

1 HB12
2 133517-1
3 By Representative Jones
4 RFD: Judiciary
5 First Read: 07-FEB-12
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8 SYNOPSIS: Under existing law, a juvenile court
9 exercises original jurisdiction over proceedings
10 for the adoption of a child that have been removed
11 from probate court on motion of any party,
12 proceedings to establish parentage of a child
13 pursuant to the Alabama Uniform Parentage Act, and
14 proceedings to establish child and spousal support
15 in cases brought pursuant to Title IV-D of the
16 Social Security Act.

17 Also under existing law, once a child has
18 been adjudicated dependent, delinquent, or in need
19 of supervision by a juvenile court, jurisdiction of
20 the juvenile court terminates when the child
21 becomes 21 years of age unless, prior thereto, the
22 judge of the juvenile court terminates its
23 jurisdiction over the case involving the child;
24 however, the juvenile court retains jurisdiction
25 over an individual of any age for the enforcement
26 of any prior orders requiring the payment of fines,

1 court costs, restitution, or other money ordered by
2 the juvenile court until paid in full.

3 Also under existing law, all actions to
4 determine parentage and to enforce support
5 obligations may be brought in either the juvenile
6 court or district court or the circuit court or
7 appropriate federal court, and the juvenile courts
8 and district courts and the circuit courts have
9 concurrent jurisdiction of actions involving
10 parentage, desertion, nonsupport, or support.

11 This bill would provide that a juvenile
12 court has jurisdiction over proceedings for the
13 adoption of a child when these proceedings have
14 been transferred from probate court as provided by
15 law, a juvenile court generally has jurisdiction to
16 establish, modify, or enforce support, visitation,
17 or custody when a juvenile court has previously
18 established parentage, and a juvenile court has
19 jurisdiction to modify or enforce child and spousal
20 support, or both, in cases brought pursuant to
21 Title IV-D of the Social Security Act.

22 This bill would also provide that a juvenile
23 court generally retains jurisdiction to enforce or
24 modify previous orders issued by the juvenile court
25 in any case in which it has jurisdiction.

26 This bill would also provide that a court of
27 this state which determined parentage or

1 established, modified, or enforced support
2 generally retains jurisdiction to enforce or modify
3 previous orders issued by the court and that the
4 provisions of the act would apply retroactively to
5 cases filed in juvenile court on or after January
6 1, 2009, and prior to the effective date of the
7 act.

8
9 A BILL
10 TO BE ENTITLED
11 AN ACT
12

13 To amend Sections 12-15-115, 12-15-117, and 38-10-7,
14 Code of Alabama 1975, to provide that a juvenile court has
15 jurisdiction over proceedings for the adoption of a child when
16 these proceedings have been transferred from probate court as
17 provided by law; to add a provision that a juvenile court
18 generally has jurisdiction to establish, modify, or enforce
19 support, visitation, or custody when a juvenile court has
20 previously established parentage; and to provide that a
21 juvenile court has jurisdiction to modify or enforce child and
22 spousal support in cases brought pursuant to Title IV-D of the
23 Social Security Act; to provide that a juvenile court
24 generally retains jurisdiction to enforce or modify previous
25 orders issued by the juvenile court in any case in which it
26 has jurisdiction; to add a provision that a court of this
27 state which determined parentage or established, modified, or

1 enforced support generally retains jurisdiction to enforce or
2 modify previous orders issued by the court; and to provide
3 retroactive application.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. Sections 12-15-115, 12-15-117, and
6 38-10-7, Code of Alabama 1975, are amended to read as follows:

7 "§12-15-115.

8 "(a) A juvenile court shall also exercise original
9 jurisdiction of the following civil proceedings:

10 "(1) Removal of disabilities of nonage pursuant to
11 Chapter 13 of Title 26.

12 "(2) Proceedings for judicial consent for a person
13 under the respective legal age to marry, to be employed,
14 withdraw from school, or enlist in military service when this
15 consent is required by law.

16 "(3) Proceedings for the commitment of a minor or
17 child with mental illness or an intellectual disability to the
18 Department of Mental Health, as provided in Article 4
19 (commencing with Section 12-15-401).

20 "(4) Proceedings for the adoption of a child when
21 these proceedings have been ~~removed~~ transferred from probate
22 court ~~on motion of any party to the proceedings~~ as provided by
23 law.

24 "(5) Proceedings for waiver of parental consent for
25 a minor to have an abortion pursuant to Chapter 21 of Title
26 26.

1 "~~(6)~~ Proceedings to establish ~~paternity or maternity~~
2 parentage of a child pursuant to the Alabama Uniform Parentage
3 Act, Chapter 17 of Title 26.

4 "(7) Proceedings to establish, modify, or enforce
5 support, visitation, or custody when a juvenile court
6 previously has established parentage.

7 "~~(7)~~(8) Proceedings to establish, modify, or enforce
8 child and spousal support, or both, in cases brought pursuant
9 to Title IV-D of the Social Security Act, including the
10 Alabama Uniform Interstate Family Support Act, commencing at
11 Section 30-3A-101, when an equivalent court of another state
12 issued an order.

13 "~~(8)~~(9) Proceedings filed pursuant to the Uniform
14 Child Custody Jurisdiction and Enforcement Act, commencing at
15 Section 30-3B-101, when an equivalent court of another state
16 issued an order.

17 "~~(9)~~(10) Proceedings to establish grandparent
18 visitation when filed as part of a juvenile court case
19 involving the same child.

20 "(b) A juvenile court also shall have original
21 jurisdiction in proceedings concerning any child in either of
22 the following instances:

23 "(1) The child requires emergency medical treatment
24 in order to preserve his or her life, prevent permanent
25 physical impairment or deformity, or alleviate prolonged
26 agonizing pain.

1 "(2) Where it is alleged that the rights of a child
2 are improperly denied or infringed in proceedings resulting in
3 suspension, expulsion, or exclusion from a public school.

4 "(c) All civil cases before the juvenile court shall
5 be governed by the laws relating thereto and shall be
6 initiated by filing a petition or complaint with the clerk of
7 the juvenile court, with the exception that the proceedings
8 provided in Section 12-15-132 shall be initiated through the
9 juvenile court intake office.

10 "§12-15-117.

11 "(a) Once a child has been adjudicated dependent,
12 delinquent, or in need of supervision, jurisdiction of the
13 juvenile court shall terminate when the child becomes 21 years
14 of age unless, prior thereto, the judge of the juvenile court
15 terminates its jurisdiction by explicitly stating in a written
16 order that it is terminating jurisdiction over the case
17 involving the child. Nothing in this section is intended to
18 affect the initial and continuing jurisdiction of juvenile
19 courts over cases other than delinquency, dependency, or in
20 need of supervision cases as provided in Sections 12-15-114,
21 12-15-115, 12-15-116, or any other statute by which
22 jurisdiction was initially lawfully invoked.

23 "(b) The jurisdiction of the juvenile court shall
24 terminate when the child is convicted or adjudicated a
25 youthful offender as provided in Section 12-15-203(i) and
26 Section 12-15-204(b). If a person already under the
27 jurisdiction of the juvenile court is convicted or adjudicated

1 a youthful offender in a criminal court of a crime committed
2 at the age of 18 or older, the conviction or adjudication
3 shall terminate the jurisdiction of the juvenile court.

4 "(c) In any case over which the juvenile court has
5 jurisdiction, the juvenile court shall retain jurisdiction
6 over an individual of any age to enforce or modify any prior
7 orders of the juvenile court unless otherwise provided by law
8 and also shall retain jurisdiction for the enforcement or
9 modification of any prior orders of the juvenile court
10 requiring the payment of fines, court costs, restitution, or
11 other money ordered by the juvenile court until paid in full.

12 "(d) For purposes of enforcing any order of the
13 juvenile court requiring the payment of fines, court costs,
14 restitution, or other money ordered by the juvenile court, the
15 remedies with regard to punishment for contempt, including
16 incarceration in jail of individuals 18 years of age or older,
17 shall be available to the juvenile court.

18 "§38-10-7.

19 "(a) Whenever anyone owing the obligation of support
20 has failed to provide support, and application is made to the
21 department for support services as may be provided pursuant to
22 the requirements of Title IV-D or for aid, the department, and
23 including the district attorney when providing services for
24 the department, may take appropriate action under this
25 article, or any other appropriate state and federal statutes,
26 to assure that the responsible person or persons owing the
27 obligation of support provide support, including, but not

1 limited to, civil or criminal actions to determine ~~paternity~~
2 ~~and parentage~~ or to establish, modify, or enforce support
3 obligations. All actions to determine ~~paternity and parentage~~
4 or to establish, modify, or enforce support obligations may be
5 brought in either the juvenile court or district court or the
6 circuit court or appropriate federal court, and all presently
7 existing statutes are hereby amended to provide that the
8 juvenile courts and district courts and the circuit courts
9 shall have the concurrent jurisdiction of actions involving
10 ~~paternity parentage,~~ desertion, nonsupport, or support.

11 "(b) The court making the determination of
12 parentage, or establishing, modifying, or enforcing support,
13 unless otherwise provided by law, shall retain jurisdiction to
14 enforce or modify prior orders of the court."

15 Section 2. (a) This act is curative and shall apply
16 retroactively to ratify and confirm the exercise of continuing
17 jurisdiction of the juvenile court to modify and enforce a
18 judgment in cases filed in juvenile court on or after January
19 1, 2009, and prior to the effective date of this amendatory
20 act, notwithstanding the decision in D.C.S. v. L.B., 2011 WL
21 2508200 (Ala.Civ.App. 2011). Any order of a juvenile court
22 issued while exercising jurisdiction pursuant to this
23 subsection shall not be invalid because the court did not have
24 jurisdiction to enter the order.

25 (b) The Legislature finds that it was its original
26 intent in the adoption of the Alabama Juvenile Justice Act
27 (Act 2008-277) for a juvenile court to retain continuing

1 jurisdiction in all cases in its jurisdiction to the extent
2 provided by law. The Legislature further finds that the
3 juvenile court that has original jurisdiction over a case is
4 in a superior position to have continuing jurisdiction over
5 the case because the court has established familiarity with
6 the history of the case, the parties involved, and the issues
7 to be addressed by the court.

8 Section 3. Nothing in this act shall affect the
9 jurisdiction of the circuit courts over any custody,
10 visitation, or support issues, or enforcement or modification
11 of the same issues, that a circuit court exercised in cases
12 filed on or after January 1, 2009, and prior to the effective
13 date of this act.

14 Section 4. All laws or parts of laws which conflict
15 with this act are repealed.

16 Section 5. This act shall become effective
17 immediately following its passage and approval by the
18 Governor, or its otherwise becoming law.