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December 7, 2000

Opinion No. 00-182

Concurrent Jurisdiction Pursuant to Tenn. Code Ann. § 16-15-5004(d).

QUESTION

Since Tenn. Code Ann. § 16-15-5004(d) gives general sessions courts concurrent jurisdiction with circuit and chancery courts over domestic relations and probate cases, may these cases be filed directly in general sessions court even though Tenn. Code Ann. § 16-15-5004(d)(2) requires that all domestic relations and probate cases "be filed in the clerk's office where such cases are currently filed?"

OPINION

Yes. In those counties meeting the population requirements of Tenn. Code Ann. § 16-15-5004(d), a party who wishes to invoke the jurisdiction of the general sessions court in a domestic relations, probate or mental health commitment case should make that choice of forum clear in his or her complaint but should file the complaint with the clerk of the court where such cases were customarily filed before May 22, 1991.

ANALYSIS

In any county meeting the population requirements of Tenn. Code Ann. § 16-15-5004(d), the "general sessions court shall have concurrent jurisdiction with the circuit and chancery courts over domestic relations cases, probate cases and mental health commitments." Tenn. Code Ann. § 16-15-5004(d)(1). This concurrent jurisdiction means that each court has equal authority to preside over domestic relations and probate cases as well as mental health commitments. In other words, these cases can be heard in any court possessing such concurrent jurisdiction depending solely upon the preference of the party bringing suit.

According to Tenn. Code Ann. § 16-15-5004(d)(2):

> (2) Regardless of the court exercising jurisdiction, domestic relations cases, probate cases and mental health commitments shall continue to be filed in the clerk's office where such cases are currently filed. When the general sessions court of any such county is exercising any of the jurisdiction set out in subdivision (d)(1), the appropriate clerk shall also serve as the clerk of the general sessions court.

Tenn. Code Ann. § 16-15-5004(d) specifies that the effective date of its provisions was May 22, 1991. Thus, a party desiring to invoke the jurisdiction of the general sessions court in one of the listed categories of cases should make that choice of forum clear in the complaint but should file the complaint with the clerk of the court where such cases were customarily filed before May 22, 1991.

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