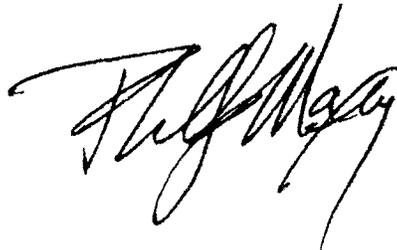


FILING CUSTODY PETITIONS IN JUVENILE COURT

1. If the child/ children are dependent and neglected as defined by TCA 37-1-130 (see attached), a referral must be made to the Dept. of Children's Services at 1-877-237-0004. Please provide the referral number on the petition at the time of the filing.
2. All dependent and neglected filings are for TEMPORARY CUSTODY ONLY.
3. If Dependency and neglect is alleged, the proceeding may be brought in the county of the child's residence or in the county in which the child is present when it is commenced.
4. Fathers seeking custody of a child born out-of-wedlock (where dependency and neglect is NOT alleged) may file in Juvenile Court. The responding party in these types of case has 30 days to file and answer. Please note: in Tennessee, CUSTODY OF A CHILD BORN OUT-OF-WEDLOCK IS WITH THE MOTHER UNLESS A JUDGE IN A PRIOR PROCEEDING HAS RULED OTHERWISE.
5. All pleading filed in Juvenile Court MUST be type-written. If you do not have access to the internet, computer or printer we suggest the Public Library.
6. The filing fee for the custody petition is \$112.00 paid in either cash or card. There is an additional \$42.00 for each party to be served, along with the address of the party.
7. Custody petitions must include the child/ children's full legal name, address, birth date and social security number.
8. If both parents are in agreement they will have to be present during the court proceedings. If they are incarcerated or out of state then they will have to supply a notarized letter when the petition is submitted.

THIS OFFICE CANNOT GIVE YOU LEGAL ADVICE AND STRONGLY RECOMMENDS THAT YOU CONSULT AN ATTORNEY!!!!



Juvenile Court has no forms/ templates and can not guide you on how to properly write a petition. We recommend going on the internet and researching how to correctly type up a petition. Again we highly recommend hiring an attorney!

**BEFORE FILING FOR TEMPORARY CUSTODY DOES
THE CHILD MEET THIS CRITERIA:**

Dependent and neglected child means a child:

- (A) Who is without a parent, guardian or legal custodian;
- (B) Whose parent, guardian or person with whom the child lives, by reason of cruelty, mental incapacity, immorality or depravity is unfit to properly care for such child;
- (C) Who is under unlawful or improper care, supervision, custody or restraint by any person, corporation, agency, association, institution, society or other organization or who is unlawfully kept out of school;
- (D) Whose parent, guardian or custodian neglects or refuses to provide necessary medical, surgical, institutional or hospital care for such child;
- (E) Who, because of lack of proper supervision, is found in any place the existence of which is in violation of law;
- (F) Who is in such condition of want or suffering or is under such improper guardianship or control as to injure or endanger the morals or health of such child or others;
- (G) Who is suffering from abuse or neglect;
- (H) Who has been in the care and control of one (1) or more agency or person not related to such child by blood or marriage for a continuous period of six (6) months or longer in the absence of a power of attorney or court order, and such person or agency has not initiated judicial proceedings seeking either legal custody or adoption of the child; or
- (I) Who is or has been allowed, encouraged or permitted to engage in prostitution or obscene or pornographic photographing, filming, posing, or similar activity and whose parent, guardian or other custodian neglects or refuses to protect such child from further such activity;
- (J) (i) Who has willfully been left in the sole financial care and sole physical care of a related caregiver for not less than eighteen (18) consecutive months by the child's parent, parents or legal custodian to the related caregiver, and the child will suffer substantial harm if removed from the continuous care of such relative;
 - (ii) For the purposes of this subdivision (b)(12)(J), a related caregiver shall include the child's biological, step or legal grandparent, great grandparent, sibling, aunt, uncle or any other person who is legally or biologically related to the child;
 - (iii) For the purposes of this subdivision (b)(12)(J), a child willfully left with a related caregiver as defined in subdivision (b)(12)(J)(ii) because of the parent's military service shall not be subject to action pursuant to § 37-1-183;

**IF THE CHILD MEETS THESE CRITERIA A CHILD PROTECTIVE
SERVICES REFERRAL NEEDS TO BE MADE AS WELL:**

(1-877-237-0004)

STATE OF TENNESSEE
CHEATHAM COUNTY JUVENILE COURT

IN THE MATTER OF: _____
DOCKET# _____

PLANTIFF

VS

DEFENDANT

TO THE ABOVE NAMED DEFENDANT:

YOU ARE SUMMONED TO APPEAR AND DEFEND A CIVIL ACTION FILED AGAINST YOU IN THE JUVENILE COURT OF CHEATHAM COUNTY, TENNESSEE AND YOUR DEFENSE MUST BE MADE THIRTY (30) DAYS FROM THE DATE THIS SUMMONS IS SERVED UPON YOU. YOU ARE FURTHER DIRECTED TO FILE YOUR DEFENSE WITH THE CLERK OF THE COURT AND SEND A COPY TO THE PLANTIFF'S ATTORNEY AT THE ADDRESS LISTED BELOW. ALSO, YOU ARE SUMMONED TO APPEAR IN THE JUVENILE COURT OF CHEATHAM COUNTY ON THE | | DAY OF | | , 20 | | AT | | A.M./P.M.

IN CASE OF YOUR FAILURE TO DEFEND THIS ACTION BY THE ABOVE DATE, JUDGEMENT BY DEFAULT CAN BE RENDERED AGAINST YOU FOR RELIEF DEMANDED IN THIS COMPLAINT.

ISSUED: _____, 20 _____.

JULIE HIBBS, CLERK
CHEATHAM COUNTY JUVENILE COURT
100 PUBLIC SQUARE, ROOM 231
ASHLAND CITY, TENNESSEE 37015

TESTE: _____, 20 _____

DEPUTY CLERK

ATTORNEY FOR THE PLATIFF: _____ PHONE: _____

RECEIVED THIS _____ DAY OF _____, 20 _____.

OFFICER'S SIGNATURE

RETURN OF SERVICE OF SUMMONS

I HEREBY CERTIFY THAT ON THE _____ DAY OF _____, 20 _____, I SERVED THIS SUMMONS TOGETHER WITH A COPY OF THE COMPLAINT HEREIN AS FOLLOWS:

PERSON SERVED: _____

OFFICER'S SIGNATURE

STATE OF TENNESSEE
CHEATHAM COUNTY JUVENILE COURT

IN THE MATTER OF: _____
DOCKET# _____

PLANTIFF

VS

DEFENDANT

TO THE ABOVE NAMED DEFENDANT:

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JULIE HIBBS, CLERK
CHEATHAM COUNTY JUVENILE COURT
100 PUBLIC SQUARE, ROOM 231
ASHLAND CITY, TENNESSEE 37015

TESTE: _____, 20____

DEPUTY CLERK

ATTORNEY FOR THE PLATIFF: _____ PHONE: _____

RECEIVED THIS _____ DAY OF _____, 20____

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