



Juvenile Court of Memphis and Shelby County

Season's Greetings:

I hope this email finds each of you well and in the holiday spirit. I am writing to update you on some of the changes that Juvenile Court has recently implemented that are likely to impact you and the families that you serve.

1. All Delinquency Dockets Are In Person

Effective as of October 17th, all delinquency dockets are in person in Courtroom 2. The reason for the change is to promote settlement discussions on this docket. In order to reduce the number of continuances on youth cases, especially cases relating to youth who were detained, we found it prudent to bring everyone in person to foster the best disposition for our youth in the most timely manner possible.

2. Protective Custody Orders Are In Person

Effective as of November 28th, potential PCO denials are in person. This means that if the magistrate who is hearing the case can approve the PCO based on the sworn petition, such magistrate will sign the order and email it back. However, if the magistrate cannot immediately approve the order based solely on the petition, the petitioner, along with the petitioner's client, will be asked to come in person for an ex parte hearing. During the ex parte hearing, as authorized by § 37-1-117, the court or the petitioner's attorney may voir dire the petitioner and allow the petitioner to give any "sworn testimony containing specific factual allegations that there is probable cause to believe that the conditions specified in § 37-1-114(a)(2) exist and a child is in need of the immediate protection of the court." If the magistrate relied on any information that was not included in the petition to grant the PCO, the petitioner will write in and initial by the additional facts to ensure that the respondent receives notice of all allegations that are being brought against the respondent.

3. New Dependency and Neglect Dockets

Effective as of December 12th, the Court opened three new dockets for dependency and neglect actions, including two first setting dockets and one settlement docket. The purpose of these new dockets is to encourage parties and counsel to engage more effectively and expeditiously move cases toward disposition. Our goal is to provide children and families with positive opportunities and outcomes in a timely manner.

The purpose of the first setting is to complete each of the following steps:

- A. Determine the status of service and jurisdiction;
- B. Identify all parties, including children, and verify contact and statistical information;
- C. Examine the nature of the allegations and complexity of issues;
- D. Determine the status of children at issue and hear oral statements regarding the needs of the children at issue, including placement and parenting time;

- E. Document personal history of the parties and assure legal counsel is available to all parties, including children;
- F. Review court records for prior court contact of any party or child;
- G. Inform and explain the nature of the allegations and purpose of the hearing to the parties;
- H. Explain the procedures of the Court and the importance of cooperation and participation in the proceedings with the Court and its officers, including counsel;
- I. Provide instruction to the parties and counsel regarding what is expected between the first setting and the settlement hearing;
- J. Enter a decree of the court and set a date for the settlement hearing.

A settlement hearing provides an opportunity for parties to come together before a contested trial in a less adversarial setting to discuss potential settlement terms or engage in early efforts to ensure that trial time is reduced and used more efficiently and effectively

The parties will have an opportunity to and be expected to engage informally to resolve their differences. Settlement hearings will allow parties to exchange information and discuss possible settlements or stipulations and allow courts to resolve some disputed matters before trial dates. A settlement hearing is a golden opportunity for clients to engage with the court either directly or indirectly through counsel. It also affords opportunities for attorneys to consult with clients and prepare for trial ahead of time.

At a settlement hearing, parties and counsel will be expected to provide the following in writing:

- A. discovery documents;
- B. witness list with contact information;
- C. exhibit list;
- D. stipulations and agreed-upon facts or allegations;
- E. up-to-date contact information and changes in status;
- F. identification of pending motions; and
- G. novel or unusual legal issues that may arise.

If the case must proceed to trial, the parties will be given a time allotment for a trial and date for trial.

If you have any questions or have any suggestions, don't hesitate to reach out.

Sincerely,

Aftan Strong, Chief Magistrate

