

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

**IN RE: AMENDMENTS TO TENNESSEE RULES
 OF JUVENILE PROCEDURE**

Filed: December 29, 2005

ORDER

The Court adopts the attached amendments effective July 1, 2006, subject to approval by resolutions of the General Assembly. The rules amended are as follows:

RULE 1 TITLE OF RULES; SCOPE; PURPOSE AND CONSTRUCTION;
 SITUATIONS NOT COVERED BY RULES;
RULE 25 DISCOVERY;
RULE 33 PREDISPOSITION REPORT/SOCIAL HISTORY.

FOR THE COURT:

WILLIAM M. BARKER
CHIEF JUSTICE

TENNESSEE RULES OF JUVENILE PROCEDURE

RULE 1

TITLE OF RULES; SCOPE; PURPOSE AND
CONSTRUCTION; SITUATIONS NOT COVERED BY RULES

(b) Scope. These rules shall govern the procedure in Juvenile Court in all cases in which children are alleged to be delinquent, unruly, dependent and neglected, or abandoned; in all cases involving emergency temporary care under T.C.A. §37-1-128; in all cases to revoke the probation of delinquent or unruly children; and in all cases to terminate home placements under T.C.A. §37-1-137. The procedures employed in General Sessions Court under the Tennessee Rules of Criminal Procedure shall govern all cases in which children are alleged to have committed juvenile traffic offenses as defined in T.C.A. §37-1-146 and all cases heard in juvenile court involving child abuse prosecutions under T.C.A. §37-1-412 and §39-15-401, nonsupport of children, or contributing to the delinquency or unruly behavior or dependency and neglect of children. The Tennessee Rules of Civil Procedure shall govern all cases involving the termination of parental rights, paternity cases, guardianship and mental health commitment cases involving children, and child custody proceedings under T.C.A. §§36-6-101 et seq., 36-6-201 et seq., and 37-1-104(a)(2) and (f); however, discovery in such cases in juvenile court shall be governed by Rule 25 of these rules. In a case governed by the Rules of Civil Procedure pursuant to the preceding sentence, any of those rules may be suspended by the court if the interests of justice so require. Contempt proceedings shall be conducted pursuant to the procedures applicable in courts of general jurisdiction.

2006 Advisory Commission Comment

Rule 1(b) is amended to ensure that children and their families in specified domestic relations cases pending in the Juvenile courts enjoy the same procedures, rights, and rules as

those children and families have in similar cases pending in Circuit, Chancery, or other courts with concurrent jurisdiction.

TENNESSEE RULES OF JUVENILE PROCEDURE

RULE 25

DISCOVERY

[Add three sentences to the existing rule.]

A party to a civil action in juvenile court that is otherwise governed by the Tennessee Rules of Civil Procedure may serve notice of or request for discovery on another party. The party on whom notice or request is served may seek a protective order with regard to the notice or request. Leave to obtain discovery shall be freely given when justice so requires.

2006 Advisory Commission Comment

The final three sentences are new. The amendment is intended to allow discovery in Juvenile Court on issues other than those in delinquency and unruly proceedings.

TENNESSEE RULES OF JUVENILE PROCEDURE

RULE 33

PREDISPOSITION REPORT/SOCIAL HISTORY

(e) Inspection of Reports; Confidentiality. Generally, the child, the child's attorney, the child's parent, guardian or legal custodian, and other parties shall be entitled to inspect and obtain copies of the predisposition report and all medical, psychological and other reports on which it is based, except that information protected from disclosure by law. However, the court in its discretion may decline to permit inspection or copying of sensitive reports, or portions thereof, to anyone other than an attorney if it determines that such inspection would be detrimental to the child. If a party is unrepresented and is denied the right to inspect and make copies, an attorney shall be appointed for the party and shall be permitted to inspect and copy reports as herein provided. The court shall issue such orders as are necessary to maintain the confidential nature of information so classified. However, in order to permit response pursuant to Rule 32(f), the court shall disclose, at least to attorneys for the parties, any confidential information relevant to disposition.

2006 Advisory Commission Comment

The amendment allows parties to inspect and copy reports. The court has discretion to limit inspection to attorneys of parties.