Juvenile Court Jurisdiction and Appeals

Court Improvement Program

Jurisdiction in Juvenile Court

- Exclusive
- Concurrent

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

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

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

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

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

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)

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

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

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

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

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.....

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

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

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)

Child – Definition

- Person under 18
- Person under 19 for limited purpose of:
  - To enforce non-custodial order of disposition entered before 18th birthday
  - Home placement supervision to DCS based on delinquent adjudication prior to 18th birthday
  - Resolution of delinquent offense committed prior to 18th birthday
- Over 18 for purpose voluntary extension of foster care services

T.C.A. § 37-1-102

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

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

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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