

RULES OF COURT

RULE 1 ADOPTION OF RULES

These local rules are adopted in conformity with Supreme Court Rule 18 for the Knox County Fourth Circuit Court effective September 1, 2015, replacing all previous rules and policies governing Fourth Circuit Court. These rules are in addition to and not a substitute for the Uniform Local Rules of Practice for the Sixth Judicial District. To the extent these rules are inconsistent with the Uniform Rules, the Uniform Rules prevail. Any of these rules may be waived or modified by the Court when the Court finds that justice requires the waiver or modification. The rules are effective for all litigants and attorneys appearing before the Court.

RULE 2 COURT SESSIONS

Subject to such variations as the Court may find necessary or convenient, the hours of Court shall be from 9:00 a.m. to 4:30 p.m., subject to noon recess from 12:00 noon to 1:30 p.m., and with ex parte matters to be set specially.

RULE 3 COURT RECORDS

All court papers and records shall be kept by the Fourth Circuit Court Clerk. No person except the Clerk and his deputies shall be allowed access to the vault where files are kept. No file may be withdrawn except by Court order.

RULE 4 COMPLAINTS AND PETITIONS; PROCESS; AND SUMMONS

Every complaint and petition shall respectively state the following, if known, for each party: residential address as well as the place and address of employment. Every complaint and petition shall also state the address of the place where each defendant or respondent may be served with process. Upon the filing of a complaint or petition for which a summons is required, the party or the party's counsel filing the complaint or petition may prepare and submit the summons for issuance by the Clerk. Counsel and unrepresented parties are responsible for keeping the Clerk's Office advised of correct mailing address and other identifying information at all times. It is not the responsibility of the Court or the Clerk's Office to investigate the whereabouts of a party or attorney.

Each initial pleading or motion where the custody of a child is at issues shall set forth the information required by this Rule as well as that required by § 36-4-106 as well as the information required by the Uniform Child Custody Jurisdiction and Enforcement Act, Tenn. Code Ann § 36-6-201 *et seq.*, and in particular by Tenn. Code Ann. § 36-6-224. If the information and envelope required by Tenn. Code Ann. § 36-4-106 is not provided to the Clerk at the time of filing, the Complaint shall not be filed.

RULE 5 SUBPOENAS

All requests for subpoenas for trials or hearings shall be in writing, fully completed. The subpoena shall state the witness's full name, a telephone number for the witness, the date, location, and time for which the witness is being subpoenaed, any other requirements for the witness to comply with, and the location where the witness may be served. Once filed, the subpoena shall be executed by the Clerk and issued. The absence of a witness for a trial or hearing shall not be a ground for continuance unless a witness subpoena request complying with the above was accomplished by the party seeking the continuance no later than seven (7) days prior to the trial or hearing and the failure to obtain private service of a subpoena upon the witness is satisfactorily explained by the party seeking the continuance.

RULE 6 SETTING CASES, MOTIONS AND PRETRIAL HEARINGS

All pre-trial and post-trial motions shall be set by counsel with the judicial secretary. Hearings for motions shall be limited to one hour. The Court, with or without hearing oral argument, may decide pre-trial motions. If not disposed of before hearing, motions shall be heard and disposed of in open court upon motion days. The dates for motion days are posted at www.knoxcounty.org.

In order to be considered, a response to a motion must be filed prior to the day upon which the hearing is scheduled. If it is less than five (5) days before the day of the scheduled hearing, counsel are required to furnish a copy to the judicial secretary at the time the response or reply is filed.

Settings in all newly commenced litigation in which an answer has been filed will be set for trial by counsel upon application to the judicial secretary.

Counsel will set all uncontested matters by obtaining settings from the Clerk. The Clerk will provide a date for prompt hearing pursuant to statutory periods.

If any counsel or *pro se* party is unavailable upon a day on which a motion is set for oral argument, such counsel or *pro se* party shall obtain another date acceptable to the Court and all other counsel and shall submit an order before the date of the scheduled hearing approved by all counsel and *pro se* parties setting the motion for hearing on such alternate date.

RULE 7 CONTINUANCES

Cases set for trial or hearing may be continued only by order or leave of the Court. Any request to continue a case or hearing shall be argued before the date of the scheduled hearing. The Clerk's office cannot excuse a party or counsel from appearing in court.

RULE 8
LIMITATIONS ON FILING DISCOVERY MATERIAL INTERROGATORIES,
REQUESTS TO ADMIT AND REQUESTS FOR PRODUCTION

(A) *Documents not to be filed.* Pursuant to Tenn. R. Civ. Pro. 5.05, the following shall not be filed with the Court except pursuant to special order of the Court or for use in proceedings: depositions upon oral examination; interrogatories; requests for production; requests for admissions; and answers and responses thereto.

(B) *Number.* No party shall serve upon any other party more than 30 interrogatories or requests to admit or requests for production, however numbered, lettered or sub-divided, without leave of Court. If a party is served with interrogatories or requests to admit or requests for production exceeding 30, response to only the first 30 shall be made. Any motion seeking leave to serve more than 30 interrogatories or requests to admit or requests for production shall set out each additional interrogatory or request to admit or requests for documents together with the reason establishing good cause for exceeding the limit of 30.

(C) *Responses.* The response to each interrogatory or request to admit or requests for production shall be preceded by the interrogatory or request to admit.

RULE 9
MOTIONS TO COMPEL DISCOVERY

All motions to compel discovery shall be signed and filed with the Clerk and shall include a certificate of service to the adverse party or counsel and may be accompanied by a proposed order. The proposed order will be tendered by the Clerk to the Judge for entry ten (10) days after filing the motion unless the adverse party or counsel requests in writing a hearing prior to the expiration of the ten (10) day period. Any motion to compel discovery not accompanied by a proposed order must be set for hearing by counsel with the judicial secretary.

RULE 10
COURT COSTS

All orders and judgments that tax costs shall contain both the current home address and employment address of those charged with all or any part of the costs of the cause and shall be signed by the tendering party(ies) or their counsel. In any event, the bill of costs may be sent to those responsible for costs in care of the attorney for such responsible person(s). Sureties on bonds may only be released upon compliance with Tenn. Code Ann. § 29-33-101 *et seq.* and with a provision for a substitute surety.

RULE 11
ENTRY OF JUDGMENTS ORDERS

Any counsel or *pro se* party who refuses to approve an order or judgment shall file an alternate proposed order or judgment with the Clerk within five (5) business days following service of the proposed order or judgment filed by the prevailing party. Such alternate proposed order or judgment shall bear a certificate of service as required by Tenn. R. Civ. Pro. 58(2). If an alternate order or judgment is not received in the time specified, the filed order or judgment shall be entered. All orders should be entered within 30 days of the Court's ruling.

RULE 12
NOTICE OF ENTRY OF JUDGMENT

Any party or counsel requesting the Clerk to mail or deliver a copy of the entered judgment to all parties or counsel under Tenn. R. Civ. Pro. 58.03 shall present with the judgment a list of all parties or their counsel entitled to receive notice and the current mailing addresses for all parties or counsel entitled to notice. In addition, the party requesting notice of entry shall provide for party or counsel on their notice, pre-addressed envelopes with sufficient postage affixed to pay for mailing.

RULE 13
CHILD SUPPORT AND ALIMONY PROCEEDINGS

(A) GENERAL:

Pendente lite support matters may be set on a motion day. Because of the one-hour time limitation for motions, the parties are encouraged to utilize the child support magistrate when feasible. Motions seeking child support or child support and alimony may be set, but child support motions shall be addressed first.

(B) CHILD SUPPORT:

A party requesting *pendente lite* child support shall file the following documents with the complaint for divorce or with a motion for *pendente lite* support filed after filing a complaint for divorce. The following must be filed at least five days prior to any hearing:

- (1) a financial affidavit reflecting his/her average monthly expenses and income;
- (2) his/her previous year's tax return;
- (3) his/her most recent pay stub reflecting year-to-date income; and
- (4) any other relevant financial facts that the party desires the Court to consider.

No later than two (2) business days prior to a hearing for *pendente lite* child support, the defendant or respondent shall file and serve with his or her answer or response, the following documents:

- (1) a responsive financial affidavit setting forth his/her average monthly gross and net income and average monthly expenses;

- (2) his/her previous year's tax return;
- (3) his/her most recent pay stub reflecting year-to-date income; and
- (4) any other relevant financial facts that the party desires the Court to consider.

Upon the filing of a motion for *pendente lite* child support, the issue shall be adjudicated on the basis of the above documents filed, but not until the responding party has had appropriate time under the Tennessee Rules of Civil Procedure to respond to the complaint or the motion requesting support. If the parties proceed utilizing the child support magistrate and either is dissatisfied with the magistrate's Findings and Recommendations, either party may appeal within ten (10) days following receipt of said ruling and request a hearing before the judge of the Fourth Circuit Court.

(C) SPOUSAL SUPPORT:

A party requesting *pendente lite* spousal support or a modification of spousal support, shall file:

- (1) the documents identified in section (B); and
- (2) a statement regarding the application of any of the other statutory factors contained in Tenn. Code Ann. § 36-5-121 that the party wishes to be considered by the Court.

The defendant or respondent shall then file:

- (1) the responsive documents set forth under section (B).
- (2) a statement regarding the application of any of the other statutory factors contained in Tenn. Code Ann. § 36-5-121 that the respondent wishes to be considered by the court.

On motion days on which spousal support is initially set by the court of record, the judge shall adjudicate spousal support issues in the style of appellate argument on the basis of the documents submitted by the parties.

RULE 14
PRE-TRIAL STIPULATIONS AS TO
SEPARATE AND MARITAL PROPERTY

To aid discovery and streamline the presentation of proof at trial, the parties shall prepare a joint statement of assets and debts no later than ninety (90) days after service of a complaint for divorce upon the defending party. The required form is available as an Excel spreadsheet from the judicial secretary. Fifteen (15) days after service is accomplished, counsel for Plaintiff (or the Plaintiff if *pro se*) shall serve upon Defendant's counsel (or upon Defendant if *pro se*) a draft property table that identifies all assets of the plaintiff or the marriage including, but not limited to: real property, vehicles, bank accounts, investments, retirement interests, closely held business interests, stocks, bonds, or cash value in life insurance. Individual items of household furnishings need not be specified in the initial draft. In addition, the table will identify all debts owed by Plaintiff or the parties.

Forty-five (45) days after the date of service of Plaintiff's table, Defendant shall serve upon Plaintiff a revised table that identifies any additional assets or debts of which Defendant is aware and that were not listed by Plaintiff. After receipt of the list, the parties shall confer and prepare a joint list of all assets and debts.

Unless the Defendant has been defaulted, Ninety (90) days after service of the complaint upon Defendant, the joint list shall be filed with the Court. As discovery progresses, the value of an asset or debt may change as may the characterization of an asset or debt as marital, separate, or disputed based upon information learned in discovery.

At least seven (7) business days before the day of trial, the parties shall provide in electronic form to the Court's secretary and file with the Clerk two (2) paper copies of the JOINTLY PREPARED property table executed by counsel setting forth, pursuant to the criteria of Tenn. Code Ann. § 36-4-121: (1) the real and personal *separate* property and debts of each of the parties; (2) the real and personal *marital* property and debts of the parties; (3) the *remaining* real and personal property and debt of the parties, the character of which is disputed and to be decided by the Court. This last item consists of all real and personal property and debt of the parties not covered under the first two stipulations. At the time the copies are filed with the Clerk.

If either party separately desires – or the parties together desire to do so – he/she/they may additionally propose to the Court, at trial and after complying with the foregoing paragraph, a division of all or part of the marital property. The Court is not bound by the proposal but will give proper consideration to the wish(es) of the party(ies).

RULE 15 PARENTING PLANS

(A) In all actions seeking the establishment of residential schedules and/or parenting responsibilities, the plaintiff or petitioner shall file with the complaint temporary parenting plans agreed upon by the parties, or, if no agreement has been reached, a proposed temporary parenting plan of the plaintiff or petitioner.

(B) If no agreement has been reached, the defendant or respondent shall file with the answer, the defendant's or respondent's proposed temporary parenting plan.

(C) If only one party files a proposed temporary parenting plan in compliance with Rule 15(a) or (b), that party may petition the Court for an order adopting that plan by default. Upon a finding that the plan is reasonable and is in the best interest of the child(ren) in accordance with Tenn. Code Ann. § 36-6-403(2), the plan may be adopted by the Court by default.

(D) If both parties submit a proposed temporary parenting plan but cannot agree on a temporary parenting plan, then the parties shall engage in dispute resolution subject to the limitations and restrictions set forth in Tenn. Code Ann. § 36-6-409. In the event dispute resolution is not available or the parties are still unable to agree, either party may request a

hearing for the Court to establish a temporary parenting plan. Pending that hearing, absent injunctive relief being granted by the Court, the co-parenting schedule shall be as set forth in Rule 26 below.

(E) If the parties are unable to agree on a permanent parenting plan, the parties shall participate in alternative dispute resolution and comply with the provisions of Tenn. Code Ann. § 36-6-404(c)(3). If the parties have not engaged in dispute resolution, or if neither party has filed a proposed permanent plan at least fifteen (15) days prior to the trial date, then the trial of the case shall be continued unless an agreed permanent parenting plan is submitted on or before the date for trial.

(F) If the case is continued for failure to comply with Rule 15(e), then the parties shall, within thirty (30) days of the date the trial was continued, submit proposed permanent parenting plans and participate in dispute resolution. Failure to do so may result in the imposition of any of the sanctions set forth in Rule 16 of the Tennessee Rules of Civil Procedure.

RULE 16 PROOF OF MEDICAL COVERAGE

Any party ordered to maintain medical insurance coverage for minor children shall provide the other party with all necessary documents evidencing proof of coverage. This duty is a continuing one. Medical expenses include but are not necessarily limited to medical, dental, orthodontic, psychiatric, and psychological expenses.

RULE 17

Retained for use by older cases;

Rule 17 has been supplanted by Local Rules 25 and 26 below, effective January 1, 2000.

(A) In the event that there is no agreement between the parties regarding visitation and there needs to be an Order, co-parenting time shall be as follows:

- a. 1st and 3rd weekends from Friday at 6:00 p.m. to Sunday at 6:00 p.m.
- b. December 25 at 6:00 p.m. to January 1 at 6:00 p.m.
- c. July 1-15 each year.
- d. Thanksgiving holidays, from Wednesday at 6:00 p.m. to Sunday at 6:00 p.m.
- e. The child's spring vacation from the time school dismisses until school resumes.
- f. Phone communication at such times and with such frequency as is reasonable.
- g. All exchanges of the child shall be done between 6:00 p.m. and 6:15 p.m., with the actual transportation done by that parent who is receiving the child.

(B) Knox County Fourth Circuit Court Four takes judicial notice of the dangers of second-hand, or passive, smoke. Parents shall not expose their children to tobacco smoke in enclosed spaces or allow others to expose them to it. That means NO SMOKING indoors or in vehicles with the children present. It means not allowing them to be in the presence of others

who do so. It means parents must keep the air in their home clean.

If children are exposed to smoke, it will be strong evidence that the exposing parent does not take good care of them.

RULE 18 ORDERS OF RECONCILIATION

In all cases of reconciliation, if the cause is not simultaneously dismissed by the plaintiff or parties, an order of reconciliation using substantially the following language shall be submitted by counsel:

It appearing to the Court that a complaint for divorce was filed by Plaintiff herein on _____, and it further appearing upon written stipulation of the parties that they desire to attempt a reconciliation of their differences without jeopardizing the cause of action now pending, as evidenced by their signatures upon this Order,

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED:

1. That in accordance with Tenn. Code Ann. § 36-4-126, all proceedings in this cause are hereby suspended without prejudice for a period of six (6) months.
2. That during the period of suspension the parties may resume living together as husband and wife and their acts and conduct in so doing shall not be deemed a condonation of any prior misconduct.
3. That this Order shall continue for a period of six (6) months from entry, at which time the Court shall dismiss the complaint, absent motion to the contrary filed by either party.
4. That, should said complaint be dismissed, the costs shall be taxed to the parties, for which execution may issue.

RULE 19 FEE REQUESTS

All applications for attorney fees, other than *pendente lite*, shall be supported by a sworn statement setting forth in detail the basis for the fee sought. The criteria in Tenn. Sup. Ct. R. 8, RPC 1.5, will control the awarding of attorney's fees.

RULE 20 CRITERION DAY

In all orders and judgments specifying a numbered weekend or weekends of a month, Friday shall be the criterion day. For example, if March 1st is a Friday, that is the first weekend of the month. If March 1st is a Saturday, the first weekend of the month begins on Friday, March 7th.

RULE 21
SUPPORT ARREARAGES

Counsel may greatly assist the presentation of cases alleging arrearages in Court-ordered support by using graphic exhibits.

RULE 22
PUBLICATION

(A) The use of service of process by publication in lieu of personal service upon defendants who live out of state, or whose whereabouts are not known, is a means of process intended to give actual notice to defendants, or to persons who, having seen the notice, will contact the defendants.

The due process requirement that parties be notified of proceedings affecting their interests is a vital corollary to one of the most fundamental requisites of due process, namely, the right to be heard. *Baggett vs. Baggett*, 541 S.W.2d 407 (Tenn. 1976); *Schroeder vs. City of New York*, 371 U.S. 208, 83 S. Ct. 279, 9 L.Ed.2d 255 (1962).

The custom in Knox County of publishing legal notices in a newspaper of limited circulation, read mainly by lawyers, is not a means reasonably calculated effectively to advise parties of legal proceedings.

Truly indigent plaintiffs unable to afford publication in a newspaper of wide circulation have access to publication by posting, *Dungan vs. Dungan*, 579 S.W.2d 183 (Tenn. 1979), 47 Tenn. L. Rev. 845.

All local notices published by newspaper and made a part of the proceedings shall appear in a newspaper of general circulation within the area of Knox County and its contiguous counties. If counsel desire, an abbreviated notice may be placed in *the general circulation newspaper* bearing (1) the defendant's name in bold type; (2) the style, docket number, court name, and nature of the proceeding; and (3) the name and telephone number of plaintiff's attorney. If this route is chosen, the full legal notice must additionally appear in another Knox County newspaper. An example of an abbreviated notice is:

JOHN ROBERT JONES

A divorce complaint bearing docket number 34567 has been filed against you in Knox County Fourth Circuit Court. Contact plaintiff's attorney, Rebecca Smith, (865) 584-1234.

(B) In all cases in which service of process is to be effected by publication, whether local or otherwise, the Court requires affidavits by counsel and the client, setting forth:

- (a) all efforts made to locate the defendant;
- (b) the success of those efforts;
- (c) that there are no further reasonable efforts to be made; and
- (d) that after all of the foregoing, publication was done in a newspaper of general

circulation in that county where the defendant--or persons in contact with the defendant--is/are most likely to be found.

The affidavits should set out, for example, contacts made with past employers of the defendant in Topeka, with his kin in Michigan, with his former neighbors in Knoxville; researches made in city directories, phone books, and by Internet; and all other efforts to locate the defendant and apprise him of his litigation. In short, all efforts must be made – and attested to – that a person would make as if really intending to locate the defendant.

RULE 23 TRIAL MANAGEMENT

If requested by a party, any pending matter may have a trial management conference. **BOTH COUNSEL AND BOTH PARTIES MUST BE PRESENT IN OPEN COURT FOR THE TRIAL MANAGEMENT CONFERENCE.** The conference may be set with the judicial secretary.

To prepare for the trial management/settlement conference in a new divorce, each attorney shall mail/FAX/hand-deliver to the other a series of proposed filings to comply with Local Rule 14 above. In addition, any proposed exhibits shall be identified and exchanged.

At the trial management conference the following matters will be dealt with:

1. Date for conclusion of any remaining discovery;
2. Date for exchange of binding witness lists;
3. Any agreed upon exhibits shall be numbered sequentially beginning at 1; and
4. Any other pre-trial matters evidentiary or procedural matters counsel may wish to raise.

RULE 24 PRESERVATION OF FINANCIAL RECORDS

As of the date a complaint for divorce is signed, Plaintiff shall take reasonable steps to obtain and preserve for production all data for the current calendar year and the previous calendar year that is available through online access for any financial interest or account in his/her name or for which he/she has an interest or obligation, including but not limited to bank accounts, retirement interests of any kind, brokerage or stock accounts, whole life insurance, loans, and credit card debt. In the event that online access is not available, all paper statements or other information pertaining to a financial interest or debt must be preserved for production until the case is concluded and a final judgment has been entered. Upon service of a complaint for divorce, Defendant shall be bound by the requirements set forth within this rule.

RULE 25
TOBACCO SMOKE

Knox County Fourth Circuit Court takes judicial notice of the dangers of second-hand, or passive, smoke. Parents shall not expose their child(ren) to tobacco smoke in enclosed spaces or allow others to expose them to it. That means NO SMOKING indoors or in vehicles with the child(ren) present. If the child(ren) are exposed to smoke, it will be strong evidence that the exposing parent is not properly caring for them.

RULE 26
PENDENTE LITE CO-PARENTING

(A) In the event that there is no agreement between the parties regarding co-parenting time and the parties have not sought injunctive relief, co-parenting time pending a hearing shall be as follows:

1. Ongoing co-parenting time will follow a two-week schedule; the non-residential parent will enjoy:

Week One: Friday at 6:00 p.m. until Monday morning, returning and transporting the child(ren) to school or daycare at the appropriate time, or to other parent at 9:00 a.m.. Week one begins on the Friday following the filing date of the complaint for divorce.

Week Two: Thursday evening pick-up from school or daycare, at the appropriate time, or from other parent at 6:00 p.m.; Friday morning, returning and transporting the child(ren) to school or daycare at the appropriate time, or to other parent at 9:00 a.m.

2. Summer: June 1-15 and July 1-15 to the non-residential parent. June 15-30 and July 15-30 to the residential parent. These 15-day periods are continuous, overriding #1 above (as noted below in #10).
3. Thanksgiving: Wednesday at 6:00 p.m. to Monday morning, returning and transporting the child(ren) to school or daycare at the appropriate time, or to other parent at 9:00 a.m. In odd years the non-residential parent enjoys this time, in even years the residential parent.
4. Spring Break: The non-residential parent enjoys this time in even years, from Friday at close of the school the child attends until Monday morning return to school as above. If the child is not in school, then spring break follows the period of the Knox County school system; however, if the child has older siblings, the spring break for that child shall follow that of the oldest minor sibling. In odd years, the residential parent enjoys this time.
5. Christmas Break: The non-residential parent enjoys December 25 at 6:00 p.m. until returning and transporting the child(ren) to school, or daycare on the day of school

reopening, or to the other parent at 9:00 a.m. The residential parent enjoys from 6:00 p.m. of school out until December 25 at 6:00 p.m.

6. Federal holidays which follow the non-residential parent's weekend extend a weekend until Tuesday morning.
7. Mother's Day with mother, and Father's Day with father, 9:00 a.m. to 9:00 p.m.
8. All exchanges of the child(ren) shall be done within a 15-minute window (e.g., between 6:00 p.m. and 6:15 p.m.).
9. Except as expressly provided above, transportation shall be done by that parent or parent's agent who is receiving the child(ren).
10. Holiday/extended co-parenting time takes precedence over the ongoing Week One/Week Two co-parenting schedule.

For a new divorce matter or a request to modify an existing order concerning co-parenting, injunctive relief as provided for within Rule 65 of the Tennessee Rules of Civil Procedure shall be the only method to obtain the entry of an order addressing co-parenting time without first proceeding with the process set forth in Rule 15 above.

- (B) Tenn. Code Ann. § 36-6-110 (Parents' Bill of Rights) is incorporated in this rule as if set forth verbatim herein.
- (C) Rule 26 replaces Rule 17 of the Local Rules of the Fourth Circuit Court as of its effective date of adoption, January 1, 2000. Historical Rule 17 will continue to apply in those cases which incorporated it specifically, or its provisions, prior to the effective date of Rule 26. After the effective date of Rule 26, parties can – as always – elect whatever co-parenting provisions they wish by agreement, reduced to court order, including provisions which may in fact duplicate historical Rule 17.

RULE 27 PERSONAL PROPERTY ITEMS

In *pendente lite* divorce proceedings in which the furniture and furnishings of the parties are situated dominantly with one party, counsel may anticipate, upon application being made therefore by motion, an order containing substantially the following provisions:

A. Each party shall forthwith furnish to the other those items of personal property that are undeniably separate property as defined by Tenn. Code Ann. § 36-4-121.

B. Each party shall immediately furnish to the other those items of personal property that are of a uniquely personal nature.

C. Each party shall furnish to the other a portion of marital furniture and furnishings consistent with individual dignity.

D. A full and exact inventory shall be kept of all items furnished under A, B, and C. Videotaping may be employed if desired.

E. Each person holds each and every item of marital and separate property as trustee for the other until trial. Each is enjoined from wasting, disposing, converting, selling, or in any wise changing the character of, any of the items except by agreed order entered with the Court and signed by counsel.

F. Should a party withhold items of category A, B, or C above, the withholding party does so at his/her peril. A party's decisions as to the items in category A, B, and C above, will be examined at trial as evidence of that party's posture in equity.

LOCAL RULE 28
[RESERVED]

RULE 29
[RESERVED]

RULE 30
INTERVENTION PROGRAMS FOR DOMESTIC VIOLENCE

As to persons coming before this court who are violent to, and/or control others, from and after 31 March 2006, this court will refer such persons only to programs certified by the State of Tennessee as qualified to provide intervention in those behavior patterns. See Tenn. Code Ann. § 38-12-101, *et seq.*

RULE 31
ELECTRONIC FILING OF PETITIONS FOR ORDERS OF PROTECTION

Pursuant to Tenn. Code Ann. §§ 16-1-113 and 16-1-115, as well as Tennessee Attorney General's Opinion #00-124, the following shall be the rule for the electronic filing of petitions for orders of protection:

Internet Filing

The filing of petitions electronically through the internet is predicated on the availability of an electronic signature pad. Presently, the only authorized signature pad is located at the Family Justice Center (FJC). This device will allow the petitioners' signatures to be transmitted to the Clerk's Office and will not retain in any way the signatures for further use or recognition. Petitioners will have their signatures notarized at the FJC. Forms will be sent by the internet to

the Clerk's Office for the Judge's consideration, possible entry, filing, scheduling, and service of process.

Fax Filing

Petitions may also be filed electronically via FAX. Petition forms will be available electronically or on hard copy. These forms may be completed at the FJC or at an attorney's office. After the application is complete, the petitioner will appear before a Notary Public or Clerk of Court to be sworn and to sign the original affidavit. The application may then be filed by FAX to the Clerk's Office for the Judge's consideration. **However, no process shall issue until the Clerk has received the original hard copy affidavit verifying the petition with the petitioner's signature.**

ENTER, this 31st day of August 2015:

Judge Gregory S. McMillan