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Private Acts of 1913 Chapter 277

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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 1913 Chapter 277

COMPILER'S NOTE: The Knox County Charter at Section 5.07 continued the effectiveness of this act.

SECTION 1. That the words and phrases used in this Act and in the proceedings pursuant thereto shall, unless the same be inconsistent with the context, be construed as follows:

1. "Court" shall mean "the Juvenile Court of Knox County or the Judge thereof."
2. "Judge" shall mean "the Judge presiding over the Juvenile Court of Knox County."
3. "County" shall mean "Knox County, in the State of Tennessee."
4. "Child" or "children" shall mean "a dependent or delinquent child as herein defined," in Knox County.
5. "Officer" shall mean "the regular probation officer or an assistant probation officer."
6. "Order" shall mean "any adjudication or direction of said court," whether interlocutory or final.
7. "Peace officer" shall mean "the Sheriff of Knox County or any of his deputies, any constable of said county, and any policeman of any municipal corporation in said county."
8. "Magistrate" shall mean "any Justice of the Peace of Knox County and any Recorder of any municipal corporation in said county."
9. "Corporation" shall mean "any municipal corporation in said county."
10. The masculine gender may also include the feminine gender, and the singular number may also include the plural number.

SECTION 2. That there is hereby created for Knox County a court to be known and designated as the "Juvenile Court of Knox County," to be presided over by the Recorder of the city of Knoxville, a Judge who shall be a legal voter of Knox County and who shall receive an annual salary of \$1200 payable in monthly instalments by Knox County in the manner now provided for the payment of County officials. Immediately after the passage of this Act, the Governor of the State shall appoint a Judge for said court who shall hold said office until the next regular election for civil officers in this State, at which election his successor shall be elected by the qualified voters of Knox County, and shall hold the office to which he shall then be elected until the next regular election for Judges to be held the first Thursday in August, 1918. Thereafter there shall be elected a Judge of said court by the qualified voters of Knox County as other Judges are elected in said county, who shall hold his office for the constitution period of time.

As amended by: Private Acts of 1915, Chapter 292

COMPILER'S NOTE: Private Acts of 1947, Chapter 763, amended Private Acts of 1925, Chapter 634, (which created the juvenile court in Knox County) by setting the salary of the judge of the juvenile and domestic relations court for Knox County to \$7,500 per annum. This act was amended by Private Acts of 1959, Chapter 39, which increased the salary of the judge of the juvenile and domestic relations court to \$10,000 per annum. None of the Private Acts specifically stated if the amendments were amending Section 2. Therefore, Section 2 was not specifically amended.

SECTION 3. That said court shall be a court of record, with a Clerk, who shall keep a minute record of its proceedings. The Clerk shall be the chief male probation officer hereafter provided for; he shall receive additional compensation as a Clerk. The Judge shall possess the usual constitutional and legal powers of Judges of courts of record in the exercise of the jurisdiction conferred upon the court, and the court shall have and exercise original and exclusive jurisdiction of all matters coming within the terms and provisions of this Act. This Act is to be construed liberally and as remedial in character, the powers herein conferred being intended to be general to affect the beneficial purposes herein set forth.

SECTION 4. That the Judge shall appoint one suitable man as chief probation officer and one suitable woman to act as probation officer of said court. Said officers shall hold office at the pleasure of the Judge and work under his direction. They shall have the powers of peace officers, except that they shall not serve process in civil cases. It shall be the duty of officers to serve the citations and other process of the court, take into custody and detain children and present them to said court for disposition, and otherwise aid the court in carrying out his orders. It shall be the duty of the officers to investigate all cases brought before the court, and also all cases reported to them or coming to their knowledge, and make written reports on same on such blanks as shall be provided for that purpose. They shall also visit the homes or places of residence of children and endeavor, as far as in their power, to remedy or remove the causes of dependency or delinquency, and shall do and perform such duties as will effectually aid in carrying out this Act. For their services each probation officer shall receive a salary of one hundred dollars (\$100.00) per month, all of which salaries shall be paid by the County of Knox in the manner now provided for the payment of County officials.

As amended by: Private Acts of 1915, Chapter 292

Private Acts of 1919, Chapter 40
Private Acts of 1941, Chapter 412

COMPILER'S NOTE: Private Acts of 1915, Chapter 292 erroneously states that Section 2 should be amended. However, the text in the Act refers directly to Section 4. Private Acts of 1919, Chapter 40 and Private Acts of 1941, Chapter 412 refer to the amendment in Private Acts of 1915, Chapter 292.

Furthermore, Private Acts of 1927, Chapter 231, provided that the compensation of the probation officers of the Knox County Juvenile Court be not less than \$100 per month and not more than \$150 per month. Private Acts of 1943, Chapter 201, set the compensation of the clerks, chief probation officer, officers and court assistants of the juvenile court of Knox County to be not less than \$100 per month and not to exceed \$225 per month. The salaries were fixed by the judge of the Knox County Juvenile Court. However, neither these acts specified where the text should be placed.

SECTION 5. That in addition to the regular officers herein provided for, the Judge shall have the right to appoint as many assistant probation officers, male or female, as he may deem desirable, but such assistant probation officer shall serve without compensation. They shall have the same powers and perform the same duties as the regular officers. Whenever any person desires to be appointed probation officer, such person shall file a written application addressed to the Judge, and setting forth therein the experience such person may have had that would fit him or her for said office, together with references.

SECTION ____. The Clerk of the Circuit Court of Knox County shall also serve as the Clerk of the Juvenile Court of Knox County.

The Clerk of the Circuit Court of Knox County shall receive no additional compensation for his or her services as Clerk of the Juvenile Court of Knox County. The Clerk of the Juvenile Court of Knox County shall have all of the rights, duties, and responsibilities of other Clerks of Court, including Circuit and Juvenile Court Clerks. The office of Juvenile Court Clerk and Circuit Court Clerk of Knox County shall be held by the same person who shall be elected every four (4) years, beginning with the general election of August, 1990.

As amended by:

Private Acts of 1989, Chapter 27
Private Acts of 2000, Chapter 126

COMPILER'S NOTE: Chapter 27 of the Private Acts of 1989 added an additional section, which Chapter 126 of Private Acts of 2000 referred to as Section 6. However, the section was never designated as Section 6 and the other sections were not renumbered. Therefore, it has been left as Section ____.

Furthermore, Private Acts of 2000, Chapter 126, erroneously states that the act amends Private Acts of 1933, Chapter 277, but should read that it amends Private Acts of 1913, Chapter 277.

SECTION 6. That a "dependent" or "delinquent" child within the meaning of this Act, shall mean any child, male or female, under sixteen years of age -

1. Who is found begging or receiving alms, whether actually begging or affecting to sell or offer for sale anything; or
2. Who is found in any road or public place so begging or receiving alms; or
3. Who is a vagrant; or
4. Who is found wandering and without home or settled place of abode, or proper guardianship, or visible means of subsistence; or
5. Who is without parent or guardian, or without parent or guardian willing and able to exercise proper parental control; or
6. Who is destitute; or
7. Whose home, through fault or misfortune of parent or guardian or custodian, is unfit for the child; or
8. Who frequents the company of reputed criminals, vagrants, or prostitutes; or
9. Who is found living or being in any house of prostitution or assignation; or
10. Who habitually visits any saloon, pool room, or place where liquors are disposed of; or
11. Who persistently refuses to obey the reasonable and proper orders or directions of his parents or guardians; or
12. Who is incorrigible, that is, beyond the control and power of parents, guardian, or custodian owing to his vicious conduct or nature; or
13. Whose father is dead or has abandoned his family, or is an habitual drunkard, or does not provide for him, and the child is destitute of a suitable home or of adequate means of obtaining an honest living, or who is in danger of being brought up to lead an idle or immoral life, or where both

parents are dead, or the mother (the father being dead) cannot properly support and care for the child; or

14. Who is an habitual truant within any Act to enforce the educational rights of children and providing penalties for the violation thereof at present in force or which may become in force, or who is not placed in a parental school thereunder, or who, being under sixteen, refuses to go to school as directed by parents, duly authorized guardian, or legal custodian; or
15. Who habitually drinks intoxicating liquors, or smokes cigarettes, or who habitually uses opium, cocaine, morphine, or other harmful drug; or
16. Who violates any law or statute of this State not punishable by life imprisonment or death, and who violates any ordinance of any corporation.

SECTION 7. That any reputable person having or being within said county, is within the provisions of this Act dependent or delinquent, may file with the court a verified petition which may be upon information and belief (stating the facts briefly and succinctly), which shall bring the child under the provisions of this Act. The title of the proceeding shall be: "In the matter of (inserting the name of the child), a child under sixteen years of age."

It shall set forth the name and residence of the child and of the parents, if known to the petitioners, and the name and residence of the person having the guardianship, custody, control, or supervision of such child, if known; or petitioners shall state that they are unknown, if that be the fact. If it appears from said verified petition that the child is embraced within the operation of this Act and the welfare of the child requires that its custody be immediately assumed, the court shall endorse upon the citation a direction that the officer serving the citation shall at once take the child within his or her custody. In the meantime the child shall be admitted to bail or released from the custody of the officer without bail, but when not so released, the child shall be detained pending the hearing of the case in the place provided for that purpose. The court may, of his own motion, direct any probation or peace officer to bring any child before him, whenever such child may be dealt with, upon a formal citation as herein provided.

SECTION 8. That upon the filing of the petition, verified as provided herein, and upon the Judge indorsing thereon an order for citation, the citation shall also be duly served on the parents, if any, otherwise upon the person having guardianship, or custody, or control, or supervision of the child named therein. The return of the officer shall be made on the citation substantially as the law requires returns in civil cases, and a failure to obey the citation willfully by the person upon whom it is served, shall be a contempt of court and shall subject the offender to such punishment as the law now permits for contempt.

The Judge shall have the powers of Circuit Judges to grant writs of habeas corpus in any case when said writs may not be granted by existing laws. The presiding Judge may at any stage of the proceedings appoint any practicing attorney in the county guardian ad litem for said infant, and when the said appointment is made it shall be the duty of such attorney to appear for such infant and without compensation.

SECTION 9. That upon the return of the citation, or when a child may be otherwise brought before the court, and at the time fixed for hearing the matter, the court shall proceed to hear and determine the case. The court may conduct the examination of witnesses without the aid of counsel and take testimony, and may inquire into the habits, conditions, surroundings, and tendencies of the child so as to enable the court to make such order as shall seem best adapted to carry out the intent and purpose of this Act; that the care, custody, punishment, and discipline of children shall approximate, as nearly as possible, that which should be given by good parents, and that, in so far as practicable, they shall be treated not as criminals, but as misdirected, misguided, neglected, and needing aid and encouragement. Said court may, in proper cases, bind children charged with crimes and misdemeanors to the Criminal Court of said county, or he may fine them and collect the fines as magistrate might do for the same offense, or he may commit them to the workhouse of Knox County as magistrates may do under the provisions of the law relating to small offenses. Said court shall have the power to commit children to the custody of a probation officer, confine them in a house of detention, commit them to a State, county, or private industrial school or reformatory or similar institution, or place them in a private family, apprentice or bind them out, as now provided by law, leave them in their own homes subject to the orders and discretion of the court and require them to report to the court or to any probation officer at such time and places as said court may designate; any expense necessary to the committing of any child as herein provided shall be paid by Knox County when certified to by the Judge and Clerk of the Juvenile Court in the same manner as other court costs are now paid by the county. When once jurisdiction has been obtained of a child by the court, it shall continue for the purpose of this Act during the minority of the child. The court shall have power to modify or revoke any order made by him respecting such child, omit fines, release, parole, recommit, or bind to the Criminal Court at his discretion. No adjudication shall operate as a disqualification of the child for any office under any State or municipal service, and the child shall not be

denominated a "criminal" by reason of any such adjudication, nor shall such adjudication be denominated a "conviction." No testimony given in any matter by a child shall be heard against that child in any other suit or proceeding of any kind whatsoever.

SECTION ____. In any case in which the court shall find a child neglected, dependent or delinquent, it may in the same or subsequent proceeding, upon the parents of such child or either of them being duly summoned or voluntarily appearing, proceed to inquire into the ability of such parent or parents to support the child or contribute to its support, and if the court shall find such parent or parents able to support the child or contribute thereto, the court may enter such order or decree as shall be according to equity in the premises, and may enforce the same by execution or in any way in which a court of equity may enforce its orders and decrees, and no property of such parents, or either of them, shall be exempt from levy and sale under execution or other process issued from said court.

As amended by: Private Acts of 1923, Chapter 628

COMPILER'S NOTE: Private Acts of 1923, Chapter 628 adds a section between Sections 9 and 10. However, the act does not designate a section number. Therefore, it has been left blank.

SECTION 10. That whatever a child is charged with a violation of any law or statute, he or she shall have the right to waive an examination by the court, in which event the court shall commit the child to the county jail, or take bond with the security for the appearance of the child before the the [sic.] Criminal Court of the county; and where a child is charged with an infraction of an ordinance, he or she may appeal to the Circuit Court of the county as now provided by law. In all other cases of dependency and delinquency as herein defined, an appeal may be taken from any final order of the court of the Circuit Court, the appeal to be taken within thirty days after the entry of the order, and the appeal may be taken by the child, or the parents of the child, or by the guardian, or person having custody of the child upon giving an appeal bond in the penalty of two hundred and fifty dollars (\$250), conditioned to pay the costs of the cause and to abide by and perform the judgment of the Circuit Court in the premises, or by the guardian ad litem of the child without an appeal bond upon the guardian ad litem making oath that the persons interested in the child are unable to give an appeal bond by reason of their poverty. All appealed cases shall be heard by the Circuit Judge immediately after their appeal either in term time or in vacation and without the intervention of a jury.

As amended by: Private Acts of 1923, Chapter 628

SECTION 11. That nothing in this Act contained shall be so construed as to prevent Justices of the Peace and Recorders of corporations from issuing warrants for the arrest of any child charged with an offense against the laws or ordinances, nor to prevent any peace officer from making arrests in any case where they are now authorized to make arrests and execute process; but whenever a child shall be brought before a Justice of the Peace or Recorder or is arrested by any peace officer, such child shall be sent immediately, in the custody of an officer, to the court, and when so delivered to the court, the jurisdiction of such Justice of the Peace, Recorder, or peace officer shall cease, and said court shall deal with the child as herein authorized; and nothing herein contained shall be construed as forbidding the grand juries of said county to find presentments and indictments against any person charged with crime as now authorized by law to do, but the Criminal Court of said county is hereby authorized to place under the control of said Juvenile Court and its officers any child arraigned for trial or tried in said court, or he may make any other order respecting the child that said court is now authorized by law to make and enter in the premises.

SECTION 12. That the court shall not be held at places where other courts are held in the county, nor shall children be confined in the jail of the county and the lock-ups of corporation if their confinement in said places can be avoided; but the jurisdiction herein conferred on the court shall be so administered as to dissociate children from the criminals as far as practicable. It shall be the duty of the County Court to defray all expenses properly incident to the conducting of the said Court, including bills for stationery, Court files, records, traveling expenses of probation officers and their prisoners under orders of the judge, and of the judge incurred under said Act and any and all other legitimate expenses of said Court. The Judge of said Court shall certify to the Judge of the County Court of said County a quarterly statement of all such bills and expenses and it shall be the duty of the County Court to pay these bills at each quarterly session.

As amended by: Private Acts of 1915, Chapter 292
Private Acts of 1919, Chapter 40
Private Acts of 1941, Chapter 412

SECTION 13. That the Judge may arrange with any incorporated association or voluntary society maintaining a suitable place of detention for children in said county for the use thereof as a shelter or temporary detention home or for the care of children, and he may enter an order which shall be effectual for that purpose.

SECTION 14. That it shall be the duty of the Judge at least once a year to visit each institution in which

there shall be, at the time, a child under commitment pursuant to this Act, and the managers and officers of said institution shall accord to the Judge full opportunity to inspect the said institution in all its departments to the end that the Judge may be advised as to the propriety of continuing the use of said institution as a custodian agency, and the Judge may examine witnesses under oath or appoint a referee for the purpose of obtaining any information as to the efficiency and character of such institution.

SECTION 15. That all Acts and parts of Acts in conflict with this Act be, and the same hereby are, repealed.

SECTION 16. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 11, 1913.

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