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# Private Acts of 1951 Chapter 411

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Sincerely,

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Table of Contents

<b>Private Acts of 1951 Chapter 411 .....</b>	<b>3</b>
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# Private Acts of 1951 Chapter 411

**SECTION 1.** That there is hereby created and established in and for Sullivan County, Tennessee, a Court with the title and style of the Juvenile Court of Sullivan County, Tennessee. Said Court shall be a Court of Record, presided over by a Judge who shall have qualifications hereinafter set out and who shall be elected as hereinafter provided and whose salary shall be provided and paid as hereinafter provided. Said Judge shall be known and have the title of Judge of the Juvenile Court of Sullivan County and shall devote all time necessary to the duties of such office as may be necessary; that the County Court Clerk of Sullivan County shall act as the clerk of said Court, and all deputy clerks are authorized to act as deputy clerks of the Court. The Court shall have a seal and shall have power and authority to administer oath and affirmation whenever the same are required by law in connection with any case, procedure, process or otherwise, in such Court.

**SECTION 2.** That when used in this Act unless the context otherwise require:

- (a) "The Court" shall mean the Juvenile Court of Sullivan County, Tennessee;
- (b) The "Judge" shall mean the Judge of the Juvenile Court of said county;
- (c) "Child" shall mean any person under seventeen years of age;
- (d) "Adult" shall mean a person who is seventeen years of age or over;
- (e) "County" shall mean Sullivan County in the State of Tennessee;
- (f) "Peace Officer" shall mean the Sheriff of Sullivan County or any of its deputies, any constable of said county and any police or truant officer of the municipalities of any municipal corporation of the county;
- (g) The singular shall include the plural; the plural, the singular; and the masculine, the feminine, when not inconsistent with the intent of this Act.

**SECTION 3.** That the Court shall have the exclusive original jurisdiction in Sullivan County of all cases arising in or triable in said County of any person under the age of seventeen years who may, by reason of any offense committed against the State, except wherein the offense charged is an offense for which capital punishment may be inflicted; any such case which may come before the Court wherein any person under the age of seventeen years of age is charged with murder in the first degree or rape or any other capital offense, the Court shall certify the same to the Court of General Sessions, which Court shall proceed as now provided by law, and if probable cause is found that such offense has been committed, the accused shall be bound to the action of the Grand Jury, and the case shall proceed as such cases are tried and determined in the Circuit or other Court having jurisdiction of the offense in Sullivan County, Tennessee. The Court shall have exclusive jurisdiction, power and authority of a Juvenile Court in said County contemplated in Sections 10269 to 10309 of the official Code of Tennessee, and any other general laws of the State of Tennessee now in force and effect or hereinafter to become in force and effect; and the Court shall have exclusive, original jurisdiction of all non-support and abandonment cases wherein any person is charged with the non-support of any children under the age of sixteen years; or is charged with the abandonment of said child and leaving the State of Tennessee, as provided by the laws of the State of Tennessee. The Court shall have exclusive original jurisdiction;

(1) concerning any child within the county or any case arising or triable in said county, concerning any child;

(a) whose parents or other person legally chargeable with the care and support of such child neglects or refuses, according to his means or ability, to provide proper or necessary support, education, medical or surgical, or other necessary care, as contemplated by the general laws of the State, or who is abandoned by his or her parents or other person having the legal charge and care of such child;

(b) whose occupation, behavior, environment or association are injurious to the welfare of the child;

(c) who deserts, or is habitually disobedient, or beyond control of parents or teacher or other person exercising control over such child;

(d) who, being required by law to attend school, willfully violates the rules of the school or absents himself therefrom, or who in any manner shall be charged with, or designated as a delinquent, as defined, contemplated or included in the laws of the State of Tennessee;

(2) To determine the custody or guardianship of the person of any child in said County or in connection with whom any question, case or controversy may arise in said County, or in any such question, case or controversy may arise in said County or any such question, case or controversy, which by the general law is triable in the County.

(3) That such Court shall have original jurisdiction concurrent with other Courts having such

jurisdiction, for and in adoption of children and for granting judicial consent to marriage of any child when such consent is required by law; that whenever it shall be determined by the Judge of the Juvenile Court that a child is so mentally defective or mentally disordered that such child should be committed to an institution for such cases, the Court may commit such child to such institutions as are provided to care for such cases, and wherein the Court is authorized so to do by provisions of general law, or to such institution otherwise made available to it through arrangements with the County or State authorities and where no such institution is made available to the Court, the Judge shall certify the facts and need to such authority as may have such child committed and shall, if it is the opinion of the Judge that such care is needed, recommend the commitment of such child. Nothing contained in this Act is intended to deprive the Circuit, Criminal or Chancery Court of any right, by habeas corpus, to determine the custody or guardianship of the child as is now provided by law.

That there is hereby created a Juvenile Court Commission of said County composed of twelve members, who shall be residents of the County and who shall serve without compensation. The members of this Commission shall be elected by the Quarterly County Court. Four members shall be elected for a period of two years; four, for a period of three years; four, for a period of four years; and each of said members of the Board shall serve until his or her successor is elected. As the term of the members expire, their successors shall be elected for the term of four years. No member of the County Court or other person holding a State, County or Government office shall be eligible to serve on the Commission. The Quarterly County Court shall elect four members of said Commission from the City of Bristol, four members from the City of Kingsport, and four members from the County at large outside of the municipalities herein named. In the event of death, resignation, removal or other cause, the vacancy or vacancies shall be filled by the Quarterly County Court for such unexpired term. The Juvenile Court Commission shall organize by choosing a Chairman and Secretary, and shall have power to make rules and regulations for its government. It shall be the duty of said Commission to see to the enforcement of all laws for the purpose of prohibiting and restraining inhuman treatment of children and protecting children deserted by guardians or parents. The Commission may accept donations to carry on the duties imposed, but shall not have the power or authority to create any indebtedness in any manner whatsoever against Sullivan County. If given authority by the Quarterly County Court, the Commission may prepare and maintain proper detention homes for delinquent and dependent white and colored children. The Commission, however, is prohibited from accepting any such children from another county or from outside the State of Tennessee, unless ordered to do so by the Judge of this Court and having the expense thereof approved by the County Judge of Sullivan County.

**SECTION 4.** That the Judge of this Court shall be elected by the Quarterly County Court at any regular or adjourned session and shall serve for a term of four years and until his successor is elected and qualified, and shall receive a salary of Three Thousand Six Hundred (\$3600.00) Dollars per annum, payable in equal monthly installments. Said Judge shall be not less than thirty years of age and shall possess the same qualifications as Circuit and Criminal Judges and Chancellors in the State of Tennessee. Said Judge shall take and subscribe to the same oath of office as prescribed for other Judges in the State. Said Judge, if a licensed attorney at law shall not be precluded from practicing in any other Court in the State of Tennessee, or elsewhere, or before any Board or Commission in Tennessee or elsewhere. In the event the office of Judge of this Court shall become vacant by reason of death, resignation or other cause, before the expiration of the term, the County Judge of Sullivan County shall serve until the next regular term of the Quarterly County Court, at which term a successor will be elected for the unexpired term of the Judge of this Court. In the event of temporary inability to serve because of illness, or other cause, the County Judge of Sullivan County shall serve during the period of such disability. The Judge of this Court shall hold Court at Blountville, Bristol and Kingsport and is hereby authorized and empowered to make and promulgate rules and regulations for the government of the Juvenile Court, to fix the time at which said Court shall be held at Blountville, Bristol and Kingsport. The Judge shall have the power by order to fix a hearing at any place in the County to hear a given case, but the proceedings, orders and judgments shall be recorded in the Court where said case originated, and shall have binding effect as if such case had been heard and determined at either Blountville, Bristol or Kingsport. All money derived from fines assessed upon the conviction of any person by the Judge shall be deposited with the County Trustee of Sullivan County and thereafter belong to the County.

**SECTION 5.** That the Judge of this Court, provided funds are appropriated and made available by the Quarterly County Court in Sullivan County from any other source as herein provide, shall appoint a Chief Administrative officer, hereinafter referred to as the Director, who with the approval of the Judge shall appoint a sufficient number of technical and professional assistants and other employees to carry on the professional, clerical and other non-judicial work of the Court. Such assistants or employees are only appointed if funds are appropriated and made available for their monthly salaries, allowances and/or compensation. The Director and other employees shall be appointed from lists of eligible persons

established through examinations conducted by the Juvenile Court Commission. Such examination shall have reference to education, previous experience, ability, character, and aptitude for the work to which they are assigned. An employee of the Court may be removed, discharged, reduced in pay or position upon the order of the Judges.

**SECTION 6.** That the Director under the general supervision of the Judge shall organize, direct and develop the administrative work of the Court, including the social, financial and clerical work, and shall perform such other duties as the Judge may direct. The technical and professional employees shall have charge of such cases and other work assigned to them for investigation or treatment and shall perform all such other duties as may be assigned to them by the Director.

**SECTION 7.** That whenever any person informs the Court that a child is within the purview of this Act, the Court shall make preliminary inquiry to determine whether the interest of the public or the child requires that further action be taken. Whereupon, the Court may make such informal adjustment as is practical without petition or may authorize a petition to be filed by any person.

The proceedings shall be entitled "In the Matter of \_\_\_\_\_, a Child under Seventeen Years of Age." The petition shall be verified and may be upon information and belief. It shall set forth plainly:

- (1) The facts which bring the child within the purview of this Act;
- (2) The name, age and residence of the child;
- (3) The name and residence of the parents, if known;
- (4) The name and residence of the legal guardian, if it be known;
- (5) Of the person or persons having custody and control of the child; and,
- (6) The nearest known relative if no parent or guardian can be found. If any of these facts herein required are not known by the petitioner, the petition shall so state.

**SECTION 8.** That after a petition shall have been filed and after such further investigation as the Court may direct, unless the parties hereinafter named will voluntarily appear, the Court shall issue a summons reciting briefly the substance of the petition, and requiring the person or persons who have custody or control of the child to appear and personally bring the child before the Court at the time and place stated. If the person so summoned be other than the parent or guardian, both shall also be notified of the pendency of the case and of the time and place appointed, by personal service before the hearing, except as hereinafter provided. Summons may be issued requiring the appearance of any other person whose presence in the opinion of the Judge is necessary. To the end that all petitions, process, orders, subpoenas and notices may be executed or served, the Chief Administrative Officer and/or any regularly appointed officer or employee of the Court, or any peace officer of Sullivan County is empowered and authorized to serve such notice, summons, order or decree of the Court, within the confines of Sullivan County, but no charge for making such service will be made; however, such officer and employee will be entitled to receive not in excess of seven (7c) cents per mile for travel in making such service, the same to approved by the Judge of this Court. If it appears that the child is in such condition or surroundings that his welfare requires immediate custody by the Court, the same shall be ordered by endorsement upon the summons and the officer serving same shall at once take the child into custody.

**SECTION 9.** That the Court shall have all powers of Courts now established in Tennessee to bring any person before the Court and by proper process to punish those who refuse to obey the lawful orders and to punish by summary procedure those who are guilty of contempt, as the same is now defined by law, and such contempt is in the presence of the Court. The Court shall have the power to compel the attendance of witnesses and others whose presence in court is necessary, and to enforce its lawful orders, judgments, and decrees, the Court shall have all power and authority to issue writs of attachment and other process to bring such persons before the Court. This character of service will not be made by any officer or employee of this Court, but will be served and executed by the Sheriff of Sullivan County, or a duly qualified deputy or constable and for such service said officer will be entitled to receive fees as are now provided by law.

**SECTION 10.** That whenever a child is taken into custody, unless it is impractical or inadvisable or has been otherwise ordered by the Court, he or she shall be released to the custody of the parent, guardian or other person designated by the Court. Upon the written promise of such person, the child will be before the Court at such time fixed by order. If not so released, such child shall be taken immediately to the Court or to the place of detention designated by the Court. Pending further disposition of the case, a child whose custody has been assumed by the Court may be released in such manner as the Court by order may direct, or may be detained in such place as shall be designated by the Court, subject to further order. Nothing in this Act shall be construed as forbidding any peace officer from immediately taking into custody any child who is found violating any law of the State or ordinance of a municipality within Sullivan County. In every case an officer taking a child into custody shall immediately report the fact to the Court and the

case shall then proceed as provided by this Act.

**SECTION 11.** That all cases of children shall be heard separately from the trial of cases against adults and without a jury. The hearings may be conducted in informal manner, to either be in public or in private, and may be adjourned from time to time. Stenographic notes or other transcripts of the hearing shall be required only if the Court so ordered. Nothing herein shall preclude the parent, guardian or attorney regularly employed or appointed, to be present at any hearing before the Court.

**SECTION 12.** That if the Court shall find that the child is within the purview of the Act, it shall so decree, and may by order duly proceed as follows:

- (1) place the child on probation or under supervision of a suitable person upon such condition as the Court shall determine;
- (2) commit the child to the custody of the parent or to the guardianship of a public or private institution or agency authorized to care for children or to place them in family homes. In committing the child to a private institution or agency, the Court shall select one that is approved by the Juvenile Court Commission;
- (3) order such other care and treatment as the Court may deem to be for the best interest of the child.

The Court may dismiss the petition or otherwise terminate its jurisdiction at any time for good cause shown. Whenever the Court shall commit a child to any institution or agency, it shall transmit with the order of commitment a summary of its information concerning the child and such institution or agency shall give to the Court such information concerning such child as the Court may from time to time require.

**SECTION 13.** That any decree or order of the Court may be modified at any time.

**SECTION 14.** That the Court may cause any person or child to be within its jurisdiction to be examined by a physician or physicians, or such other persons as the Court may direct.

**SECTION 15.** That all expenses incurred in complying with the provisions of this Act shall be within the budget established and approved as provided by law by the Quarterly County Court of Sullivan County. No obligation will be incurred on the part of Sullivan County for the maintenance of the Court, the salary of the Judge or any officer or employee thereof, unless funds are made available by the Quarterly County Court of Sullivan County; however, should the municipalities of Kingsport and Bristol appropriate funds for the expenses and/or operation of this Court, such funds may be used together with any voluntary contribution of any person, firm, charitable institution or society to defray the expense of the Court, including the payment of salaries of a Judge or any officer or employee of the Court. In the event such funds are made available by the municipality of Kingsport, Bristol or any other person or institution, the same shall be deposited with the Trustee of Sullivan County and disbursed as provided herein in accordance with all statutes, providing for the disbursement of other county funds.

**SEC. 16.** That the Court shall keep records of all cases brought before it. Such records shall be open to inspection only by the order of the Court to persons having legitimate interest therein. The Court shall devise and cause to be printed such forms for social and legal records and such other papers as may be required. The County Court Clerk shall establish at Blountville, Bristol and Kingsport such books, files, etc., as necessary to keep and preserve all of the records of the Court.

**SECTION 17.** That appeals from the judgment and decrees may be taken as now provided by Laws.

**SECTION 18.** That if for any reason any word, clause, paragraph or section of this Act shall be held unconstitutional, it shall not invalidate the effect of the remainder of said Act.

**SECTION 19.** That this Act take effect from and after the first Monday in September, 1951, the public welfare requiring it. Passed: March 6, 1951.

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