

Probation Supervision

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Supervision

For a case to appear on your caseload screen, your name must be assigned to the case.

Names Assigned to the case

To add your name to the case, click the **Add** link at the end of the line.

| - Names currently assigned to the case Top | | | |
|--|--------|--------|---------------------|
| Name | Role | Notice | Represents |
| Harriet Oleson | Victim | No | Add |



Enter your user ID.

Click who you represent.

This is important so that the parents don't appear on your caseload as well as the child.

Case Assignment Detail
 Case number: 83SCJ-2019-JR-1; Delinquency
 Caroline Ingalls (File# 6) - Responsible Party (Case# 1)
 Charles Ingalls (File# 4) - Responsible Party (Case# 1)
 Laura Ingalls (File# 2) - Defendant (Case# 1)

Name/ID*:

Agency:

OR

Role:

Start date: End date:

Send notice: Yes No

Notes:

Represents

- Caroline Ingalls
- Charles Ingalls
- Laura Ingalls
- Albert Quinn Ingalls
- Mary Ingalls
- Harriet Oleson



Click the **Update** button to save your work.

[Read more about Case Assignment](#)

My Caseload Screen

Menu | Supervision | My Case Load

From the My Case Load screen you can jump directly to the Supervision Dashboard, Person Detail screen, the Case Detail screen, events, deadlines, contacts, supervision levels or locations.

| Name | Age | Case | Future events | Case deadlines | Last contact | Supervision level | Location |
|----------------|-----|------|------------------------------------|----------------|--------------|-------------------|----------|
| Bra... Howard | 16 | 1/JD | 7/16/2019 10:00 AM Probation - YSO | None | 7/8/2019 | Supervised | None |
| Bro... (11838) | 9 | 1/JS | 7/18/2019 3:30 PM Probation - YSO | None | 7/8/2019 | Supervised | None |
| Hu... (11910) | 14 | 1/JD | 7/16/2019 3:30 PM Probation - YSO | None | 6/27/2019 | Supervised | None |

[Read more about My Case Load](#)

Closing Requirements

As the child completes their requirements, you need to close them. Click on the Assigned date to get into the Requirement Detail screen

| Assigned | Requirement | Start | Status | Status date |
|-----------|-----------------------------|----------------------|------------------------|-------------|
| 6/10/2019 | County Probation Supervised | 6/10/2019 75 days | | |
| 6/10/2019 | Other | 6/10/2019 75 days | | |
| 6/10/2019 | YSEP | 6/10/2019 75 days | | |
| 6/10/2019 | #CHOICES | 6/10/2019 75 days | | |
| 6/10/2019 | Public Service Work | 6/10/2019 | Successfully Completed | 7/5/2019 |
| 5/28/2019 | Court Costs | 5/28/2019 | Waived | 6/12/2019 |

Requirement Detail

[Cases](#) | [Attributes](#) | [Alerts](#) | [Balances](#) | [Transactions](#)

Requirement type: Special Conditions
Requirement code: Public Service Work
Provider: -- Select --
Assigned date: 6/10/2019 Start date: 6/10/2019
Scheduled end date: 7/12/2019 New end date:
Status: **DONE - Successfully Completed** Status date: 7/5/2019

Add a status and status date to close the requirement.

Click the **Update** button to save your work.

[See more about Requirements](#)

Extending Probation

A child may be placed on probation for a maximum period of six (6) months. Before expiration of the first six-month period or any extension period thereafter, and after notice and a hearing, the court may extend probation for additional periods not to exceed six (6) months each.

If the parties agree with the extension, they must sign the Motion to Extend Probation. It can then be electronically submitted to the Judge for approval. If the parties do not agree, then the motion must be set for hearing.

Motion to Extend: Parties Agree

Add a Document

Create a document called Motion to Extend Probation & Order. If the parties agree with the extension this can be electronically submitted to the Judge for approval.

Document Detail

Document date/time:


Template:* List templates containing:

▼

Send notice Normal Confidential Sealed

Document for:* **Mary Ingalls**

Case(s): Caroline Ingalls: Case 4 - Resp Party - Delinquency (Active; Adjudicated; Delinquent)

 Mary Ingalls: Case 3 - Defendant - Delinquency (Active; Adjudicated; Delinquent)

Only select the defendant, unclick the parents.

The document will ask you for the date the child was initially placed on probation.

You must show which conditions of probation remain open, and why it is in the best interests of the child that those conditions remain in effect.

Example of Motion to Extend Probation – Parties agree

IN THE JUVENILE COURT OF SUMNER COUNTY, TENNESSEE

IN THE MATTER OF:

Case No. 83SCJ-2019-JR-1

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 1, Count 1 - Especially Aggravated Robbery (TCA 39-13-403), a Felony
Case 1, Count 2 - Handgun Possession Prohibited Person under 18 (TCA 39-17-1319), a Misdemeanor

MOTION TO EXTEND PROBATION

Comes now Karlene Thompson, Probation Officer, and moves this Honorable Court to extend probation of the above-named child for an additional six (6) months to give the child time to complete the conditions of probation as follows:

The child has been unable to complete the Insight Program because she fell and broke her foot and was unable to walk for over two months. It is in the child's best interest to continue the conditions of probation because the Insight Program will benefit her tremendously.

Dated: July 29, 2019

Karlene Thompson, Probation Officer

The undersigned hereby stipulate to the reasons set forth above for extending probation an additional six (6) months and agree that this is in the best interests of the child. We understand that we do not have to agree with the extension and have a right to a hearing to oppose the extension, which we hereby waive.

| | | | |
|------------------------|-----------------|--|-----------------|
| _____ Laura Ingalls | 7/29/19 Date | _____ Caroline Ingalls (Mother - Legal Custody) | 7/29/19 Date |
|------------------------|-----------------|--|-----------------|

APPROVAL OF MOTION TO EXTEND PROBATION

The Court having reviewed the Motion to Extend Probation now finds and orders as follows:

1. The child was initially placed on probation on March 24, 2019 as the disposition after the child was adjudicated a delinquent child.
2. Supervised County Juvenile Probation shall be extended for an additional six (6) months.
3. The following condition(s) of probation shall remain in effect: Insight Program.
4. It is in the best interest of the child that those conditions remain in effect because the child will benefit from these services.


ENTERED this 29th day of July, 2019.

The Honorable David R. Howard
Juvenile Court Judge

Motion to Extend: Parties do NOT agree

Add an Event

If the parties **do not agree** with the extension, the motion must be set for hearing and sent to the parties. Schedule a Motion to Extend hearing.



| Event date/time | Event type | Court | Disposition |
|-------------------|------------------------------------|--------------|----------------|
| 6/27/2019 8:30 AM | Motion to Extend | Judge Howard | Heard by Judge |
| 1/10/2019 8:30 AM | Adjudicatory/Dispositional Hearing | Judge Howard | Heard by Judge |
| 1/7/2019 4:00 PM | Intake Conference | YSO | Completed |

Add a Document

Create a document called Motion to Extend Probation & Order. If the parties did NOT agree, then the order portion of this document will not be on this form and the document will be renamed Motion to Extend Probation.

Document Detail

Document date/time:

Template:* List templates containing:

Send notice Normal Confidential Sealed

Document for:* **Mary Ingalls**

Case(s): Caroline Ingalls: Case 4 - Resp Party - Delinquency (Active; Adjudicated; Delinquent)

Mary Ingalls: Case 3 - Defendant - Delinquency (Active; Adjudicated; Delinquent)

Only select the defendant, unclick the parents.

The document will ask you for the date the child was initially placed on probation.

You must show which conditions of probation remain open, and why it is in the best interests of the child that those conditions remain in effect.

Select the hearing and complete the Certificate of Service section by selecting the parents and/or attorneys that will receive a copy of the motion. The motion will be file stamped, and you must mail the file stamped copy to the people listed on the Certificate of Service.

Example of Motion to Extend Probation – Parties do NOT agree

IN THE JUVENILE COURT OF SUMNER COUNTY, TENNESSEE

IN THE MATTER OF:

Case No. 83SCJ-2019-JR-1

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 1, Count 1 - Especially Aggravated Robbery (TCA 39-13-403), a Felony
Case 1, Count 2 - Handgun Possession Prohibited Person under 18 (TCA 39-17-1319), a Misdemeanor

MOTION TO EXTEND PROBATION

Comes now Karlene Thompson, Probation Officer, and requests this Honorable Court to extend probation of the above-named child for six (6) additional months to give the child time to complete the conditions of probation as follows:

The child has been unable to complete the Insight Program because she fell and broke her foot and was unable to walk for over two months. It is in the child's best interest to continue the conditions of probation because the Insight Program will benefit her tremendously.

Dated: July 24, 2019

Karlene Thompson, Probation Officer

NOTICE

Please take notice that this motion is scheduled in the Sumner County Juvenile Court located at 225 E Main St, Gallatin, TN 37066, for **Motion to Extend on August 9, 2019 at 8:30 AM**, or as soon thereafter as the Court's business will allow.

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 24th day of July, 2019:

Caroline Ingalls, 636 E Main St., Gallatin, TN 37066

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

Karlene Thompson
Juvenile Court Officer

Hearing on Motion to Extend

At the hearing, the judicial officer can grant the motion and extend probation, deny the motion and either keep the child on the current probation or discharge the child from probation.

Add a Document

Create a document called Order to Extend Probation/Diversion.

Document Detail

Document date/time:

Template:* List templates containing:

Send notice Normal Confidential Sealed

Document for:* **Mary Ingalls**

Case(s): Caroline Ingalls: Case 4 - Resp Party - Delinquency (Active; Adjudicated; Delinquent)


Mary Ingalls: Case 3 - Defendant - Delinquency (Active; Adjudicated; Delinquent)

Only select the defendant, unclick the parents.

The order will ask if the motion is granted or denied.

If the motion is granted the name of the document will be Order to Extend Probation. If the motion is denied, the document will be called Order Denying Motion to Extend Probation.

If probation is extended, a case status of probation supervision extended is added.



| - Case status history | Close case | Top |
|--|----------------------------|---------------------|
| 7/24/2019 - Probation Supervision Extended | | |
| 5/13/2019 - Adjudicated; Delinquent Child | | |
| 4/15/2019 - Case Filed | | |

The probation Requirement also receives a new end date 12 months from original date.

A new deadline will also be added out 180 days.

Requirement Detail

[Cases](#) | [Attributes](#) | [Alerts](#)

Requirement type: [Probation / Supervision Level](#)

Requirement code: [County Probation](#)


Provider:

Assigned date:

Start date:

Scheduled end date:

New end date:



Example: Order Granting Motion To Extend Probation – After hearing

IN THE JUVENILE COURT OF SUMNER COUNTY, TENNESSEE

IN THE MATTER OF:

Case No. 83SCJ-2019-JR-9

Mary Ingalls - DOB 3/15/2004 AGE 15 years

A child under 18 years of age
(at the time of the offense)

CHARGE(S): Case 3, Count 1 - Distribution or delivery of any substance as an act of terrorism or as a hoax (TCA 39-13-808),
a Felony
Case 3, Count 2 - Aggr. Assault Against Law Enforcement/First Responder/Utility Employee (TCA 39-13-102),
a Felony

ORDER TO EXTEND PROBATION

This matter came on to be heard on 27th day of June, 2019, before the Honorable David R. Howard, upon Motion to Extend Probation.

Those present were Mary Ingalls, Caroline Ingalls (Mother), Charles Ingalls (Father) and Carole Ritter (Youth Services Officer).

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 was initially placed on Probation on March 24, 2019 as the disposition after the child was adjudicated a delinquent child.
3. The Motion to Extend Probation is granted. Supervised County Juvenile Probation shall be extended for an additional six (6) months.
4. The following condition(s) of probation shall remain in effect: Alcohol and Drug Assessment and Individual Counseling
5. It is in the best interest of the child that those conditions remain in effect because the child will benefit from these services.

ENTERED this 25th day of July, 2019.

David R. Howard

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

CERTIFICATION OF SERVICE

Example: Order Denying Motion To Extend Probation – After hearing

IN THE JUVENILE COURT OF SUMNER COUNTY, TENNESSEE

IN THE MATTER OF:

Case No. 83SCJ-2019-JR-9

Mary Ingalls - DOB 3/15/2004 AGE 15 years

A child under 18 years of age
(at the time of the offense)

CHARGE(S): Case 3, Count 1 - Distribution or delivery of any substance as an act of terrorism or as a hoax (TCA 39-13-808),
a Felony
Case 3, Count 2 - Aggr. Assault Against Law Enforcement/First Responder/Utility Employee (TCA 39-13-102),
a Felony

ORDER DENYING MOTION TO EXTEND PROBATION

This matter came on to be heard on 27th day of June, 2019, before the Honorable David R. Howard, upon Motion to Extend Probation.

Those present were Mary Ingalls, Caroline Ingalls (Mother), Charles Ingalls (Father) and Carole Ritter (Youth Services Officer).

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 was initially placed on probation on March 24, 2019 as the disposition after the child was adjudicated a delinquent child.
3. The Court finds that it is not in the best interest of the child that probation be extended.
4. The Motion to Extend Probation is denied.
5. The child shall be discharged from probation.

ENTERED this 25th day of July, 2019.

David R. Howard

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

CERTIFICATION OF SERVICE

Violation of Probation

Add an Incident

Incident date should be today's date and time.

Incident type is violation

Referring agency is the supervising agency.

Do not add yourself as the officer as you are already on the case as the YSO or PO.

Click the **Update** button to save your work.

Incident Detail

Mary Ingalls (File# 3)

Incident date/time:

Incident type:*

Referring agency:*

Location:

Geocode:

Incident ID: Blood alcohol content:

Cases:

- Mary Ingalls: Case 3 - Defendant - Delinquency (Active; Case Filed)
- Mary Ingalls: Case 2 - Child - 83SCJ-2019-JV-1 (Active; Case Filed)
- Caroline Ingalls: Case 2 - Respondent - 83SCJ-2019-JV-1 (Active; Case Filed)
- Charles Ingalls: Case 4 - Respondent - 83SCJ-2019-JV-1 (Active; Case Filed)
- Mary Ingalls: Case 1 - Defendant - 83SCJ-2019-JR-2 (Active; PTD Ext)

Notes:

Officer: -- Select --

OR

Officer role:

Incident Statute Detail

Mary Ingalls (File# 3)

7/24/2019 2:38:30 PM - Violation referred by Sumner County Youth Services

! successfully

In the List statutes containing type Probation then press the **TAB** key on your keyboard.

Select the type of probation the child violated.

Click the **Update** button to save your work.

Count:

Conspiracy/attempt indicator:

Statute:* List statutes containing:*

Date/time occurred:

Location occurred:

Geocode:

Citation number:

Item type:

Item amount: Limit: Measure:

Add an Event

Add a Violation Hearing.



| - Last 20 Events Top Add | | | |
|--|------------------------------------|--------------|----------------|
| Event date/time | Event type | Court | Disposition |
| 8/8/2019 8:30 AM | Violation Hearing | Judge Howard | |
| 5/29/2019 2:16:44 PM | Adjudicatory/Dispositional Hearing | Judge Howard | Heard by Judge |

Add a Document

Create a document called Petition for Violation of Probation. This can print with a Summons.

Document Detail

Document date/time:

Template:* List templates containing:

▼

Send notice Normal Confidential Sealed

Document for:* **Mary Ingalls**

Case(s): Mary Ingalls: Case 3 - Defendant - Delinquency (Active; Case Filed)

Example of Violation Petition

STATE OF TENNESSEE
SUMNER COUNTY

Docket No.
File No. 3

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

IN THE MATTER OF MARY INGALLS - DOB 3/15/2004 AGE 15 YEARS a child under the age of 18 years.

It being in the best interest of the child and the public that these proceedings be brought, your petitioner, **YSO Assistant Carole Ritter, Sumner County Youth Services**, respectfully represents to the Court on information and belief that the above named, a child now within this county and **15** years of age, is **a delinquent child** in need of treatment or rehabilitation in that:

The child was initially placed on County Probation on May 29, 2019.

Said child has violated the conditions of probation as follows: Child has tested positive for marijuana.

The actions on the part of this child did occur in Sumner County, TN and constitutes the offense of Violation of County Probation.

Your petitioner further avers:

That the child's father is Charles Ingalls who resides at 356 W Main St, Gallatin, TN 37066.

That the child's mother is Caroline Ingalls who resides at 636 E Main St., Gallatin, TN 37066.

That the child is in the custody and control of Caroline Ingalls who resides at 636 E Main St., Gallatin, TN 37066,

Cellular: 615-225-8794 and Home: 615-452-1313.

Sworn and subscribed before me this 24th day of
July, 2019.

Karlene Thompson (Petitioner)
Sumner County Juvenile Court
225 E. Main St.
Gallatin, TN 37066 615-451-6016

Court Officer

IN THE JUVENILE COURT OF SUMNER COUNTY, TENNESSEE

JUVENILE COURT PETITION

Appearing before the Juvenile Court, you have the following rights:

1. The right to be present during the hearing of this case.
2. The right to present my own testimony.
3. The right to have witnesses subpoenaed.
4. The right to cross-examine witnesses against me.
5. The right to have an attorney at each stage of the proceedings against me.
6. The right to appointed counsel.
7. The right to remain silent.
8. The right to not incriminate myself.
9. The right and method for appeal and time requirements as to appeal.
10. To know the maximum penalties the Court may impose.
11. The right to plead "Not Guilty".
12. If a plea of "Guilty" is entered, the only evidence taken will be for the purpose of verifying the plea and for disposition (sentencing) purposes.
13. If a plea is entered acknowledging guilt, I may be asked questions by the Court concerning the conduct.
14. Prior findings of delinquent or unruly behavior may be used against me in determining treatment of rehabilitation at disposition.
15. This case may be used to enhance future offenses if I am again brought to Court for later offenses.
16. There must be some factual basis for a guilty plea entered.
17. The plea must be voluntary and independently made.
18. If I plea guilty or no contest I waive my right to appeal the adjudication (plea). If the plea includes an agreement as to the disposition (sentence), I also waive the right to appeal the disposition (sentence).
19. The right of access to recording of the hearing.

Summons

IN THE JUVENILE COURT OF SUMNER COUNTY, TENNESSEE

IN THE MATTER OF:
Laura Ingalls - DOB 3/23/2006 AGE 13 years
A child under 18 years of age
(at the time of the offense)

Case No. 83SCJ-2019-JR-1

SUMMONS

TO: **Mary Ingalls, 654 S Maple Ave, Gallatin, TN 37066**
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 Sumner County Juvenile Court, located at 225 E Main St, Gallatin, TN 37066 for **Violation Hearing on 8/8/2019 at 8:30 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 24th day of July, 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

Asking for an Attachment

If you are asking for an attachment for a violation, it must meet the criteria in TCA 37-1-122.

(b) (1) An attachment for a violation of conditions or limitations of probation pursuant to § 37-1-131 or § 37-1-132, home placement supervision pursuant to § 37-1-137, or diversion pursuant to § 37-1-129 shall not issue unless:

- (A) The child poses a significant likelihood of:
 - (i) Significant injury or sexual assault to another person;
 - (ii) Danger to self, such that a delay would endanger the child's safety or health; or
 - (iii) Damage to property;
- (B) The child cannot be located by the supervising person, persons, or entity after documented efforts to locate the child by the supervising person, persons, or entity; or
- (C) The child fails to appear for a court proceeding.

Example of Attachment for Violation

IN THE JUVENILE COURT OF SUMNER COUNTY, TENNESSEE

IN THE MATTER OF:

Case No. 83SCJ-2019-JR-1

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

A child under 18 years of age

(at the time of the offense)

ATTACHMENT

TO ANY LAWFUL OFFICER:

Pursuant to Pursuant to TCA 37-1-122 and Rule 109 of the Tennessee Rules of Juvenile Practice and Procedure and it appearing to the court based upon a judicial determination, there is probable cause to believe the child is in need of the immediate protection of the court because **The child poses a significant likelihood of danger to self, such that a delay would endanger the child's safety or health and The child cannot be located by the supervising person, persons, or entity after documented efforts to locate the child.**

You are commanded to attach the body of **Laura Ingalls** if to be found in your county, and have her brought before the Judge of the Sumner County Juvenile Court, located at 225 E Main St, Gallatin, TN 37066, instanter, then and there to answer to the State on the charges of: **Violation of County Probation (TCA 37-1-131), a Violation.**

ENTERED this 19th day of August, 2019.

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

OFFICER'S RETURN

Came to hand this _____ day of _____, 20____ and executed.

This _____ day of _____, 20____

Serving Officer

ADDRESS: 636 E Main St., Gallatin, TN 37066

SEX: Female RACE: White DOB: 3/23/2006 SSN: 1900

HEIGHT: WEIGHT: HAIR: EYES:

PARENTS: 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

SCHOOL: School: Hawkins Middle School WORK: Walmart

Last grade: 6th Status: Attending

POSSIBLE WHEREABOUTS:

REMARKS:

Hearing on Violation Petition

Add a Document

Create a document called Violation of Probation Order.


Document Detail

Document date/time:

Template:* List templates containing:
 ▾

 Send notice Normal Confidential Sealed

Document for:* **Mary Ingalls**

- Case(s): Caroline Ingalls: Case 4 - Resp Party - 83SCJ-2019-JR-9 (Active; Adjudicated; Delinquent)
 Mary Ingalls: Case 3 - Defendant - 83SCJ-2019-JR-9 (Active; Adjudicated; Delinquent)

Only select the defendant, unclick the parents.

Example: Order on Violation Petition – Changing Disposition to DCS Probation

IN THE JUVENILE COURT OF SUMNER COUNTY, TENNESSEE

IN THE MATTER OF:

Case No. 83SCJ-2019-JR-9

Mary Ingalls - DOB 3/15/2004 AGE 15 years

A child under 18 years of age

(at the time of the offense)

CHARGE(S): Case 3, Count 3 - Violation of County Probation (TCA 37-1-131), a Violation

VIOLATION OF PROBATION ORDER

This matter came on to be heard on 27th day of June, 2019, before the Honorable David R. Howard, upon a violation petition filed by Carole Ritter.

Those present were Mary Ingalls, Caroline Ingalls (Mother) and Carole Ritter (Youth Services Officer).

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 was initially placed on probation on May 29, 2019 as the disposition after the child was adjudicated a delinquent child.
3. The child entered a plea of guilty to the Violation of County Probation after having waived her rights to a trial of this matter in writing in a separate document.
4. The Court finds by a preponderance of the evidence that the child violated the conditions of probation.

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

1. The child is placed under the supervision of the State of Tennessee, Department of Children's Services, on state juvenile probation for a period not to exceed six (6) months. Said child and parent(s)/guardian(s) shall comply respectfully with any and all the lawful and reasonable requests of the Probation Officer and any and all the Rules of State Juvenile Probation.
2. The Court orders the Department of Children's Services to develop and implement an individualized case plan in consultation with the child's parents, guardian, or legal custodian, school, and other appropriate parties. The child and the child's parents, guardian, or legal custodian are ordered to comply with the case plan.

ENTERED this 26th day of July, 2019.

Example: Order on Violation Petition – Changing Disposition to DCS Commitment

IN THE JUVENILE COURT OF SUMNER COUNTY, TENNESSEE

IN THE MATTER OF:

Case No. 83SCJ-2019-JR-9

Mary Ingalls - DOB 3/15/2004 AGE 15 years

A child under 18 years of age
(at the time of the offense)

CHARGE(S): Case 3, Count 3 - Violation of County Probation (TCA 37-1-131), a Violation

VIOLATION OF PROBATION ORDER

This matter came on to be heard on 27th day of June, 2019, before the Honorable David R. Howard, upon a violation petition filed by Carole Ritter.

Those present were Mary Ingalls, Caroline Ingalls (Mother) and Carole Ritter (Youth Services Officer).

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 executed a Waiver of Right to Counsel with written waiver duly filed.
3. The child was initially placed on probation on May 29, 2019 as the disposition after the child was adjudicated a delinquent child.
4. The child entered a plea of guilty to the Violation of County Probation after having waived her rights to a trial of this matter in writing in a separate document.
5. The Court finds by a preponderance of the evidence that the child violated the conditions of probation.
6. The court finds by clear and convincing evidence that the child is in imminent risk of danger to the child's health or safety and needs specific treatment or services that are available only if the child is placed in the custody of the Department of Children's Services in that the child is engaging in dangerous behaviors such as using drugs and alcohol and not listening to her parents at all. Often the parents have no idea where their daughter is.
7. Continuation of the child in the home is contrary to the best interests and welfare of the child for the following reasons: The parents are not able to control the child and feel their child is a danger to herself.
8. 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.
9. Reasonable efforts were made to prevent the child's removal from the home, which include: drug and alcohol assessment, county supervised probation, individual counseling, public service work.

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

1. That Mary Ingalls is removed from the custody of Caroline Ingalls (Mother - Legal Custody) and committed to the State of Tennessee, Department of Children's Services for a period not to exceed six (6) months. Temporary custody of the child, Mary 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.

ENTERED this 26th day of July, 2019.

David R. Howard

The Honorable David R. Howard

Juvenile Court Judge

(T.C.A. § 16-1-115)

CERTIFICATION OF SERVICE

Discharging from Probation

If the child has successfully completed everything required to be released from probation, you can file a Motion and Order for Discharge.

Make sure all requirements are closed. If there are fees still owed, see which parent owes the fees.

| | | | | |
|------------------|-----------|-------------|-----------------------|------------------------|
| Caroline Ingalls | 5/13/2019 | Court Costs | 5/13/2019 100 days | (Balance: \$197.00) |
| Charles Ingalls | 5/1/2019 | Court Costs | 5/1/2019 | Paid in Full 5/1/2019 |
| Charles Ingalls | 4/30/2019 | Court Costs | 4/30/2019 | Paid in Full 4/30/2019 |
| Laura Ingalls | 8/20/2019 | Restitution | 8/20/2019 1 day | (Balance: \$500.00) |

Add a Document

Create a document called Violation of Probation Order.

Document Detail

Document date/time:

Template:* List templates containing:

Send notice Normal Confidential Sealed

Document for:* **Laura Ingalls**

- Caroline Ingalls: Case 1 - Resp Party - 83SCJ-2019-JR-1 (Active; Prob Ext)
- Charles Ingalls: Case 1 - Resp Party - 83SCJ-2019-JR-1 (Active; Prob Ext)
- Laura Ingalls: Case 1 - Defendant - 83SCJ-2019-JR-1 (Active; Prob Ext)

Only select the defendant, unclick the parents. UNLESS there are fees owed by a parent. If a parent has outstanding fees, you must select their name as well or their requirements won't show up on the list of unpaid fees inside this motion.

Example: Motion & Order to Discharge from Probation with Fees owed

IN THE JUVENILE COURT OF SUMNER COUNTY, TENNESSEE

IN THE MATTER OF:

Case No. 83SCJ-2019-JR-1

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 1, Count 1 - Especially Aggravated Robbery (TCA 39-13-403), a Felony
Case 1, Count 2 - Handgun Possession Prohibited Person under 18 (TCA 39-17-1319), a Misdemeanor
Case 1, Count 3 - Violation of County Probation (TCA 37-1-131), a Violation

MOTION TO DISCHARGE FROM PROBATION

Comes now Karlene Thompson, Probation Officer and moves this Honorable Court to discharge Laura Ingalls from probation because she has successfully completed probation.

There are unpaid fines, fees, or restitution:

| Case | Requirement | Assessed | Paid | Balance |
|--|-------------|-----------------|--------|----------|
| Caroline Ingalls (6; Case: 1; 83SCJ-2019-JR-1) | Court Costs | \$197.00 | \$0.00 | \$197.00 |
| Laura Ingalls (2; Case: 1; 83SCJ-2019-JR-1) | Restitution | \$500.00 | \$0.00 | \$500.00 |
| | | Total: \$697.00 | \$0.00 | \$697.00 |

Dated: 8/20/19

Karlene Thompson
Probation Officer

ORDER

The Court having reviewed the Motion to Discharge from Probation now finds and orders as follows:

1. The child shall be discharged from probation.
2. Caroline Ingalls is ordered to pay the remaining fines and costs before the next court date or Caroline Ingalls is/are Ordered to appear in the court on **Cost Review Hearing on September 17, 2019 at 8:30 AM** to explain your failure to pay. If fees have been paid, you need not appear at the hearing. If fees have not been paid and you fail to appear, a warrant may be issued for your arrest.
3. Restitution heretofore ordered by this court may be converted to a civil judgment for which execution may issue if necessary.

ENTERED this 20th day of August, 2019.

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

IN THE JUVENILE COURT OF SUMNER COUNTY, TENNESSEE

IN THE MATTER OF:

Case No. 83SCJ-2019-JR-1

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

A child under 18 years of age
(at the time of the offense)

SUMMONS

TO: **Caroline Ingalls, 636 E Main St., Gallatin, TN 37066**
Laura 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 Sumner County Juvenile Court, located at 225 E Main St, Gallatin, TN 37066 for **Cost Review Hearing on 9/17/2019 at 8:30 AM in Judge David Howard's Courtroom** regarding unpaid fines, fees, or restitution. This Court is requesting you and your child be present for court and this you shall in no wise omit, under penalties by law. If the balance is paid in full, you will not need to attend court.

This 20th day of August, 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

Example: Motion & Order to Discharge from Probation – Fees Paid

IN THE JUVENILE COURT OF SUMNER COUNTY, TENNESSEE

IN THE MATTER OF:

Case No. 83SCJ-2019-JR-1

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 1, Count 1 - Especially Aggravated Robbery (TCA 39-13-403), a Felony
Case 1, Count 2 - Handgun Possession Prohibited Person under 18 (TCA 39-17-1319), a Misdemeanor
Case 1, Count 3 - Violation of County Probation (TCA 37-1-131), a Violation

MOTION TO DISCHARGE FROM PROBATION

Comes now Karlene Thompson, Probation Officer, and moves this Honorable Court to discharge Laura Ingalls from probation because she has successfully completed probation.

All fines and costs have been paid.

Dated: 8/20/19

Karlene Thompson
Probation Officer

ORDER

The Court having reviewed the Motion to Discharge from Probation now finds and orders as follows:

1. The child shall be discharged from probation.

ENTERED this 20th day of August, 2019.

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

CERTIFICATION OF SERVICE

Document Detail

Document date/time:

Template:* List templates containing:

Send notice Normal Confidential Sealed

Document for:* **Laura Ingalls**

- Caroline Ingalls: Case 1 - Resp Party - 83SCJ-2019-JR-1 (Active; Prob Ext)
- Charles Ingalls: Case 1 - Resp Party - 83SCJ-2019-JR-1 (Active; Prob Ext)
- Laura Ingalls: Case 1 - Defendant - 83SCJ-2019-JR-1 (Active; Prob Ext)

The Order has several options:

- () There is an outstanding balance of \$_____ owed to the Clerk. <parent name> is ordered to pay \$_____ per month toward this balance.
- () There is an outstanding restitution balance of \$_____. <child name> is ordered to pay \$_____ per month toward this balance.
- () Restitution heretofore ordered by this court is, as of the entry of this order, hereby converted to a civil judgment in favor of <victim name>, against <child name>, in the amount of \$<judgment amount>.

IN THE JUVENILE COURT OF SUMNER COUNTY, TENNESSEE

IN THE MATTER OF:

Case No. 83SCJ-2019-JR-1

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

A child under 18 years of age
(at the time of the offense)

COST REVIEW HEARING ORDER

This matter came on to be heard on 27th day of August, 2019, before the Honorable David R. Howard upon hearing to review the outstanding fines, fees, or restitution.

Those present were Laura Ingalls and Caroline Ingalls (Mother).

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

1. There is an outstanding balance of \$197.00 owed to the Clerk. Caroline Ingalls is ordered to pay \$50.00 per month toward this balance.
2. There is an outstanding restitution balance of \$500.00. Laura Ingalls is ordered to pay \$40.00 per month toward this balance.
3. This matter shall be scheduled for **Cost Review Hearing on September 17, 2019 at 8:30 AM**. The child and parent, guardian, or legal custodian(s) shall appear.

ENTERED this 20th day of August, 2019.

David R. Howard

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 20th day of August, 2019:

Caroline Ingalls, 636 E Main St., Gallatin, TN 37066

Kathryn Strong

Kathryn Strong
Juvenile Court Clerk

IN THE JUVENILE COURT OF SUMNER COUNTY, TENNESSEE

IN THE MATTER OF:

Case No. 83SCJ-2019-JR-1

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

A child under 18 years of age

(at the time of the offense)

COST REVIEW HEARING ORDER

This matter came on to be heard on 27th day of August, 2019, before the Honorable David R. Howard upon hearing to review the outstanding fines, fees, or restitution.

Those present were Laura Ingalls and Caroline Ingalls (Mother).

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

1. There is an outstanding balance of \$197.00 owed to the Clerk. Caroline Ingalls is ordered to pay \$50.00 per month toward this balance.
2. Restitution heretofore ordered by this court is, as of the entry of this order, hereby converted to a civil judgment in favor of Harriet Oleson, against Laura Ingalls, in the amount of \$500.00.
3. This matter shall be scheduled for **Cost Review Hearing on September 17, 2019 at 8:30 AM**. The child and parent, guardian, or legal custodian(s) shall appear.

ENTERED this 20th day of August, 2019.

David R. Howard

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 20th day of August, 2019:

Caroline Ingalls, 636 E Main St., Gallatin, TN 37066

Kathryn Strong

Kathryn Strong

Juvenile Court Clerk

STATUTES

37-1-131. Delinquent child -- Disposition -- Restitution.

(a) If the child is found to be a delinquent child, the court may make any of the following orders of disposition best suited to the child's treatment, rehabilitation and welfare:

(2) (A) (i) **Placing the child on probation** under the supervision of the probation officer of the court or the department of children's services, any person, or persons or agencies designated by the court, or the court of another state as provided in § 37-1-143, **under conditions and limitations prescribed by the court in consultation with the supervising authority and consistent with a validated risk and needs assessment, which may include completion of substance abuse and mental health treatment services where appropriate;**

(ii) (a) A child may be **placed on probation for a maximum period of six (6) months**, subject to this subdivision (a)(2)(A)(ii). **Before expiration of the first six-month period or any extension period thereafter, and after notice and a hearing, the court may extend probation for additional periods not to exceed six (6) months each, but only if the court finds and issues a written order that:**

(1) States that it is in the best interest of the child that a condition or conditions of probation remain in effect; and

(2) Specifies the condition or conditions that shall remain in effect and why that continued effectiveness is in the best interest of the child; and

(b) If the requirements of subdivision (a)(2)(A)(ii)(a) have been met, probation may continue only so long as it is in the best interest of the child that the condition or conditions of probation remain in effect;

(iii) If the supervising authority finds the child has violated the conditions or limitations of probation, the supervising authority may **file a petition alleging a violation of the conditions or limitations of probation** with the court; provided, that the court, in its discretion, may direct the supervising authority that, in some or all circumstances, such a petition should be filed only if the supervising authority makes and documents attempts to address the noncompliant behavior and determines and documents the reasons for which court intervention is needed to address the noncompliance;

(iv) If the court finds that no violation has occurred, the child shall be allowed to resume the former conditions of probation, or probation may be terminated; and

(v) If in a subsequent proceeding, **the court finds the child has violated** any of the conditions or limitations of probation, **the court may modify conditions** consistent with the results of the previously administered validated risk and needs assessment, including ordering a transfer or grant pursuant to subdivision (a)(1). **The court shall not order a child placed in the custody of the department for a violation of the conditions or limitations of probation unless:**

(a) The child is separately adjudicated dependent or neglected and placed pursuant to § 37-1-130;

(b) The child is separately adjudicated delinquent and placed pursuant to this section for an eligible delinquent offense arising out of a subsequent criminal episode other than the offense for which the child has been placed on probation; or

(c)

(1) The court finds by clear and convincing evidence that the child is in imminent risk of danger to the child's health or safety and needs specific treatment or services that are available only if the child is placed in the custody of the department; and

(2) A child placed in the custody of the department under this subdivision (a)(2)(A)(v)(c) shall remain in custody so long as necessary to complete the treatment or services, which shall be evidence-based and provided by a qualified provider, but shall remain in custody no longer than six (6) months; provided, that the court may order that the child remain in custody for up to an additional six (6) month period if the court finds after a hearing or stipulation that:

(A) The child needs services or treatment that are available only if the child is in custody; and

(B) The services or treatment the child needs are evidence-based and will be provided by a qualified provider;

(b)

(1) If the child is found to be delinquent, the court shall determine if any monetary damages actually resulted from the child's delinquent conduct. Upon a determination that monetary damages resulted from such conduct, the court shall order the child to make restitution for such damages unless the court further determines that the specific circumstances of the individual case render such restitution, or a specified portion thereof, inappropriate. The court shall identify whether a restorative justice program addressing loss resulting from a delinquent act is available and may be utilized appropriately in the place of financial restitution. Any financial obligations or restitution assessed against the child or the child's parents, legal custodians, or guardians shall be considered collectively with community service work to ensure that the order of disposition is reasonable and, where applicable, prioritizes restitution to the victim. In determining whether an order of disposition is reasonable, the court may consider whether the child and the child's parents, legal custodians, or guardians have the ability to complete the requirements of the order within six (6) months.

(2) (A) IF restitution is ordered pursuant to this subsection (b) in those cases where the court has made a finding that:

- (i)** A specified amount is owed;
- (ii)** Such amount is ordered to be paid pursuant to a specific payment schedule; and
- (iii)** The total amount of such ordered restitution is not paid by the time the juvenile court determines that discharge of a case is appropriate or no longer has jurisdiction over the child;

THEN, notwithstanding § 37-1-133(b) or any other law to the contrary, the recipient of such restitution may convert the unpaid balance of the restitution ordered by the court into a civil judgment in accordance with the procedure set out in this subsection (b). The payment of such civil judgment shall be at the same payment schedule as that as when the offender was a juvenile.

(B) Under such judgment, payments shall be continued to be made under the specific payment schedule ordered by the juvenile court until the judgment has been satisfied.

(3) The restitution recipient shall file a certified copy of the juvenile court's restitution order with any court having jurisdiction over the total amount of restitution ordered.

(4) Upon receipt of such a restitution order, the court shall take proof as to the amount of ordered restitution actually paid. If the court finds that the amount of restitution actually paid is less than the total amount of restitution ordered by the juvenile court, it shall enter a judgment in favor of the restitution recipient and against the offender for the amount of the unpaid balance of such restitution.

(5) A judgment entered pursuant to this subsection (b) shall remain in effect for a period of ten (10) years from the date of entry and shall be enforceable by the restitution recipient in the same manner and to the same extent as other civil judgments; however, such civil judgment shall not be referred to any collection service as defined by § 62-20-102.

37-1-132. Unruly child -- Disposition. [Effective on July 1, 2019.]

(a) If the child is found to be an unruly child, the court may make such disposition as authorized by this section or § 37-1-131(a)(1), (a)(2), (a)(7), or (b) that is best suited to such child's treatment. However, no child found to be an unruly child may be placed on probation under the supervision of the department, unless such child is found to also be a delinquent child or is found to have committed a violation of a valid court order as provided for in the Appendix to the Tennessee Rules of Juvenile Procedure. No county government shall be required to increase local funding to implement this provision. The court has the additional dispositional alternative of ordering the department to provide non-custodial services to a child found to be unruly.

(c) (1) A child ordered to probation under subsection (a) may be placed on probation for a maximum period of six (6) months, subject to this subdivision (c)(1). Before expiration of the first six-month period or any extension period thereafter, and after notice and a hearing, the court may extend probation for additional periods not to exceed six (6) months each, but only if the court finds and issues a written order that:

(A) States that it is in the best interest of the child that a condition or conditions of probation remain in effect; and

(B) Specifies the condition or conditions that shall remain in effect and why that continued effectiveness is in the best interest of the child.

(2) If the requirements of subdivision (c)(1) have been met, probation may continue only so long as it is in the best interest of the child that the condition or conditions of probation remain in effect.

(3) If the supervising authority finds the child has violated the conditions or limitations of probation, the supervising authority may file a petition alleging a violation of the conditions or limitations of probation with the court; provided, that the court, in its discretion, may direct the supervising authority that, in some or all circumstances, such a petition should be filed only if the supervising authority makes and documents attempts to address the noncompliant behavior and determines and documents the reasons for which court intervention is needed to address the noncompliance.

(4) If the court finds that no violation has occurred, the child shall be allowed to resume the former conditions of probation or probation may be terminated.

(5) If in a subsequent proceeding, the court finds the child has violated any of the conditions or limitations of probation, the court may modify conditions consistent with the needs of the child, including ordering a transfer or grant pursuant to § 37-1-131(a)(1). The court shall not order a child placed in the custody of the department for a violation of the conditions or limitations of probation unless:

(A) The child is separately adjudicated dependent or neglected and placed pursuant to § 37-1-130;

(B) The child is separately adjudicated delinquent and placed pursuant to § 37-1-131 for an eligible delinquent offense arising out of a subsequent criminal episode other than the offense for which the child has been placed on probation; or

(C)

(i) The court finds by clear and convincing evidence that the child is in imminent risk of danger to the child's health or safety and needs specific treatment or services that are available only if the child is placed in the custody of the department;

(ii) A child placed in the custody of the department under this subdivision (c)(5)(C) shall remain in custody so long as necessary to complete the treatment or services, which shall be evidence-based and provided by a qualified provider, but shall remain in custody no longer than six (6) months; provided, that the court may order that the child remain in custody for up to an additional six (6) month period if the court finds after a hearing or stipulation that:

(a) The child needs treatment or services that are available only if the child is in custody; and

(b) The treatment or services the child needs are evidence-based and will be provided by a qualified provider.

37-1-122. Summons -- Attachment where summons ineffectual.

(a) After the petition has been filed, the clerk shall schedule a time for a hearing and issue summonses to the parties. In case a summons cannot be served or the party served fails to obey the same, and in any case where it is made to appear to the court that such summonses will be ineffectual, except as described in subsection (b), an attachment may issue, on the order of the court, against the:

- (1) Parent or guardian;
- (2) Person having custody of the child;
- (3) Person with whom the child may be; or
- (4) Child.

(b) (1) An attachment for a violation of conditions or limitations of probation pursuant to § 37-1-131 or § 37-1-132, home placement supervision pursuant to § 37-1-137, or diversion pursuant to § 37-1-129 shall not issue unless:

- (A) The child poses a significant likelihood of:
 - (i) Significant injury or sexual assault to another person;
 - (ii) Danger to self, such that a delay would endanger the child's safety or health; or
 - (iii) Damage to property;
- (B) The child cannot be located by the supervising person, persons, or entity after documented efforts to locate the child by the supervising person, persons, or entity; or
- (C) The child fails to appear for a court proceeding.
 - (2) If the child has an attorney of record, that attorney must be served with any attachment request made to the court.
 - (3) A child may not be detained pursuant to an attachment under this subsection (b), unless the child meets the criteria of § 37-1-114.

RULE 109: ORDERS FOR THE ATTACHMENT OF CHILDREN.

(a) Requirements for Issuance of Orders for Attachment. Orders for the attachment of children shall be based upon a judicial determination that there is probable cause to believe that the child is in need of the immediate protection of the court because:

- (1) The conduct, condition or surroundings of the child are endangering the child's health or welfare or that of others; or
- (2) The child may abscond or be removed from the jurisdiction of the court; or
- (3) Service of a summons or subpoena would be ineffectual or the parties are evading service.

The statement of a person requesting the order of attachment must be by affidavit or sworn testimony reduced to writing and must provide sufficient factual information to support an independent determination that probable cause exists for the issuance of the order. If hearsay evidence is relied upon, the affidavit or testimony must include the basis for the credibility of both the declarant and the declarant's statements.

(b) Failure to Appear. When a child fails to appear at a hearing or other court-scheduled proceeding to which the child has been properly served or directed by appropriate court personnel to appear, the court may, on its own initiative or on the basis of a sworn writing, issue an attachment.

(c) Terms of Order. The order for attachment shall order that the child be brought immediately before the court or that the child be taken into custody in accordance with Rule 203 or 302.

Advisory Commission Comments.

Ordinarily, proceedings in juvenile court will be initiated and conducted pursuant to the issuance of a petition and summons rather than the issuance of attachment. Attachments should be used only when necessary to further the goals and purposes of the juvenile court. The Commission notes that the offense of failure to appear is a defined offense and may provide independent grounds for the issuance of an order to take a child into custody if charged.

The issuance of an order of attachment does not determine what should occur once that child is taken into custody. There may be instances in which an order to take a child into custody is warranted but, once accomplished, that child may not meet the requirements to be held in a secure facility pending hearing. In addition, the purpose of an order to take a child into custody may vary from case to case. The order should give specific instructions as to how the attachment order should be carried out.

Subdivision(b) allows the court to issue an attachment in the event the child fails to appear at a court-scheduled hearing, meeting or conference after the child has been duly summoned to appear and fails to do so. The attachment may direct the appropriate authorities to take the child to a detention facility or to court or to another place. Prior to issuing an attachment for failure to appear, whether or not the child is charged with the delinquent act of failure to appear, the child must have received appropriate notice specifying the date, time and location of the proceeding in issue. Accordingly, the Commission encourages each court to implement notice procedures which satisfy due process and afford court participants ample notice of proceedings. For instance, a summons generally is required to initiate most court proceedings, unless the child is served with an arrest warrant or has been issued a citation, while notice of subsequent court dates may be accomplished by less formal means so long as the method chosen is effective.

This rule clarifies the evidentiary requirements for the issuance of orders for the attachment of children based on the provisions of T.C.A. §§ 37-1-113(2), 114(a)(2), 117(b), and 122.

This rule will apply to the process of obtaining an "arrest order" for a child pursuant to T.C.A. §§ 37-1-113(2).

As only attachments of children are addressed in this rule, reference to T.C.A. § 37-1-122, regarding attachments of parents, guardians, and other persons having custody of children under juvenile court jurisdiction, was omitted from the rule. That code section should be consulted for guidance in regard to such action.

[As amended by order filed December 21, 2016, effective July 1, 2017.]

Advisory Commission Comments [2017].

The rule is amended by adding this 2017 Advisory Commission Comments as further explanation. Additionally, the fourth paragraph of the original Advisory Commission Comment is amended by changing two references to T.C.A. § 37-1-128(b) to T.C.A. § 37-1-117(b), in light of the amendments to the statutes.

An attachment is distinguished from an order for the removal of custody or order of detention, in that it addresses only the physical taking of the person of the child, under terms specified by the court, for the purposes specified in this rule. An attachment may accompany an order of removal of custody, order of detention, or other order, if necessary to accomplish the taking of child's person, but will not be necessitated in every case, as where the child is already in the physical custody of the intended entity.

If the probable cause determination in subdivision (a) is based on a written affidavit reciting the facts, it may be sworn to in person or by audio-visual means. Black's Law Dictionary defines affidavit as "(a) voluntary declaration of facts written down and sworn to by the declarant before an officer authorized to administer oaths." Black's Law Dictionary 66 (9th ed. 2009).

RULE 212: PROBATION OR HOME PLACEMENT SUPERVISION VIOLATION.

(a) Procedure. Proceedings to establish a violation of the conditions of probation or home placement supervision shall be conducted in the same manner as proceedings on petitions alleging delinquent conduct. The child whose probation or home placement supervision is sought to be modified or revoked shall be entitled to all rights that a child alleged to be delinquent is entitled to under law and these rules. A petition is required for a violation of probation. A petition is also required for a violation of home placement supervision when the child has been released from the custody of the Department of Children's Services. The petition shall identify the remedy being sought and the factual basis for the action.

(b) Burden of proof. The burden of proof shall be a preponderance of the evidence.

(c) Disposition. If the child violates the conditions of probation or home placement supervision, the court may make any other disposition which would have been permissible in the original proceeding, subject to T.C.A. § 37-1-137.

Advisory Commission Comments.

The term "probation" refers to a child on either state or county probation, and a petition is required to initiate a proceeding to violate.

The term "home placement supervision" refers to a child who has been in state custody and is now placed at home for a trial period. A child on home placement supervision remains in state custody until discharged by operation of law at the expiration of 30 days. During that 30 day period the Department of Children's Services is authorized to remove

the child from the home at its discretion. A petition is not required to remove the child, but notice must be filed with the court. A review hearing must be scheduled within 30 days of the child's removal, pursuant to T.C.A. § 37-1-137(d)(2) or within 7 days if the child is placed in detention, pursuant to T.C.A. § 37-1-137(e).

Upon discharge from custody, the child may continue on home placement supervision, a program that the Department refers to as "aftercare." When a child who is not in the legal custody of the Department violates home placement supervision (aftercare), a violation petition is required. A hearing is required and must occur within 7 days if the child is placed in detention. See T.C.A. § 37-1-137(e).