

1 HB438
2 127388-1
3 By Representatives Jones, Lee and Hubbard (J)
4 RFD: Judiciary
5 First Read: 05-APR-11

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8 SYNOPSIS: Under existing law, a juvenile court
9 exercises original jurisdiction over certain civil
10 proceedings, including, but not limited to,
11 proceedings for the adoption of a child that have
12 been removed from probate court on motion of any
13 party, proceedings to establish paternity or
14 maternity of a child pursuant to the Alabama
15 Uniform Parentage Act, and proceedings to establish
16 child and spousal support in cases brought pursuant
17 to Title IV-D of the Social Security Act.

18 Also under existing law, once a child has
19 been adjudicated dependent, delinquent, or in need
20 of supervision by a juvenile court, jurisdiction of
21 the juvenile court terminates when the child
22 becomes 21 years of age unless, prior thereto, the
23 judge of the juvenile court terminates its
24 jurisdiction over the case involving the child;
25 however, the juvenile court retains jurisdiction
26 over an individual of any age for the enforcement
27 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 paternity 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 paternity, 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 paternity or maternity, and a juvenile
19 court has jurisdiction to modify or enforce child
20 and spousal support, or both, in cases brought
21 pursuant to Title IV-D of the Social Security Act.

22 This bill would also provide that a juvenile
23 court generally retain 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.

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5 A BILL
6 TO BE ENTITLED
7 AN ACT

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

1 Section 1. Sections 12-15-115, 12-15-117, and
2 38-10-7, Code of Alabama 1975, are amended to read as follows:

3 "§12-15-115.

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

6 "(1) Removal of disabilities of nonage pursuant to
7 Chapter 13 of Title 26.

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

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

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

20 "(5) Proceedings for waiver of parental consent for
21 a minor to have an abortion pursuant to Chapter 21 of Title
22 26.

23 "(6) Proceedings to establish paternity or maternity
24 of a child pursuant to the Alabama Uniform Parentage Act,
25 Chapter 17 of Title 26.

1 "(7) Proceedings to establish, modify, or enforce
2 support, visitation, or custody when a juvenile court
3 previously has established paternity or maternity.

4 "~~(7)~~(8) Proceedings to establish, modify, or enforce
5 child and spousal support, or both, in cases brought pursuant
6 to Title IV-D of the Social Security Act, including the
7 Alabama Uniform Interstate Family Support Act, commencing at
8 Section 30-3A-101, when an equivalent court of another state
9 issued an order.

10 "~~(8)~~(9) Proceedings filed pursuant to the Uniform
11 Child Custody Jurisdiction and Enforcement Act, commencing at
12 Section 30-3B-101, when an equivalent court of another state
13 issued an order.

14 "~~(9)~~(10) Proceedings to establish grandparent
15 visitation when filed as part of a juvenile court case
16 involving the same child.

17 "(b) A juvenile court also shall have original
18 jurisdiction in proceedings concerning any child in either of
19 the following instances:

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

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

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

7 "§12-15-117.

8 "(a) Once a child has been adjudicated dependent,
9 delinquent, or in need of supervision, jurisdiction of the
10 juvenile court shall terminate when the child becomes 21 years
11 of age unless, prior thereto, the judge of the juvenile court
12 terminates its jurisdiction over the case involving the child.

13 "(b) The jurisdiction of the juvenile court shall
14 terminate when the child is convicted or adjudicated a
15 youthful offender as provided in Section 12-15-203(i) and
16 Section 12-15-204(b). If a person already under the
17 jurisdiction of the juvenile court is convicted or adjudicated
18 a youthful offender in a criminal court of a crime committed
19 at the age of 18 or older, the conviction or adjudication
20 shall terminate the jurisdiction of the juvenile court.

21 "(c) In any case over which the juvenile court has
22 jurisdiction, the juvenile court shall retain jurisdiction
23 over an individual of any age to enforce or modify any prior
24 orders of the juvenile court unless otherwise provided by law
25 and also shall retain jurisdiction for the enforcement of any
26 prior orders of the juvenile court requiring the payment of

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

3 "(d) For purposes of enforcing any order of the
4 juvenile court requiring the payment of fines, court costs,
5 restitution, or other money ordered by the juvenile court, the
6 remedies with regard to punishment for contempt, including
7 incarceration in jail of individuals 18 years of age or older,
8 shall be available to the juvenile court.

9 "§38-10-7.

10 "(a) Whenever anyone owing the obligation of support
11 has failed to provide support, and application is made to the
12 department for support services as may be provided pursuant to
13 the requirements of Title IV-D or for aid, the department, and
14 including the district attorney when providing services for
15 the department, may take appropriate action under this
16 article, or any other appropriate state and federal statutes,
17 to assure that the responsible person or persons owing the
18 obligation of support provide support, including, but not
19 limited to, civil or criminal actions to determine ~~paternity~~
20 parentage and to establish or enforce support obligations. All
21 actions to determine paternity and to enforce support
22 obligations may be brought in either the juvenile court or
23 district court or the circuit court or appropriate federal
24 court, and all presently existing statutes are hereby amended
25 to provide that the juvenile courts and district courts and
26 the circuit courts shall have the concurrent jurisdiction of

1 actions involving paternity, desertion, nonsupport, or
2 support.

3 "(b) All actions to determine parentage, or to
4 establish, modify, or enforce support obligations may be
5 brought in either the juvenile court, district court, circuit
6 court, or the appropriate federal court, and the juvenile
7 courts, district courts, and circuit courts shall have the
8 concurrent jurisdiction of actions involving parentage,
9 desertion, nonsupport, or support.

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

14 Section 2. This act shall apply to all cases filed
15 on or after the effective date of the act.

16 Section 3. All laws or parts of laws which conflict
17 with this act are repealed.

18 Section 4. This act shall become effective
19 immediately following its passage and approval by the
20 Governor, or its otherwise becoming law.