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Opinion No. 00-112

Duties of Juvenile Court Clerk in Obion County

QUESTION

Is the Obion County Circuit Court Clerk, who also serves as the clerk of the Juvenile Court and General Sessions Court, required to provide a clerk to prepare or draft orders for the Juvenile Court, record proceedings by electronic means, and provide a clerk in the courtroom when the Juvenile Court is in session?

OPINION

Under the applicable statutes, the clerk serving as the clerk of the Juvenile Court must attend the sessions of the court or provide a deputy clerk to do so. In addition, while the statutes do not expressly provide that a clerk has a duty to record court sessions or to prepare or draft court orders, we think these duties fall within the "clerical functions" of a court within the meaning of Tenn. Code Ann. § 18-1-101. Further, we think the Judge of the Juvenile Court may promulgate rules and regulations providing for the clerk to carry out these duties as part of the Judge's authority to promulgate rules and regulations "for the administration of the court." Tenn. Code Ann. § 37-1-212.

ANALYSIS

This opinion concerns the duties of the clerk of the Obion County Juvenile Court. This court was established under Chapter 326 of the Private Acts of 1982, as amended by Chapter 28 of the Private Acts of 1999. Under these provisions, "[t]he Obion County Circuit Court Clerk shall serve as Clerk of the Obion County Juvenile Court and any of such clerk's deputies shall also be deputies for the Juvenile Court created by this act." 1999 Tenn. Priv. Acts Ch. 28, § 2. The clerk of the Obion County Juvenile Court has all the jurisdiction, powers, duties, and authority of other juvenile court clerks as provided in Tenn. Code Ann. §§ 37-1-101, *et seq.,* or any other general law. 1982 Tenn. Priv. Acts Ch. 326, § 5.

Under Tenn. Code Ann. § 37-1-211, clerks of special juvenile courts "shall, under the supervision of the judge, keep all records of the court, and shall have all the duties, authorities, and obligations provided by law for clerks of other courts of record of this state . . .." Under this statute, a "special juvenile court" means a court created by law with jurisdiction limited to matters contemplated in Title 37 and other general laws of the state. Tenn. Code Ann. § 37-1-202(2). The Obion County Juvenile Court is a "special juvenile court" within the meaning of this provision. The

Juvenile Court Judge is authorized and empowered to promulgate rules and regulations for the administration of the court. Tenn. Code Ann. § 37-1-212.

Under Tenn. Code Ann. § 18-1-101, each of the courts has a clerk, elected or appointed for a term of years, "whose duty it is to attend the court and perform *all the clerical functions thereof*." (Emphasis added). The general duties of a clerk of each of the courts are set forth at Tenn. Code Ann. § 18-1-105. These include general responsibility to sign summons issued by the court, keep the court docket, execution docket and minute book, and perform "such other duties as are, or may be, by law required of the clerk." Tenn. Code Ann. § 18-1-105(a)(13). The statute also provides that the clerk must:

> *Attend court during the session thereof*, with all the papers belonging to the term, so filed as to be of easy reference; keep in the courthouse, during such session, the execution docket for the two (2) preceding terms; and administer all oaths and affidavits in relation to causes or proceedings pending therein[.]

Tenn. Code Ann. § 18-1-105(a)(9) (emphasis added). The authority of clerks is set forth at Tenn. Code Ann. § 18-1-108. Among other powers, each clerk may appoint deputies with full power to transact all the business of the clerk. Tenn. Code Ann. § 18-1-108(a)(4).

Clearly, under these statutes, the clerk serving as the clerk of the Obion County Juvenile Court must attend the sessions of the court or provide a deputy clerk to do so. In addition, while the statutes do not expressly provide that a clerk has a duty to record court sessions or to prepare or draft court orders, we think these duties fall within the "clerical functions" of a court within the meaning of Tenn. Code Ann. § 18-1-101. Further, we think the Judge of the Juvenile Court may promulgate rules and regulations providing for the clerk to carry out these duties as part of the Judge's authority to promulgate rules and regulations "for the administration of the court." Tenn. Code Ann. § 37-1-212.

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