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Juvenile Court

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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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Juvenile Court Creation

Private Acts of 1967-68 Chapter 219

SECTION 1. That there is hereby created and established in and for the City of Memphis and County of Shelby, Tennessee, a Court with the title and style of Juvenile Court of Memphis and Shelby County, Tennessee. Such Court shall be a Court of Record, presided over by a judge who shall have the qualifications hereinafter provided, and whose salary shall be provided and paid as hereinafter provided. Such Judge shall be known and have the title of Judge of the Juvenile Court of Memphis and Shelby County and shall devote his full time to the duties of such office of Judge, and shall have no other professional activity; and there is hereby created the Office of Clerk of said Court; that said Court shall have a Seal, and that the Judge and Clerk, within their respective functions as such officers of said Court, shall have the power and authority to administer oaths and affirmations 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 requires,

- (a) "The Court" shall mean the Juvenile Court of Memphis and Shelby County.
- (b) "The Judge" shall mean the Judge of the Juvenile Court of said City and County.
- (c) "The Clerk" shall mean the Clerk of the Juvenile Court of said City and County, or Deputy Clerk.
- (d) "Child" shall mean any person who is under the age of eighteen years.
- (e) "Adult" shall mean a person who is eighteen years of age or older.
- (f) "City and County" shall mean City of Memphis and County of Shelby, in the State of Tennessee.
- (g) "Peace Officer" shall mean the Sheriff of Shelby County or any of his Deputies, any Constable of said County, and any Police Officer of said County or of any municipal corporation in said County.
- (h) The singular shall include the plural, the plural the singular, and the masculine the feminine when not inconsistent with the intent of the Act.

SECTION 3. That it is the purpose of this act to give such Juvenile Court all the jurisdiction of a Juvenile Court in Shelby county as contemplated by the laws of Tennessee, and the Court shall have all the jurisdiction, powers, and authority of a Juvenile Court in said County contemplated in the laws of Tennessee as stated in Title 37 of the Tennessee Code Annotated and any other general laws of the State of Tennessee now in force and effect, or hereinafter to become of force and effect.

SECTION 4. That nothing contained in this Act is in any wise intended to attempt to deprive any other Court, such as the Circuit, Criminal, Probate or Chancery Court, of any right by habeas corpus to determine the custody or guardianship of children as is now provided by law and practiced by such courts.

SECTION 5. 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 institution as is fitted to care for such cases wherein the Court is authorized to do so by provisions of the general laws, or to such institution otherwise made available to the Court 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 the needs of the child to a Court of competent jurisdiction, and said Judge shall take such action as appears in his opinion is for the best interest of said child.

SECTION 6. That the person who holds the position of Judge of the Memphis Municipal Juvenile Court at the time that this Act shall become operative by virtue of compliance with the provisions set out herein with respect to Section 29, such person shall become the Judge of the Juvenile Court of Memphis and Shelby County and shall serve until September 1, 1968, and until his successor qualifies. At the next regular election of County officers in the State to be held in August, 1968, a person duly qualified shall be elected to serve until September 1, 1974, and until his successor qualifies. Beginning with the regular election of County Officers in the State to be held in August, 1974, and from that election date forward, a person properly qualified shall be elected for a term of eight (8) years as will all other judges of the State and until his successor is qualified and elected. The Judge of said Juvenile Court shall receive a salary the same as that of Chancellors and Circuit Judges of Shelby County, to be paid by the County of Shelby.

The Judge of said Juvenile Court shall receive a salary the same as that of Chancellors and Circuit Judges of Shelby County, to be paid by the County of Shelby. Said Judge shall not be less than thirty (30) years

of age, and a resident of the State of Tennessee for at least five (5) years and of Shelby County for not less than one (1) year, and shall have the same qualifications as do the Circuit and Chancery Court Judges of Shelby County, Tennessee, as prescribed by law; provided that this provision shall not apply now or hereafter to the person who at the time this Act shall become operative by virtue of compliance with Section 29 herein holds the office of Judge of the Memphis Municipal Juvenile Court. Said Judge shall take and subscribe to the same oath of office as that prescribed for all judges in the State of the Circuit and Chancery Courts.

The Judge is hereby authorized and empowered to make and promulgate rules and regulations for the administration of the Juvenile Court, to fix the times and places at which all person in the jurisdiction of the said Juvenile Court shall have their causes set for trial. In the event the Office of Judge of the Juvenile Court shall become vacant by reason of death, resignation, retirement, or other cause before the expiration of the term of the Judge, the vacancy shall be filled as prescribed by the laws of the State of Tennessee.

As amended by: Private Acts of 1971, Chapter 187
Private Acts of 1973, Chapter 83

SECTION 7. That all monies derived from fees, fines and costs assessed by the Judge and all fees and costs collected by the Clerk shall be paid monthly to the County or to the County and the City of Memphis in accordance with the contract between the said governments regarding same.

SECTION 8. That the Clerk of the Court shall, under the supervision of the Judge, keep all the records of the Court, and shall have all the duties, authorities, and obligations as provided by Sections 18-102, through and including 18-124, of the Tennessee Code Annotated as applicable to the office. Said clerk shall give a surety bond in the amount of Ten Thousand Dollars (\$10,000.00) for the faithful performance of his duties.

SECTION 9. That the Clerk of the Court shall be allowed to demand and receive those fees for services as prescribed and set out in Chapter 21, Title 8, Tennessee Code Annotated, as amended and to be amended from time and time.

SECTION 10. That the Clerk of the Court shall be appointed by the Quarterly County Court of Shelby County. Said appointment shall be for a term of two (2) years from the date of appointment and until his successor qualifies. The salary per annum of the Clerk shall be set by the Quarterly County Court payable monthly or semi-monthly in equal installments by the County of Shelby.

SECTION 11. That the salaries and compensation of the Judge, Clerk, officers and personnel of the Juvenile Court shall be under the Chairman of the Shelby County Quarterly Court. Said salaries and compensation shall be paid by warrant or warrants drawn upon the County Trustee.

The Chairman of the Quarterly Court may draw one warrant upon the County Trustee for the sum total of their payroll for any payroll period, payable to a Paymaster or the person delegated to perform such duty and properly bonded, and may delegate to such person the duty of issuing individual payroll checks to the Judge, Clerk, officers and personnel of the Juvenile Court.

In addition to the salaries and compensation herein provided, the County shall be authorized to pay the following:

(a) Any portion of the premiums, in excess of the amount required to be paid by the said Judge, Clerk, officers and personnel, in connection with any policy of group life insurance carried by the County for the benefit of and insuring the lives of said Judge, Clerk, officers and personnel.

(b) Any portion of the premium in excess of the amount required to be paid by the Judge, Clerk, officers and personnel in connection with any hospitalization insurance carried by the County for the benefit of County employees.

(c) Any contribution required to be made by the County in behalf of the Judge, Clerk, officers and personnel in connection with any retirement plan which may be adopted by the County for the benefit of its officers and employees.

SECTION 12. That all purchases and expenses of the Memphis and Shelby County Juvenile Court shall be made and paid by the Chairman of the Quarterly County Court; provided, that notwithstanding the foregoing provision in regard to the payroll, purchases and expenses, the Quarterly Court may, by appropriate resolution, delegate the duties of administration of the payroll, purchases and payment of all expenses to the Shelby County Board of Commissioners.

SECTION 13. That the Sheriff of Shelby County shall furnish the necessary deputies and special deputies to attend and dispense with the business of the Court.

SECTION 14. That the Quarterly County Court shall, pursuant to the law and regulations applicable to

employees of Shelby County, appoint a Chief Probation Officer upon recommendation of the Judge, but such recommendation shall not be binding upon the Quarterly County Court. Said Chief Probation Officer shall serve at the will and pleasure of the Quarterly County Court, and the salary of the Chief Probation Officer shall be paid by the County of Shelby and fixed by the Quarterly County Court upon recommendation of the Judge.

SECTION 15. That the Judge shall appoint and designate, pursuant to the law and regulations of Shelby County, all other personnel, including a Director of Court Services, as may be necessary to carry on efficiently the business of said Juvenile Court within the limit of the total appropriation therefor for each fiscal year. The Judge, not later than April each year; shall submit a schedule by job classification, and such schedule may be approved by the Quarterly County Court in their discretion notwithstanding that same may be within the total appropriation of the approved budget.

All personnel and employees of the Memphis Juvenile Court and so holding positions at the time this Act shall become operative by virtue of compliance with Section 29 herein, if and when appointed to fill positions with the Court herein created, shall be so designated and accorded full status as a County employee with all rights and privileges accruing thereto.

SECTION 16. That the Quarterly County Court of Shelby County shall provide adequate quarters to meet the needs for care of children in custody of the Court pending an investigation or hearing and disposition of their cases. Such facilities, together with any and all other facilities that may be provided or afforded for the detention, care or custody of children, shall be under the supervision of the Court. The Court may also arrange with any licensed institution, agency, or the State Department of Public Welfare to receive for temporary care and custody children within the jurisdiction of the Court.

SECTION 17. That in proceedings under this Act court costs or witness fees may be taxed against any party to a proceeding, or against the County, where so provided by law, within the judicial discretion of the Judge; the same to be paid from the appropriation provided when certified by the Judge.

SECTION 18. That the Judge of the Court shall present to the Quarterly County Court of Shelby County, on or before April of each year, a proposed budget for the operation of the Court for the next fiscal year in accordance with the law, practice, rules and procedure of said Quarterly County Court. The Quarterly County Court shall have the duty and responsibility of studying the proposed budget and appropriating funds in such amounts as it deems sufficient for the efficient operation of said Court, within the intent and purpose of this Act.

SECTION 19. That the Court is authorized to seek the cooperation of all societies or organizations having for their object the protection or aid of children.

SECTION 20. That there is hereby created a Second Division of the Court. The Judge of said Division shall be subject to all of the provisions of this Act in the same manner as is the Judge provided for in this Act. The Judgeship of said Second Division shall remain vacant until the Quarterly County Court of Shelby County shall determine the need therefore and by resolution set a date for the election or appointment of said Judge. The Judge of the Second Division shall be learned in the law and licensed to practice law in this State.

SECTION 21. That this Act shall be construed as remedial in character and shall be liberally construed to an end that each child coming within the jurisdiction of the Court shall receive such care, guidance and control, preferably in his own home, as will be conducive in the child's welfare and the best interest of the State, and that when such child is removed from the control of his parents, the Court shall secure for him care as nearly as possible equivalent to that which should have been given by them.

SECTION 22. That all prior Acts governing the organization, jurisdiction and management of the Memphis Municipal Juvenile Court and the present Probate Court of Shelby County, Tennessee, as its jurisdiction applies to Juvenile Court matters, which are not in conflict with this Act, shall remain in full force and effect, and that all Acts in conflict with this Act be and the same are hereby repealed.

SECTION 23. That all unfinished and pending matters at the close of business of the present City and County Juvenile Courts on the day preceding the date that this Act shall become operative by virtue of compliance with Section 28 hereof, shall be transferred to the Juvenile Court of Memphis and Shelby County, Tennessee, and the judges of the respective City and County Juvenile Courts, in that event, shall forthwith deliver over all official books and papers pertaining thereto in accordance with the law.

SECTION 24. That the County of Shelby shall enter into a contract of agreement with the City of Memphis providing such terms and conditions therein as the parties deem best for the joint financial support, operation and maintenance of the Memphis and Shelby County Juvenile Court.

SECTION 25. That the County of Shelby may enter into contractual agreements with other municipalities located within Shelby County for the joint financial support, operation and maintenance of said Juvenile

Court.

SECTION 26. That the provisions of this Act are hereby declared to be severable, and if any of its sections, provisions, sentences, phrases, or parts be held unconstitutional or void, the remainder of this Act shall continue in full force and effect, it being the legislative intent now hereby declared that this Act would have been passed even if such unconstitutional or void matter had not been included herein.

SECTION 27. That this Act shall have no effect unless approved by a two-thirds ($\frac{2}{3}$) vote of the Quarterly County Court of Shelby County not more than one hundred twenty (120) days subsequent to its approval by the Chief Executive of this State or after its otherwise effective date. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and shall be certified by him to the Secretary of State.

SECTION 28. That the provisions of this Act shall not be operative unless or until the proper authorities of the governing body of the City of Memphis by ordinance abolished or suspend the Juvenile Court System of the City of Memphis as authorized by an amendment to the Home Rule Charter of that City pursuant to Section 9, Article 11, of the Constitution of the State of Tennessee, approved heretofore by the voters of the City of Memphis in a General Election held on November 8, 1966. Said ordinance shall only be adopted after approval and execution of the contract referred to in Section 24 hereof by all necessary officials of the City of Memphis and County of Shelby.

SECTION 29. That this Act shall take effect from and after this passage, the public welfare requiring it, but the provisions thereof shall not become operative until validated as provided in Section 27 above and as otherwise provided in the Act.

Passed: May 26, 1967.

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