

# BENCH ORDER

## Contents

SUMMARY.....	1
SAMPLE QUEST DOCUMENTS .....	2
BENCH ORDER .....	2
VERIFIED PETITION FOR DEPENDENCY AND NEGLECT .....	4
SUMMONS .....	6
FILL IN THE BLANK ORDERS .....	8
BENCH ORDER .....	8
VERIFIED PETITION FOR DEPENDENCY AND NEGLECT.....	11
STATUTES .....	13
37-1-115. Custody -- Release to proper party -- Warrant for custody.....	13

## SUMMARY

This order should be used in the situation where a child is before the court on a delinquent or unruly petition and the judicial officer finds there is probable cause that the child is a dependent and neglected child and that the child is subject to an immediate threat to the child's health or safety and places the child in DCS custody without a dependency and neglect petition having been filed prior to the hearing. The order will allow for the admission or denial of the delinquent or unruly charge if that also occurs at the hearing.

When this happens a D&N petition must be filed within 2 days of the child being taken into custody. There is a D&N petition in Quest that can be used.

A new D&N case is created in Quest and a preliminary hearing on the D&N petition should be scheduled. The parties must be served with the petition.

If you are the Petitioner, your name should be added in the Names Currently Assigned to the case section, NOT in the Names Associated with the case section.

A guardian ad litem will need to be appointed for the child because of the D&N allegations. The parents have the right to an appointed attorney if they are indigent.

# SAMPLE QUEST DOCUMENTS

## IN THE JUVENILE COURT OF SUMNER COUNTY, TENNESSEE

IN THE MATTER OF:

Case No. 83SCJ-2019-JR-10

**Laura Ingalls - DOB 3/23/2006 AGE 13 years**

A child under 18 years of age

(at the time of the offense)

CHARGE(S): Case 4, Count 1 - Aggravated Assault (TCA 39-13-102), a Felony

---

### BENCH ORDER

---

This matter came on to be heard on 29th day of August, 2019, before the Honorable David R. Howard, upon petition filed alleging the above offense(s).

Those present were Laura Ingalls, Caroline Ingalls (Mother) and Charles Ingalls (Father).

The Court, having considered the testimony and evidence presented and the entire record, finds as follows:

1. The child was advised of the charge(s) against her and of her rights, pursuant to Rule 205 of the Rules of Juvenile Practice and Procedure, including the right to appeal this matter. The Court finds that the meaning and effect of these rights have been fully explained to the child.
2. The child requested appointed counsel to represent her in this matter.
3. It appearing, based upon the affidavit of indigency filed in this cause, and after due inquiry made, that the parent, guardian or legal custodian(s) is/are indigent and thereby the child qualifies for appointed legal counsel pursuant to T.C.A. § 37-1-126 and/or S.Ct. Rule 13, Sec. 1.
4. The Public Defender is appointed to represent the child in this matter.
5. The child entered a plea of guilty to the following offense(s) after having waived her rights to a trial of this matter in writing in a separate document: **Aggravated Assault (TCA 39-13-102), a Felony.**
6. This Court has jurisdiction over this action, and venue is appropriate in this County.
7. There is probable cause to believe that the above-named child is dependent and neglected pursuant to T.C.A. § 37-1-102(b).
8. The child is subject to an immediate threat to the child's health or safety to the extent that delay for a hearing would be likely to result in severe or irreparable harm.
9. There is no less drastic alternative to removal available that would reasonably and adequately protect the child's health and safety pending a hearing.
10. Continuation of the child in the home is contrary to the best interests and welfare of the child for the following reasons: The mother is the victim of the assault by the child and is unable to have the child remain in the home. The father is unable to take custody of the child.
11. There is no less restrictive alternative removal of the child from the home that will reduce the risk of flight or of serious physical harm to the child or to others.
12. It was reasonable to make no efforts to maintain the child in the home based on an assessment of the family and the child(ren)'s circumstances that include: the serious nature of the crime and the fact that is just happened three days ago.

It is, therefore, **ORDERED, ADJUDGED AND DECREED** that:

1. Temporary custody of the child, Laura Ingalls, is hereby awarded to the State of Tennessee, Department of Children's Services, with the authority granted under T.C.A. § 37-1-140, including the authority to consent to any ordinary or necessary medical, surgical, hospital, psychological, psychiatric, institutional or education care.
2. The Court further orders that all state, county, or local agencies with information or records relevant to the child's situation, including any public or private medical or mental health treatment resources and all educational facilities, shall release such information or records as are necessary for the management of this case to the Department of Children's Services.
3. That **Avery Holt** is hereby appointed as guardian ad litem for the child.
4. That **Avery Hold** is directed to file a Dependency & Neglect Petition within two (2) days after the child is taken into custody excluding Saturdays, Sundays and legal holidays pursuant to T.C.A. § 37-1-115.
5. This matter shall be scheduled for **Preliminary Hearing on September 17, 2019 at 9:00 AM**. The child and parent, guardian, or legal custodian(s) shall appear.

ENTERED this 29th day of August, 2019.

---

The Honorable David R. Howard  
Juvenile Court Judge  
(T.C.A. § 16-1-115)

### **CERTIFICATION OF SERVICE**

I hereby certify that a true and exact copy of the order has been delivered by United States mail, by personal service, by email or facsimile if service is so accepted, to the individuals listed below this 29th day of August, 2019:

Caroline Ingalls, 636 E Main St., Gallatin, TN 37066  
Charles Ingalls, 356 W Main St, Gallatin, TN 37066

---

Kathryn Strong  
Juvenile Court Clerk

**IN THE JUVENILE COURT OF SUMNER COUNTY, TENNESSEE**

IN THE MATTER OF:

Case No. 83SCJ-2019-JR-10

**Laura Ingalls - DOB 3/23/2006 AGE 13 years**

A child under 18 years of age

**VERIFIED PETITION FOR DEPENDENCY AND NEGLECT**

Comes your Petitioner, Probation Officer Karlene Thompson, Sumner County Juvenile Court, and respectfully states as follows:

**I. JURISDICTION/VENUE**

This Court has jurisdiction of this matter pursuant to T.C.A. § 37-1-103. Venue is appropriate pursuant to T.C.A. § 37-1-111, in that the child resides in this County at 636 E Main St., Gallatin, TN 37066 and resides with Charles Ingalls (Father - Legal Custody).

**II. PARTIES**

Mother is Caroline Ingalls who resides at 636 E Main St., Gallatin, TN 37066 and Father is Charles Ingalls who resides at 356 W Main St, Gallatin, TN 37066

The parents are not currently serving in the armed forces.

The child or child's parent is not a member or eligible for membership in a recognized Indian tribe under the federal Indian Child Welfare Act, compiled in 25 U.S.C. § 1901.

**III. DEPENDENT AND NEGLECT**

It is upon Petitioner's information and belief that the above-named child is a dependent and neglected child within the meaning of T.C.A. § 37-1-102(b)(12) in that:

The mother is the victim of the assault by the child and refuses to take the child home. The father is unable to take custody of the child. The child has no immediate relatives who are able to care for this child.

**IV. OTHER PROCEEDINGS**

There is currently a delinquency proceeding in this court involving the child that may affect this proceeding.

The petitioner has never participated as a party or witness or in any other capacity in any other proceeding concerning the custody of or visitation with the child.

**V. CHILD'S PRIOR ADDRESSES**

It is not known where the child has resided during the past five (5) years.

**VI. OTHERS CLAIMING LEGAL RIGHTS**

Petitioner knows of no person that is not a party to this proceeding who claims to have legal or physical custody or visitation rights with respect to the child.

**VII. BEST INTEREST**

It is in the best interest of the child and public that this petition be brought.

**PETITIONER PRAYS,**

1. That the Respondent(s) be served with a copy of this Petition, and that the child be served with a copy of this petition if the child is fourteen (14) years of age or older.
2. That a guardian ad litem be appointed for the child.
3. That the Court consider the need to appoint counsel for the parents who may be indigent or as may be otherwise required by law.
4. That at a final hearing of this matter, the Court find the child to be dependent and neglected within the meaning of the law.
5. That child support be set if appropriate.
6. That the Court grant any other general relief as is necessary.

COMES NOW Probation Officer Karlene Thompson, Sumner County Juvenile Court, being first duly sworn, under oath, and states that the facts set out in the petition above are true and correct to the best of my knowledge, information and belief.

\_\_\_\_\_  
Karlene Thompson  
Sumner County Juvenile Court

Sworn and subscribed before me this 9th day of  
October, 2019.

\_\_\_\_\_  
Juvenile Court Judge, Clerk or Officer

IN THE JUVENILE COURT OF SUMNER COUNTY, TENNESSEE

IN THE MATTER OF:

Case No. 83SCJ-2019-JR-10

**Laura Ingalls - DOB 3/23/2006 AGE 13 years**

A child under 18 years of age

**SUMMONS**

TO: **Caroline Ingalls, 636 E Main St., Gallatin, TN 37066**

---

**TO ANY LAWFUL OFFICER:**

You are hereby commanded to summon the above addressee to appear before the Juvenile Court of Sumner County, Tennessee for **Preliminary Hearing on 9/17/2019 at 9:00 AM in Judge David Howard's Courtroom** to answer the charge of the foregoing petition, and to bring the above named child and this you shall in no wise omit, under the penalties prescribed by law.

This 9th day of October, 2019.

---

Judge or Officer of the Juvenile Court

---

**OFFICER'S RETURN**

**RETURN:** This summons came to hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and executed by:

Delivering the within summons to the above addressee

Unable to serve because

---

Date: \_\_\_\_\_

Signature: \_\_\_\_\_



ADA  
for assistance call  
615-451-6023

IN THE JUVENILE COURT OF SUMNER COUNTY, TENNESSEE

IN THE MATTER OF:

Case No. 83SCJ-2019-JR-10

Laura Ingalls - DOB 3/23/2006 AGE 13 years

A child under 18 years of age

SUMMONS

TO: Charles Ingalls, 356 W Main St, Gallatin, TN 37066

---

**TO ANY LAWFUL OFFICER:**

You are hereby commanded to summon the above addressee to appear before the Juvenile Court of Sumner County, Tennessee for **Preliminary Hearing on 9/17/2019 at 9:00 AM in Judge David Howard's Courtroom** to answer the charge of the foregoing petition, and to bring the above named child and this you shall in no wise omit, under the penalties prescribed by law.

This 9th day of October, 2019.

---

Judge or Officer of the Juvenile Court

---

**OFFICER'S RETURN**

**RETURN:** This summons came to hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and executed by:

Delivering the within summons to the above addressee

---

Unable to serve because \_\_\_\_\_

---

Date: \_\_\_\_\_

Signature: \_\_\_\_\_



ADA  
for assistance call  
615-451-6023

# FILL IN THE BLANK ORDERS

IN THE JUVENILE COURT OF \_\_\_\_\_ COUNTY, TENNESSEE

IN THE MATTER OF:

\_\_\_\_\_  
DOB: \_\_\_\_\_

CASE NO. \_\_\_\_\_  
A Child Under the Age of 18 Years

## BENCH ORDER

This matter came on to be heard on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before the Honorable \_\_\_\_\_  
\_\_\_\_\_, upon a petition filed by \_\_\_\_\_ alleging the following offense(s): \_\_\_\_\_

Present for the hearing were the child, \_\_\_\_\_,  
petitioner \_\_\_\_\_,  
parent(s)/guardian/custodian \_\_\_\_\_,  
attorney for the child, \_\_\_\_\_,  
District Attorney or ADA, representing the State of Tennessee \_\_\_\_\_,  
other participant(s), \_\_\_\_\_.

**The Court, having considered the testimony and evidence presented and the entire record, finds as follows:**

The child was advised of the charge(s) against him/her and of his/her rights, pursuant to Rule 205 of the Rules of Juvenile Practice and Procedure, including the right to appeal this matter. The Court finds that the meaning and effect of these rights have been fully explained to the child.

- The child has waived his /her right to an attorney in writing in a separate document.
- The child entered a plea of *not guilty* to the following offense(s): \_\_\_\_\_

The child entered a plea of *guilty* to the following offense(s) after having waived his/her rights to a trial of this matter in writing in a separate document: \_\_\_\_\_

This Court has jurisdiction over this action, and venue is appropriate in this County.

There is probable cause to believe that the above-named child is dependent and neglected pursuant to T.C.A. § 37-1-102(b).

The child is subject to an immediate threat to the child's health or safety to the extent that delay for a hearing would be likely to result in severe or irreparable harm.

There is no less drastic alternative to removal available that would reasonably and adequately protect the child's health and safety pending a hearing.



Continuation of the child in the home is contrary to the best interests and welfare of the child for the following reasons: \_\_\_\_\_

There is no less restrictive alternative removal of the child from the home that will reduce the risk of flight or of serious physical harm to the child or to others.

Reasonable efforts were made to prevent the child's removal from the home, which include:

- |   |  |
|---|--|
| <input type="checkbox"/> Mental health counseling for child/children  | <input type="checkbox"/> Mental health counseling for parent       |
| <input type="checkbox"/> Drug & alcohol counseling for child/children | <input type="checkbox"/> Drug & alcohol counseling for parent      |
| <input type="checkbox"/> Parenting classes                            | <input type="checkbox"/> Psychological evaluation for _____        |
| <input type="checkbox"/> Community Intervention Services (CIS)        | <input type="checkbox"/> Family Crisis Intervention                |
| <input type="checkbox"/> Tutoring or Special Education Services       | <input type="checkbox"/> Victim Offender Services, i.e. VORP       |
| <input type="checkbox"/> Mentoring Services                           | <input type="checkbox"/> Structured After-School/Summer Activities |
| <input type="checkbox"/> Restitution                                  | <input type="checkbox"/> Community Service Work                    |
| <input type="checkbox"/> Day Treatment for _____                      | <input type="checkbox"/> Probation/Aftercare                       |
| <input type="checkbox"/> Intensive Probation                          | <input type="checkbox"/> Intensive Case Management                 |
| <input type="checkbox"/> Non-Custodial Assessment                     | <input type="checkbox"/> Home Ties                                 |
| <input type="checkbox"/> Intensive in-home case management            | <input type="checkbox"/> Sexual abuse treatment for child          |
| <input type="checkbox"/> Sexual perpetrator treatment for _____       | <input type="checkbox"/> Homemaker services                        |
| <input type="checkbox"/> Residential Treatment for _____              | <input type="checkbox"/> Locating relatives                        |
| <input type="checkbox"/> Locating absent parent(s)                    | <input type="checkbox"/> Other (specify)                           |

(Detailed information)

---

---

---

It was reasonable to make no efforts to maintain the child in the home based on an assessment of the family and the child's circumstances that include: \_\_\_\_\_

Reasonable efforts to prevent removal were not required because:

- this court or another court of competent jurisdiction has previously determined that the parent has subjected the child(ren), or any sibling or half-sibling or any other child residing temporarily or permanently in the home, to aggravated circumstances as defined in T.C.A. § 36-1-102.
- the parent has been convicted in a criminal court of one of the felony crimes against a child specified in T.C.A. § 37-1-166(g)(4).
- the parental rights of the parent to a sibling or half-sibling have been terminated involuntarily.

The Department of Children's Services failed to provide reasonable efforts to prevent the child's removal from the home.

**IT IS THEREFORE ORDERED:**

1. That temporary custody of the child, \_\_\_\_\_, is hereby awarded to the State of Tennessee, Department of Children’s Services, with the authority granted under T.C.A. § 37-1-140, including the authority to consent to any ordinary or necessary medical, surgical, hospital, psychological, psychiatric, institutional or education care.

2. That all state, county, or local agencies with information or records relevant to the child’s situation, including any public or private medical or mental health treatment resources and all educational facilities, shall release such information or records as are necessary for the management of this case to the Department of Children’s Services and to any authorized representatives of the case management team of a community services agency under T.C.A. 37-5-301 et seq. which is providing coordination of care and services with the Department of Children’s Services.

That \_\_\_\_\_ is hereby appointed as guardian ad litem for the child.

That \_\_\_\_\_ is directed to file a Dependency & Neglect Petition within two (2) days after the child is taken into custody excluding Saturdays, Sundays and legal holidays pursuant to T.C.A. § 37-1-115.

This matter is set for a Preliminary hearing on \_\_\_\_\_.

**ENTERED** this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Judge/Magistrate

**CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the order has been delivered by U.S. mail, by personal service, by email or facsimile if service is so accepted, to the individuals listed below this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_:

\_\_\_\_\_

IN THE MATTER OF:

Case No.

\_\_\_\_\_  
A child under 18 years of age

**VERIFIED PETITION FOR DEPENDENCY AND NEGLECT**

Comes your Petitioner, \_\_\_\_\_, and respectfully states as follows:

**I. JURISDICTION/VENUE**

This Court has jurisdiction of this matter pursuant to T.C.A. § 37-1-103. Venue is appropriate pursuant to T.C.A. § 37-1-111, in that the child resides in this County at \_\_\_\_\_ and resides with \_\_\_\_\_.

**II. PARTIES**

Mother is \_\_\_\_\_ who resides at \_\_\_\_\_ and  
Father is \_\_\_\_\_ who resides at \_\_\_\_\_  
\_\_\_\_\_ is \_\_\_\_\_ who resides at \_\_\_\_\_

- \_\_\_\_\_ is currently serving in the armed forces.
- The parents are not currently serving in the armed forces.
- The parent is not currently serving in the armed forces.
- It is not known whether the parents are currently serving in the armed forces.
- It is not known whether the parent, \_\_\_\_\_, is currently serving in the armed forces.
- The child or child's parent is not a member or eligible for membership in a recognized Indian tribe under the federal Indian Child Welfare Act, compiled in 25 U.S.C. § 1901.
- The child or child's parent is a member or eligible for membership in a recognized Indian tribe under the federal Indian Child Welfare Act, compiled in 25 U.S.C. § 1901.
- It is not known whether the child or child's parent is a member or eligible for membership in a recognized Indian tribe under the federal Indian Child Welfare Act, compiled in 25 U.S.C. § 1901.

**III. DEPENDENT AND NEGLECT**

It is upon Petitioner's information and belief that the above-named child is a dependent and neglected child within the meaning of T.C.A. § 37-1-102(b)(12) in that:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**IV. OTHER PROCEEDINGS**

- I am not aware of any other court proceeding involving the child that may affect this proceeding.
- There is/are a court proceeding(s) involving the child that may effect this proceeding as follows:

\_\_\_\_\_

- The petitioner has never participated as a party or witness or in any other capacity in any other proceeding concerning the custody of or visitation with the child.
- The petitioner has participated as a party or witness or in another capacity, in the following proceeding(s), concerning the custody of or visitation with the child. \_\_\_\_\_.

**V. CHILD'S PRIOR ADDRESSES**

- During the past five (5) years, it is believed that the child has at all times resided with the parent(s)/guardian(s)/custodian(s), \_\_\_\_\_, at \_\_\_\_\_.
- During the past five (5) years, the child has lived at the following address(es) and with the following person(s):  
\_\_\_\_\_
- It is not known where the child has resided during the past five (5) years.

**VI. OTHERS CLAIMING LEGAL RIGHTS**

- Petitioner knows of no person that is not a party to this proceeding who claims to have legal or physical custody or visitation rights with respect to the child.
- The following person(s), not a party to this proceeding, have or claim to have, legal or physical custody or visitation rights with respect to the child, \_\_\_\_\_.

**VII. BEST INTEREST**

It is in the best interest of the child and public that this petition be brought.

**PETITIONER PRAYS,**

1. That the Respondent(s) be served with a copy of this Petition, and that the child be served with a copy of this petition if the child is fourteen (14) years of age or older.
2. That a guardian ad litem be appointed for the child.
3. That the Court consider the need to appoint counsel for the parents who may be indigent or as may be otherwise required by law.
4. That at a final hearing of this matter, the Court find the child to be dependent and neglected within the meaning of the law.
5. That child support be set if appropriate.
6. That the Court grant any other general relief as is necessary.

COMES NOW \_\_\_\_\_, being first duly sworn, under oath, and states that the facts set out in the petition above are true and correct to the best of my knowledge, information and belief.

\_\_\_\_\_  
Petitioner name and address

Sworn and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Juvenile Court Judge, Clerk or Officer

# STATUTES

## **37-1-115. Custody -- Release to proper party -- Warrant for custody.**

---

(a) A person taking a child into custody shall within a reasonable time:

(1) Release the child to such child's parents, guardian or other custodian upon a promise by such person or persons to bring the child before the court when requested by the court unless such child's detention or shelter care is warranted or required under § 37-1-114; or

(2) Bring the child before the court or deliver such child to a detention or shelter care facility designated by the court or to a medical facility if the child is believed to suffer from a serious physical condition or illness that requires prompt treatment. A person taking a child into custody shall give notice thereof, together with a reason for taking the child into custody, to a parent, guardian or other custodian and to the court. If the child is taken into custody pursuant to the provisions of § 37-1-113(a)(3) prior to the filing of a petition, a petition under § 37-1-120 shall be filed as soon as possible but in no event later than two (2) days after the child is taken into custody excluding Saturdays, Sundays and legal holidays.