



Tennessee Department of Children's Services

Protocol for Filing Dependency and Neglect Petitions When Multiple Jurisdictions Exist

Supplemental to DCS Policy: 14.14, Removal: Safety and Permanency Considerations

Tenn. Code Ann. § 37-1-103 gives exclusive original jurisdiction to juvenile courts for dependency and neglect, unruly, and delinquency petitions. When a petition with these allegations is filed, the juvenile court in the county where the petition is filed acquires continuing jurisdiction over the child(ren) that are the subject of the petition. This jurisdiction continues until the petition is dismissed, jurisdiction is transferred, or an adoption petition is filed.

Additionally, a juvenile court in the county where a child resides or where a child is currently present may also exercise temporary jurisdiction to issue orders the court determines is in the best interest of the child.

In order to ensure that families have access to convenient services, in circumstances where more than one county may potentially have jurisdiction over a case, there is a preference to file the petition in the county where the most case management will take place. DCS Case Managers will follow the following steps:

When it has been determined that a petition will be filed, and more than one county potentially has jurisdiction, the DCS Case Manager or supervisor in the county requesting the petition will discuss the case with the regional DCS attorney for that county. The regional DCS attorney in the requesting county will contact the regional DCS attorney in the other county, and a discussion will be held regarding jurisdiction and which county will file the petition pursuant to this protocol. Each regional DCS attorney will ensure that the appropriate program staff from each region is included in this discussion (e.g. Regional Director/designee; CPS director/designee; Juvenile Justice director/designee, etc.).

If regional staff cannot resolve where the petition will be filed, regional staff will elevate the decision to Central Office leadership and legal.

WHEN NO PRIOR JUVENILE COURT HAS EXERCISED JURISDICTION OVER THE CHILD

If no juvenile court has previously exercised jurisdiction over the child, but there may be multiple counties where the petition may be filed (e.g. child is a resident of Davidson county, but was present in

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Page 1 of 2

Subject: Protocol for Filing Dependency and Neglect Petitions When Multiple Jurisdictions Exist

Sumner county at the time that the petition will be filed), the preference will be to file the petition in the county of residence of the child.

WHEN A JUVENILE COURT HAS ACQUIRED ORIGINAL JURISDICTION OVER THE CHILD

If a juvenile court has acquired original jurisdiction over the child, but there are other counties that may have emergency jurisdiction over the child (e.g. child was previously adjudicated dependent and neglected in Davidson county, but was present in Sumner county at the time that the petition will be filed and is currently a resident of Rutherford county), the preference will be to file the petition in either the county of residence of the child or the county with original jurisdiction over the child. If the petition is filed in any county other than the county with original jurisdiction, DCS legal must request that the court exercising emergency jurisdiction confer with the court with original jurisdiction to determine whether ongoing jurisdiction will transfer from the original court to the emergency court, or vice versa.

NOTE: While it is preferable to file in the location where the child will have the most familial or community supports (e.g. residence county, county where potential placements are located, county where parents are located, etc.), it will ultimately be up to the individual court to determine whether or not it is appropriate for the court to exercise jurisdiction over the matter. Additionally, nothing in this protocol mandates that a petition must be filed in any particular county.

