

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1889 – SB 2572

February 21, 2016

**SUMMARY OF ORIGINAL BILL:** Removes the requirement that the judge sign a confirmation order after the magistrate's ruling. Requires the magistrate, before the juvenile court judge, to inform each party of the right to a hearing, of the time limits within which a request for a hearing must be perfected, and the manner in which to perfect the request. Increases from 5 to 10 the number of days that any party may file a request with the court for a hearing by the judge of the juvenile court after entry of the magistrate's order.

The judge shall allow a hearing if a request for hearing is filed. No later than 10 days after the entry of the magistrate's order, the judge may, on the judge's own initiative, order a hearing of any matter heard before a magistrate. There will be no hearing in any delinquent or unruly case in which the petition is dismissed by the magistrate after a hearing on the merits. Unless the judge orders otherwise, the order of the magistrate will be the order of the court pending the hearing. All parties to the hearing before the magistrate shall be parties to a de novo hearing before the judge.

Removes the requirement that a juvenile judge issue a confirmation of the orders concerning surrenders and revocations for a termination of parental rights case heard by a magistrate.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

**SUMMARY OF AMENDMENT (012274):** Adds the words "de novo" before the word "hearing" in the first sentence of subsection (d) in Section 1 to clarify the type of hearing to be held before the judge if requested by a party after a ruling by a magistrate. Adds the word "court" before the word "judge" in Section 2 to describe a judge who presides over juvenile courts.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

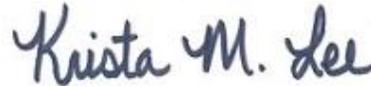
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Assumptions for the bill as amended:

- According to the Administrative Office of the Courts, the Juvenile Court Rules are being revised simultaneously to remove much substantive law from them to be placed in the statute and as much procedural law as can be is being removed from the statute to be included in the rules. The proposed legislation accomplishes some of the necessary changes.
- Based on information provided by the Department of Children's Services, the proposed legislation will have no effect on the programs or operations on the Department; any fiscal impact will be not significant.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

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