



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Division II

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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Division II

Private Acts of 1982 Chapter 236

SECTION 1. DESIGNATION. There is hereby designated a "Division I, Court of General Sessions of Sumner County, Tennessee," which shall consist of the presently-existing General Sessions Court of Sumner County, Tennessee, as established by Chapter 481 of the Private Acts of 1949 and all other Acts amendatory thereto.

SECTION 2. CREATION. There is hereby created and established another court in and for Sumner County, Tennessee, which shall be designated "Division II, Court of General Sessions of Sumner County, Tennessee".

SECTION 3. JURISDICTION. The Division I, Court of General Sessions of Sumner County, Tennessee, shall retain the jurisdiction previously conferred thereon, with the exception that the jurisdiction bestowed on said Court by Chapter 298 of the Private Acts of 1974 is hereby divested. The Division II, Court of General Sessions of Sumner County, Tennessee, as herein created, is hereby vested and shall have as its primary function jurisdiction over all matters over which jurisdiction is now or shall hereafter be vested in the juvenile courts by the General Laws of the State of Tennessee including, but not limited to, the jurisdiction as is now vested in the County Court of Sumner County, Tennessee, by the General Laws in the State of Tennessee and its judicial powers vested in the County Judge of Sumner County, Tennessee, by Private Acts and by 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; and Chapter 92 of the Private Acts of 1961 as amended by Chapter 306 of the Private Acts of 1974, 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; and in addition to the jurisdiction and powers conferred above, is hereby vested and shall have concurrent jurisdiction with the Circuit Court and Chancery Court in this County over domestic matters and shall have the powers vested in the Circuit Judge and Chancellor by the General Laws of the State of Tennessee over domestic matters including, but not limited to, Tennessee Code Annotated Title 36, Chapters 1 through 13, inclusive. The Division II, Court of General Sessions, when exercising the jurisdiction conferred upon the General Sessions court shall be designated "Division II, General Sessions Court of Sumner County, Tennessee". When exercising the other jurisdiction herein, it shall be designated as the "Family Court of Sumner County, Tennessee".

As amended by: Private Acts of 1989, Chapter 93.

SECTION 4. DIVESTURE OF JUDICIAL POWERS. The office of County Judge of Sumner county, Tennessee, is hereby divested of any and all judicial powers that may heretofore have been granted by any former Private Acts; and to the extent thereof, such former Act is repealed. The office of Juvenile Court Referee, to the extent given jurisdictional authority under Chapter 298 of the Private Acts of 1974, is hereby divested of any and all judicial powers given thereunder.

SECTION 5. REPEAL OF PRIVATE ACTS. The office of Juvenile Court Referee, as established by Chapter 298 of the Private Acts of 1974, is hereby abolished; and said Act, under which such position was created, is hereby repealed. Chapter 92 of the Private Acts of 1961, as amended by Chapter 306 of the Private Acts of 1974, which together provide for the establishment of the juvenile court, to the extent that either may be inconsistent herewith, is repealed, except that the compensation provisions contained herein shall remain in effect through August 31, 1982.

SECTION 6. CLERKS OF THE COURTS. The Circuit Court Clerk of Sumner County, Tennessee, shall be the Clerk of the Division I and Division II, Courts of General Sessions of Sumner County, Tennessee, to the extent that such Courts perform all the powers, duties and functions associated with juvenile and domestic matters and shall maintain such Minute Books and other records as may be required by law. The Clerks, when performing their duties, shall charge all fees and shall be entitled to receive such fees and charges as shall be fixed from time to time for said County by the General Laws of the State of Tennessee. All such fees, when collected, shall be fully accounted for and disbursed as fees and charges as is similarly done by the other courts operating and functioning in Sumner County, Tennessee. The Clerks, when performing their duties, shall be empowered to designate, from time to time, one or more persons employed by them as Deputy Clerks for the Courts herein created.

As amended by: Private Acts of 1989, Chapter 93.

SECTION 7. CONCURRENT JURISDICTION. The Division I and Division II, Courts of General Sessions of Sumner County, Tennessee, and the Judges thereof, are hereby vested with and shall have

interchangeable jurisdiction with one another for any and all civil cases, suits or actions provided that such Judge shall, at the time, hold such qualifications as are required of judges to hear specific matters.

SECTION 8. JUDICIAL AUTHORITY. The Judges of the Division I and Division II, Courts of General Sessions of Sumner County, Tennessee, shall have all authority and jurisdiction to punish for contempt, to issue extraordinary writs and processes as now or shall hereinafter be exercised by any judge or chancellor or any Circuit and General Sessions Court of the State of Tennessee or such authority as may be granted under those laws specified in Section 3 herein and such other laws as may be presently or hereafter enacted granting power to the Courts herein created.

SECTION 9. APPEALS. Appeals from the Division I and Division II Courts of General Sessions of Sumner County, Tennessee, shall be to the Circuit Court of Sumner County, Tennessee, or such other court or such other appellate court of the State of Tennessee as may be provided from time to time by the General Laws of the State of Tennessee.

SECTION 10. QUALIFICATIONS AND ELECTION OF JUDGE. There shall be one judge for the Division II, Court of General Sessions of Sumner County, Tennessee, herein created who shall be duly licensed to practice law 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 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 as shall be required for other judges of the State of Tennessee. The position which is to be filled in accordance with the terms hereof shall be a full time position, and the person so elected shall not be permitted to have an outside practice of law. At the biennial election held in August, 1982, there shall be elected a judge for the Division II, Court of General Sessions, Sumner County, Tennessee, for a term of eight (8) years beginning on September 1, 1982, next and held at such biennial elections each eight (8) years thereafter.

SECTION 11. TEMPORARY INABILITY TO PRESIDE. If the Judge of the Division II, Court of General Sessions of Sumner County, Tennessee, as 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 appointed or so elected, he shall take the same oath and have the same authority as the said Judge to hold said court and perform all the duties of said occasion. In addition thereto, the Judge of the Division II, Court of General Sessions of Sumner County, Tennessee, and the Judge of the Division I, Court of General Sessions of Sumner County, Tennessee, shall be empowered from time to time to interchange one from the other to hold such respective courts provided that such Judge sitting in interchange shall, at that time, hold such qualifications as are required of a judge to hear the specific matter on that occasion.

SECTION 12. VACANCY IN OFFICE. In case of a vacancy for any cause in the office of the Judge of the Division II, Court of General Sessions of Sumner County, Tennessee, the same shall be filled by an election and appointment of the Sumner County Board of Commissioners of some person otherwise qualified to fill such vacancy; and such person 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 13. COURT OF RECORD. The Division II, Court of General Sessions of Sumner County, Tennessee, herein created, shall when required by law be treated and considered as a Court of Record and 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 period as shall be required to provide for the orderly dispatch and disposition of all business properly coming before it.

SECTION 14. PRACTICE AND PROCEDURE. The Judge of the Division II, Court of General Sessions of Sumner County, Tennessee, shall from time to time be authorized and empowered to adopt rules of practice and procedure for the Court provided that they are not inconsistent with the substantive and procedural laws and rules of the State of Tennessee relative to the matters of the jurisdiction of the Court created hereby or that they 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. APPROPRIATIONS FOR OPERATION. The Sumner County Board of Commissioners shall annually make such appropriations of funds as are necessary and appropriate for the orderly operation and administration of the court herein created; and, to the extent necessary, the Judge, the Clerks and such other personnel, as may from time to time be employed, shall assist in the preparation of budgets and other information necessary to make proper appropriations for the operation of this Court. The County of Sumner initially, upon creation of this Court, and thereafter from time to time, as may be necessary, shall provide the necessary space to provide a courtroom in Gallatin, Tennessee, the necessary furnishings

and supplies and equipment for the proper operation and maintenance of said Court and pay for same out of the County general funds. The regular place for holding said Court shall be in the courtroom provided in Gallatin, Tennessee, but at the discretion of the Judge thereof, said Court may be held in any other place or places and at such time and places as the Judge may designate.

SECTION 16. Each July 1, the judges of the Sumner County General Sessions Court shall select among themselves a presiding judge. The presiding judge shall be authorized and empowered to set the Courts' dockets, hire personnel associated with the Court, and shall be in charge of the general administration of the Court. The presiding judge of the Sumner County General Sessions Courts shall, from time to time, be authorized and empowered to adopt rules of practice and procedure for the Court. Provided, that they are not inconsistent with: (a) The substantive and procedural laws and rules of the state of Tennessee relative to the matters of the jurisdiction of the Court; or (b) Such rules as may be, from time to time, promulgated by any superior court having supervisory jurisdiction over the Court herein created. The judges of the Sumner County General Sessions Court shall be empowered, from time to time, to interchange with each other and hold court in any Division.

As amended by: Private Acts of 2014, Chapter 40.

SECTION 17. COMPENSATION OF JUDGES. The compensation of the Judges of the Division I and Division II, Courts of General Sessions of Sumner County, Tennessee, shall, as of September 1, 1982, be calculated as follows: Each Judge shall receive seventy percent (70%) of the compensation afforded to Circuit Court Judges under the provisions of Tennessee Code Annotated, Section 8-23-103 (e), said salaries to increase proportionately with the increases provided the Circuit judges under the aforesaid Section. Upon the appointment and election of a qualified person to be the Judge of the Division II, Court of General Sessions of Sumner County, Tennessee, by the Sumner County Board of Commissioners, said Judge shall, until said September 1, 1982, receive the same monthly compensation as does the Judge of the Division I, Court of General Sessions of Sumner County, Tennessee.

SECTION 18. UNFINISHED AND PENDING MATTERS. All unfinished and pending matters in the court or courts exercising probate or juvenile court jurisdiction shall be transferred to the Division II, Court of General Sessions of Sumner County, Tennessee, at the close of business on the date preceding the day this Act becomes effective. On such date, all official books, records and other documents pertaining to any matter within the jurisdiction of said court shall hereby be delivered to such court.

SECTION 19. PROVISIONS SEVERABLE. Every provision of this Act is declared to be severable and should any portion of the same be held inconsistent 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 deleted and that the General Assembly would have enacted this Act with such unconstitutional or invalid portions deleted therefrom.

SECTION 20. APPROVAL OF COUNTY COMMISSION. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the members of the Sumner County Board of Commissioners on or before July 9, 1982. Its approval or nonapproval shall be proclaimed by the presiding officer of the board and certified by him to the Secretary of State.

SECTION 21. EFFECTIVE DATE FOR THE PURPOSE OF APPROVING OR REJECTING THE PROVISIONS OF THIS ACT. 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 upon being approved as provided in Section 20.

Passed: February 25, 1982.

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