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Clerk of the
Appellate Courts

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE

Assigned on Briefs October 13, 2021

LISA DOROTHEA HENRY v. LAUREN DELANO SMITH

Appeal from the Chancery Court for Meigs County
No. OP-1287 Frank V. Williams, III, Chancellor

No. E2021-00019-COA-R3-CV

The Domestic Relations Court for Meigs County dismissed a petition for order of protection, and the petitioner appealed to the Chancery Court for Meigs County (the “trial court”). The trial court determined that it lacked subject matter jurisdiction over the case and dismissed the appeal. Because the trial court has subject matter jurisdiction, we reverse.

**Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Chancery Court Reversed;
Case Remanded**

KRISTI M. DAVIS, J., delivered the opinion of the Court, in which JOHN W. MCCLARTY and KENNY W. ARMSTRONG, JJ., joined.

Michael M. Thomas, Chattanooga, Tennessee, for the appellant, Lisa Dorothea Henry.

Leah B. Sauceman, Athens, Tennessee, for the appellee, Lauren Delano Smith.

OPINION

BACKGROUND

Lisa Henry (“Petitioner”) filed a petition for order of protection in the Domestic Relations Court for Meigs County on April 21, 2020, naming Lauren Delano Smith (“Respondent”) as defendant and alleging various acts of domestic violence. An ex-parte order of protection was entered the same day. There is no transcript or statement of the evidence in the record, but an order dismissing the petition was entered on June 4, 2020.

Seven days later, on June 11, 2020, Petitioner filed a notice of appeal to the trial court. In response, Respondent filed a motion to dismiss alleging that the trial court lacked

subject matter jurisdiction. Respondent relied on the private act (the “Act”) granting domestic relations jurisdiction to the General Sessions Court of Meigs County, *see* 2000 Tenn. Priv. Acts ch. 117 § 1, and urged that pursuant to the Act, the Domestic Relations Court was acting as a chancery court when it dismissed the petition for order of protection. Respondent averred that, pursuant to the Act, the appeal should have been directly to this Court. Petitioner filed a response arguing that the General Assembly amended the statute specifically dealing with appeals of final orders on orders of protection, Tennessee Code Annotated section 36-3-601, in 2001 and that the appeal provision of the Act was abrogated.

The trial court agreed with Respondent and entered an order dismissing Petitioner’s appeal on December 15, 2020. As pertinent, the order provides:

2. The Domestic Relations Court in Meigs County, Tennessee has concurrent jurisdiction with the Chancery and Circuit Courts.

3. Therefore, Meigs County Domestic Relations Court is not acting as a General Sessions Court.

4. Based on this distinction, Meigs County Domestic Relations Court is acting as Chancery or Circuit Court.

5. Therefore, the proper place to appeal an order of protection dismissed in Meigs County Domestic Relations Court is not with the Chancery Court but with the Court of Appeals.

Accordingly, Petitioner’s appeal was dismissed and costs were assessed to her. Petitioner then filed a timely notice of appeal to this Court.

ISSUE

Petitioner raises a single issue for review, which is whether the trial court erred in finding that it lacked subject matter jurisdiction over Petitioner’s appeal from the Domestic Relations Court.

DISCUSSION

The sole question here is whether the trial court properly concluded that it lacked subject matter jurisdiction. “Since a determination of whether subject matter jurisdiction exists is a question of law, our standard of review is *de novo*.” *Chapman v. DaVita, Inc.*, 380 S.W.3d 710, 712–13 (Tenn. 2012) (quoting *Northland Ins. Co. v. State*, 33 S.W.3d 727, 729 (Tenn. 2000)). This case also requires the interpretation of statutes. “[W]hen an issue on appeal requires statutory interpretation, we review the trial court’s decision *de*

novo with no presumption of correctness.” *Nationwide Mut. Fire Ins. Co. v. Memphis Light, Gas & Water*, 578 S.W.3d 26, 30 (Tenn. Ct. App. 2018) (citing *Wade v. Jackson-Madison Cnty. Gen. Hosp. Dist.*, 469 S.W.3d 54, 58 (Tenn. Ct. App. 2015)). The polestar of statutory interpretation is the intent and purpose of the legislature in enacting the statute. *Nationwide*, 578 S.W.3d at 30.

In 2000, the General Assembly conferred domestic relations jurisdiction on the General Sessions Court of Meigs County. *See* 2000 Tenn. Priv. Acts ch. 117 § 1. Pursuant to the Act, while it is exercising such jurisdiction, the general sessions court is “known as the domestic relations court of Meigs County.” *Id.* The Act further provides that “[a]ppeals from the judgments of the domestic relations 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.” *Id.* § 4.

On the other hand, Petitioner relies on Tennessee Code Annotated section 36-3-601, the statute addressing orders of protection. The salient provision explains which courts are authorized to issue orders of protection and how to appeal therefrom:

(3)(A) “Court,” in counties having a population of not less than two hundred sixty thousand (260,000) nor more than eight hundred thousand (800,000), according to the 1980 federal census or any subsequent federal census, means any court of record with jurisdiction over domestic relation matters;

(B) Notwithstanding subdivision (3)(A), “court,” in counties with a metropolitan form of government with a population of more than one hundred thousand (100,000), according to the 1990 federal census or any subsequent federal census, means any court of record with jurisdiction over domestic relation matters and the general sessions court. In such county having a metropolitan form of government, a judicial commissioner may issue an ex parte order of protection. Nothing in this definition may be construed to grant jurisdiction to the general sessions court for matters relating to child custody, visitation, or support;

(C) “Court,” in all other counties, means any court of record with jurisdiction over domestic relation matters or the general sessions court;

* * *

(F) Any appeal from a final ruling on an order of protection by a general sessions court or by any official authorized to issue an order of protection under this subdivision (3) shall be to the circuit or chancery court of the county. Such appeal shall be filed within ten (10) days and shall be heard de novo[.]

Tenn. Code Ann. § 36-3-601(3). Subsection (3)(F) was added by the General Assembly in 2001. *See* 2001 Tenn. Pub. Acts ch. 96 §§ 1–3.

According to Petitioner, the 2001 amendment abrogated the Act with regard to appeals of final orders on orders of protection, and “the legislature no longer require[s] this type of decision of the General Sessions Court to be appealed to the Tennessee Court of Appeals.” Petitioner further relies on a 2014 Tennessee Attorney General opinion, which provides, *inter alia*, that

[i]n most counties [] the court of general sessions may exercise concurrent jurisdiction to issue orders of protection. *See* Tenn. Code Ann. § 36-3-601(3)(B), (C), (E).

Relying on this Office’s opinion in Tenn. Op. Att’y Gen. No. 98-43 (Feb. 17, 1998), the Tennessee Court of Appeals has held that “general sessions courts’ decisions on the grant or denial of orders of protection are properly appealed to [the Court of Appeals], because those courts hold concurrent jurisdiction with circuit and chancery courts in this area.” *Collins v. Pharris*, No. M1999-00588-COA-R3-CV, 2001 WL 219652, at *4 (Tenn. Ct. App. Mar. 7, 2001) (also citing *Garrison v. Burch*, No. M1999-02819-COA-R3-CV, 2001 WL 47001, at *1 n.2 (Jan. 22, 2001)); *see also Haskett v. Haskett*, No. E1999-01471-COA-R3-CV, 2000 WL 228261 (Tenn. Ct. App. Feb. 29, 2000) (deciding appeal from an order of protection issued by a general sessions court). But in 2001, the General Assembly added subdivision (F) to Tenn. Code Ann. § 36-3-601(3), *see* 2001 Tenn. Pub. Acts, ch. 96, § 3, which expressly provides that “[a]ny appeal from a final ruling on an order of protection by a general sessions court . . . shall be to the circuit or chancery court of the county. Such appeal shall be filed within ten (10) days and shall be heard de novo.”

Tenn. Op. Att’y Gen. No. 14-69, 2014 WL 3548157 (July 8, 2014). Generally, Petitioner avers that the trial court ignored section 36-3-601(3)(F) and erred in its conclusion that Petitioner’s appeal lies in this Court. Respondent does not challenge Petitioner’s position on appeal. Rather, Respondent filed a short brief which provides only that “[a]fter reviewing the statutes and case law, [Respondent] agrees with [Petitioner’s] brief. There is no case law or statutes that currently supports [Respondent’s] position in this matter.” For several reasons, we agree with Petitioner and conclude that the trial court erred in dismissing Petitioner’s appeal.

First, the trial court’s decision ignores the clear import of section 36-3-601(3)(F) and places the Act and section 36-3-601(3)(F) squarely in conflict. While the General Assembly may “enact private laws affecting only certain counties,” we tread carefully where private acts are also the subject of statewide general laws, *Smith Cnty. v. Enoch*, No.

M1999-00063-COA-R3-CV, 2003 WL 535914, at *3 (Tenn. Ct. App. Feb. 26, 2003) (citing *Se. Greyhound Lines v. City of Knoxville*, 184 S.W.2d 4, 6–7 (Tenn. 1944)), and bear in mind our responsibility to resolve conflicts between statutes “so as to provide a harmonious operation of the laws.” *Graham v. Caples*, 325 S.W.3d 578, 582 (Tenn. 2010) (quoting *Cronin v. Howe*, 906 S.W.2d 910, 912 (Tenn. 1995)). More fundamentally, the trial court also overlooked the important fact that section 36-3-601(3)(F) was amended in 2001, after the passage of the Act. This Court presumes “that the General Assembly is aware of prior enactments and of decisions of the courts when enacting legislation.” *Carter v. Bell*, 279 S.W.3d 560, 564 (Tenn. 2009) (citing *Ki v. State*, 78 S.W.3d 876, 879 (Tenn. 2002)). Accordingly, if the General Assembly intended section 36-3-601(3)(F) to apply to some counties but not others, or to leave certain private acts unaffected, the broad language of that section confounds. *See Harwell v. Leech*, 672 S.W.2d 761, 764 (Tenn. 1984) (discussing a private act addressing the sale of fireworks and a subsequently passed public act, and noting that the public act contained “a very clear statement that the Legislature did not intend to disturb” the private act at issue). Indeed, subsection (3)(F) applies not only to general sessions courts but also to “any court of record with jurisdiction over domestic relation matters,” and the bill summary associated with the amendment provides that “[t]his amendment would require any appeal from a final ruling on an order of protection made by a party other than a circuit court judge or chancellor to be made to the circuit or chancery court.” S.B 177, 102d Gen. Assemb., Reg. Sess. (Tenn. 2001) (bill summary).

Moreover, a general statutory provision “must bow to” a more specific provision. *Graham*, 325 S.W.3d at 582. While the Act provides that appeals from the Domestic Relations Court are taken in the same manner as appeals from the circuit and chancery courts of Meigs County, section 36-3-601(3)(F) deals exclusively with appeals “from a final ruling on an order of protection by a general sessions court **or by any official authorized to issue an order of protection under this subdivision (3)[.]**”¹ (emphasis added). Accordingly, section 36-3-601(3)(F) is more specific than the Act and is controlling. *See Lovlace v. Copley*, 418 S.W.3d 1, 20 (Tenn. 2013) (“[A] more specific statutory provision takes precedence over a more general provision.”). In light of the foregoing, we agree with Petitioner that section 36-3-601(3)(F) abrogates the Act as it pertains to the appeal of final orders addressing orders of protection.²

Second, this Court has previously addressed the same question regarding appeal of an order of protection from a different county and concluded that section 36-3-601(3)(F) controls. In *Baxley v. Baxley*, No. E2015-00243-COA-R3-CV, 2015 WL 8352630, at *1 (Tenn. Ct. App. Dec. 9, 2015), a wife sought and was granted an order of protection against her husband in the General Sessions Court for Hamblen County. The husband filed an

¹ Petitioner argues in her brief that based on the salient census data, the Meigs County Domestic Relations Court falls under the definition of “court” provided in section 36-3-601(3)(C). Respondent does not dispute this on appeal.

² Section 36-3-601(3)(F) deals exclusively with orders of protection, and this opinion has no bearing on the manner of other appeals from the Domestic Relations Court.

appeal to the Circuit Court for Hamblen County, which the trial court dismissed, finding as pertinent:

The [c]ourt finds that the Circuit Court for Hamblen County does not have jurisdiction to hear [husband's] Motion for Rehearing (Belated Appeal). General Sessions Courts in Tennessee exercise concurrent jurisdiction with Circuit Courts pursuant to [Tennessee Code Annotated section 36-3-601]; therefore, any appeal from General Sessions Court concerning matters of an order of protection must be appealed to the Tennessee Court of Appeals.

Id. at *2. The husband's appeal was dismissed for lack of subject matter jurisdiction, and he appealed to this Court. *Id.* In reversing the trial court's decision, we pointed out that the specific statute governing the appeal of orders or protection was amended in 2001. *Id.* Insofar as section 36-3-601(3)(F) is the more specific authority, we concluded that under that section, the husband was "permitted to lodge an appeal with the circuit court within a period of ten days." *Id.* at *3.³

Consequently, the trial court's decision was contrary to well-settled principles of statutory construction as well as an analogous case already decided by this Court. Further, the trial court's order contains no legal authority or explanation supporting its decision. In any event, the clear import of Tennessee Code Annotated section 36-3-601(3)(F) is that orders such as the one at issue here be appealed to the circuit or chancery court of the relevant county, and the trial court erred in concluding otherwise.

CONCLUSION

Because Petitioner appealed the dismissal of her petition for an order of protection to the correct court in a timely manner, the trial court erred in dismissing the appeal. The judgment of the Chancery Court for Meigs County is therefore reversed, and the case remanded for proceedings consistent with this opinion. Costs of this appeal are assessed to the appellee, Lauren Delano Smith, for which execution may issue if necessary.

KRISTI M. DAVIS, JUDGE

³ While *Baxley* is slightly different from the current case in that this case originated in Domestic Relations Court, this difference is inapposite because section 36-3-601(3)(F) is not limited to general sessions courts acting with concurrent jurisdiction, but also applies to "any official authorized to issue an order of protection under this subdivision[.]" As explained above, courts authorized to issue orders of protection include "any court of record with jurisdiction over domestic relation matters[.]" Tenn. Code Ann. § 36-3-601(3)(C).