



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

July 05, 2024

General Sessions Court

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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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General Sessions Court

Family Court

Private Acts of 1997 Chapter 92

SECTION 1. The Judge of the General Sessions Court of Rhea County upon being elected and qualified as judge of such court shall also be judge of the Family Court of Rhea County, hereinafter referred to as the Family Court.

SECTION 2. The Family Court is 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 required to provide for the orderly dispatch of all business properly before it. Such court shall be in continuous session without the intervention of any term, and such court shall be held when required to provide for the orderly dispatch of all business properly before it.

SECTION 3. (a) The Family Court shall have jurisdiction in all juvenile cases, proceedings, and all powers, duties and authority as provided by general law relative to the jurisdiction, authority, conduct, procedure, powers, duties and appellate review of the Juvenile Courts.

(b) The Juvenile Court Judge of Rhea County is hereby divested of all jurisdiction and authority, and all juvenile cases and proceedings, and all other matters involving incompetence, guardianship or conservatorship, and all other judicial functions presently or heretofore exercised by the Juvenile Court Judge of Rhea County; such jurisdiction and authority is hereby transferred to the Family Court.

SECTION 4. (a) The Family Court shall have concurrent jurisdiction, powers and authority with the Chancery and Circuit Courts to hear and determine all cases of 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 Chancery and Circuit Courts to enforce all its orders, decrees and judgments.

(b) The authority, power and jurisdiction conferred by this act shall be coextensive with the boundary lines of the county.

SECTION 5. Appeals from the judgments of the Family Court 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 Chancery and Circuit Courts.

SECTION 6. All cases brought in the Family Court 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 Clerk of the Family Court, shall keep a docket of cases filed in such 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 Court shall make and cause to be entered on record all such orders and decrees according to the practice and rules now in effect in the Chancery and Circuit Courts.

SECTION 7. The Judge of the Family Court shall be a licensed attorney and shall have the qualifications required for the courts of record provided in Tennessee Code Annotated, Section 17-1-106. Such Judge shall take and subscribe to the same oath provided by law for Chancellors and Circuit Court Judges. The oath shall be taken and filed in the same manner and with the same officers as prescribed for Chancellors and Circuit Court Judges.

COMPILER'S NOTE: Private Acts of 1998, Chapter 157 amended Private Acts of 1997, Chapter 92 by adding a new Section, but failed to provide a specific location. The following is new Section 8 and the remaining sections have been renumbered.

SECTION 8. (a) Effective September 1, 1998, the base salary for the judge of the court is fifty-three thousand three hundred five dollars (\$53,305) a year. The supplement for juvenile jurisdiction is twenty thousand dollars (\$20,000) a year. The supplement for domestic relations jurisdiction is ten thousand dollars (\$10,000) a year.

(b) On July 1, 1999, and each succeeding July 1, the base salaries as adjusted annually and supplements as adjusted annually established by this section shall be adjusted in accordance with the provisions of Tennessee Code Annotated, § 8-23-103. (c) The compensation, supplement and annual adjustment provisions of this act are to be construed as the only compensation for the Judge of the General Sessions and Family Court of Rhea County.

As amended by: Private Acts of 1998, Chapter 157.

SECTION 9. The Judge of the Family Court is prohibited from the practice of law in the State Courts or any other courts, and may not engage in the practice of law in any other capacity notwithstanding any other laws, general or private, to the contrary.

SECTION 10. The Family Court may hear and determine all undisposed cases over which jurisdiction is conferred by this act and which are pending in the courts on the effective date of this act. Such cases shall be treated as if they had originated in the Family Court.

SECTION 11. The Circuit Court Clerk shall be the Clerk of all matters filed in the Family Court and all fees received by the Clerk shall continue to be a part of the fees of the 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 Family Court or to the Chancellor or the Circuit Court for authority to employ such help as is justified. Rhea County shall furnish the Clerk adequate office space and equipment for the conduct of the affairs of the office.

SECTION 12. Chapter 67 of the Private Acts of 1981, as amended by Chapter 197 of the Private Acts of 1992, is repealed.

SECTION 13. If any provisions of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not effect other provisions or applications of the act which and 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 Rhea County. Its approval or nonapproval shall be proclaimed by the Presiding Officer of the County Legislative Body and certified 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 September 1, 1998, upon being approved as provided in Section 14.

Passed: May 29, 1997

Probate Court

Private Acts of 1982 Chapter 374

SECTION 1. Effective ten (10) days after this Act has been approved by the county legislative body, exclusive jurisdiction in all matters relating to the probate of wills and the administration of estates and related matters in Rhea County heretofore vested in the Chancery Court or other courts shall be vested in the General Sessions Court of Rhea County.

SECTION 2. All probate matters pending in the court or courts exercising probate jurisdiction in Rhea County prior to the effective date of this act, except those matters which have been heard and taken under advisement, shall be transferred to the Rhea County General Sessions Court at the close of business on the day preceding the day this Act becomes effective. On such date, all official books, records and other documents pertaining to a probate matter in Rhea County shall be delivered to the general sessions court and the chancery court or other court exercising probate jurisdiction in Rhea County shall be divested of such jurisdiction.

SECTION 3. The Rhea County clerk shall serve as the clerk of the General Sessions Court in all matters relating to its probate jurisdiction. The county clerk in Rhea County shall be authorized and empowered to grant letters of administration and letters testamentary, appoint administrators and executors, receive and adjudicate all claims, probate wills in common form, determine allowances to the surviving spouse and family of the deceased, preside over the assignment of homestead, preside over proceedings for the elective share pursuant to Tennessee Code Annotated, Section 31-603, take and state all accounts and settlements, direct and approve all final distributions, and hear and determine all probate matters, whether herein enumerated or not. All accounts, settlements and final orders of distribution shall be made subject to the approval of the General Sessions Judge. The General Sessions Judge shall hear all probates in solemn form and may hear such other probate matters as he deems proper. All action taken by the county clerk shall be subject to review by the General Sessions Judge by simple motion, petition, or the filing of exceptions as may be appropriate.

SECTION 4. Except as provided in Section 2, by the close of business on the day preceding the day this Act takes effect, the Clerk and Master of Rhea County shall deliver all official books, records and other

documents pertaining to a probate matter in such county to the Rhea County Clerk and on such date the clerk and master shall be divested of any power and authority pertaining to a probate matter in such county.

SECTION 5. The Rhea County clerk shall keep separate records, dockets, minute books and rule dockets for all probate matters within the jurisdiction of the General Sessions Court.

SECTION 6. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Rhea County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Rhea County legislative body and certified by him to the Secretary of State.

SECTION 7. 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 take effect upon being approved as provided in Section 6 unless another date is specified by this Act.

Passed: April 8, 1982.

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