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July 3, 2007

Opinion No. 07-97

Cocke County General Sessions-Juvenile Court Clerk

QUESTION

Pursuant to Tenn. Code Ann. § 37-1-210(a), who is required to serve as the Juvenile Court Clerk of Cocke County?

OPINION

Because the Cocke County General Sessions Court also exercises Juvenile Court jurisdiction, the General Sessions Court Clerk shall serve as the Juvenile Court Clerk.

ANALYSIS

The Tennessee Constitution vested the judicial power of the State in "one Supreme Court and in such Circuit, Chancery and other inferior Courts as the Legislature shall from time to time, ordain and establish[.]" Tenn. Const. art. VI, § 1. Acting under this constitutional prerogative, the Legislature created juvenile courts and general sessions courts, which are "inferior courts" for purposes of the state constitution. *Franks v. State*, 772 S.W.2d 428, 429 (Tenn. 1989); *Shelby Co. Elec. Comm'n v. Turner*, 755 S.W.2d 774, 777 (Tenn. 1988). As a court of limited jurisdiction, the Juvenile Court's subject matter jurisdiction is defined by statute. *Stambaugh v. Price*, 532 S.W.2d 929, 932 (Tenn. 1976). Tennessee Code Annotated sections 37-1-103 and 37-1-104 govern the subject matter jurisdiction of the juvenile court. All juvenile courts in Tennessee "have all of the jurisdiction, authority, rights, powers and duties prescribed by the provisions of" Part 1, Chapter 1 of Title 37 of the Code. Tenn. Code Ann. § 37-1-101(c). The General Sessions Court's jurisdiction is also limited, and it is defined by statute. Tenn. Code Ann. § 16-15-501.

Under the Juvenile Court Restructure Act of 1982, "general sessions courts shall exercise juvenile court jurisdiction in all of the counties of this state, except in the counties or municipalities in which juvenile courts are, or may hereafter be, specially provided by law[.]" Tenn. Code Ann.

§ 37-1-203. In Cocke County, because there is not a specially provided Juvenile Court, the General Sessions Court exercises juvenile jurisdiction.[1] *Id.*

While it is beyond dispute that the Cocke County General Sessions Court is also the Juvenile Court, the question posed essentially asks whether the Cocke County General Sessions Clerk must also assume the duties of Juvenile Court Clerk. The materials accompanying the question state that, since July 1, 2006, the office of the Juvenile Court Clerk has been vacant because neither the Chancery Court's Clerk and Master nor the General Sessions Court Clerk agreed to serve in such capacity. The Clerk and Master declined, citing *Turner*. The General Sessions Clerk also declined, citing our Opinion No. 07-04 and the fact that she had been recently elected as General Sessions Clerk, not as Juvenile Court Clerk.

Under the Tennessee Constitution, "[c]lerks of the Inferior Courts holden in the respective Counties or Districts, shall be elected by the qualified voters thereof for the term of four years." Tenn. Const. art. VI, § 13. Thus, General Sessions or Juvenile Court clerks, as clerks of inferior courts, must be duly elected by the qualified voters of their particular district. *Franks*, 772 S.W.2d at 429; *Turner*, 755 S.W.2d at 777. In *Turner*, the Supreme Court struck down portions of Tenn. Code Ann. § 37-1-211 that provided "for the filling of the office of clerk by appointment, other than the filling of a vacancy until the next general election." 755 S.W.2d at 777. Accordingly, when a vacancy arises in the position of the clerk, the deputy clerk may "hold the office" until a new election is held. Tenn. Code Ann. § 18-1-401. The *Turner* court also stated that the Legislature may "provide that the clerk of one court shall serve as the clerk of another court, without violating Article VI Section 13 of the Constitution." 755 S.W.2d at 777.

Tennessee law provides that, unless otherwise allowed, in counties where the General Sessions Court exercises Juvenile Court jurisdiction, the General Sessions Court Clerk shall also serve as the Juvenile Court Clerk:

> In those counties in which the general sessions court is also the juvenile court, the clerk of the court exercising juvenile jurisdiction in such counties prior to May 19, 1982, shall serve as clerk of the general sessions court when it is exercising juvenile jurisdiction after May 19, 1982, unless otherwise provided by law. *No later than July 1, 2006, in those counties in which the general sessions court is also the juvenile court, the clerk of the court of general sessions or the clerk and master shall also serve as the juvenile court clerk, unless otherwise provided by law.* Such clerks shall maintain separate minutes, dockets and records for all matters pertaining to juvenile court proceedings as required by law. County legislative bodies may, in their discretion, provide additional compensation to general sessions court judges in such counties.

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[1]The Cocke County General Sessions Court was created by private act. 1953 Priv. Acts ch. 316. In 1965, a private act attempted to give the General Sessions Court juvenile jurisdiction, but it failed to pass. 1965 Priv. Acts ch. 268, § 1.

Tenn. Code Ann. § 37-1-210(a) (emphasis added). As we have noted previously, 2003 Tenn. Pub. Acts ch. 226, § 1 added the italicized sentence in section 37-1-210(a). Op. Tenn. Att'y Gen. No. 03-122, at 1 (Sept. 25, 2003).

The question posed is one of statutory interpretation, requiring us to determine whether under Tenn. Code Ann. § 37-1-210(a) the Cocke County General Sessions Clerk must also assume the duties of Juvenile Court Clerk. In construing statutes, we must "ascertain and give effect to the legislative intent without unduly restricting or expanding a statute's coverage beyond its intended scope." *Wilson v. Johnson County*, 879 S.W.2d 807, 809 (Tenn. 1994). If the statute is unambiguous, legislative intent is determined from the statute's plain and ordinary meaning of the language used. *Freeman v. Marco Transp. Co.*, 27 S.W.3d 909, 911 (Tenn. 2000). Statutes that are related to the same subject matter are supposed to be read in *pari materia*. *In re C.K.G.*, 173 S.W.3d 714, 722 (Tenn. 2005). We must "construe the statute so that no part will be inoperative, superfluous, void or insignificant." *State v. Northcutt*, 568 S.W.2d 636, 637-38 (Tenn. 1978). We are also mindful that the General Assembly is presumed to know of its prior enactments and of the state of the law at the time it passes legislation. *Wilson v. Johnson County*, 879 S.W.2d 807, 810 (Tenn. 1994).

Applying these principles of statutory interpretation, we conclude that, under Tenn. Code Ann. §§ 37-1-203 and 37-1-210(a), because the Cocke County General Sessions Court also exercises Juvenile Court jurisdiction, the law requires that the General Sessions Court Clerk shall serve as the Juvenile Court Clerk. The second sentence[2] in this provision unambiguously provides that, in counties such as Cocke, where the General Sessions Court is also the Juvenile Court, the General Sessions Clerk or the Clerk and Master[3] must assume the duties of the General Sessions Clerk "[n]o later than July 1, 2006," "unless otherwise provided by law." *Id.* We have previously noted that the clause "unless otherwise provided by law" in section 37-1-210(a) means that "any conflicting private acts will continue to apply." Op. Tenn. Att'y Gen. No. 03-122, at 1 (Sept. 25, 2003). Apart from the unsuccessful private act to create a special Juvenile Court in Cocke County noted in the margin, we have not found any other private act in conflict with section 37-1-210(a).

We disagree with the General Sessions Clerk that our Opinion No. 07-04 provides support for her decision to decline to serve, as required by statute, as the Juvenile Court Clerk. Given that the Legislature may "provide that the clerk of one court shall serve as the clerk of another court, without violating Article VI Section 13 of the Constitution," *Turner*, 755 S.W.2d at 777, it is irrelevant that the Cocke County General Sessions Clerk ran an election for that position, and not for the position of Juvenile Court Clerk. Since the Legislature has explicitly directed that the Clerk of the General Sessions Court also serve as the Juvenile Court Clerk in counties such as Cocke County, she must assume these duties forthwith. Tenn. Code Ann. § 37-2-210(a).

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[2]The first sentence in § 37-1-210(a) also would operate reciprocally with regard to requiring a Juvenile Court clerk to serve as the General Sessions Clerk, "unless otherwise provided by law."

[3]Of course, *Turner* prevents the Clerk and Master from assuming the office of Juvenile Court Clerk.

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