

HOUSE BILL 681

By Cooper B

AN ACT to amend Tennessee Code Annotated, relative to a unified family court pilot program.

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

SECTION 1. Tennessee Code Annotated, Title 16, is amended by adding the following as a new chapter:

§ 16-23-101.

(a) Any county may create a unified family court pilot program if approved by a majority vote of the county legislative body.

(b) One (1) court may be selected to serve as a pilot for the unified family court by the county legislative body or may be selected through a request for proposal process and shall be established for a period of twenty-four (24) months from the date the county legislative body approves the unified family court plan.

(c) A court may develop and submit to the county legislative body a plan for the unified family court pilot program for review and approval. The plan shall specify whether the court is to be selected to serve as a pilot for the unified family court by the county legislative body or through a request for proposal process.

(d) If the court is to be selected as a pilot court through a request for proposal process, the court that develops the proposal shall adopt policies and procedures regarding the submission and evaluation of such proposal which shall set out, at a minimum, the form and contents of the submission, the recommended date for submission, and internal procedures for developing recommendations regarding proposals. The court that develops the proposal shall make copies of its policies and

procedures regarding submissions available upon request to members of the general assembly, members of the judiciary, county governing authorities and the public.

(e) Notwithstanding any law to the contrary, the court chosen as the unified family court has and may exercise the powers and duties necessary to exercise exclusive jurisdiction, unless otherwise stated in this section, over all judicial proceedings except appeal, in the following areas:

(1) Juvenile matters, including:

(A) Dependency and neglect of a juvenile;

(B) Delinquent and unruly juveniles;

(C) Violation of parental responsibilities;

(D) Child out of wedlock, including but not limited to paternity, custody, visitation, support, education, and other issues of care and control;

(E) Orders for and enforcement of child support; and

(F) Mental health commitments;

(2) Domestic relations, including:

(A) Divorce and adoption;

(B) Alimony;

(C) Orders of protection in domestic relations cases;

(D) Misdemeanor criminal charges involving domestic relations;

(E) Actions to recover personal property involving domestic relations; and

(F) Forcible entry and detainers involving domestic relations;

(3) Estates including:

(A) Guardianships;

(B) Conservatorships; and

(C) Wills and estates; and

(4) Those other matters that are provided by law to be within the jurisdiction of the unified family court.

(f) Notwithstanding any law to the contrary, the court chosen as the unified family court has and may exercise the powers and duties necessary to exercise concurrent jurisdiction, unless otherwise stated in this section, over all judicial proceedings except appeal, in the following areas:

(1) Contributing to delinquency or unruly conduct of a minor, with which it shall exercise concurrent jurisdiction with general sessions court;

(2) Child custody and visitation, by concurrent jurisdiction with probate court; and

(3) Termination of parental rights or guardian rights, by concurrent jurisdiction with circuit and chancery courts;

(g) The pilot program shall include:

(1) Unified family court judicial officers, who volunteer for the program, and meet training requirements established by the court;

(2) Case management practices that provide a flexible response to the diverse court-related needs of families involved in multiple areas of the justice system. Case management practices are to be designed to result in a reduction in process redundancies and an efficient use of time and resources, and create a system enabling multiple case type resolution by one judicial officer or judicial team;

(3) A court facilitator to provide assistance to parties with matters before the unified family court; and

(4) An emphasis on providing nonadversarial methods of dispute resolution such as a settlement conference, evaluative mediation by attorney mediators, and facilitative mediation by nonattorney mediators.

(h) The court shall publish and disseminate a listing of definitions of nonadversarial methods of dispute resolutions so that court officials, practitioners, and users can choose the most appropriate process for the matter at hand.

(i) The county legislative bodies of each county comprising a judicial district shall provide to the judicial district selected for a unified family court pilot program the computer resources needed by the district to implement the family court program.

(j) The county legislative body shall select an entity to conduct an independent study of the pilot program measuring improvements in the judicial system's response to family involvement in the judicial system. The study shall include the county's evaluation of the feasibility and results obtained based on recommendations and minimum standards included in the unified family court plan. The county legislative body shall report preliminary findings and final results of the study to the governor, the chief justice of the supreme court, the legislature, and the county legislative body on an annual basis. The initial report is due one (1) year after the selection of the court and annually thereafter until the dissolution of the pilot program.

§ 16-23-102. The judge of the court chosen to conduct the unified family court pilot program shall adopt local court rules directing the program. The local court rules shall include:

(1) A requirement that all judicial officers hearing cases in unified family court:

(A) Complete an initial training program including the topic areas of childhood development, domestic violence, cultural awareness, child abuse and neglect, chemical dependency, and mental illness; and

(B) Subsequent to the training required in subdivision (1)(A), annually attend a minimum of eight (8) hours of continuing education of pertinence to the unified family court;

(2) Case management that is based on the practice of one (1) judge or judicial team handling all matters relating to a family;

(3) An emphasis on coordinating or consolidating, to the extent possible, all cases before the unified family court relating to a family; and

(4) A program that provides the confidentiality of records to ensure the confidentiality of court records in accordance with the law. However, law enforcement agencies shall have access to the records to the extent permissible under law.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it; provided, that the provisions of this act shall be repealed effective July 1, 2013, unless reenacted or extended by the general assembly prior to that date.