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Probate and Juvenile Court

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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Probate and Juvenile Court

Private Acts of 1982 Chapter 313

SECTION 1. There is hereby created a Probate and Juvenile Court in and for Lauderdale County, Tennessee to be known as the "Probate and Juvenile Court of Lauderdale County, Tennessee".

SECTION 2. Such court shall have jurisdiction over all matters over which jurisdiction is now or shall hereafter be vested in probate or juvenile courts by the general laws of the State of Tennessee, including, but not limited to the jurisdiction as now vested in the County Court of Lauderdale County, Tennessee, by the general laws of the state and those judicial powers vested in the County Judge of Lauderdale County, Tennessee, by public or private acts, and by Tennessee Code Annotated, Sections 16-16-107 through 16-16-119, inclusive; Tennessee Code Annotated, Title 30, Chapters 1 through 20, inclusive; Tennessee Code Annotated, Title 31, Chapters 1 through 8, inclusive; Tennessee Code Annotated, Title 32, Chapters 1 through 5, inclusive; Tennessee Code Annotated, Title 34, Chapters 1 through 11, inclusive; Tennessee Code Annotated, Title 35, Chapters 1 through 11, inclusive; Tennessee Code Annotated, Title 37, Chapters 1 through 17, inclusive; all to the extent that under such laws the jurisdiction thereunder was vested heretofore in any juvenile court or any county court or any court exercising the jurisdiction thereof formerly known as a Quorum County Court or Monthly County Court.

SECTION 3. The Office of County Judge of Lauderdale County, Tennessee as heretofore created by public or private acts is hereby divested of any and all judicial powers as therein created and to the extent thereof such former act is repealed.

SECTION 4. The County Clerk of Lauderdale County, Tennessee shall act as the Clerk of the Probate Court of Lauderdale County, Tennessee as herein established and when acting as clerk of such court, shall be designated as the "Clerk of the Probate and Juvenile Court of Lauderdale County, Tennessee" and such minute books and other necessary records for such court as shall be necessary and required shall so reflect. The clerk shall charge all fees and be entitled to receive such fees and charges as shall be fixed by the general laws of the State of Tennessee from time to time for any county, probate or juvenile court in the State of Tennessee, and which such fees when collected shall be accounted for and disbursed as all fees and charges are similarly done by such courts. The County Clerk shall be empowered to designate one or more persons employed by him as deputies from time to time to be a deputy clerk for the court herein created.

SECTION 5. 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 6. Appeals from the court herein created, or any contest of any will being probated therein, or the demand for a jury trial upon any issue therein provided shall be the Circuit Court of Lauderdale 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 7. 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 qualified to hold such court in his place and stead or in default thereof a majority of the attorneys then present may elect one of their number who has the qualifications of such judge, and when such person shall have been so 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 8. In case of a vacancy for any cause in the office of the judge of the court herein created, the same shall be filled by an election and appointment of the County Commission of Lauderdale County, Tennessee of some person otherwise qualified to fill such vacancy and which such person when so elected and appointed by the County Commission shall serve until the first day of September following the next biennial August election occurring more than thirty (30) days after such vacancy occurs and until such person's successor is duly elected and qualified.

SECTION 9. The court herein created shall at all times be treated and considered as a court of record. That such court shall be in continuous session without the intervention of any term or terms, it being provided herein that such court shall be held by the judge thereof at such time and during such periods as shall be required to provide for the orderly dispatch and disposition of all business properly coming before it.

SECTION 10. There shall be one judge for the court herein created who shall be a duly licensed lawyer within the State of Tennessee, and who shall be at least thirty (30) years of age at the time of his election or appointment and who shall otherwise have all of the qualifications and shall have the same term as provided by the Constitution of the State of Tennessee for inferior court judges and who shall take the same oath that shall be required for other judges of the State of Tennessee.

SECTION 11. The compensation of the judge of the court herein created shall be set, prior to the beginning of each term, by the County Commission, and such compensation shall be subject to annual cost of living increases equal to the percentage increase established annually by the General Assembly for other county officials. Such salary or compensation shall be payable in equal monthly installments out of the General Fund of Lauderdale County, Tennessee. The salary or compensation of such judge shall not be otherwise increased or decreased during the term of office.

SECTION 12. The County Commission of Lauderdale County, Tennessee shall annually appropriate from the General Fund of Lauderdale county such funds as are necessary and appropriate for the orderly operation and administration of the court herein created.

SECTION 13. This act shall not be construed to prohibit the judge of the court herein created from the private practice of law except that he shall be prohibited from practicing law in any matter over which the court herein created may exercise jurisdiction.

SECTION 14. The judge of the court herein created shall from time to time be authorized and empowered to adopt rules of practice and procedure for the court not otherwise inconsistent with the substantive and procedural laws of the State of Tennessee relative to matters within the jurisdiction of such judge, or that shall not otherwise be inconsistent with such rules as may be from time to time promulgated by any superior court having supervisory jurisdiction over the court herein created.

SECTION 15. 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 16. 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 17 after the final date for filing nominating petitions for the 1982 regular August election, the county election commission of Lauderdale County shall establish a time for filing such nominating petitions for the office of judge of the court of general sessions [sic].

SECTION 17. This act shall have no effect unless it shall have been approved by a twothirds (2/3) vote of the County Commission of Lauderdale County, Tennessee and such approval being certified and proclaimed by the presiding officer thereof to the Secretary of State.

SECTION 18. For the purpose of approving or rejecting the provisions of this act as provided in Section 16 [sic], it shall take effect upon becoming a law, the public welfare requiring it. For all other purposes it shall take effect upon the earliest occurrence of the following:

- (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; or
- (b) Upon the death or resignation of the incumbent or vacancy otherwise occurring in the office of County Judge of Lauderdale County, Tennessee as now exists pursuant to Chapter 162 of the Acts of the General Assembly of the State of Tennessee of 1887.

COMPILER'S NOTE: Acts of 1887, Chapter 162, referenced in Section 18(b) above, created the office of County Judge for Humphreys County, and not Lauderdale County.

Passed: April 8, 1982.

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