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Opinion No. 06-086

Creation of Division of Juvenile Court

QUESTION

May the General Assembly authorize a county to create a new division of a juvenile court?

OPINION

No, the power to create a court belongs exclusively to the General Assembly.

ANALYSIS

This request concerns whether the General Assembly may authorize a county to create a new division of a juvenile court. The legislation would authorize the county to create an additional division when the county finds it necessary. Article VI, Section 1, of the Tennessee Constitution provides in relevant part:

> The judicial power of this State shall be vested in one Supreme Court and in such Circuit, Chancery and other inferior Courts **as the Legislature shall from time to time, ordain and establish**; in the Judges thereof, and in Justices of the Peace.

(Emphasis added). Under this provision, the power to create an inferior court rests solely with the General Assembly. A juvenile court is an inferior court within the meaning of Article VI of the Tennessee Constitution. *Waters v. State ex. rel. Schmutzer,* 583 S.W.2d 756 (Tenn. 1979); *Shelby County Election Commission v. Turner,* 755 S.W.2d 774 (Tenn. 1988). For this reason, the General Assembly may not authorize a county to create a new division of a juvenile court.

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