and decorum when appearing before the Court. These requirements are intended to emphasize and enhance the ethical obligations of attorneys under the Rules of Professional Conduct and the time-honored customs of experienced trial attorneys. They are further intended to inform litigants, witnesses, and spectators of proper appearance and etiquette when appearing in court. It is imperative to remember that a courtroom is a forum for adjudicating the rights and duties of litigants and that proceedings that occur in court are highly regulated by the rules of evidence and procedure.

All attorneys shall provide a copy of the policy on Courtroom Decorum to clients, witnesses, and court reporters prior to any court appearance.

The following are requirements when appearing before the Third Circuit Court:

- A.** Always be prompt and in the courtroom ready to proceed at the appointed time. If possible, the Court should be notified in advance if the attorney for a party or a party will be late.
- B.** Attire for attorneys, parties, witnesses, and spectators should be restrained and appropriate to the dignity of a courtroom. Attorneys and court reporters shall be professionally dressed, whether appearing in person or by visually remote means. Litigants, witnesses, and spectators should avoid wearing shorts, tank tops, miniskirts and dresses, low cut apparel, sleeveless apparel, flip flops, shirts that depict pictures or words (unless the words are the brand of the apparel), clothes that reveal midriff areas, denim pants, and any other attire that is inappropriate for a formal business setting. Further, unless worn for religious custom and practice, hats and sunglasses shall not be worn in the courtroom. This is applicable to litigants and witnesses whether appearing in person or by visually virtual means. The Court recognizes that people come to court from all walks of life and may come directly from work or may face challenges that cause them to appear in clothing other than that described above. No one will be prohibited from entering the courtroom or removed from the courtroom based on such attire unless such attire is blatantly offensive.
- C.** All individuals in the courtroom shall stand when court is opened, recessed, and adjourned, unless limited by a physical disability.
- D.** All attorneys, parties, and witnesses shall stand when addressing, or being addressed by the Court, with the exception of witnesses testifying on the witness stand and those limited by physical disability.
- E.** When speaking at the podium, from counsel table, or on the witness stand, remain at the podium, counsel table, or witness stand and speak clearly, loudly, and at a consistent pace into the microphone. Exceptions may be made if necessary when utilizing charts or devices to present evidence. The microphone amplifies sound and is used to capture audio in the recording of the proceeding. The microphone is recording at all times and may capture private conversations.
- F.** When first addressing the Court, attorneys and self-represented litigants shall state their name, spelling names as needed. Attorneys shall also state the party they represent.
- G.** Do not approach the witness or the bench without the Court's permission.
- H.** Refer to all persons, including witnesses, other attorneys, and the parties by their surnames and not by their first or given names. Exceptions may be made in the case of children.
- I.** Address all remarks to the Court, not to opposing counsel, litigants, or witnesses. Arguments between litigants, their attorneys, and/or witnesses are strictly prohibited. Further, disparaging personal remarks and acrimony toward opposing counsel, a party, or witness are strictly prohibited.
- J.** Unless making an objection, attorneys, parties, or witnesses are not to interrupt a witness or attorney who is speaking and under no circumstance should the Judge be interrupted when speaking.

**K.** When making an objection, the objecting party shall stand if physically able to do so, state there is an objection and state VERY briefly the legal grounds for the objection, withholding further comment or argument unless requested by the Court. The proponent of the question shall not make ANY argument to the objection unless the Court requests a response and the witness shall withhold response until such time the Court rules.

**L.** Gestures, facial expressions, audible comments, or the like as manifestations of approval or disapproval during the testimony of witnesses or at any other time is strictly prohibited.

**M.** No tobacco use in any form is permitted in the courthouse. Vaping is also strictly prohibited inside the Courthouse. No bottles, beverage containers, paper cups, chewing gum, or food are allowed in the courtroom except for the water provided at the counsel table.

**N.** Cell phones and other electronic devices must be turned off, on vibrate mode, or silenced. Use of a cell phone or other communication device in the courtroom may result in a finding of direct contempt and up to a \$50.00 fine pursuant to Tenn. Code Ann. § 29-9-103.

**O.** It is strongly discouraged and inadvisable for children to be in the courtroom during proceedings, except when testifying during the proceeding.

**P.** Limit the oral communication of social security numbers and financial account numbers during a hearing to the last 4 digits.

**Q.** Be courteous to everyone in the courtroom, including Court staff.

**R.** Unless approved in advance by the Court, photographing, recording, or broadcasting court proceedings is strictly prohibited.

**S.** Repeated entrances and departures in and out of the courtroom are to be avoided.

**T.** Doorways and passageways in the courtroom should be kept clear at all times.

## **V. INTERPRETERS**

**A.** In the event an interpreter is necessary for any hearing in the Third Circuit Court, the use of the State Trial Court interpreter, an interpreter approved by the Administrative Office of the Court (AOC), or an interpreter approved by the AOC guidelines is required. It is incumbent on the party requiring the interpreter to secure the same.

**B.** Attorneys and Pro Se Litigants shall be responsible for requesting and confirming interpreters for any hearing in which a party or witness requires interpretation or translation services. Court approved foreign language or sign language interpreters may be requested here: <https://trialcourts.nashville.gov/interpreter/>

## **VI. GENERAL REQUIREMENTS FOR PLEADINGS**

- A.** All pleadings filed shall include the following:
- 1.** Style of the Case. The order and spelling of the names of the parties in the style of the case shall always remain the same regardless of the pleading that is filed. Any changes to the style of the case may only occur after an order approving the change is entered.
  - 2.** Docket Number. All pleadings must include a docket number. This shall not apply to initial pleadings that have not yet been assigned a docket number.
  - 3.** Title of Pleading. All pleadings must include a title that is reflective of the nature of the pleading in a manner that is easy to ascertain the substance of the pleading.
  - 4.** Statutory Requirements. All divorce complaints must conform with statutory requirements as set forth in Tenn. Code Ann. § 36-4-106. All parentage orders must conform with statutory requirements in Tenn. Code Ann. § 36-2-311.
  - 5.** Additional Requirements for Divorce Complaints. In addition to the statutory requirements for a divorce complaint set forth in Tenn. Code Ann. § 36-4-106 the Court requires the following to be included in all divorce complaints:
    - a)** Date of Separation of the Parties
    - b)** Place of Separation of the Parties (including city, county, and state)
    - c)** Whether each party is an active member of the military
    - d)** Names and Dates of Birth/Ages of the children (if applicable)
    - e)** Jurisdictional statement. A statement that the acts complained of were committed while the plaintiff was a bona fide resident of the State of Tennessee, or, if the acts complained of were committed outside the State of Tennessee and the plaintiff did not reside in the State of Tennessee at the time of the acts, a statement that the plaintiff or the defendant resided in the State of Tennessee six (6) months preceding the filing of the complaint.
  - 6.** Signature Blocks. All pleadings shall include a signature block for the attorney or self-represented litigant filing the pleading. The signature block shall include:
    - a)** Name of the person filing the pleading
    - b)** Party the attorney represents (if applicable)
    - c)** Board of Professional Responsibility (BPR) number (if an attorney)
    - d)** Mailing Address of the person filing the pleading
    - e)** Telephone number of the person filing the pleading
    - f)** Email address of the person filing the pleading
  - 7.** Certificate of Service. With the exception of pleadings that are served via summons, all pleadings shall include a certification that the pleading has been served on the opposing party. The certification shall include:
    - a)** The date of service

- b) The method of service
  - c) The address, fax number, or email address where the pleading was served
  - d) Signature of the attorney or self-represented litigant serving the pleading
- 8. Page Numbers. Every page of a pleading, brief, or memoranda filed with the Circuit Court Clerk and/or submitted directly to the Court must be numbered.

## **VII. PROPOSED ORDERS**

- A. All proposed orders shall include the following:
  - 1. The title of the order which reflects the nature of the order (e.g., Order on Motion for Pendente Lite Support, Order for Default Judgment and to Set, Order to Set Final Contested Hearing, Order to Waive Parenting Seminar and Mediation, Order on Motion to Compel Mediation, etc.) Under no circumstance should the order just be titled “Order.”
  - 2. An opening paragraph which states the following:
    - a) Pleading(s) that was addressed in the hearing.
    - b) The date the pleading was filed.
    - c) The date of the hearing.
    - d) The attorneys and parties who were present at the hearing.
    - e) The name of the Judge or Special Master that heard the matter.
  - 3. Relevant findings of the Court.
  - 4. Clear language reflecting the Court’s orders from the hearing. Do not add to the Court’s ruling.
  - 5. A date and signature line for the Judge.
  - 6. If signing an order with permission of opposing counsel, the order must still be sent to the opposing counsel and a Certificate of Service reflecting the same.
  - 7. All proposed final orders shall clearly state the Order is an adjudication of all pending matters (or the pending matter it fully adjudicates if other matters are still pending).
  - 8. All proposed final orders shall assess court costs.
  - 9. All proposed orders shall be filed with the Circuit Court Clerk within 10 days of the hearing and served simultaneously on the adverse party.
  - 10. Orders to set final contested hearings must be filed within ten (10) business days of confirming the judicial settlement conference, pretrial conference and trial date(s). Failure to do so will result in the loss of the dates given.

11. If a proposed order does not reflect it has been approved for entry by all parties, the adverse party shall have three (3) business days to notify Court staff of opposition to the order filed and to file a competing order. A competing order must be served and a PDF copy of the same shall be emailed to the Judicial Assistant no later than 4:30 p.m. on the third business day following the filing of the proposed order. If no notice of opposition is provided to the Court staff within the time prescribed above, the order will be submitted to the Judge for signature.

12. Deadlines reflected in proposed scheduling orders shall reflect a date certain (i.e., "January 15, 2025" rather than "60 days").

B. All proposed orders shall contain the following language:

***"This Order may be e-signed by the Judge pursuant to Tenn. Code Ann. § 16-1-115 and subsequent signature pages may be attached hereto."***

### VIII. MOTIONS

With limited exceptions (e.g., holidays, court closures, etc.) motions to address matters during the pendency of litigation are heard every Friday beginning at 9:00 a.m. You may view the Court's calendar for motion hearings here:

[https://circuitclerk.nashville.gov/wp-content/uploads/Circuit-Motion-Assignment-Docket-Schedule\\_26.pdf](https://circuitclerk.nashville.gov/wp-content/uploads/Circuit-Motion-Assignment-Docket-Schedule_26.pdf)

- A. Filing Deadlines for Pretrial Motions and Responses
1. All pretrial motions must be filed and scheduled for hearing no later than the Court's last regular motion docket before the scheduled trial date. No motions, including motions in limine, will be heard on the day of trial.
  2. All pretrial motions, other than motions for summary judgment, must be filed and served on the opposing party with all supporting material, including without limitation, all affidavits, deposition excerpts, discovery responses, proposed temporary parenting schedules, and all other factual material in which the moving party relies for the relief requested at least 14 days (including weekends and holidays) before the motion hearing.
  3. All motions to set support should include the movant's sworn income and expense statement and income documentation must be provided to the adverse party by 5:00 p.m. on the Monday before the motion hearing. The non-movant shall provide a sworn income and expense statement and income documentation to the movant by 12:00 p.m. on the Thursday before the motion hearing. Both parties must provide their respective sworn income and expense statements and income documentation to the Court at the time of the motion hearing.
  4. If a motion is opposed, a written response is encouraged, but not required. Any responses filed must be filed by 12:00 p.m. on the Tuesday before the motion hearing AND a PDF courtesy copy shall be emailed to the Judicial Assistant at such time the response is filed. Hand delivery of a hard copy is permissible as well.
  5. Replies to responses are not required. Any reply must be filed by 12:00 p.m. on the Wednesday before the motion hearing AND a PDF courtesy copy shall be emailed to the Judicial Assistant at the time the reply is filed. Hand delivery of a hard copy is permissible as well.
  6. Motions for summary judgment and responses and replies to the same are governed by the Tennessee Rules of Civil Procedure, unless otherwise ordered by the Court. Motions for Summary Judgment will not be heard on the Court's regular Friday Motion Dockets and should be specially set by contacting the Court's Judicial Assistant.
  7. First time continuance requests are liberally granted.
- B. Contents of Motions
1. All Motions shall state the underlying Complaint or Petition that is pending.
  2. All motions shall include adequate information for the basis of the motion, why the movant is entitled to relief, and the specific relief requested.
  3. All motions shall include relevant affidavits, deposition excerpts, discovery responses, proposed temporary parenting schedules, proposed scheduling orders, or all other factual material in which the moving party relies for the relief requested.

4. In all motions to set support, the movant's sworn income and expense statement and income documentation must be provided to the adverse party by 5:00 p.m. on the Monday before the motion hearing. The non-movant shall provide a sworn income and expense statement and income documentation to the movant by 12:00 p.m. on the Thursday before the motion hearing. Both parties must provide their respective sworn income and expense statements and income documentation to the Court at the time of the motion hearing.

5. If the issue raised by the motion raises a question of law, legal analysis and argument shall be provided in the motion by separate memorandum of law or a brief.

6. Motions to Set and Motions for Default in divorce cases with children and in cases where a modification of parenting time is requested must have a Proposed Parenting Plan filed and served on the adverse party along with the motion, or 14 days before the motion hearing, before the motion will be granted. Service may be effectuated by mailing a copy of the Proposed Parenting Plan to the adverse party at their last known address. The same should be reflected in a certificate of service on the Proposed Parenting Plan.

7. All Motions for Scheduling Orders, including the extension of a scheduling order, must include a proposed scheduling order.

8. All Motions to Compel Discovery responses shall describe in detail the good-faith and written efforts made to resolve the matters alleged prior to filing the Motion and must state with specificity the discovery responses that are alleged to be deficient.

9. All Motions for Default, where service was obtained via publication, must have on file copies of the clippings reflecting the publication or an affidavit from the printer confirming the publication dates.

10. All motions shall include the following language:

**THIS MOTION IS EXPECTED TO BE HEARD ON \_\_\_\_\_ (insert date), AT 9:00 A.M. THE COURT MAY SET A DIFFERENT HEARING TIME AT ITS DISCRETION. ALL HEARING TIMES WILL BE POSTED ON THE FINAL MOTION DOCKET, BY 12:00 P.M., ON THE TUESDAY IMMEDIATELY PRECEDING THE MOTION DATE. PLEASE REFER TO THE FINAL MOTION DOCKET LOCATED ON THE CIRCUIT COURT CLERK'S WEBSITE <https://circuitclerk.nashville.gov/dockets/> TO CONFIRM THE HEARING TIME.**

C. Assigned Hearing Times for Motions: The Final Domestic Motion Docket While all motions are noticed for a 9:00 a.m. docket call, a Final Motion Docket that assigns motions to specific time blocks is published on the Circuit Court Clerk's website by 12:00 p.m. on the Tuesday before the Motion Docket. It is reflected as the Final Domestic Motion listed under the "Circuit Dockets" tab located on the Davidson County Circuit Court Clerk's website.

**1.** Final Motion Times. Times for the motions scheduled to be heard are reflected at the top of each page of the docket. Times are noted to the right of the date, at the top center of each page. Motions and assigned time blocks will be shown in the following order:

**a)** Resolved Motions. Motions that are automatically granted without a hearing will be found at the beginning of the docket and. The heading for the page will read “RESOLVED MOTIONS.” If a case is reflected on this page, no appearance is necessary, and an Order on the motion may be submitted as if the motion was heard and granted. The Order may not be submitted or mailed to opposing counsel or self-represented litigant prior to the date of the scheduled motion hearing and must reference the date of the hearing

**b)** Default Motions. Default Motions will be the next set of motions shown on the docket. They will be set at 9:00 a.m.

**c)** First Call Motions. Motions that are expected to take five (5) minutes or less and require no testimony are set for 9:00 a.m. There is no testimony associated with the first call motion hearings.

**d)** Second Call Motions. Motions with Testimony, Exhibits, and/or Extensive Argument. Motions with testimony and/or exhibits, and motions that will take longer than five (5) minutes will be scheduled at 9:30 a.m. unless otherwise posted.

**e)** Third Call Motions. Cases with Multiple Motions, Complex Issues, and/or Extensive Argument. Cases with several motions to be heard and those that may deal with complex legal issues or have extensive argument that is expected to extend beyond 20 minutes may be scheduled for 10:00 a.m. or later, depending on the number of cases on the docket.

**f)** Motions that Extend Beyond 30 Minutes. If it is expected that a hearing on a motion may exceed 30 minutes, please specify the same in the motion, along with the anticipated amount of time it will take to conduct the hearing.

**g)** Specially Set Motions. The Court, in its own discretion, may set a motion to be heard on a different day and time if it finds the same is necessary for a full, fair, and/or timely hearing on the matter.

**D.** Testimony During Motion Hearings

**1.** Testimony during motion hearings shall be limited to the parties, absent the necessity of a material witness to a matter contained in the motion.

**2.** Testimony of all witnesses shall be concise and solely focused on the issue before the Court and shall conform to the time limits set forth by the Court for the hearing.

3. Sworn income and expense statements are required for motions requesting support and will generally serve as testimony as to need and ability to pay. The movant's sworn income and expense statement, along with documentation supporting their income, must be provided to the adverse party by 5:00 p.m. on the Monday before the motion hearing. The non-movant shall provide a sworn income and expense statement, along with documentation supporting their income, to the movant by 12:00 p.m. on the Thursday before the motion hearing. These timelines may be waived by agreement. Both parties must provide sworn income and expense statements to the Court at the time of the motion hearing, along with documentation supporting their respective incomes.

4. The Court requests that attorneys and self-represented litigants state the relief requested at the onset of the motion hearing.

E. Motion Announcements: Continuances, Strikes, Agreed Orders, etc.

1. Please be sure to call chambers at: 615-862-5907 or email the Court's Judicial Assistant ([staceybaired@jnsnashville.gov](mailto:staceybaired@jnsnashville.gov)) and Courtroom Clerk ([catherinetjackson@jnsnashville.gov](mailto:catherinetjackson@jnsnashville.gov)) to provide information on docket announcements (e.g., continuance, agreed order, strike, etc.). This should be done even if a notice or Agreed Order has been filed, as the Court does not receive these notices.

2. Please be sure to notify the Court of these announcements no later than 8:45 a.m. the Friday of the Motion hearing; otherwise, you may announce in open court the day of the hearing.

3. When calling regarding a case on the motion docket, please be prepared with the number that your motion is on the published docket.

4. Continuances of motions should be to a date certain. Indefinite continuances of motions is not preferred and will be allowed only with permission of the Court.

5. First time continuance requests on motion hearings are liberally granted.

F. Motions for Publication

1. All motions for service by publication shall be accompanied by an affidavit stating diligent efforts have been made to locate and serve the defendant/respondent and shall briefly describe the diligent efforts made.

## **IX. DISCOVERY**

**A.** All discovery (written or otherwise) in civil matters shall be conducted in accordance with the Tennessee Rules of Civil Procedure and the Local Rules of Practice for Davidson County, Tennessee. However, Local Rule 22.04(a) shall not apply in initial divorce actions if a party chooses to use the Third Circuit Court approved set of written discovery, including approved Interrogatories and Request for Production of Documents, a copy of which is appended to the Chamber Rules of the Third Circuit Court.

**B.** Absent relief from the Court, or the use of the Court's standard discovery requests as described in Section e. below, Rule 22 of the Local Rules of Practice for Davidson County, Tennessee, shall be strictly adhered to by all parties.

**C.** The Court considers a discovery request for financial information going back more than 24 months prior to the filing of a complaint for divorce to be excessive for wage earners, including, but not limited to, W-2 employees. For parties who are not wage earners, the Court will liberally grant an extension of the 24 months for a period up to 48 months based upon the facts of the particular case. If a limitation on the discovery period for financial information in a divorce case is filed, the party requesting a longer period will have the burden of persuading the Court that the longer period is not excessive. The Court will balance all competing interests of the parties, including the relevant cost and financial means of each party in rendering its decision.

**D.** The Court encourages parties to conduct necessary discovery by informal and less costly means such as jointly sworn asset and liability statements and jointly sworn income statements. Informal discovery may render a more timely settlement. However, if informal discovery results in unnecessary delays or insufficient or unreliable information, formal discovery shall be served as soon as practicable.

**E.** The Third Circuit Court has promulgated a set of standard interrogatories and requests for production of documents for divorce cases. The Court's standard discovery forms may be found here: <https://circuitclerk.nashville.gov/judge-bethany-peery-glandorf/> If an attorney or party propounds the standard discovery as written, the Court will order the receiving party to answer each and every question fully. The Court will not apply the current Local Rule of Practice 22.04(a) limiting interrogatories and subparts if the standard discovery is used as promulgated.

**F.** The Court allows only one set of written discovery. If a case is a high asset case or requires commercial real estate or business valuations, the Court recognizes that the experts in those cases may need an additional set of discovery and the Court will approve additional discovery as needed for such experts. However, a second set of discovery may not be served without leave of Court. Parties seeking additional discovery must file a timely motion to request leave of Court to serve necessary additional discovery.

**G.** All motions to compel discovery responses shall describe in detail the good-faith, written efforts made to resolve the matters alleged prior to filing the motion and must state with specificity the discovery responses that are alleged to be deficient

**H.** The parties must be in court or participating remotely for all discovery motions. The party propounding the discovery shall subpoena the other party, if necessary, to secure their attendance.

**I.** Failure to provide a notarized signature on interrogatory responses shall be sanctioned.

**J.** The Court will automatically grant a request for attorney's fees on motions to compel where the receiving party has had the discovery requests for more than sixty (60) days, has not adequately responded, and counsel propounding discovery has made a good faith effort to resolve discovery disputes to no avail.

**X. TEMPORARY RESTRAINING ORDERS, INJUNCTIONS, AND *EX PARTE* RELIEF**

**A.** The power to issue injunctive relief under Tennessee law is regulated by Tennessee Civil Procedure Rule 65. Rule 65.03 must be consulted and followed when making application to the Court for a temporary restraining order.

**B.** All requests for Temporary Restraining Orders must be accompanied by an underlying petition or complaint (if one is not already pending). The Court does not adjudicate temporary restraining orders as a stand-alone action.

**C.** All *ex parte* requests must be accompanied by an affidavit in compliance with Tenn. R. Civ. P. 65.03 and a statement in compliance with Tenn. Code Ann. § 29-1-107.

**D.** A Temporary Restraining Order shall be effective and binding on the party to be restrained at the time of service or when the party is informed of the order, whichever is earlier.

**E.** The Court, in reliance on Rule 65.07 of the Tennessee Rules of Civil Procedure, may leave the temporary restraining order in effect indefinitely or until final hearing.

**F.** The Court, in its discretion, may set a Temporary Restraining Order for hearing *sua sponte*.

**G.** No Temporary Restraining Order resulting in a change in the residential schedule or custody of minor children contained in a permanent parenting plan will be granted unless the requirements of Tenn. Code Ann. § 36-6-405(b) are met.

**H.** All proposed Temporary Restraining Orders shall include a line for the date and time of entry and a signature line for the Judge.

**I.** The Court does not get immediate notice from the Circuit Court Clerk's Office that requests for *ex parte* Temporary Restraining Orders have been filed. Upon filing of any request for emergency or *ex parte* relief, please call chambers at: 615-862-5907 AND email a courtesy copy to the Court's Judicial Assistant and/or Courtroom Clerk to ensure timely and prompt attention to the request. Requests for Temporary Restraining Orders filed by 2:00 p.m. on a day the Court is open, will be addressed before the close of business on the day of filing. If the matter is truly a life-threatening emergency, parties are encouraged to dial 911 or seek relief from Night Court, which is open 24 hours a day, 7 days a week.

**J.** All matters requesting a Temporary Restraining Order shall include a proposed Order to Appear and Show Cause. Show Cause Orders shall be drafted to require the opposing party to appear on a date certain as set by the Circuit Court Clerk to show cause why the relief requested should not immediately be granted or why a temporary restraining order previously granted should not remain in effect.

## **XI. IRRECONCILABLE DIFFERENCES DIVORCES**

**A.** Irreconcilable Differences Divorces may be set for final hearing when all of the following is complete:

- 1.** A signed and notarized Marital Dissolution Agreement has been filed with the Circuit Court Clerk. If there was no service on the defendant, the last date of signature must be within six (6) months of the final hearing date.
- 2.** If there are minor children of the marriage, a signed and notarized Agreed Parenting Plan and Child Support Worksheet have been filed with the Circuit Court Clerk.
- 3.** The divorce has been pending for the required time by statute.
- 4.** A Notice of Insurance has been filed with the Circuit Court Clerk.
- 5.** If there are minor children of the marriage, proof of parenting seminar attendance of both parties is filed with the Circuit Court Clerk, or an order to waive parenting seminar attendance has been filed with the Circuit Court Clerk.
- 6.** Proof of mediation has been filed with the Circuit Court Clerk or an order to waive mediation has been filed with the Circuit Court Clerk.

**B.** Procedures for Setting a Final Hearing for an Irreconcilable Differences Divorce

- 1.** All Irreconcilable Differences (ID) Divorces must be set for a final hearing date via an Order to Set. This is true even if appearance is being waived at the final hearing.
- 2.** Before filing an Order to Set, a date for a final hearing must be requested and approved. A request to set an ID Divorce for a final hearing may be made by calling the chambers of the Third Circuit Court at: 615-862- 5907 and speaking with a staff member. Unless there is permission from the Court and an Agreed Order, the date provided via phone must follow the 11-day rule.
- 3.** The Order to Set Irreconcilable Differences Divorces shall state the following:
  - a)** That the matter is being set on the Court's Irreconcilable Differences Divorce Docket.
  - b)** Whether the matter is being set with an appearance waiver. The Order to Set Irreconcilable Differences Divorce with Appearance Waiver may be found here: <https://circuitclerk.nashville.gov/wp-content/uploads/THIRD-CIRCUIT-ID-WAIVER-ORDER-TO-SET.pdf>
  - c)** The Complaint has been pending for the requisite statutory period.

- d) The date the Notice of Insurance was filed with the Circuit Court Clerk.
  - e) The date that a Marital Dissolution Agreement was signed by the parties and filed with the Circuit Court Clerk.
  - f) If applicable, the date that the Agreed Parenting Plan and Child Support Worksheet were signed by both parties and filed with the Circuit Court Clerk.
  - g) The date and time of the final hearing.
  - h) A date and signature line for the Judge's signature.
  - i) Proof of service at least 11 days prior to the final hearing date, unless it is an Agreed Order and an earlier date has been approved by the Court.
- C. Appearance at an Irreconcilable Differences Divorce hearing may occur as follows:
- 1. In person on the date of the hearing. Only the party being granted the divorce is required to appear.
  - 2. Via Affidavit (no personal appearance required). To waive appearance at the final hearing of an Irreconcilable Differences divorce, the party being granted the divorce must submit an affidavit that includes the language contained in the following form: <https://circuitclerk.nashville.gov/wp-content/uploads/THIRD-CIRCUIT-ID-AFFIDAVIT.pdf>
  - 3. If waiving appearance, a Final Decree of Divorce must be submitted prior to the hearing date.
  - 4. If no one appears on the final hearing date and both an Affidavit Waiving Appearance and the Proposed Final Decree of Divorce are on file with the Circuit Court Clerk, the Final Decree of Divorce will be entered on the date the final hearing is scheduled.

## **XII. DEFAULT DIVORCES**

- A. A Motion for Default must be filed and granted before obtaining a final hearing date in a default divorce hearing. The Court does not conduct a final hearing on a default divorce in tandem with the Motion for Default.
- B. Matters that are being conducted based on default judgment shall be set by an order filed no earlier than 14 days (including weekends and holidays) prior to the hearing date.
- C. Default cases may be set on days the Court hears uncontested divorces.
- D. Hearing dates may be obtained from the Third Circuit staff by using the scheduling process set forth for Irreconcilable Differences Divorces above.
- E. Only one (1) witness is required in a default divorce hearing.
- F. Unless approved in advance and in conformity with Rule 43.01 of the Tennessee Rules of Civil Procedure, parties and witnesses in a default divorce must appear in person at the final hearing.

### **XIII. CONTESTED MATTERS**

#### **A. Setting of Contested Matters**

**1.** For any and all contested matters, a motion to set requesting permission to obtain a court date on the contested docket must be filed. Said motion shall contain the following information:

- a)** Nature of litigation (e.g., divorce, post-divorce modification, petition for contempt, child support modification, juvenile court appeal, adoption, etc.);
- b)** Date the pending matter was initiated;
- c)** Date and manner of service (e.g., personal service, publication, certified mail, etc.);
- d)** Date of filing of any and all responsive pleadings and any other pleadings that are at issue;
- e)** Date mediation report was filed (if applicable);
- f)** Date parenting seminar certificate was filed (if applicable);
- g)** Date Notice of Insurance was filed by each party (if applicable);
- h)** Date proposed Parenting Plan was filed by each party (if applicable);
- i)** Date Certificate of Readiness (COR) was filed and signed by both parties or their respective attorney (if represented). If only one party has executed the COR, a statement as to why it is not executed by both parties;
- j)** A statement that all pleadings have been properly served and appropriate responses filed and that all discovery has been completed;
- k)** The amount of time expected for the final hearing.

**2.** Once a Motion to Set has been granted, attorneys shall contact the Court's staff to obtain a Judicial Settlement Conference date (if required) Pretrial Conference date and trial date(s). Once ALL dates are confirmed, the Order to Set shall be drafted and filed. Failure to file an Order to Set within 10 business days of confirming the judicial settlement conference, pretrial conference, and trial dates may result in loss of the dates given.

#### **B. Pretrial Briefs**

**1.** Pretrial briefs are to be filed in all contested cases (unless otherwise excused by the Court). All pretrial briefs shall be filed with the Circuit Court Clerk at least 72 hours (excluding weekends and holidays) prior to the scheduled hearing. Once the brief is filed in the Circuit Court Clerk's office, a chamber copy shall be delivered or emailed to the Judicial Assistant.

**2.** Pretrial briefs shall include the following: Procedural history of the case; A summary of the party's position on the contested issues; A reference to applicable laws or case law (with copies of cases included); Anything else that would aid the Court in the preparation of the trial.

- C. Other Pretrial Filings
1. The following documents must be filed by each party 72 hours (excluding weekends and holidays) prior to the scheduled contested hearing:
    - a) Statement of contested issues.
    - b) Asset and liability statement reflecting the parties' proposed disposition of each item of marital property and allocation of each marital debt. Joint asset and liability statements are preferred.
    - c) Proposal for relief.
    - d) Income and expense statement (if applicable).
    - e) Proposed Permanent Parenting Plan (if applicable).
    - f) Any other filing required by the Court (if applicable).
- D. Court Reporter Required
1. Absent advance leave of the Court, for good cause shown, a court reporter is required for all contested final hearings. Unless otherwise agreed upon by the parties or ordered by the Court, the parties shall be equally responsible for the per diem of the court reporter.
  2. In cases involving an indigent party or parties where a court reporter must be hired with the approval of the Tennessee Administrative Office of the Courts, all motions for such approval must be filed contemporaneously with a Motion to Set.

#### **XIV. JUDICIAL SETTLEMENT CONFERENCES**

- A. Scheduling
1. Judicial Settlement Conferences are conducted by the Special Master and are mandatory in all contested cases. Judicial Settlement Conferences are scheduled after a Motion to Set is granted, and the date of the settlement conference must be included in the Order to Set the matter for final hearing. Attorneys and self-represented litigants must contact the Court's staff at 615-862-5907 to obtain Judicial Settlement Conference dates.
  2. The Court requires Judicial Settlement Conferences in the following contested matters: Divorce; Modification of a Permanent Parenting Plan; Modification of Alimony; and any other matter designated by the Court.
  3. Judicial Settlement Conferences are set by order of the Court. The Special Master does not have authority to reschedule, delay, reset, cancel, or otherwise modify the Judicial Settlement Conference date without Court approval. **NO EXCEPTIONS.** If you cannot attend the Judicial Settlement Conference as ordered, you should immediately notify the Special Master and file the appropriate pleading requesting relief from the Court. Please note there is no guarantee relief will be granted just because a request is made.

- B. Attendance at the Judicial Settlement Conference
1. All parties and attorneys of record are required to attend the Judicial Settlement Conference in-person. Attorneys and parties should arrive on time for the conference and remain in attendance until the case settles or the Special Master determines further negotiations will not be productive and adjourns the conference. Attorneys and litigants should not schedule any activity that interferes with the Judicial Settlement Conference. Attorneys participating in the Judicial Settlement Conference must have authority to enter into an agreement resolving all issues on behalf of the client. Failure of any party or attorney to appear for the conference, be on time, be prepared, stay for the duration, and participate in good faith negotiations during the Judicial Settlement Conference may result in the Court imposing sanctions, including a finding of contempt, loss of trial date, and assessment of attorney's fees.
  2. No third parties or minor children will be permitted to attend or participate in the Judicial Settlement Conference. Only attorneys and parties to the proceeding may attend the Judicial Settlement Conference.
- C. Pre-Conference Procedures
1. At least 72 hours (three (3) business days) prior to the Judicial Settlement Conference, each party shall deliver a confidential *ex parte* Judicial Settlement Conference Statement directly to the Special Master. The statement shall be furnished only to the Special Master, not the other party, and shall NOT be filed with the Circuit Court Clerk. The Judicial Settlement Conference Statement shall include a summary of the party's position for settlement, factors compelling or blocking settlement, and a candid assessment of the strengths and weaknesses of the case.
  2. Attorneys and self-represented litigants should prepare for the Judicial Settlement Conference as you would for trial. All discovery should be completed and supplemented and all necessary documentation and information should be on hand at the conference to support your position. This includes but is not limited to the following documentation:
    - a) Joint asset and liability statement;
    - b) Statement showing present value of defined benefit plan (i.e. pension);
    - c) Current appraisal for any real property at issue;
    - d) Documentation supporting valuation of assets if applicable;
    - e) Current statements evidencing debt incurred during the marriage;
    - f) Health insurance information
    - g) Current documentation of income including but not limited: to last four (4) pay stubs, last two (2) years of W-2's, last two (2) years of Federal Income Tax returns, and any other applicable income documentation;
    - h) Current income and expense statement;

- i)** Statement regarding proposed division of assets
- j)** Any expert reports;
- k)** Any other evidence you intend to rely on at a trial in this case.

**3.** If a digital file is maintained with this information and you do not intend to have paper copies available during the Judicial Settlement Conference, please ensure the user has full access to the digital file and the information is readily available so there is no delay in accessing information during the conference. A flash drive containing this information is useful to avoid connection issues and other problems accessing cloud storage.

**4.** Please come prepared with all Word formatted documents applicable to your case (e.g., Agreed Order, Marital Dissolution Agreement, Final Decree, Parenting Plan, Order to Set, etc.). Attorneys are encouraged to bring a laptop and have the documents readily available for drafting at the Judicial Settlement Conference. Alternatively, copies of the Word formatted documents should be emailed to the Special Master prior to the Judicial Settlement Conference. The Special Master may assist in modifying existing drafts but will not prepare the documents during the conference. Should the parties reach an agreement, having prepared documents on hand expedites drafting a final document for execution and benefits everyone by making the Judicial Settlement Conference more efficient. Attorneys are also encouraged to bring their Notary stamps if they are a Notary Public as this will also expedite the process of finalizing documents.

**5.** Judicial Settlement Conferences are confidential. Therefore, no part of any statement or information provided to the Special Master or to any party or attorney during a Judicial Settlement Conference shall be used, repeated, or otherwise provided to any other person for any purpose. This protection includes but is not limited to the protection provided by Tennessee Rules of Evidence 408 and 409. Any disclosures made to the Special Master in conjunction with the Judicial Settlement Conference shall likewise be kept confidential and shall not be shared with the judge hearing the case.

**6.** There is no formal lunch break during the Judicial Settlement Conference. Attorneys and litigants should feel free to have lunch delivered and are encouraged to bring a drink and snack/lunch to eat during the conference. Vending machines are also available and accessible on the ground floor of the courthouse.

**D. Conference Time**

**1.** Unless otherwise ordered by the Court, Judicial Settlement Conferences begin promptly at 8:45 a.m. All parties and attorneys should prepare to be present until 4:30 p.m. and must participate in good faith negotiations to resolve some or all pending matters. Traffic is unpredictable and parking may be difficult downtown. These factors should be given consideration when calculating travel time to the courthouse. Parties should arrange any necessary childcare in advance.

## **XV. CONTEMPT MATTERS**

- A.** Contempt matters are not heard on the Friday Motion Docket. They are usually set for hearings on Thursday mornings, unless they will exceed two (2) hours in duration. If a contempt proceeding will exceed two (2) hours, it may be specially set on a trial docket. If a motion for contempt is filed and set on a motion docket, the motion may be granted as to the setting of the hearing on an appropriate day and time only.
- B.** Appearance orders are required on all contempt petitions (civil or criminal) where, by verified pleadings, the petition is alleging irreparable harm, dire need, or an immediate hearing.
- C.** In the case of a civil contempt, an Appearance Order is not appropriate if discovery is necessary to prepare for the hearing. Such matters shall be set by motion when discovery is complete.
- D.** Contempt proceedings will only be heard if the summons verifying service has been effectuated and filed with the Circuit Court Clerk at least five (5) business days before the hearing.
- E.** Do not request show cause orders on contempt petitions. The respondent never has the burden of proof in contempt matters and will NOT be ordered to show cause.

## **XVI. JUVENILE COURT APPEALS**

- A.** It shall be the duty of the parties and/or their attorneys to determine when a case appealed from the Juvenile Court is filed with the Circuit Court Clerk.
- B.** Once the case being appealed is received and filed with the Circuit Court Clerk, the appellant has the duty to set the appeal for a hearing before a trial judge. The appellant has 45 days to secure a trial date from the Court. This time is counted from the date the Circuit Court Clerk files the appeal. If the appellant fails to secure this order within the 45-day time period, an order will be entered making the judgment of the Juvenile Court the judgment of the Circuit Court with costs taxed to the appellant. At the time the appeal is perfected in the Circuit Court Clerk's office, the clerk shall give the appellant—or the appellant's attorney—written notice of this rule.
- C.** The signature of an attorney or party to an appeal from Juvenile Court shall constitute a certificate under Tenn. R. Civ. P. 11.

## **XVII. TERMINATION OF PARENTAL RIGHTS AND ADOPTIONS**

- A.** Termination of Parental Rights and Adoption matters are assigned to the Fourth Circuit Court unless that Court has a conflict in the matter.
- B.** Should a termination of parental rights or adoption matter be assigned to the Third Circuit Court for any reason, the Court and parties will follow the Fourth Circuit Court's Chamber Rules, Section XXII *et. seq.* as they relate to these matters.

## **XVIII. EXHIBITS**

- A.** When possible, all exhibits, such as text message threads, photographs, emails, and other written communications, shall be printed prior to trial with an additional copy for the Court. The Court will allow text messages, emails, audio-visual videos, voicemails, etc., to be admitted in their original forms if they have not been printed prior to the hearing; however, the Court may either incorporate the exhibit by reference or require the submitting party to provide a hard copy to be marked as a late-filed exhibit within five (5) days of the hearing.
- B.** The opposing party shall be afforded an opportunity to view any proposed exhibits and make any objections based on relevance, hearsay, etc., prior to the Court's review of the exhibit.
- C.** Attorneys and self-represented litigants must bring an appropriate number of copies of proposed exhibits to court with them.
- D.** All exhibits shall be passed to the Court Officer for presentation to a witness, opposing party/counsel, or to the Court.
- E.** No exhibit shall be held in any manner or placed in any position in the courtroom that would allow the trier of fact to see the exhibit unless it has been admitted into evidence.
- F.** For Order of Protection hearings in courtroom 510, the projector located at the podium shall be used to display written or other visual exhibits, whether as printed documents or those located on mobile or other electronic devices, during the testimony of the witness through whom said exhibits shall be introduced.

## **XIX. REMOTE TESTIMONY**

- A.** All requests for remote testimony of a party or witness will be considered in accordance with Rule 43.01 of the Tennessee Rules of Civil Procedure.

## **XX. CONTINUANCES**

**A.** Contested cases and judicial settlement conferences will only be continued upon a showing of good cause accompanied by motion and affidavit. Parties may not agree to a continuance without Court permission, but the Court will routinely grant continuances of motions, Show Cause hearings, and most contempt hearings (especially on first settings).

**B.** All requests for continuances which are opposed shall be made by written correspondence to the Court's Judicial Assistant and/or Courtroom Clerk via email with the opposing counsel or pro se party included on the email request. The correspondence shall contain the basis for the request for the continuance and set forth all communication with opposing counsel regarding the request for continuance. If the matter in question was set by agreement, the matter will be continued only for good cause. If the matter requested was set by the Court without input from attorneys for the parties (i.e., a Show Cause Order) or if the matter was set unilaterally by attorneys opposing the continuance (i.e., a motion hearing), the Court will be inclined to liberally grant the continuance.

**C.** Absence of a witness will not be a cause for continuance unless the subpoena has been issued and dated 10 days prior to a trial for a local witness and 14 days for an out-of-county witness, pursuant to Local Rule 28.02.

**D.** When a case is set by agreement or set upon motion without objection, failure to have completed discovery, inability to take a deposition or failure to have completed any other trial preparation will not be a cause for a continuance.

**E.** If a case is continued, it must be continued to a date certain. The reason for the continuance shall be contained in the order.

**F.** If a continuance is granted, the Court may award expenses and attorney's fees, including compensation to witnesses for lost income and/or travel expenses, and tax the same as court costs.

**G.** First time continuance requests are liberally granted.

## **XXI. ORDERS OR PROTECTION**

**A.** Order of Protection ("OP") cases are heard before Special Master Dana Ballinger in Courtroom 510, located on the fifth floor of the Historic Courthouse. The following is important information relating to orders of protection:

**1.** An OP is a civil order; thus, if an OP is issued, that does not mean the Respondent has been charged with or convicted of any criminal offense. An appearance at an OP hearing is a separate matter from any criminal charges—even those stemming from the same incident(s) as those at issue in the OP matter.

**2.** An OP will be issued for a period of time up to a full year. Each OP granted by the Court will have its own specific expiration date printed in the Order. The OP will automatically expire on that stated expiration date—without the necessity of returning to court unless there has been a hearing to extend the OP.

**3.** A violation of an Order of Protection is a criminal offense. Violating an OP also constitutes both civil and criminal contempt of court, and each criminal contempt conviction carries up to 10 days in jail.

4. It is unlawful for the Respondent to possess a firearm while an OP is in effect, even if the Respondent is a legal firearms owner. If the Respondent is arrested for violating an OP and they have firearms in their possession, they may be charged criminally with unlawful possession of weapons charges.

5. If the Respondent physically assaults the Petitioner while an OP is in effect, they may be charged with Aggravated Assault, which is a Class C felony.

6. It is not a defense to an OP violation criminal charge if the Petitioner initiated the contact. If the Petitioner contacts the Respondent while the OP is in effect, they must not respond. If the Petitioner continues to attempt to communicate with the Respondent while an OP is in effect, the Respondent may file a Motion to Modify or Dismiss and have it set on a Thursday motion date on the OP Motion Docket for the Court's consideration.

7. The Court has the authority to order temporary support (spousal support for married parties or child support), restitution for vandalism damages, counseling for a Respondent, and other relief when entering an OP.

B. Preliminary Matters for Orders of Protection

1. Cases are not heard in the order in which they appear on the docket. The Court hears cases in the most judicially efficient manner possible, taking into consideration many factors, including the necessity and availability of foreign language interpreters, anticipated testimony of minor parties or witnesses, schedules of attorneys, length of hearings, etc.

2. Prior to the opening of court, court officers will begin checking in litigants and directing witnesses to an appropriate waiting area. If there are a large number of cases set to be heard on a docket, only parties and their respective attorney will be allowed in the courtroom during the initial docket call.

3. Children are not allowed in the courtroom at any time unless they are witnesses, in which case they are to remain outside of the courtroom until the Court is ready to hear their testimony.

4. Prior to opening Court, court officers will check in litigants for court and ascertain whether there are any pretrial matters or other issues for the court to address or be apprised of before court begins. Attorneys with matters in other courts on the same day as the OP hearing shall notify the Court of their other court obligations during this check-in time.

C. Firearms Declaration

1. If an Order of Protection is granted against the Respondent, they must file a Firearms Declaration with the Circuit Court Clerk's office within 48 hours of its issuance. This form will be provided to the Respondent in court upon service of the OP. Even if the Respondent does not own or possess firearms, they must file this form. If the Respondent is a firearms owner, they must include the name, address, and telephone contact information of the person to whom they have transported the firearms for safe keeping while the OP is in effect. Once the OP has expired, the Respondent should be able to get any legally owned firearms returned as long as the OP has not been violated.

2. Failure to file the Firearms Declaration within the requisite time will result in a Show Cause Order being issued requiring the Respondent to return to court on a date certain to show cause why they should not be held in contempt of court for failure to file the form. If the Respondent does not appear on the Show Cause Order, a Body Attachment will be issued for their arrest, and they will be incarcerated and held on a \$500 cash bond until transported to court to execute the affidavit. The Respondent will be refunded any remaining balance after court costs have been deducted from their bond payment.

D. Order of Protection Hearings

1. Initial hearings are set within 15 days of the Respondent being served with the petition and any *ex parte* OPs (and a notice of service having been returned and filed with the Circuit Court Clerk).

2. At the initial hearing, the Court, for good cause shown, may continue the matter to a later date and extend any *ex parte* order beyond the 15 day period. Continuance requests by the petitioner will not be granted absent good cause.

3. Any agreement to continue the matter between parties and/or their attorneys must be presented to and approved by the Court prior to or at the initial hearing date. All parties are to be present in court for any continuance requests unless approved by the Court prior to the hearing date.

4. All Orders of Continuance shall include the new hearing date. No Orders of Continuance will be approved or signed without a specific new hearing date included in the Order with a certificate of service to all parties and attorneys.

E. Restraining Orders in Lieu of Order of Protection

1. The Court may not issue a Restraining Order, Mutual Stay Away Order, or any other Order in lieu of an OP in a final hearing; however, the Court may restrain the parties from contact on a temporary basis if a matter is continued even if no *ex parte* is in effect.

2. The parties may agree to enter a restraining order in lieu of an OP, subject to Court approval, only if a divorce or other domestic case is pending. The restraining order must be presented to the presiding judge in the pending divorce case for approval and entry, and a copy of said Order may be filed as a late-filed exhibit to the Order of Dismissal under the OP docket number.

F. Testimony in Order of Protection Hearings

1. The Court requires all parties and non-party witnesses to be physically present in court to offer testimony for all hearings. Requests for hearings by Zoom or other audio-visual means by either party will not be granted unless the Court finds extraordinary or compelling reasons for such virtual testimony to be allowed. The requests must be in compliance with rule 43.01 of the Tennessee Rules of Civil Procedure. Notwithstanding the above, the parties may agree to Zoom or other audio-visual testimony, which is still subject to Court approval.

2. All attorneys must question witnesses from the center podium, using the microphone and projection screen to display documents and other exhibits during a witness's testimony. Parties and witnesses will testify from the designated witness stand and will not be allowed to offer testimony from the counsel table without Court approval for certain reasons, such as mobility issues or advanced age.

3. Each party will have the opportunity to be heard on all relevant and admissible matters. Parties are to refrain from interrupting the other party's testimony (or the testimony of any other witness) except to make a timely evidentiary objection.

G. Testimony of Minor Children in Order of Protection Hearings

1. Minor children who are parties to the order of protection petition are to remain outside the courtroom with a responsible adult until their testimony is presented. If there is no other responsible adult to remain in the hallway with the children, the parent or guardian is to remain outside the courtroom with the child until their case is called. The Court may continue the hearing to a new date if unruly children are not supervised or are unable to be secured.

2. Minor children who are not parties to the action are not allowed to be present in the courtroom at any time, unless said minor child is a non-party witness. If a minor is not a party to the case but is to be called as a non-party witness, the minor shall be allowed in the courtroom only during his or her testimony and at no other time.

3. The Court has discretion with regard to hearing a minor's testimony and will utilize its discretion as to whether or not testimony will be allowed on a case by case basis, taking into consideration the nature of the allegations, age of the child, and other factors. The Court will voir dire the minor witness to ascertain that the minor is competent to testify and understands the obligations associated therewith and may ask questions of the minor witness prior to or after direct and/or cross examination. The Court may hear testimony of minor parties or witnesses in chambers in especially sensitive matters or may clear the courtroom of nonparties during testimony.

H. Witnesses in Order of Protection Hearings

1. Witnesses must appear in person to testify in an OP hearing unless other means of testimony have been approved by the court prior to the hearing date.

2. All non-party witnesses shall remain in the hallway until called to testify.

3. Parties or their respective attorneys should make every effort to subpoena witnesses the Court deems integral to the case, such as unbiased eye witnesses, police officers, DCS investigators, or forensic interviewers in cases involving child abuse allegations, or any party necessary to introduce documents which would otherwise be hearsay.

4. If there are allegations of child abuse or sexual assault of a minor child being investigated by DCS or MNP (or any other agency), the DCS or MNP investigator, forensic interviewer, or investigating detective will be considered by the Court to be an integral witness and should be subpoenaed by the party relying on said testimony to appear in court and offer testimony at the hearing. If no subpoenas have been issued and the court deems such testimony necessary in a particular case, the Court may continue the matter and require one or both parties to issue subpoenas for their appearance at the new court date.

I. Discovery in Order of Protection Cases

1. The Court may allow limited written discovery to be propounded in OP cases upon request; however, due to the emergency nature of OPs, it is generally necessary for the Court to allow limited discovery specifically related to the specific issues raised in the petition to be completed within an abbreviated timeline.

J. Orders in Order of Protection Cases

1. The Court will generate and sign the appropriate Orders—whether an Order of Protection, an Order of Dismissal, or an Order of Continuance—in court immediately following the hearing and provide signed copies to all parties and their attorneys. Parties and their respective attorneys shall remain in the courtroom until each has received their copy of the Court’s Order.

2. Any Agreed Orders of Dismissal presented to the Court for approval shall include language as to whether the case is being dismissed with or without prejudice and shall assess court costs.

K. Court Costs in Order of Protection Cases

1. Court costs shall be assessed against a Respondent if an OP is GRANTED.

2. No court costs shall be assessed against a Petitioner—even if the Petitioner fails to appear in court for the hearing or requests that his or her case be dismissed voluntarily prior to the hearing—except pursuant to T.C.A. 36-3-617(2)(A) and (B).

L. Contacting the Court Regarding Orders of Protection

1. Please contact OP Clerk for any questions regarding your hearing or if you anticipate that you will be late to court. The Circuit Court Clerk’s Office telephone number is 615-862-5181.

M. Rehearings of Orders of Protection

1. Either party has a right to file a Notice of Rehearing within five (5) days of the Special Master's ruling to secure a de novo hearing before Judge Bethany Peery Glandorf for Third Circuit cases and before Judge Stephanie J. Williams for Fourth Circuit cases.

**XXII. GUARDIAN AD LITEM AND INDIGENT REPRESENTATION APPOINTMENTS**

A. The Court will maintain a list of attorneys available to take appointments to serve indigent litigants entitled to appointed representation in contempt and other matters. Appointed counsel should be eligible for payment through the Administrative Office of the Courts ACAP program for indigent representation pursuant to Tenn. Supreme Court Rule 13.

B. The Court will separately maintain a list of attorneys willing to serve as *guardian ad litem* pursuant to Tenn. Supreme Court Rule 40 or 40A.

C. Individuals interested in accepting an appointment to represent indigent respondents and/or to serve as guardian ad litem should contact the Court's Judicial Assistant.

D. Attorneys practicing in Third Circuit Court should endeavor to take indigency appointments annually, as their practice allows. It is the expectation of the Court that attorneys will take pro bono appointments.

**XXIII. USE OF GENERATIVE ARTIFICIAL INTELLIGENCE ("AI")**

A. Generative artificial intelligence, or "AI," is a tool or program that can create new content in response to a submitted prompt or question by learning from large sets of data (examples include ChatGPT, Grok, Co-Pilot, Gemini, Claude, Harvey, Westlaw Edge, CoCounsel, Lexis+, etc.).

B. An attorney or self-represented party must not file with the court any pleading, motion, brief, or other paper prepared using generative AI without first confirming its accuracy, including all quotations, citations, paraphrased assertions, and legal analysis.

C. Anyone who signs a pleading, motion, brief, or other paper filed with the court is responsible for the contents of the filing, even if a generative AI program drafted any part of the filing.

D. An attorney or self-represented party who violates this Rule may be subject to sanctions.

#### **XXIV. RECORDINGS OF COURT PROCEEDINGS**

A. Recordings made of proceedings in Third Circuit Court by the courtroom equipment are not the official record of proceedings and may not be used as the official record on appeal.

B. Recordings are made for security purposes and are considered work product of the Court. Copies of recordings will not be provided to litigants or attorneys absent extenuating circumstances and for good cause shown. Any request for copies of recordings shall be made by Motion.

C. Unless approved in advance by the Court, photographing, recording, or broadcasting court proceedings in any manner is strictly prohibited.