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Private Acts of 1982 Chapter 314

Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Private Acts of 1982 Chapter 314

SECTION 1. There is hereby created and established in and for the County of Marion, Tennessee, a Court with the title and style of Juvenile Court of Marion County, Tennessee. Such Court shall be a Court of Record, presided over by a Judge who shall have the qualifications and salary as hereinafter provided.

SECTION 2. When used in this act, unless the context otherwise requires:

- (a) "The Court" shall mean the Juvenile Court of Marion County.
- (b) "The Judge" shall mean the Judge of the Juvenile Court of said County.
- (c) "The Clerk" shall mean the Clerk of the County Court of said County, or Deputy Clerk.

SECTION 3. The Judge and the Clerk shall have all of the powers, duties, and authority of a Juvenile Court Judge and Clerk as stated in Tennessee Code Annotated, Title 37, and any other general laws of the State of Tennessee now in force and effect, or hereinafter to become of force and effect.

SECTION 4. At the next regular election of County officers to be held in August, 1982, a person duly qualified shall be elected for a term of eight (8) years as will all other Judges of the State.

SECTION 5. Effective September 1, 1990, the salary of the Judge of the Juvenile Court shall be at all times sixty percent (60%) of the salary authorized for the General Sessions Judge of Marion County. As amended by: Private Acts of 1990, Chapter 157

SECTION 6. The Judge is authorized and empowered to make and promulgate rules and regulations for the administration of the Court, and to fix the times and places at which all persons in the jurisdiction of the Court shall have their causes set for trial.

SECTION 7. In the event the office of the Judge shall become vacant by reason of death, resignation, retirement, or other causes before the expiration of the term of office, the vacancy shall be filled as provided by law.

SECTION 8. The Judge shall appoint, pursuant to the laws and regulations of Marion County, such personnel as may be necessary to carry on efficiently the business of said Court within the limit of the total appropriation therefore for each fiscal year.

SECTION 9. The Sheriff of Marion County shall furnish the necessary deputies and special deputies to attend and dispense with the business of the Court.

SECTION 10. The County legislative body shall provide adequate facilities to meet the needs of the Court in performance of its function as contemplated in Tennessee Code Annotated, Title 37.

SECTION 11. All unfinished and pending matters in the Court or Courts exercising Juvenile Court Jurisdiction prior to the date the act takes effect shall be transferred to the Court hereby created at the close of business on the day preceding the day this act becomes effective, and all official books, records, and all other documents whatsoever pertaining thereto shall be delivered forthwith to the Court hereby created.

SECTION 12. The Judge of the Juvenile Court of Marion County created by this act shall in addition to the other powers conferred on such Court have the same authority and concurrent jurisdiction of the Judges of Circuit and Chancery Courts of Marion County to issue Injunctions, Restraining Orders, and Fiats for extraordinary process directed to the Clerk of the Circuit and Chancery Courts of Marion County.

SECTION 13. The Juvenile Court and Youth Service Officer for the Juvenile Court of Marion County, Tennessee created by this act shall have power to serve all process issued by the Juvenile Court and to make arrest in all matters in which the Juvenile Court has jurisdiction.

SECTION 14. If the Judge of the Court herein created shall fail to attend or cannot preside in any pending case or for any other reason shall not be able to hold Court, he may designate in writing some person otherwise to hold such Court in his place and stead, or in default thereof a majority of Attorneys there present may elect one (1) of their number who has the qualifications of such Judge; and when such person shall have been appointed or elected he shall take the same oath and have the same authority as the regular Judge of such Court to hold Court and perform all of the duties thereof for such occasion.

SECTION 15. The Juvenile Court of Marion County, Tennessee shall at all times be treated and considered as a Court of Record. As such Court shall be in continuous Session without the intervention of any term or terms being provided herein that such Court shall be held by the Judge thereof at such time and such period that shall be required to provide for the orderly dispatch and disposition of all business properly coming before it.

SECTION 16. The County Commission of Marion County, Tennessee, shall annually appropriate from the

general fund of Marion County such funds that are necessary and appropriate for the orderly operation and administration of the Court herein created.

SECTION 17. The Judge of the Court herein created shall have all jurisdiction to punish for contempt and to issue extraordinary writs and processes as now or shall hereafter be exercised by any Judge or Chancellor or any Circuit or Chancery Court of the State of Tennessee.

SECTION 18. Appeals from the Court herein created, or any contests of any will being probated therein, or the demand for a jury trial upon any issue therein provided shall be to the Circuit Court of Marion County, Tennessee or such other Court as may by the general laws of the State be from time to time provided, or to such appellate Court of the State of Tennessee as may be from time to time provided by law, all according to the General Laws of the State of Tennessee.

SECTION 19. The Compensation of the Juvenile Judge of the Court herein created shall be payable in equal monthly installments out of the general fund of Marion County, Tennessee, and the County Commission of Marion County, Tennessee shall annually appropriate from the general fund of Marion County such funds as are necessary and appropriate for the orderly operation and administration of the Court herein created.

SECTION 20. Notwithstanding any provision of Tennessee Code Annotated, Title 2, Chapter 5, Part 1 or any other provisions of the law to the contrary, for the 1982 election only, if this act is approved pursuant to Section 22 after the final date for filing nominating petitions for the 1982 regular August election, the County Election Commission of Marion County shall establish a time for filing such nominating petitions for the office of Judge of the Juvenile Court of Marion County.

SECTION 21. Every provision of this act is declared to be severable and should any portion of the same be held unconstitutional or invalid for any reason the same shall not affect the remainder of this act, it being the intent herein that such unconstitutionally declared portions shall be elided, and that the General Assembly declare that it would have thus enacted this act with such unconstitutional or invalid portions elided therefrom.

SECTION 22. This act shall not take effect unless it shall have been approved by a twothirds (2/3) vote of the County Commission of Marion County, Tennessee and such approval being certified and proclaimed by the presiding officer thereof.

SECTION 23. This act shall take effect, provided it shall have been approved as hereinbefore provided, the public welfare requiring it:

- (a) September 1, 1982, provided that for the purpose of filling the office of Judge herein created by election of the people it shall be effective for purposes of candidates qualifying for election thereto as of the first day for qualifying as provided by the General Election Laws of the State of Tennessee.

Passed: April 8, 1982

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