

1 HB100  
2 135496-2  
3 By Representative Jones  
4 RFD: Judiciary  
5 First Read: 07-FEB-12  
6 PFD: 02/02/2012

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ENROLLED, An Act,

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§12-15-115.

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

3           "(1) Removal of disabilities of nonage pursuant to  
4 Chapter 13 of Title 26.

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

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

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

17           "(5) Proceedings for waiver of parental consent for  
18 a minor to have an abortion pursuant to Chapter 21 of Title  
19 26.

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

23           "(7) Proceedings to establish, modify, or enforce  
24 support, visitation, or custody when a juvenile court  
25 previously has established parentage.

1           "~~(7)~~(8) Proceedings to establish, modify, or enforce  
 2 child and spousal support, or both, in cases brought pursuant  
 3 to Title IV-D of the Social Security Act, including the  
 4 Alabama Uniform Interstate Family Support Act, commencing at  
 5 Section 30-3A-101, when an equivalent court of another state  
 6 issued an order.

7           "~~(8)~~(9) Proceedings filed pursuant to the Uniform  
 8 Child Custody Jurisdiction and Enforcement Act, commencing at  
 9 Section 30-3B-101, when an equivalent court of another state  
 10 issued an order.

11           "~~(9)~~(10) Proceedings to establish grandparent  
 12 visitation when filed as part of a juvenile court case  
 13 involving the same child.

14           "(b) A juvenile court also shall have original  
 15 jurisdiction in proceedings concerning any child in either of  
 16 the following instances:

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

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

24           "(c) All civil cases before the juvenile court shall  
 25 be governed by the laws relating thereto and shall be

1 initiated by filing a petition or complaint with the clerk of  
2 the juvenile court, with the exception that the proceedings  
3 provided in Section 12-15-132 shall be initiated through the  
4 juvenile court intake office.

5 "§12-15-117.

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

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

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

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

15           "§38-10-7.

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

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

10 "(b) 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. The Legislature finds that it was its  
15 original intent in the adoption of the Alabama Juvenile  
16 Justice Act (Act 2008-277) for a juvenile court to retain  
17 continuing jurisdiction in all cases in its jurisdiction to  
18 the extent provided by law. This act is curative and shall  
19 apply retroactively to ratify and confirm the exercise of  
20 continuing jurisdiction of the juvenile court to modify and  
21 enforce a judgment in cases filed in juvenile court on or  
22 after January 1, 2009, and prior to the effective date of this  
23 amendatory act. Any order of a juvenile court issued while  
24 exercising jurisdiction pursuant to this subsection during  
25 this time shall be deemed valid.

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

7           Section 4. The provisions of this act are severable.  
8 If any part of this act is declared invalid or  
9 unconstitutional, the declaration shall not affect the part  
10 which remains.

11           Section 5. This act shall become effective  
12 immediately following its passage and approval by the  
13 Governor, or its otherwise becoming law.



