

HOUSE BILL 712

By Brooks H

AN ACT to amend Tennessee Code Annotated, Section 37-1-103, relative to jurisdiction in juvenile court.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated Section 37-1-103, is amended by deleting subsection (c) in its entirety and by substituting instead the following:

Except as provided in subsection (d), when jurisdiction has been acquired under this part, such jurisdiction shall continue until the case has been dismissed, or until the custody determination is transferred to another juvenile, circuit, chancery or general sessions court exercising domestic relations jurisdiction, or until a petition for adoption is filed regarding the child in question as set out in § 36-1-116(f). A juvenile court shall retain jurisdiction to the extent needed to complete any reviews or permanency hearings for children in foster care as may be mandated by federal or state law. This subsection (c) does not establish concurrent jurisdiction for any other court to hear juvenile cases, but permits courts exercising domestic relations jurisdiction to make custody determinations in accordance with this part.

SECTION 2. Tennessee Code Annotated Section 37-1-103, is amended by adding as new subsections (d) and (e) and redesignating the remaining subsections accordingly:

(d)

(1) A juvenile court in any county of this state shall have temporary jurisdiction to issue a temporary order pursuant to this section upon a petition on behalf of a child present in that county, upon being informed that a proceeding pertaining to the same child has been commenced in, or a determination pertaining to the same child has been made by, a court of a county having prior

jurisdiction under this part; provided, that the court having temporary jurisdiction shall immediately notify and attempt to communicate with the court having original jurisdiction regarding the status of the child before issuing any temporary order hereunder. The courts shall coordinate with one another to resolve any jurisdictional issues, protect the best interests of the child, and determine the duration of any order entered by a court pursuant to this section.

(2) A court shall have temporary jurisdiction pursuant to this subsection (d) only in a neglect, dependency or abuse proceeding, or an order of protection pursuant to title 36, pertaining to the child whose matter is before the court when the court determines it is necessary to protect the best interests of that child by action of that court.

(3) If a proceeding pertaining to the child has been commenced in a court in a county having prior jurisdiction under this part or if there is a previous determination pertaining to a child that is entitled to be enforced under this part, any temporary order issued by a court pursuant to this section must specify in the order a period of time that the court considers adequate to allow the parties to resume the proceeding in the court having prior jurisdiction under this part. The temporary order issued by the court pursuant to this subsection (d) shall remain in effect until an order is obtained from the court having prior jurisdiction within the period so specified or until such period expires, or until the expiration of an extended period established by further order of the court issuing the temporary order pursuant to this section. Alternatively, the courts, upon consultation with one another and the parties, may transfer jurisdiction of all matters pertaining to the child to the court having temporary jurisdiction pursuant to this section, and

thereafter the court to which jurisdiction has been transferred shall have full jurisdiction of all matters pertaining to the child.

(e) Notwithstanding any other law to the contrary, transfers under this section shall be at the sole discretion of the juvenile court and in accordance with § 37-1-112. In all other cases, jurisdiction shall continue until a person reaches eighteen (18) years of age, except that the court may extend jurisdiction as otherwise permitted by statute.

SECTION 3. This act shall take effect on July 1, 2011, the public welfare requiring it.