

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**FILED**

09/22/2026

Clerk of the  
Appellate Courts

**IN RE: AMENDMENTS TO TENNESSEE RULES OF APPELLATE  
PROCEDURE, CIVIL PROCEDURE, CRIMINAL PROCEDURE, AND  
JUVENILE PROCEDURE**

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**No. ADM2026-01251**

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**ORDER**

The Advisory Commission on the Rules of Practice & Procedure annually presents recommendations to the Court to amend the Tennessee Rules of Appellate, Civil, Criminal, and Juvenile Procedure and the Tennessee Rules of Evidence. With its meeting on June 26, 2026, the Advisory Commission completed its 2025-2026 term, and the Commission thereafter transmitted its recommendations to the Court.

The Court hereby solicits written comments from the bench, the bar, and the public concerning the Advisory Commission's recommended amendments set out in Appendix I (proposed amendments to the Rules of Appellate Procedure, Rules of Civil Procedure, Rules of Criminal Procedure, and Rules of Juvenile Procedure) to this order. The deadline for submitting written comments is November 30, 2026. Written comments may either be submitted by email to [appellatecourtclerk@tncourts.gov](mailto:appellatecourtclerk@tncourts.gov) or by mail addressed to:

Scott Griswold, Clerk  
Re: 2027 Rules Package  
100 Supreme Court Building  
401 7th Avenue North  
Nashville, TN 37219-1407

and should reference the docket number set out above.

The Clerk shall provide a copy of this order to LexisNexis and to Thomson Reuters. In addition, the order shall be posted on the Tennessee Supreme Court's website.

PER CURIAM

***APPENDIX I***

***PROPOSED AMENDMENTS TO THE TENNESSEE***

***RULES OF APPELLATE PROCEDURE***

***RULES OF CIVIL PROCEDURE***

***RULES OF CRIMINAL PROCEDURE***

***AND***

***RULES OF JUVENILE PROCEDURE***

**(new text indicated by underlining; deleted text indicated by overstriking)**

TENNESSEE RULES OF APPELLATE PROCEDURE

RULE 3(a)

APPEAL AS OF RIGHT; AVAILABILITY; METHOD OF INITIATION

[Amend Rule 3(a) indicated below:]

**Rule 3. Appeal as of Right; Availability; Method of Initiation.**

**(a) Availability of Appeal as of Right in Civil Actions.** In civil actions every final judgment entered by a trial court from which an appeal lies to the Supreme Court or Court of Appeals is appealable as of right. The State may appeal as of right from an interlocutory order of a circuit or chancery court pursuant to Tennessee Code Annotated section 27-1-101. Except as otherwise permitted in Rule 9, ~~and in~~ Rule 54.02 Tennessee Rules of Civil Procedure, and Tennessee Code Annotated section 27-1-101, if multiple parties or multiple claims for relief are involved in an action, any order that adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties is not enforceable or appealable and is subject to revision at any time before entry of a final judgment adjudicating all the claims, rights, and liabilities of all parties.

*Advisory Commission Comment [2027]*

Tennessee Code Annotated section 27-1-101 governs appeals as of right by the State from certain enumerated interlocutory orders involving injunctive relief, matters of sovereign immunity, matters of qualified immunity, and matters involving the

constitutionality of a state statute, executive order, administrative rule, or other governmental action. The 2027 amendment adds to the list of available appeals in subsection (a) those civil actions from which the State has an appeal as of right.

TENNESSEE RULES OF CIVIL PROCEDURE

RULE 5A

FACSIMILE FILING OF PAPERS

[Amend Rule 5A as indicated below:]

**Rule 5A. Facsimile Filing of Papers**

**5A.02. Filing Procedures.** – (1) Unless the court in which the filing is attempted employs an electronic filing system permitted by Tenn. R. Civ. P. 5B, the trial court clerk ~~may shall~~, in its discretion, accept papers for filing by facsimile transmission or email transmission as provided in this rule. If the trial court clerk elects to accept papers for filing by email transmission, the clerk shall maintain and make public a dedicated email address for email filing. If the trial court clerk elects to accept papers for filing by facsimile transmission, the clerk shall maintain and make public a dedicated telephone line for the clerk's facsimile machine.

(2)(a) Any document filed by email transmission shall be attached as a pdf to the enclosing email transmission and include in the email transmitting the filing:

(1) A subject line that contains the case name and the case number, and

(2) A body that contains the title of the document attached, the sender's name, email

address, and phone number, as well as clear and concise instructions as to the filing of the document.

An email transmission shall contain no more than one (1) attached document to be filed.

If a filer is making multiple email filings, each filing must be transmitted as an attachment to a separate email, each with its own cover email as set forth herein.

(~~a~~b) Any document filed by facsimile transmission shall be accompanied by the uniform cover sheet set forth in the comment to this rule stating: the caption of the case; the trial court docket number; the title of the transmitted document; the number of pages of the facsimile transmission (including the cover sheet); the sender's name, address, voice telephone number, and facsimile telephone number; and the date of the facsimile transmission. The cover sheet shall also contain clear and concise instructions as to the filing of the transmitted document.

(3) The filing of the original document shall not be required after facsimile filing or email filing. The sender shall retain the original document in the sender's possession or control during the pendency of the action and shall produce such document upon request by the court or any party to the action. Upon failure to produce such original document, the court may strike the document filed by facsimile transmission or email transmission.

(4) The following documents shall not be filed in the trial court by facsimile transmission or email transmission:

(a) Any pleading or similar document for which a filing fee and/or litigation tax must be paid (excluding the facsimile or email service charge), including, without limitation, a complaint commencing a civil action, an appeal from the general sessions court to the circuit court, and an appeal to a trial court from an inferior tribunal, board or officer;

(b) A summons;

(c) A will or codicil to a will; a bond; or any pleading or document requiring an official seal;

(d) A confidential document that the court previously has ordered to be filed under seal; and

(e) A notice of appeal.

(5) No facsimile or email filing shall exceed fifty (50) pages in length, including the cover sheet, unless authorized by the court; absent such authorization, a facsimile transmission or email filing exceeding fifty (50) pages, including the cover sheet, shall not be filed by the clerk. A facsimile or email filing may not be split into multiple facsimile transmissions or email filings to avoid this page limitation. All documents filed by facsimile transmission or email transmission shall comply with all applicable rules of court, including, without limitation, rules governing the content and form of pleadings and other papers; the signing of pleadings, motions and other papers; and the service of all papers.

(6) The original document sent by facsimile transmission or email transmission shall be on letter-sized paper (8 ½ by 11 inches). Originals on larger-sized paper may be reduced

prior to facsimile transmission or email transmission if the reduction to 8 ½ by 11 inch paper renders a legible and complete copy of the original.

(7) The clerk is not required to notify the sender by return facsimile transmission, return email transmission, or voice telephone call that the facsimile document or email filing has been received by the clerk or that the facsimile document or email filing has not been received in its entirety. This provision shall not relieve the clerk of any notice requirements imposed by law or by the court.

#### **5A.03. Effect of Facsimile or Email Filing.**

(1) A facsimile transmission or email filing received by the clerk after 4:30 p.m. but before midnight, clerk's local time, on a day the clerk's office is open for filing shall be deemed filed as of that business day. A facsimile transmission or email filing received after midnight but before 8:00 a.m., clerk's local time, on a business day, or a facsimile transmission or email transmission received by the clerk on a Saturday, Sunday, legal holiday, or other day on which the clerk's office for filing is closed, shall be deemed filed on the preceding business day. Upon receiving a facsimile transmission or email filing in its entirety, the clerk shall note the filing date on the facsimile filing or email filing in the same manner as with original pleadings or other documents filed by mail or in person. For purposes of this provision, "received by the clerk" means the date and time the facsimile transmission or email filing is received by the clerk as indicated by the date and time printed on the facsimile transmission by the clerk's facsimile machine or email filing received by the clerk.

(2) A signature reproduced by facsimile transmission or included in an email filing shall be treated as an original signature.

(3) The sender bears the risk of using facsimile transmission or email transmission to convey a document to a court for filing, including, without limitation, malfunction of facsimile, electronic mailing or computer equipment, whether the sender's or the clerk's equipment; electrical power outages; incorrectly dialed telephone numbers; incorrectly entered email addresses; or receipt of a busy signal from the clerk's facsimile telephone number. In the event that a facsimile transmission or email transmission to the clerk is unsuccessful, the sender may file the document by mail or in person; in such cases, the filing date shall be determined as provided in Rules 5.06 and 6, Tenn. R. Civ. P. However, if a facsimile transmission or email filing is not received in its entirety by the clerk because of a transmission error, the sender may move acceptance nunc pro tunc by filing a written motion with the court. The motion shall be accompanied by the sender's transmission record, the original document that was the subject of the attempted transmission, and an affidavit of the sender detailing the facts concerning the attempted transmission. The court, in its discretion, may order filing of the original document nunc pro tunc.

#### **5A.04. Facsimile or Email Service Charge.**

(1) Facsimile Service Charge. The sender of the facsimile transmission shall pay to the trial court clerk a service charge for each facsimile filing in the amount of five dollars

(\$5.00) plus one dollar (\$1.00) per page of the facsimile filing (including the cover sheet). Payment of the service charge, accompanied by a copy of the facsimile filing cover sheet, shall be received by the trial court clerk not later than ten (10) calendar days after the facsimile filing. The facsimile service charge shall be paid by the sender as provided in this rule and shall not be taxed as court costs, subject to the following exception. If the sender is either a party who has been allowed to proceed on a pauper's oath or an attorney for such a party, timely payment of the facsimile service charge under this rule is suspended, and the charges shall be taxed as court costs.

(2) Email Filing Service Charge. The sender of the email transmission shall pay to the trial court clerk a service charge for each email filing in an amount set by the clerk of no more than five dollars (\$5.00) plus no more than one dollar (\$1.00) per page of the email filing (including the cover sheet). Payment of the service charge, accompanied by a copy of the email filing cover sheet, shall be received by the trial court clerk not later than ten (10) calendar days after the email filing. The email service charge shall be paid by the sender as provided in this rule and shall not be taxed as court costs, subject to the following exception. If the sender is either a party who has been allowed to proceed on a pauper's oath or an attorney for such a party, timely payment of the email service charge under this rule is suspended, and the charges shall be taxed as court costs.

TENNESSEE RULES OF CIVIL PROCEDURE

RULE 11

SIGNING OF PLEADINGS, MOTIONS, AND OTHER PAPERS; REPRESENTATIONS TO  
COURT; SANCTIONS

[Amend Rule 11 as indicated below:]

**Rule 11. Signing of Pleadings, Motions, and Other Papers; Representations to  
Court; Sanctions**

**Rule 11.01. Signature**

(a) **In general.** Every pleading, written motion, and other paper shall be signed by at least one attorney of record in the attorney's individual name, or, if the party is not represented by an attorney, shall be signed by the party. Papers may be electronically signed in accordance with Rule 5B. Each paper shall state, to the extent available, the signer's address, telephone number, email address, and Tennessee Board of Professional Responsibility number. Except when otherwise specifically provided by rule or statute, pleadings need not be verified or accompanied by affidavit. An unsigned paper shall be stricken unless omission of the signature is corrected promptly after being called to the attention of the attorney or party.

**(b) Court Appearance of Counsel and Notification by Counsel Subject to Limited Scope Representation.**

~~An attorney providing limited scope representation to an otherwise unrepresented party shall file at the beginning of the representation an initial notice of limited scope representation with the court, simply stating that the representation is subject to a written limited scope representation agreement without disclosing the terms of the agreement. In addition to the initial notice of limited scope representation, when provided notice by another party, attorney or the court of a motion, pleading, discovery, hearing or other proceeding that is outside of the scope of the services provided pursuant to the limited scope representation agreement, an attorney shall promptly file a notice of limited appearance that the attorney does not represent the otherwise unrepresented party for purposes of the motion, pleading, discovery, hearing or other proceeding. The notice of limited appearance shall simply state that the limited scope representation does not include representation for purposes of the motion, pleading, discovery, hearing or other proceeding noticed and shall not otherwise disclose the terms of the limited scope representation agreement. The notice of limited appearance shall provide the otherwise unrepresented client with the deadline(s), if any, for responding to the motion, pleading, discovery, hearing or other proceeding and shall state the date, place and time of any hearing or other proceeding. If an initial notice of limited scope representation or a notice of limited appearance is filed, service shall be made as provided in Rule 5.02.~~

(1) If an attorney providing limited scope representation to an otherwise unrepresented party intends to appear in any part of the court proceedings related to a pleading, written notice, and other paper, the attorney shall file a notice of limited representation with the court. The notice shall be filed prior to the court proceeding or as soon as possible thereafter.

(a) This notice need only disclose the extent to which the attorney will be participating in the proceeding without disclosing the terms of the written limited scope representation agreement. If a notice of limited scope representation is filed, service shall be made as provided in Rule 5.02.

(b) To withdraw from the limited scope representation, the attorney shall:

(i) File a notice of completion of the limited scope representation and withdrawal from representation in the case that is accompanied by a declaration indicating that the limited scope representation has been satisfied, that the attorney is withdrawing from the case, and that the attorney has provided notice to the unrepresented party. If the reason for withdrawal is for a reason other than the completion of the limited scope representation, the attorney must file a motion to withdraw for the court to consider.

(ii) Service of the notice of completion of the limited scope representation and withdrawal from representation and attorney declaration shall be made as provided in Rule 5.02.

(2) An attorney providing limited scope representation to an otherwise unrepresented party other than by court appearance shall provide notice to the court if the attorney has substantially assisted in the preparation of a motion, pleading, discovery, or other filing.

(a) Said notice shall be provided by including the following disclosure:

"This document was prepared under limited representation with the assistance of [attorney name, Tennessee Board of Professional Responsibility number, and contact information per Section 11.01(a) of this rule], a licensed Tennessee lawyer, pursuant to Tennessee Rule of Professional Conduct 1.2(c)."

(b) The attorney must provide the above disclosure certification on the first or last page of the document(s). If the document has no room for this disclosure, the certification can be attached as a separate document. An attached certification must indicate whether the attorney provided drafting assistance for the entire document or for specific sections only, and if for specific sections, indicate which

sections.

(c) The attorney need not sign the pleading, motion, or other filing. A filing prepared under this section of this rule does not constitute a court appearance by the attorney.

*Advisory Commission Comment [2027]*

Rule 11.01(b) is amended to provide when an attorney must file a notice of limited scope representation with the court, when an attorney must notify the court that the attorney assisted in drafting a document, and when no filing or notice is required. An attorney's obligations under this rule of Civil Procedure are also governed by Tenn. Sup. Ct. R. 8. RPC 1.2(c), which states: "A lawyer may limit the scope of representation if the limitation is reasonable under the circumstances and the client gives informed consent preferably in writing." See also Tenn. Sup. Ct. R. 8. RPC 1.2(c). Comments [6]-[8]. Note, however, that paragraph (b) of this Rule goes further than RPC 1.2(c) and requires that an agreement for limited scope representation, as it relates to a proceeding governed by this Rule, must be in writing.

Subsection (b)(1) requires the attorney to file a notice of limited scope representation pursuant to written limited scope representation agreement when the attorney intends to appear in court as part of the agreement. Once the limited scope

representation is complete, the attorney must file a notice of completion and withdrawal, and a certification that the limited scope representation is complete. If the attorney withdraws for any reason other than the completion of the limited scope representation, the attorney must file a motion to withdraw.

Rule 11.01(b)(2) is amended to clarify that a disclosure of limited scope of representation is required only when the attorney provides substantial assistance to the litigant. Substantial assistance is representation that goes further than providing general legal advice or information and filling out forms as described below. An attorney provides substantial assistance when the attorney substantially drafts court papers or provides ongoing legal assistance.

Substantial assistance does not include: (a) filling out pre-printed or electronically published forms by state, county, and local courts or government agencies, including forms that are approved by the Administrative Office of the Courts. (b) general oral assistance or advice given to the self-represented party regarding the self-represented party's case not directly related to drafting, and (c) short-term legal assistance offered to a self-represented party on a pro bono basis through a legal aid organization, bar association, a nonprofit law firm, or a court that does not create an expectation by either the client or attorney that legal assistance will continue after the encounter. This amendment allows legal services organizations to assist self-represented parties with preparation of pleadings and providing advice as consistent with this Rule.

TENNESSEE RULES OF CRIMINAL PROCEDURE

RULE 49.1

FACSIMILE FILING OF PAPERS.

[Amend Rule 49.1 as indicated below:]

**Rule 49.1. Facsimile or Email Filing of Papers. -**

(a) DEFINITIONS. --

(1) EMAIL FILING. "Email filing" means the delivery by email transmission of a document attached to an email transmission for filing, which is received by the trial court clerk for filing by the clerk. All such attachments sent for email filing shall be saved in "portable document format," commonly known as "pdf." No other form of document shall be accepted by the Clerk for email filing absent a court order.

(2) EMAIL TRANSMISSION. "Email transmission" means the transmission of a document by an electronic mail system. An email transmission intending to forward a document for Email filing shall clearly communicate that the document attached to the transmission in compliance with this rule is to be filed by the clerk.

(43) FACSIMILE FILING. "Facsimile filing" means the facsimile transmission of an original document which is received in the original document's entirety by the trial court

clerk and filed by the clerk.

(24) FACSIMILE MACHINE. “Facsimile machine” means a device capable of sending a facsimile transmission using the international standard for scanning, coding, and transmission established for Group 3 machines by the Consultative Committee of International Telegraphy and Telephone of the International Telecommunications Union in regular resolution. Any facsimile machine used to send documents to a court must send at an initial transmission speed of no less than 4800 baud and be able to generate a transmission record.

(35) FACSIMILE TRANSMISSION. “Facsimile transmission” is the transmission of a document by a system that encodes a document into electrical signals, transmits these electrical signals over a telephone line, and reconstructs the signals to print a duplicate of the original document at the receiving end or by suitable electronic submission of a facsimile by electronic means.

(46) SENDER. “Sender” is the person or entity sending the facsimile or email transmission to the court.

(57) TRANSMISSION RECORD. “Transmission record” means the document printed by the sending facsimile machine stating the telephone number of the receiving machine, the number of pages sent, the transmission time and date, and an indication of any errors

in transmission.

(B) FACSIMILE OR EMAIL FILING; EXCEPTIONS.

(1) FACSIMILE OR EMAIL FILING PERMITTED. Unless the court in which the filing is attempted employs an electronic filing system permitted under Tenn. R. Crim. P. 49.02, ~~The~~ the trial court clerk ~~shall~~ may, in its discretion, accept papers for filing by facsimile transmission, email transmission, or both as provided in this rule. The trial court clerk shall maintain and make public a dedicated telephone line for the clerk's facsimile machine and a dedicated email address for email filing.

(2) EXCEPTION: Facsimile or Email Filing Not Permitted. The following documents shall not be filed in the trial court by facsimile transmission or email transmission:

- (A) An appeal from a lower court to a circuit/criminal court;
- (B) A notice of appeal to an appellate court;
- (C) The affidavit of complaint for an arrest warrant or summons (see Tenn. R. Crim. Proc. 4);
- (D) [Reserved];
- (E) A confidential document that the court previously has ordered to be filed under seal; and
- (F) Indictments, presentments, and informations.

(c) REQUIREMENTS FOR EMAIL FILED OR FACSIMILE FILED DOCUMENT.

(1) Email Filings. Any document filed by email transmission shall be attached as a pdf to the enclosing email transmission and include in the email transmitting the filing:

(A) A subject line that contains the case name and the case number, and

(B) A body that contains the title of the document attached, the sender's name, email address, and phone number, as well as clear and concise instructions as to the filing of the document.

An email transmission shall contain no more than one (1) attached document to be filed.

If a filer is making multiple email filings, each filing must be transmitted as an attachment to a separate email, each with its own cover email as set forth herein.

(~~4~~2) FACSIMILE FILINGS - COVER SHEET. Any document filed by facsimile transmission or email transmission shall be accompanied by: the uniform cover sheet set forth in the comment to this rule stating:

(A) the caption of the case;

(B) the trial court docket number;

(C) the title of the transmitted document;

(D) the number of pages of the facsimile transmission or email transmission (including the cover sheet);

(E) the sender's name, address, voice telephone number, and facsimile telephone

number;

(F) the date of the facsimile transmission; and

(G) clear and concise instructions as to the filing of the transmitted document.

(23) SIZE OF ORIGINALS. The original document sent by facsimile transmission or email transmission shall be on letter-sized paper (8 1/2 by 11 inches). Originals on larger-sized paper may be reduced prior to facsimile transmission or email transmission if the reduction to 8 1/2 by 11 inch paper renders a legible and complete copy of the original.

(34) LENGTH. No facsimile or email filing shall exceed fifty (50) pages in length, including the cover sheet, unless authorized by the court; absent such authorization, a facsimile transmission or email filing exceeding fifty (50) pages, including the cover sheet, shall not be filed by the clerk. A facsimile or email filing may not be split into multiple facsimile transmissions to avoid this page limitation.

(45) COMPLIANCE WITH OTHER RULES. All documents filed by facsimile transmission or email transmission shall comply with all applicable rules of court, including, without limitation, rules governing the content and form of pleadings and other papers; the signing of pleadings, motions and other papers; and the service of all papers.

(D) CLERK'S DUTIES UPON RECEIPT OF FACSIMILE OR EMAIL FILING.

(1) NOTIFICATION OF RECEIPT OF FACSIMILE OR EMAIL NOT REQUIRED. The clerk is not required to notify the sender by return facsimile transmission, return email transmission, or voice telephone call that the facsimile document or email filing has been received by the clerk or that the facsimile document or email filing has not been received in its entirety. This provision shall not relieve the clerk of any notice requirements imposed by law or by the court.

(2) PLACING DATE ON RECEIVED FACSIMILE DOCUMENTS. Upon receiving a facsimile transmission or email transmission in its entirety, the clerk shall note the filing date on the facsimile filing or email filing in the same manner as with original pleadings or other documents filed by mail or in person. For purposes of this provision, the clerk receives the facsimile transmission or email transmission when indicated by the date and time printed on the facsimile transmission by the clerk's facsimile machine or email transmission received by the clerk.

(e) EFFECT OF FACSIMILE OR EMAIL FILING.

(1) WHEN DEEMED FILED. A facsimile transmission or email filing received by the clerk after 4:30 p.m. but before midnight, clerk's local time, on a day the clerk's office is open for filing shall be deemed filed as of that business day. A facsimile transmission

or email filing received after midnight but before 8:00 a.m., clerk's local time, on a business day, or a facsimile transmission or email filing received by the clerk on a Saturday, Sunday, legal holiday, or other day on which the clerk's office for filing is closed, shall be deemed filed on the preceding business day.

(2) FACSIMILE SIGNATURE. A signature reproduced by facsimile transmission or contained in an email filing shall be treated as an original signature.

(3) RISK ON SENDER.

(A) SENDER BEARS RISK OF FAULTY TRANSMISSION. — The sender bears the risk of using facsimile transmission or email transmission to convey a document to a court for filing, including, without limitation, malfunction of facsimile, electronic mail, or computer equipment, whether the sender's or the clerk's equipment; electrical power outages; incorrectly dialed telephone numbers; incorrectly entered email addresses, or receipt of a busy signal from the clerk's facsimile telephone number. In the event that a facsimile transmission to or email filing with the clerk is unsuccessful, the sender may file the document by mail or in person; in such cases, the filing date shall be determined as provided in Rules 45 and 49, Tenn. R. Crim. Proc.

(B) NUNC PRO TUNC REMEDY. If a facsimile transmission or email filing is not received in its entirety by the clerk because of a transmission error, the

sender may move acceptance nunc pro tunc by filing a written motion with the court. The motion shall be accompanied by the sender's transmission record, the original document that was the subject of the attempted transmission, and an affidavit of the sender detailing the facts concerning the attempted transmission. The court, in its discretion, may order filing of the original document nunc pro tunc.

(f) ORIGINAL DOCUMENT. The filing of the original document shall not be required after facsimile filing or email filing. The sender shall retain the original document in the sender's possession or control during the pendency of the action and shall produce such document upon request by the court or any party to the action. Upon failure to produce such document, the court may strike the document filed by facsimile transmission or email transmission.

(g) FACSIMILE SERVICE CHARGE. The sender of the facsimile transmission shall pay to the trial court clerk a service charge for each facsimile filing in the amount of five dollars (\$5.00) plus one dollar (\$1.00) per page of the facsimile filing (including the cover sheet). Payment of the service charge, accompanied by a copy of the facsimile filing cover sheet, shall be received by the trial court clerk not later than ten (10) calendar days after the facsimile filing. The facsimile service charge shall be paid by the sender as provided in this rule and shall not be taxed as court costs, subject to the following exception. If the sender is either a party who has been allowed to proceed on a pauper's

oath or an attorney for such a party, timely payment of the facsimile service charge under this rule is suspended, and the charges shall be taxed as court costs.

(h) EMAIL SERVICE CHARGE. The sender of an email filing shall pay to the trial court clerk a service charge for each email filing in an amount set by the clerk of no more than five dollars (\$5.00) plus no more than one dollar (\$1.00) per page of the email filing (including the cover sheet). Payment of the service charge, accompanied by a copy of the email filing cover sheet, shall be received by the trial court clerk not later than ten (10) calendar days after the email filing. The email service charge shall be paid by the sender as provided in this rule and shall not be taxed as court costs, subject to the following exception. If the sender is either a party who has been allowed to proceed on a pauper's oath or an attorney for such a party, timely payment of the email service charge under this rule is suspended, and the charges shall be taxed as court costs.

TENNESSEE RULES OF JUVENILE PROCEDURE

RULE 101

TITLE OF RULES – SCOPE – PURPOSE AND CONSTRUCTION

[Amend Rule 101(c)(4) as indicated below:]

**Rule 101: Title of Rules – Scope – Purpose and Construction.**

**(c) Exclusions.**

(4) The procedures employed in general sessions court under the Tennessee Rules of Criminal Procedure shall govern the following proceedings:

. . . .

(G) issuance of search warrants pursuant to Rule 41.

TENNESSEE RULES OF JUVENILE PROCEDURE

RULE 106

FILING AND SERVICE OF PLEADINGS AND OTHER PAPERS

[Amend Rule 106 as indicated below:]

**Rule 106: Filing and Service of Pleadings and Other Papers.**

\* \* \*

(f) **Facsimile and Email Filing.** The juvenile court clerk shall accept papers for filing by facsimile transmission and email transmission as provided in Rule 5A of the Rules of Civil Procedure.

(g) **Facsimile and Email Filing Exceptions.** The following documents shall not be filed by facsimile or email transmission:

(1) Any pleading or similar document for which a filing fee must be paid (excluding the facsimile or email service charge), including, without limitation, a petition, a request for a hearing before the judge from the magistrate's order, or a notice of appeal to a trial court or appellate court; or. . .

## TENNESSEE RULES OF JUVENILE PROCEDURE

### RULE 119

### NONSUIT

[Add Rule 119 as indicated below:]

#### **Rule 119: Nonsuit**

Any petitioner in any dependency and neglect proceeding has the authority to non-suit their petition prior to adjudication. On written request or oral motion, the Court shall accept such non-suit within a reasonable period of time not to exceed thirty (30) days from the date of filing or oral motion. The case shall be set for status hearing prior to the Court's acceptance of the non-suit, absent consent of all parties. Upon acceptance by the Court, appointed counsel and the guardian ad litem are relieved.

#### *Advisory Commission Comment [2027]*

The Commission recognizes that under the Rules of Civil Procedure, a petitioner in any civil case has the authority to non-suit or otherwise not prosecute their case prior to adjudication. The addition of this Rule clarifies that petitioners in Title 37 cases have this authority, as well. In dependency and neglect cases, upon request of the guardian ad

litem, or sua sponte by the court's own motion, the court may allow for a reasonable time before the acceptance of the withdrawal, but not to exceed thirty (30) days from the announcement of the non-suit, to allow the guardian ad litem sufficient time to investigate and file their own petition for dependency and neglect, as may be appropriate.

TENNESSEE RULES OF JUVENILE PROCEDURE

RULE 120

CERTIFICATION REQUIRED OF SUBSTITUTE JUDGE

[Add Rule 120 as indicated below:]

**Rule 120: Certification required of substitute judge.**

If a trial or hearing has been commenced and the judge is unable to proceed, any other judge may proceed upon certifying familiarity with the record and determining that the proceedings in the case may be completed without prejudice to the parties. The certification may be oral on the record. The successor judge shall at the request of a party recall any witness whose testimony is material and disputed and who is available to testify again without undue burden. In any trial or hearing, the successor judge may recall any witness.

TENNESSEE RULES OF JUVENILE PROCEDURE

RULE 201

PRELIMINARY INQUIRY AND INFORMED ADJUSTMENT

[Add Comment to Rule 201 as indicated below:]

*Advisory Commission Comment [2027]*

This comment clarifies that all procedures applicable to the new category of juvenile offenders created by Public Chapter 1007, Acts 2024, and known as Serious Youthful Offenders, are contained in Rule 214.

TENNESSEE RULES OF JUVENILE PROCEDURE

RULE 208

TRANSFER TO CRIMINAL COURT

[Amend Rule 208 as indicated below:]

**Rule 208. Transfer to criminal court.**

\* \* \*

**(c) Transfer Procedure for Youth Between Ages 16–18, Certain Offenses, Transfer of Jurisdiction to Criminal Court.** The state must seek transfer in accordance with Tenn. Code Ann. § 37-1-191 in cases where a youth 16–18 years old is charged with first degree murder, second degree murder, or attempted first or second degree murder. The decision on whether or not the state will seek transfer must be made within 90 days of the child being charged with an offense and no less than 14 days prior to the transfer hearing or the adjudicatory hearing, whichever occurs first. This time period may be extended by the court for good cause. The court shall not hear the case on its merits, but shall proceed to conduct a hearing only in accordance with Tenn. Code Ann. § 37-1-191.

**(d) Transfer Hearing for Youth Between the Ages of 16–18 Charged with First Degree**

**Murder, Second Degree Murder, or Attempted First or Second Degree Murder.**

(1) At the transfer hearing:

(A) A prosecutor shall represent the state;

(B) The child shall be represented by an attorney;

(C) The child may testify as a witness in his or her own behalf, and may call and examine other witnesses and produce other evidence on his or her own behalf, however no plea shall be accepted by the court; and

(D) Each witness shall testify under oath or affirmation and be subject to cross-examination.

(2) The same rules of evidence shall apply as are applicable to a preliminary examination, pursuant to the Tennessee Rules of Criminal Procedure.

(3) Unless the child appears in any way to be mentally ill or intellectually disabled, and unless personally or through counsel asserts that the child is mentally ill or intellectually disabled, it shall be presumed that the child is not committable to an institution for the mentally ill or intellectually disabled, and the court may so find. If mental illness is alleged, the court shall order psychological or psychiatric examination at any stage of the proceeding.

(4) If the court determines that the criteria for transfer have been satisfied and finds that

there is probable cause for transfer, the child may be transferred to criminal court.

(5) Any order of transfer shall specify the grounds for transfer and set bond if the offense is bailable pursuant to state law.

TENNESSEE RULES OF JUVENILE PROCEDURE

RULE 214

SERIOUS YOUTHFUL OFFENDER, AGES 14-18; CHILD AGES 16-18, CERTAIN  
OFFENSES.

[Add Rule 214 as indicated below:]

**Rule 214. Serious Youthful Offender, Ages 14-18; Child Ages 16-18, Certain  
Offenses.**

**(a) Preliminary Procedure.**

(1) Child Ages 16-18, Certain Offenses, Transfer of Jurisdiction to Criminal Court.

(A) Purpose. In the case of a child who is aged 16-18 years old and charged with first degree murder, second degree murder, or attempted first or second degree murder, the preliminary procedure is intended to ensure compliance with Tenn. Code Ann. § 37-1-191.

(B) Duties of Designated Court Officer. Upon receipt of a complaint alleging that a child age 16-18 years old has committed first degree murder, second degree murder, or attempted first or second degree murder, the designated court officer shall so inform the court whose duty will be to confirm that the case is to be administered in accordance with

Tenn. Code Ann. § 37-1-191 and set the case for a transfer hearing in accordance with Rule 208.

(2) Serious Youthful Offender.

(A) Purpose. In the case of Serious Youthful Offenders as described in Tenn. Code Ann. § 37-1-131(g), the preliminary procedure is intended to determine if the accused child qualifies or may qualify as a Serious Youthful Offender.

(B) Duties of Designated Court Officer. Upon receipt of a complaint alleging that a child qualifies or may qualify as a Serious Youthful Offender, the designated court officer shall set the case for further action.

**(b) Application Of Rules.** The procedures in Rule 203, Procedures Upon Taking a Delinquent Child into Custody; Rule 204, Use of Restraints on Children in the Courtroom; Rule 205, Notification and Waiver of Rights of Children; Rule 206, Discovery; Rule 207, Procedures Related to Child's Mental Condition; and Rule 213, Modification of or Relief From Judgments or Orders, shall be applicable to:

(1) Any child ages 16-18 years old charged with first degree murder, second degree murder, or attempted first or second degree murder; and

(2) Serious Youthful Offenders.

**(c) Notice To Child.**

(1) Child Ages 16-18, Certain Offenses, Transfer of Jurisdiction to Criminal Court. In cases governed by Tenn. Code Ann. § 37-1-191, the court shall inform the child that the child's case shall be set for a transfer hearing in accordance with Rule 208.

(2) Serious Youthful Offender. The court shall inform the child that the child qualifies or may qualify as a Serious Youthful Offender. In addition to informing the child of the child's rights in accordance with Rule 205, the court shall provide the child with written notice of the right to a jury trial pursuant to § 37-1-124 on a form promulgated by the Administrative Office of the Courts. Any waiver of the right to a jury trial shall be in accordance with Rule 205.

**(d) Notice By District Attorney – Serious Youthful Offender.**

(1) The district attorney may request that the child be classified as a Serious Youthful Offender in accordance with Tenn. Code Ann. § 37-1-131(g). The district attorney must file such request with the court within 60 days of the filing of the petition or, at the latest, at least 14 days prior to the adjudicatory hearing. Upon good cause shown, this 60-day time period may be extended by the court. The court shall ensure that the child and counsel, if any, have received a copy of this request and understand the consequences thereof.

(2) The district attorney shall use its best efforts to determine whether the child may be classified as a Serious Youthful Offender pursuant to § 37-1-131(g) as a second offender and to inform the court, the child, and the child's counsel, if any, of such circumstances.

**(e) Adjudicatory Hearing -- Serious Youthful Offender.**

(1) Scope of Hearing. The adjudicatory hearing is the proceeding at which either the juvenile court or a court with criminal jurisdiction determines whether the evidence supports a finding that the child is delinquent and a Serious Youthful Offender in accordance with Tenn. Code Ann. § 37-1-131(g).

(2) Time Limits on Scheduling Adjudicatory Hearings.

(A) Non-Jury Trial Cases. All cases shall be set for a date certain. In cases wherein the child has waived his or her right to a jury trial in accordance with Rule 205 and Tenn. Code Ann. § 37-1-124, and if the child is in detention or otherwise has been placed out of the home by court order, the case shall be heard in an expedited manner. All other cases shall be heard within 30 days of the date of the filing of the petition if such scheduling appears to the court to be reasonable and possible considering the circumstances of the case, including without limitation, whether service on all parties has been achieved. Every case shall be heard within 90 days of the date of the filing of the petition. For good cause shown, the adjudicatory hearing may be continued beyond the 90-day time limit to a date certain as the court may direct.

(B) Jury Trial Cases. In cases wherein the child has not waived his or her right to a jury trial, the adjudicatory hearing must be held within one year from the date of the written notification, required in subsection (c) above, to the child of his or her right to a jury trial in accordance with Tenn. Code Ann. § 37-1-124. For good cause shown, the adjudicatory hearing may be continued by the court with criminal jurisdiction beyond the one-year time limit to a date certain as that court may direct.

(3) Beginning Adjudicatory Hearing – Non-Jury Trial Cases. The court shall comply with Rule 210(c).

(4) Evidence Admissible – Non-Jury Trial Cases. The court shall comply with Rule 210(d).

(5) Adjudication; Standard of Proof; and Findings – Non-Jury Trial Cases. The court shall comply with Rule 210(e).

(6) Transfer to Home County – Non-Jury Trial Cases. The court may transfer the case in accordance with Rule 210(g).

**(f) Dispositional Hearing – Serious Youthful Offender.**

(1) Time Limits on Scheduling Dispositional Hearings.

(A) Dispositional Hearing Following Adjudication. Dispositional hearings shall be held within 15 days of the adjudicatory hearing in non-jury trial cases if the child has been placed out of the home by court order, and within 90 days of the adjudicatory hearing in all other cases. Upon good cause shown, the dispositional hearing may be continued to a date certain.

(B) Dispositional Hearing Prior to 19th Birthday. A required dispositional hearing shall be held within 4 months of the child's 19th birthday in accordance with Tenn. Code Ann. § 37-1-131(g).

(2) Separate from Adjudicatory Hearing. A dispositional hearing shall be separate and distinct from the adjudicatory hearing to which it relates.

(3) Notice of Right to Appeal. At the conclusion of any dispositional hearing, the court shall advise the child of the right to appeal the dispositional order in accordance with Tenn. Code Ann. § 37-1-159.

(4) Temporary Order. Where a continuance of the dispositional hearing is ordered, the court may enter such temporary order that the court deems appropriate. Detention may be ordered, but only where such detention appears to be necessary for the protection of the child or others, or where necessary to assure the child's appearance at the subsequent dispositional hearing.

(5) Evidence Admissible; Standard of Proof. The court shall comply with Rule 211(e).

**(g) PROBATION – SERIOUS YOUTHFUL OFFENDER.**

(1) Proceedings Prior to Age 19. Proceedings to establish a violation of probation shall be conducted in accordance with Rule 212.

(2) Proceedings On or After Age 19. Proceedings to establish a violation of probation shall be conducted in accordance with Tenn. Code Ann. § 40-35-311.

*Advisory Commission Comment [2027]*

Public Chapter 1007, Acts 2024, made significant changes to juvenile law. Effective on January 1, 2025, the Chapter introduced a second statute by which juveniles can be transferred to adult court, Tenn. Code Ann. § 37-1-191, and created a new class of juvenile offenders, Serious Youthful Offenders, § 37-1-131(g).

This rule is intended to address all procedures relating to the two new provisions created by Public Chapter 1007, Acts 2024, namely the second transfer statute in § 37-1-191, and the category of delinquent offenders described in § 37-1-131(g) and known as Serious Youthful Offenders.

The new transfer statute provides for a transfer hearing which is not triggered by the filing by the District Attorney of a notice or petition to transfer, as is the case under the existing transfer statute, Tenn. Code Ann. § 37-1-134; rather, the transfer hearing is automatic upon the filing of certain charges against youth age 16 or older. The charges are first degree murder, second degree murder, or attempted first or second degree murder. In addition, the new transfer hearing no longer requires the court to make a “community interests” finding in these cases, only probable cause and the appropriate mental condition. The Public Chapter creates a right of appeal of the transfer decision.

The Public Chapter also changes the definition of a “child” to include a new class of children, Serious Youthful Offenders, Tenn. Code Ann. § 37-1-102(b)(5)(C). The juvenile court now has jurisdiction over Serious Youthful Offenders until age 23 or 24, depending on the offense, and the statute allows the juvenile court to sentence certain juveniles to adult prison. The statute also, for the first time, creates a right to a jury trial for Serious Youthful Offenders, Tenn. Code Ann. § 37-1-124(d). As the comments to Rule 205 make clear, it is the responsibility of the child’s attorney to fully advise the child of the child’s rights, including the right to a jury trial and the potential consequences of being classified as a Serious Youthful Offender. If a child chooses to waive his or her right to a jury trial, the child can only do so once the court has determined that the child has been fully advised.

