

## Juvenile Court Jurisdiction and Appeals

Court Improvement Program

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## Jurisdiction in Juvenile Court

▶ Exclusive

▶ Concurrent

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## Exclusive Jurisdiction

- ▶ Dependency & Neglect
- ▶ Unruly
- ▶ Delinquency
- ▶ Authority to require any parent/legal guardian of a child within the jurisdiction of the court to participate in treatment or counseling
  - Means of addressing underlying dependency issues with youth adjudicated delinquent or unruly

T.C.A. § 37-1-103

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### Exclusive Jurisdiction

- ▶ **Traffic Offenses** (caveat - JC may waive if child 16 or older - heard by court with jurisdiction of adult traffic violations) - T.C.A. § 37-1-146
- ▶ **Judicial consent for employment or enlistment in armed services** - T.C.A. § 50-5-108
- ▶ **Interstate Compact for Juveniles** - T.C.A. § 37-4-101, et seq.
- ▶ **Interstate Compact on the Placement of Children** - T.C.A. § 37-4-201, et seq.
- ▶ **Adult - violation of parental responsibility** (T.C.A. § 37-1-174)

T.C.A. § 37-1-103

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### Exclusive Jurisdiction

- ▶ **Temporary emergency UCCJEA jurisdiction**  
T.C.A. 36-6-219
- ▶ **Abortion Bypass**  
T.C.A. § 37-10-301; et. seq.  
and S.Ct. Rule 24

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### Concurrent Jurisdiction

- ▶ **Probate**
  - Treat or commit developmentally disabled or mentally ill child
  - Determine custody or appoint guardian of the person of a child
  - Judicial consent to the marriage of a child
- ▶ **General Sessions - Adult Criminal Charge**
  - Offense of contributing to the delinquency or unruly conduct of a minor (T.C.A §37-1-156)
  - Offense of contributing to the dependency of a child (T.C.A §37-1-157)

T.C.A §37-1-104

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### Concurrent Jurisdiction

- › Circuit & Chancery
  - Termination of parental rights
  - Establish parentage of child born out of wedlock
  - Determine custody, support, visitation, etc. of child born out of wedlock
  - 1980 Hague Convention on the Civil Aspects of International Child Abductions
- › Other Courts
  - Child Support

T.C.A §37-1-104

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### Concurrent Jurisdiction

- › Order of Protection in proceedings to:
  - Establish parentage of child born out of wedlock or
  - To determine custody, visitation, support, etc. of child born out of wedlock

T.C.A. §36-3-601, et. seq.  
(See AG Opinion 13-98)

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### Concurrent Jurisdiction

- › Order temporary or permanent parenting plans  
T.C.A. §36-6-411
- › Adult criminal violation of mandatory school attendance laws  
T.C.A. §49-6-3010
- › Adult criminal child abuse or neglect  
T.C.A. §39-15-401

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### Continuing Jurisdiction

#### Jurisdiction continues until:

- Case is dismissed - T.C.A §37-1-103
- Jurisdiction is transferred - T.C.A § 37-1-103, 112, 134, and 141
- Adoption petition is filed - T.C.A §37-1-103

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### Exercising Temporary Jurisdiction of D&N, TPR or OP

- Court has temporary jurisdiction to issue temporary orders for child present or residing in county
- Upon receipt of notice that another court has prior jurisdiction, the temporary jurisdiction court shall:
  - Immediately notify & communicate with court having original jurisdiction
  - Both courts shall attempt to:
    - Resolve jurisdictional issues
    - Protect the best interests of the child
    - Determine duration of the temporary order

T.C.A §37-1-103

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### Transfer to Another Juvenile Court

- Child resides in one county and proceedings commenced in another county
- Transfer can be made to child's home county if:

- Adjudication has occurred
- Other proceedings are pending in child's home county

Also applies if child's residency changes during proceeding

T.C.A §37-1-112

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### Transfer from Juvenile Court

To circuit, chancery or general sessions court exercising domestic relations jurisdiction

Transfer of custody issue can be made if :

- Custody proceeding is pending or commenced in other court and
- Juvenile court has adjudicated the child D&N, and ordered essential services for child and family and.....

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### Transfer from Juvenile Court, cont.

➤ Juvenile court makes findings of fact that transfer :

1. Is In best interest of child;
2. promotes judicial economy;
3. provides for a more reasonable or convenient forum; or
4. for other good cause.

T.C.A §37-1-112

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### Venue

Proceeding commenced in:  
County where child resides or

- Delinquent or unruly - county where acts occurred - TN Constitution Art. 1 Sec. 9
- Unruly and in DCS - court exercising continued jurisdiction or court that granted custody
- D&N - where child is present when proceeding commenced

T.C.A. § 37-1-111

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**Venue, cont.**

- › Termination of Parental Rights
    - County where:
      - Petitioner resides
      - Child resides
      - Child resided when
        - Child became subject to care and control of agency
        - Child became subject to partial or complete guardianship pursuant to surrender
      - Agency is located having custody or guardianship or to which child has been surrendered
- T.C.A. § 36-1-114
- If TPR filed in separate court from court where custody or D&N pending - notice required
- T.C.A. § 36-1-113(d)(4)

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**Child - Definition**

- › Person under 18
  - › Person under 19 for limited purpose of:
    - To enforce non-custodial order of disposition entered before 18<sup>th</sup> birthday
    - Home placement supervision to DCS based on delinquent adjudication prior to 18<sup>th</sup> birthday
    - Resolution of delinquent offense committed prior to 18<sup>th</sup> birthday
  - › Over 18 for purpose voluntary extension of foster care services
- T.C.A. § 37-1-102

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**Appeals**

- Appeal must be from final order
- › Delinquent offense - to criminal court - case tried de novo
  - › D&N or unruly - to circuit court - case tried de novo
  - › Appeal perfected within 10 days of order, excluding non-judicial days
  - › Does not suspend juvenile court order or release child
  - › Criminal or circuit court may make temporary disposition
  - › Criminal or circuit court remands case to juvenile court for enforcement of judgment
- T.C.A. § 37-1-159

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**Appeals, cont.**

Appeals of all other matters pursuant to TRAP

- ▶ To Court of Appeals -
  - Termination of parental rights
  - Parentage
  - Custody
  - Visitation
  - And more!

T.C.A. § 37-1-159

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**Appeal of Magistrate's Order**

- ▶ Upon conclusion of hearing, magistrate makes written findings of fact and recommendations - transmitted to judge
- ▶ Within 5 days, any party may file request of rehearing before judge
- ▶ Preliminary matters reviewable by judge only upon court's own motion
- ▶ Setting of bond or final disposition reviewable by judge upon request of party or court's own motion
- ▶ If no rehearing requested, findings and recommendations become courts' order when confirmed by Judge
- ▶ If no rehearing requested, right to de novo hearing before criminal or circuit court is not waived

T.C.A. § 37-1-107 and TRJP Rule 4

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