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Private Acts of 1989 Chapter 82

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,

The University of Tennessee
County Technical Assistance Service
226 Anne Dallas Dudley Boulevard, Suite 400
Nashville, Tennessee 37219
615.532.3555 phone
615.532.3699 fax
www.ctas.tennessee.edu

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Private Acts of 1989 Chapter 82

SECTION 1. Effective September 1, 1990, the General Sessions Court of Henry County is vested with all jurisdiction previously vested in the Juvenile and Probate Court of Henry County. Such jurisdictions shall each extend to all pending and prior cases in Juvenile and Probate Court. The juvenile and probate jurisdictions of the General Sessions Court shall each be the same jurisdiction as is exercised generally by courts in Tennessee having juvenile jurisdiction and such juvenile and probate jurisdictions shall each exist as modified, enlarged and reduced from time to time by general law. The rules of pleading and practice in the court shall be those rules of pleading and practice followed in courts exercising juvenile and probate jurisdiction, respectively, in Tennessee under general law and this court may establish local rules of practice not in conflict with general law or the provisions of this act. Effective September 1, 2010, all clerking responsibilities for probate jurisdiction formerly exercised by the County Clerk shall be transferred to the Clerk and Master and all clerking responsibilities for juvenile jurisdiction formerly exercised by the County Clerk shall be transferred to the Circuit Court Clerk, together with all of the respective records pertaining to such matters, and the County Clerk shall be relieved of any further clerking duties for such matters. Effective September 1, 2010, probate jurisdiction is transferred to Chancery Court, pursuant to Tennessee Code Annotated, § 16-16-291.

As amended by: Private Acts of 2010, Chapter 77

SECTION 2. The General Sessions Court of Henry County shall continue to exercise the jurisdiction conferred upon courts of general sessions by general law, as such jurisdiction may from time to time be modified, enlarged or reduced by general law. The Circuit Court Clerk of Henry County shall continue to exercise the responsibilities and duties of the Clerk of the General Sessions Court. The rules of pleading and practice shall continue to be those rules of pleading and practice followed in court of general sessions under general law and this court may establish local rules of practice not in conflict with general law or the provisions of this act.

SECTION 3. The General Sessions Court of Henry County shall have concurrent workers' compensation jurisdiction with the Chancery and Circuit Courts. All workers' compensation cases wherein the jurisdiction of the General Sessions Court is sought shall be filed with the Circuit Court Clerk. Workers' compensation cases in General Sessions Court shall be conducted according to the rules of practice and procedure provided in general law and subject to any local rules of practice in Circuit Court concerning workers' compensation cases. Assignment of workers' compensation cases for hearing shall be by agreement between the General Sessions Judge and the Circuit Judge pursuant to Tennessee Code Annotated, Section 16-15-5009(a). Nothing in this act shall be deemed to restrict the concurrent jurisdiction of the Circuit and Chancery Courts in workers' compensation cases under general law.

SECTION 4. The General Sessions Court of Henry County shall have concurrent domestic relations jurisdiction with the Chancery and Circuit Courts. All domestic relations cases wherein the jurisdiction of the General Sessions Court is sought shall be filed with the Clerk and Master of the Chancery Court. Domestic relations cases in General Sessions Court shall be conducted according to the rules of practice and procedure provided in general law and subject to any local rules of practice in Chancery Court concerning domestic relations cases. Assignment of domestic relations cases for hearing shall be by agreement between the General Sessions Judge and the Chancellor pursuant to Tennessee Code Annotated, Section 6-15-5009(a). Nothing in this act shall be deemed to restrict the concurrent jurisdiction of the Circuit and Chancery Courts in domestic relations cases under general law.

SECTION 5. The General Sessions Court Judge shall take office September 1, 1990, and shall be elected at the general election in August, 1990. The General Sessions Judge shall hold office for such term and subject to such conditions as apply to General Sessions Judges under general law. Additionally, subject to the provisions of Tennessee Code Annotated, Section 16-15-5005(a), the General Sessions Judge shall be a licensed attorney in good standing and a full-time judge, who shall not engage in the private practice of law.

SECTION 6. The compensation for the General Sessions Court Judge shall be seventy thousand dollars (\$70,000) per year, payable monthly, which compensation shall be subject to periodic adjustment according to the provisions of Tennessee Code Annotated, Section 16-15-5003(f). It is the expressed intention of this act to establish the compensation of the General Sessions Judge as if Henry County were a county of the third class, as defined in Tennessee Code Annotated, Section 16-15-5001, despite the fact that Henry County may not meet the definition of a county of the third class on the basis of population.

SECTION 7. Chapter 116 of the Private Acts of 1981, Chapter 329 and 330 of the Private Acts of 1982, and Chapter 132 of the Private Acts of 1983, all establishing and modifying the Juvenile and Probate Court of Henry County, are repealed effective September 1, 1990. On September 1, 1990, all cases pending in

the Juvenile and Probate Court are transferred to the jurisdiction of the General Sessions Court.

SECTION 8. The General Assembly expressly declares that each section, paragraph and provision of this act is severable, and that should any portion of this act be held unconstitutional or invalid, the same shall not effect the remainder of this act, but such unconstitutional or invalid portion shall be elided, and the General Assembly declares that it would have enacted this act with such unconstitutional or invalid portion elided therefrom.

SECTION 9. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Henry County before September 1, 1989. Its approval or non-approval shall be proclaimed by the presiding officer of the Henry County legislative body and certified by such officer to the Secretary of State.

SECTION 10. For the purpose of approving or rejecting the provisions of this act, it shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 9.

Passed: May 4, 1989.

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