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# General Sessions Court

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# General Sessions Court

## Adoptions

### Private Acts of 2024 Chapter 35

SECTION 1. The General Sessions Court for Putnam County shall have concurrent jurisdiction, power, and authority with the Chancery and Circuit Courts to hear and determine all cases of adoption, and all other proceedings and all other relief incident thereto together with the full power and authority conferred upon the Circuit and Chancery Courts to enforce all its orders, decrees, and judgments. The Putnam County Judge of the General Sessions Court may sit by interchange in exercising concurrent jurisdiction with the Circuit and Chancery Courts in the county conferred by Tennessee Code Annotated, Section 36-1-101 et seq. regarding adoptions.

SECTION 2. Appeals from any judgment as to adoptions rendered by the General Sessions Court for Putnam County arising under this section shall be to the Court of Appeals or to the Supreme Court of this state in the same manner as provided in such cases from the Circuit and Chancery Courts.

All adoption cases brought in the General Sessions Court for Putnam County under this section shall be according to the form for pleadings and practice in the Chancery and Circuit Courts of this state and said cases shall be tried as like cases are tried in the Chancery and Circuit Courts of this state. The clerk of the General Sessions Court for Putnam County shall keep a docket of adoption cases filed in the General Sessions Court for Putnam County Court, and the procedure in each case, and shall enter orders and decrees according to the practice and rules of the Chancery and Circuit Courts.

In exercising concurrent jurisdiction with the Circuit and Chancery Courts in the county conferred by Tennessee Code Annotated, Section 36-1-101 et seq. regarding adoptions, the General Sessions Court of Putnam County shall be a court of record, the records to be kept and preserved as required by law for circuit and chancery courts. The Judge of the General Sessions Court for Putnam County shall make and cause to be entered on record all such orders and decrees regarding adoption matters as may be passed by him, according to the practice and rules now obtaining in the Chancery and Circuit Courts in order to affect and complete the jurisdiction herein conferred.

SECTION 3. The General Sessions Court for Putnam County shall have the power and authority to try cases regarding adoptions, the same as the Circuit and Chancery Courts now have, in all such cases, and issue subpoenas for witnesses, and to do and perform any and all acts authorized by law to be done in such cases in the Chancery and Circuit Courts, and to compel the attendance of witnesses, and to enforce judgments, orders, and decrees, and do all acts necessary to complete the jurisdiction herein conferred.

SECTION 4. The General Sessions Court for Putnam County shall have authority to hear and determine all undisposed adoption cases over which jurisdiction is conferred by this act and which are pending in Putnam County at the time this act takes effect as if such cases had originated in the General Sessions Court for Putnam County.

SECTION 5. If any provision 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 that end the provisions of this Act are declared to be severable.

SECTION 6. This act has no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Putnam County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 7. For the purpose of approving or rejecting the provisions of this act, it takes effect upon becoming a law, the public welfare requiring it. For all other purposes, it takes effect as provided in Section 6.

Passed: March 7th, 2024

### Private Acts of 1949 Chapter 125

**SECTION 1.** That there is hereby created and established a court in and for Putnam County, Tennessee, which shall be designated the Court of General Sessions of Putnam County, Tennessee. The court shall be

held in Cookeville and also at Monterey, the dates of which shall be fixed by such Judge and Putnam County shall provide a courtroom, dockets, furnishings and necessary supplies for the equipment and maintenance of said court, and shall pay for the same out of the general funds of the county.

As amended by: Private Acts of 1949, Chapter 451

**SECTION 2.** That the jurisdiction, powers and authority of said court shall be coextensive with Putnam County and shall be the same as provided by law for Justices of the Peace in civil and criminal actions; and the Justices of the Peace of Putnam County are hereby divested of all of such jurisdiction, powers and authority with the exception of the power and authority to issue search warrants, criminal warrants and mittimi, and fix bonds, the trial of the defendant on such, however, to be made by the Judge of the Court of General Sessions, hereinafter provided for. The Justices of the Peace issuing such search warrants, criminal warrants and mittimi shall receive the same fees therefor as are now provided for the issuance of such papers. The authority of said Justices of the Peace in their capacity as members of the Quarterly County Court or in the performance of rites of matrimony is in nowise affected by this Act.

As amended by: Private Acts of 1972, Chapter 265

**SECTION 3.** That before the issuance of any warrants in civil cases, the plaintiff shall execute a cost bond with good security in the sum of Twenty-five (\$25.00) Dollars or in lieu thereof, make a cash deposit with the Clerk of not less than Three (\$3.00) Dollars, nor more than Twenty-five (\$25.00) Dollars, to secure the costs, or take the oath prescribed for poor persons, and on motion, the court may increase the security.

**SECTION 4.** That the laws now governing pleading and practices; stay of and appeals from judgments, writs and processes in civil cases in the Courts of Justices of the Peace, shall apply to and govern said court; and all of the statutes regulating the conduct of Justices of the Peace in civil and criminal cases shall apply to the Judge of said Court.

**SECTION 5.** That the Judge of said court shall adopt such rules as may be necessary to expedite the trial and disposal of cases.

**SECTION 6.** That in all matters the costs and fees of the Court of General Sessions shall be the same as those provided by law for Justices of the Peace. The fees and other compensation of the Sheriff, and all other officers, for the execution of writs and processes of said court and fees for attendance and mileage of witnesses shall be the same in said court as those provided by law for the Courts of Justices of the Peace. The fees and compensation, due for services rendered by the court, shall accrue to the Clerk of the court. Said costs, fees and mileage of witnesses, the fees, commissions and emoluments of the Sheriff and all other officers, for services to said court, and the fines and forfeitures adjudged by it shall be paid to the Clerk and handled, accounted for as disbursed as required by law.

**SECTION 7.** That there shall be one civil docket and one criminal docket for the court in which all cases shall be entered immediately upon the issuance of the warrant. Upon said dockets shall be entered the style and number of each case, the date of the issuance of the warrant or process, the name of the officer to whom delivered, the return of the process in brief form, the action of the court, both interlocutory and final, orders, judgments, executions, garnishments, lists of fees of court, of the Sheriff, and all other officers for their respective services, fees and witnesses for attendance, credits for payments upon judgments and upon costs, and the manner in which the case was disposed of. There shall be a direct and cross index of each case in the civil docket and a direct index giving the name of the defendant on the criminal docket, so as to provide ready access to the records of each case.

On the criminal docket there shall be kept a column wherein the criminal warrant is charged to the officer taking out the warrant, and the officer who received the warrant shall give a receipt for same. No warrant, criminal or civil, shall be taken from the office of said court until its issuance has been properly entered on said respective dockets. The criminal warrants and mittimi issued by the Justices of the Peace shall be returned immediately to the Clerk of the Court of General Sessions and docket as herein required as to those issued by the Judge and Clerk of said court.

**SECTION 8.** Beginning September 1, 1994, the court shall be divided into Part I and Part II, and there shall be two (2) Judges for the court. Each Judge shall have all the qualifications as prescribed by law for circuit court judges, shall take the oath prescribed for circuit court judges, and shall have all the jurisdiction conferred upon the Judge of the General Sessions Court of Putnam County, whether by general law or private act, specifically including but not limited to probate jurisdiction conferred under Chapter 229 of the Private Acts of 1965, as amended. The present Judge of the court shall become the Judge of Part I of the court. At the 1994 regular August election, a Judge of Part II of the court shall be popularly elected to an initial four (4) year term, and to eight (8) year terms thereafter, and shall take office on September 1 after the election. Beginning September 1, 1994, the Judge of Part I shall be the Senior Judge, who shall be vested with the authority to assign for trial and disposition all matters, suits and cases which may be filed with the court. At the end of one (1) year, the Judge of Part II shall be designated Senior Judge, with

all of the above authority and responsibility. The Judges shall rotate the position of Senior Judge each year thereafter on September 1.

As amended by: Private Acts of 1949, Chapter 451  
Private Acts of 1994, Chapter 134

**SECTION 9.** The Judges of the court shall receive compensation as provided by general law, payable in equal monthly installments, which shall be paid out of the general funds of the county, and which shall not be increased or diminished during the term for which said Judge is elected, and said Judge shall give all his working time to duties of his office and shall not practice in or before any of the other courts of the State; provided, however, such Judge may appear in such other courts for the purpose of concluding to a final termination any case which he may have pending at the time he takes office as such Judge.

As amended by: Private Acts of 1957, Chapter 291  
Private Acts of 1994, Chapter 134

**COMPILER'S NOTE:** See Tennessee Code Annotated, Section 16-15-5003, which establishes the minimum compensation amounts for General Session Judges.

**SECTION 10.** That the court herein established is hereby vested with full jurisdiction to try and determine and render final judgment in all misdemeanor cases brought before said court upon warrant wherein the person charged with such misdemeanor enters a plea of guilty or requests trial upon the merits and expressly waives in writing an indictment, presentment, grand jury investigation and jury trial. In such cases the trial shall proceed before the court without the intervention of a jury, and the court shall enter such judgment and, as incident thereto, may inflict such punishment, within the limits provided by law for the particular offense, as he may deem proper under the peculiar circumstances of such case, but nothing herein shall be construed as undertaking to grant such Judge the power to impose a fine in excess of \$50.00 upon any citizen of this State, and provided further, that the Court herein created shall have no jurisdiction of the trial of misdemeanors for which the minimum punishment is a fine of more than \$50.00.

In addition to the duties, powers and authority enumerated above, the Judge of the General Sessions Court of Putnam County shall have authority, jurisdiction, and power to grant all extraordinary writs of injunction and attachments the same as the Circuit Judges and the Chancellors of the State now have and that he shall also exercise this power and authority in the same manner as the Chancellors and Circuit Judges. Said Judge shall also have the authority and power to suspend any penalty imposed by him upon a defendant in a misdemeanor case, provided application is made for a suspension in such cases within the time allowed for an appeal from the General Sessions Court to the Circuit Court in said County.

Any person aggrieved by the judgment of the Court of General Sessions having criminal jurisdiction rendered under the provisions of this section may appeal such judgment to the next term of the Criminal Court of Putnam County upon executing an appearance bond, and likewise, executing bond for the amount of fine and costs or, in lieu thereof, taking the oath prescribed by law for paupers. Such appeal when properly taken to the Criminal Court of Putnam County, shall be tried by the Judge of the Criminal Court without a jury and without indictment and presentment, upon the original warrant issued against such person.

The Judge of the Court of General Sessions herein created is expressly authorized to issue any and all process in connection with criminal cases disposed of by him under the provisions of this section necessary to effectuate the carrying out of the judgment rendered by him in such case. The Judge of the General Sessions Court of Putnam County shall have the same power and authority to punish for contempt of court as the Circuit or Criminal Court.

As amended by: Private Acts of 1957, Chapter 291  
Private Acts of 1972, Chapter 265

**SECTION 11.** That for the purpose of filling the vacancy occasioned by the creation of such judgeship, John E. Bryan is hereby designated and appointed as such Judge, who shall serve until September 1, 1950, and until his successor shall be elected and qualified. At the August election, 1950, there shall be elected by the qualified voters of Putnam County a Judge thereof, who shall hold office for a period of eight years from September 1, 1950, or until his successor shall be elected. Thereafter, his successor shall be elected every eight years at such election for a term provided by a law for Judges of Inferior Courts.

**SECTION 12.** That if the Judge of said court fails to attend, cannot preside in a pending cause, or for any reason hold court, a majority of the attorneys present in such court may elect one of their number, who has the qualifications of such a Judge, and when elected shall take the same oath and have the same authority as a regular Judge to hold the court for the occasion.

**SECTION 13.** That in the case of a vacancy for any cause the Governor shall have the power to appoint some qualified person to fill such vacancy, until the September 1st following the next regular August election, at which election said vacancy for the remainder of the term shall be filled by qualified voters of Putnam County.

**SECTION 14.** That the Clerk of the Circuit Court of Putnam County shall act as the Clerk of said Court of General Sessions, and when acting as such Clerk shall be designated "Clerk of the Court of General Sessions of Putnam County". Said Clerk is hereby authorized to perform the duties of the Clerk of said court, and the fees, commissions and emoluments of said Court of General Sessions shall constitute the fees, commissions and emoluments of the office of the Clerk of the Court of General Sessions of Putnam County, Tennessee, up to the sum of Twenty-four Hundred (\$2,400.00) Dollars per year, and all such fees, commissions and emoluments received by him in excess of Twenty-four Hundred (\$2,400.00) Dollars shall accrue to the County of Putnam. He shall have authority to appoint a deputy or deputies who shall have the same authority in issuing papers as the Clerk himself has under this Act. The Clerk of said Court and his deputies shall have concurrent authority with the Judges thereof to issue warrants and other processes and writs, other than those which the law requires shall be issued by a judicial officer.

**SECTION 15.** That at the request of the Judge of such Court of General Sessions the Sheriff of Putnam County shall assign a regular deputy sheriff to attend the sessions of the Court and to perform the same functions as do officers generally in attendance upon Courts of Record. The Sheriff of said county, or any Deputy Sheriff or Constable thereof, shall serve legal processes, writs, and papers issued by said court with the same authority as now provided by law and shall receive the same fees and emoluments therefor as is now provided for writs and processes issued by the Justices of the Peace for said county.

As amended by: Private Acts of 1949, Chapter 451

**SECTION 16.** That this Act shall in no way impair the right, title or interest of any Justice of the Peace of Putnam County to any unpaid fees, or funds in which he has a right or interest in any proceedings, judgment or suit, whether said cause is disposed of or pending when this Act becomes effective.

**SECTION 17.** That at the time this Act becomes effective all of the official dockets and records and papers in cases that are disposed of or that are undisposed of and pending, belonging to Justices of the Peace or former Justices of the Peace of said county, shall be delivered to the General Sessions Court as the successor of the said Justices of the Peace.

**SECTION 18.** That said Court of General Sessions shall have authority to hear and determine all undisposed of cases pending in the Courts of Justices of the Peace of Putnam County as if such cases had originated in said Court of General Sessions, and shall power to issue executions on judgments rendered by Justices of the Peace.

**SECTION 19.** That the Legislature expressly declares that each section of this Act be severable, and that if any portion of this Act shall be held unconstitutional or invalid, the same shall not affect the remainder of this Act, but such unconstitutional or invalid portions shall be elided, and the Legislature declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

**SECTION 20.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 8, 1949.

## Small Claims Court of Putnam County

### Private Acts of 1996 Chapter 209

**SECTION 1.** The purpose of this act is to establish within Putnam County, Tennessee, an accessible, convenient and informal forum for small civil cases in which the small claims of all complainants can be resolved and redressed inexpensively, expeditiously, fairly and effectively.

**SECTION 2.** (a) A small claims court of the general sessions court is established in Putnam County, Tennessee.

(b) The judges and clerks of the general sessions court shall serve as the judges and clerks of the small claims court divisions.

**SECTION 3.** (a) The small claims court is not a court of record and shall have jurisdiction, concurrent with that of the general sessions court, in all non-criminal actions, other than actions for libel and slander, if the amount in controversy does not exceed seven hundred fifty dollars (\$750) inclusive of interest.

(b) The small claims court has authority to grant any appropriate relief, including money damages and equitable relief, except that injunctions and restraining orders may only be issued by agreement of all parties.

**SECTION 4.** (a) The plaintiff may commence an action in the small claims court by filing with the clerk of the general sessions court a combination summons-complaint, hereinafter called the "civil

warrant”, which includes the name of the court, the names and addresses of the plaintiff(s) and defendant(s), the name of the county in which the action is commenced, and the statement of the claim in concise form, without technicality, including pertinent dates. In addition, the civil warrant shall include the following clearly and conspicuously stated information:

- (1) The defendant may, if desired, have the case transferred from the small claims court to the regular docket of the general sessions court;
- (2) If the defendant wishes to have the case heard in the small claims court, the defendant must first waive, or give up the right to be represented by an attorney, the right to appeal the decision of the court and the right to a jury trial;
- (3) If the defendant fails to appear, the court may order the defendant to pay the amount claimed by the plaintiff; and
- (4) The judge may schedule a different time for trial if the assigned date is inconvenient.

(b) The defendant shall be notified of the claim and of the defendant’s right to appear by being served with the civil warrant. The mode of service shall be by registered or certified mail with return receipt requested; if the receipt is not returned, the defendant shall be personally served with process as in other civil cases. No action in the small claims court may proceed further unless a return is made showing completed service by registered or certified mail, return receipt requested, or by personal service of process.

**SECTION 5.** A written answer or plea is not required of the defendant in an action in the small claims court; provided, however, the defendant may file a written answer or plea if so desired.

**SECTION 6.** The defendant may plead as a counterclaim or crossclaim any claim that at the time of serving the warrant the defendant may have against the plaintiff if: (1) the counterclaim or crossclaim is within the seven hundred fifty dollars (\$750) jurisdictional limit of the small claims court; and (2) the counterclaim or crossclaim arises out of the same transaction or occurrence that is the subject matter of the plaintiff’s claim; (3) the counterclaim or crossclaim does not require for its adjudication the presence of third parties over whom the court cannot acquire jurisdiction. Actions in which the defendant’s counterclaim exceeds the jurisdictional limit of the small claims court shall be removed to the regular docket of the general sessions court.

**SECTION 7.** (a) The plaintiff, upon filing a claim, shall pay the then current general sessions civil warrant filing fee. If additional costs are accrued, the plaintiff is responsible for payment of such cost pending final adjudication by the court.

(b) The pauper’s oath is available to the plaintiff as in other civil actions. No filing fee shall be required of the plaintiff who meets the requirements for initiating the action on the pauper’s oath.

**SECTION 8.** (a) The general sessions court clerk shall initially schedule a trial in the small claims court when the action is first filed.

(b) A party’s first request for a continuance may be granted if the judge determines that such request is warranted and is in the interest of justice. A party’s second request for a continuance, and all requests thereafter, may be granted only upon a showing of extraordinary circumstances justifying the continuance, unless all the parties and the judge agree thereto.

**SECTION 9.** (a) A party may not file in the small claims court of the general sessions court more than three (3) claims in any one (1) calendar year.

(b) Any party who files a claim in the small claims court shall sign an affidavit with the clerk at the time of the filing of the warrant stating that the party has not brought more than three (3) claims in one (1) calendar year.

(c) If any party files more than three (3) claims, then each subsequent cause shall be transferred to the regular general sessions court civil docket.

**SECTION 10.** (a) The small claims court shall conduct hearings upon small claims in such manner as to do substantial justice between the parties according to the rules of substantive law, and shall not be bound by the statutory provisions or rules governing practice, procedure, pleading or evidence, except statutory provisions relating to privileged communications.

(b) No depositions may be taken, and no interrogatories or other discovery proceedings may be used under the small claims procedure.

**SECTION 11.** No attorney at law, except on his own behalf or as a witness, may take any part in the prosecution or defense of litigation in the small claims court. Provided, however, this section shall not be construed to prohibit an attorney from advising a party concerning the anticipated

prosecution or defense of an action in the small claims court.

**SECTION 12.** (a) The judge shall conduct an informal hearing, and develop all of the facts in the particular case. The judge may take testimony, disregard rules of pleading and evidence, summon any party to appear as a witness in the suit upon the judge's own motion, and do other acts which appear necessary to effect a correct judgment and speedy disposition of the case. These powers are in addition to any powers given to judges of the general sessions courts that are not inconsistent with this act.

(b) When judgment is to be rendered in an action pursuant to this act, and the party against whom it is to be entered requests an inquiry, or on the judge's own motion, the judge shall inquire fully into the parties' financial status and may stay execution and order partial payments to the clerk of the court, as seem just under the circumstances.

After notice to the party and upon a showing by a preponderance of the evidence that the party has failed to meet an installment payment without just excuse, the stay of execution shall be vacated. When a stay of execution has not been ordered or when a stay of execution has been vacated as provided in this subsection, the party in whose favor the judgment has been entered may use all remedies available in the general sessions court for the enforcement of the judgment. Provided, however, no execution shall issue upon any judgment in the small claims court until after expiration of ten (10) days next following the date of entry of the judgment.

**SECTION 13.** (a) The plaintiff, or the clerk of the court at the request of the plaintiff, shall prepare the civil warrant. The plaintiff shall be responsible for sending notice to all defendants by registered or certified mail, return receipt requested. Such notice shall be mailed by the plaintiff within three (3) business days of the filing of the warrant. The plaintiff must show proof of notification at the hearing.

(b) The clerk shall cooperate with the parties in answering any questions they may have concerning the small claims procedure. The clerk shall not, however, give any legal advice nor express any opinion concerning the merits or probable outcome of the action.

**SECTION 14.** (a) Before any trial in the small claims court, the judge shall inquire of the defendant whether the defendant understands and wishes to waive the rights to be represented by an attorney, to appeal the judgment of the court, and to receive a jury trial, and by so doing to have the case heard in the small claims court, or whether the defendant wishes to have the case transferred to the regular docket of the general sessions court and not to waive any of such rights. In addition, before any trial in the small claims court, both the plaintiff and the defendant shall sign a statement setting forth in clear and conspicuous language a waiver of the rights to be represented by an attorney, to appeal the decision of the court, and to receive a jury trial. If the plaintiff declines to execute the waiver provided in this subsection, the action shall thereupon be dismissed without prejudice.

(b) A case shall be removed from the small claims court to the regular docket of the general sessions court if: (1) the defendant so requests; or (2) if either party declines to execute the waiver statement as provided in subsection (a) of this section; or (3) if a defendant's crossclaim or counterclaim exceeds the jurisdictional limit for the small claims court.

**SECTION 15.** In order for a plaintiff to be entitled to a default judgment, the plaintiff shall offer sufficient evidence of the claim against the defendant in order to make a prima facie showing that the plaintiff is entitled to judgment. The plaintiff shall offer additional evidence, if needed, to prove the amount owned to the plaintiff.

**SECTION 16.** The prevailing party in any action in the small claims court may be awarded the costs of the action.

**SECTION 17.** A trial in the small claims court shall be without a jury.

**SECTION 18.** An appeal may not be taken from the judgment or order of the small claims court except in a case when a default judgment has been entered; in such case an appeal may be taken to the circuit court in the same manner as provided by law for appeals from other judgments in the general sessions court. The pauper's oath is available for an appeal perfected pursuant to this section.

**SECTION 19.** (a) Ten (10) days after the entry of a judgment in the small claims court and assuming no appeal has been taken as provided in Section 18 of this act, the judgment is then final, and execution may be issued thereon unless previously stayed by order of the judge or by operation of law.

(b) A judgment obtained under this act may be pleaded as res judicata only as the amount involved in the particular action, and such judgment shall not otherwise be deemed an adjudication of any



fact at issue or found therein in any other action or court.

**SECTION 20.** All provisions relating to the general sessions court and the rules of the court apply to the small claims court as far as they may be applicable, and are not in conflict with this act. In case of a conflict, the provisions of this act shall control.

**SECTION 21.** If any provision 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 that end the provisions of this act are declared to be severable.

**SECTION 22.** This act, being necessary for the welfare of the state and its inhabitants, shall be liberally construed so as to effectuate its purposes stated in Section 1.

**SECTION 23.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Putnam County. Its approval or non-approval shall be proclaimed by the presiding officer of the county legislative body of Putnam County and certified to the Secretary of State.

**SECTION 24.** For the purposes of approving or rejecting the provisions of this act, it shall be effective upon becoming law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 23.

Passed: April 25, 1996.

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