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Probate and Family 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 Family Court

Private Acts of 1982 Chapter 223

SECTION 1. There is created the Probate and Family Court of Cumberland County.

SECTION 2. The judge of the General Sessions Court of Cumberland County, upon being elected and qualified as judge of such court shall also be judge of the Probate and Family Court of Cumberland County.

SECTION 3. The Probate and Family Court of Cumberland County shall at all times be treated and considered as a court of record, and such court shall convene and be held five (5) days per week for fifty (50) weeks per year, excluding legal holidays, and at such other times and periods as shall be required to provide for the orderly dispatch and disposition of all business properly coming before it. Such court shall be in continuous session without the intervention of any term or terms and such court shall be held 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 4. The Probate and Family Court of Cumberland County shall have jurisdiction in all juvenile cases and proceedings and all powers, duties and authority in regard thereto as set forth in Tennessee Code Annotated, and all other public acts relating to the jurisdiction, authority, conduct, procedure, powers, duties and appellate review of Juvenile Courts.

SECTION 5. The Probate and Family Court of Cumberland County shall be the Probate Court for Cumberland County and shall have jurisdiction over all estates as provided by the Tennessee Code Annotated. The Probate and Family Court of Cumberland County shall have concurrent powers and jurisdiction with the Chancery Court in all matters relating to wills; administration of decedents' estates, including the sale of decedents' land for the payment of debts; qualification of guardians or conservators, the affairs of minors, incompetents, and others laboring under a disability; matters pertaining to the sale of property of persons under disability as set out and provided in Tennessee Code Annotated, Title 34, Chapter 6; matters relative to the removal of minority; matters relative to cases of non-support; as well as all other jurisdiction presently or heretofore exercised by the County Judge of Cumberland County.

The County Judge of the County Court of Cumberland County is hereby divested of all jurisdiction and authority in all juvenile cases and proceedings and in all other matters involving competency, guardianships, or conservatorships, and all other judicial functions presently or heretofore exercised by the County Judge of the County Court of Cumberland County and such jurisdiction and authority is hereby transferred to the Probate and Family Court of Cumberland County.

SECTION 6. The Probate and Family Court of Cumberland County shall have concurrent jurisdiction, powers and authority with Chancery and Circuit Courts to hear and determine all cases of adoptions, divorce, annulment, alimony and separate maintenance, support under interstate compacts, domestic relations, and all other proceedings and all other relief incident thereto together with full power and authority conferred upon the Circuit Court and Chancery Courts to enforce all its orders, decrees and judgments.

The authority, powers and jurisdiction conferred by this Act shall be coextensive with the boundary lines of such county.

As amended by: Private Acts of 1984, Chapter 231

SECTION 7. Appeals from the judgment of the Probate and Family Court of Cumberland County arising under this Act shall be to the Court of Appeals or to the Supreme Court in the same manner as provided in such cases from the Circuit and Chancery Courts.

SECTION 8. All cases brought in the Probate and Family Court of Cumberland County pursuant to this Act shall be according to the form for pleadings and practice in the Chancery and Circuit Courts and such cases shall be tried as like cases are tried in the Chancery and Circuit Courts. The clerks of the Probate and Family Court of Cumberland County shall keep a docket of cases filed in the Probate and Family Court and the procedure in each case, and shall enter orders and decrees according to practice and rules of the Chancery and Circuit Courts. The judge of the Probate and Family Court of Cumberland County shall make and cause to be entered on record all such orders and decrees as may be passed by him, according to the practice and rules now in effect in the Chancery and Circuit Courts.

SECTION 9. The judge of the Probate and Family Court of Cumberland County shall be a licensed attorney and have the qualifications required for the courts of record provided for in Tennessee Code Annotated, Section 17-1-106. Such judge shall take and subscribe to the same oath provided by law for Circuit Judges and Chancellors. The oath shall be taken and filed in the same manner and with the same

officers as prescribed for Circuit Judges and Chancellors.

SECTION 10. The judge of the Probate and Family Court of Cumberland County shall be prohibited from the practice of law in the state courts, or any other courts, and shall not engage in the practice of law in any other capacity notwithstanding any other laws, including Private Acts, to the contrary.

SECTION 11. The Probate and Family Court of Cumberland County shall have authority to hear and determine all undisposed cases over which jurisdiction is conferred by this Act and which are pending in the County Court of Cumberland County at the time this Act takes effect as if such cases had originated in the Probate and Family Court of Cumberland County.

SECTION 12. The Clerk and Master of Cumberland County shall be the clerk of all matters filed in the Probate and Family Court of Cumberland County and all fees received by the clerk shall continue to be a part of the fees of his office. Necessary clerical help for the clerk shall be funded from the county general fund. The clerk shall make application to the judge of the Probate and Family Court of Cumberland County or to the Chancellor of the Chancery Court of Cumberland County for authority to employ such help as is justified. Cumberland County shall furnish the Probate and Family Court Clerk adequate office space and equipment for the conduct of the affairs of his office.

SECTION 13. If any provisions of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION 14. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Cumberland County acting in either regular or special called session before May 1, 1982. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

SECTION 15. For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective on September 1, 1982.

Passed: March 1, 1982.

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