

1 HB376
2 157471-2
3 By Representative Jones
4 RFD: Judiciary
5 First Read: 30-JAN-14

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ENROLLED, An Act,

To amend Section 12-15-114, Code of Alabama 1975; to provide that the juvenile court shall have exclusive original jurisdiction over termination of parental rights proceedings; to express the intent of the Legislature regarding jurisdiction of the juvenile court in termination of parental rights cases; and to provide for retroactivity to January 1, 2009.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 12-15-114, Code of Alabama 1975, is amended to read as follows:

"§12-15-114.

"(a) A juvenile court shall exercise exclusive original jurisdiction of juvenile court proceedings in which a child is alleged to have committed a delinquent act, to be dependent, or to be in need of supervision. A dependency action shall not include a custody dispute between parents. Juvenile cases before the juvenile court shall be initiated through the juvenile court intake office pursuant to this chapter.

"(b) A juvenile court shall not have jurisdiction over any delinquent act committed by an individual before his or her 18th birthday for which a petition has not been filed before the individual reaches 21 years of age, except when the

1 delinquent act is an offense having no statute of limitation
 2 as provided in Section 15-3-5.

3 "(c) A juvenile court shall also exercise exclusive
 4 original jurisdiction ~~of proceedings arising out of the above~~
 5 ~~juvenile court proceedings, including, but not limited to,~~
 6 over each of the following:

7 "(1) Proceedings pursuant to the Interstate Compact
 8 on Juveniles and the Interstate Compact on Placement of
 9 Children pursuant to Chapter 2 of Title 44.

10 "(2) Proceedings for termination of parental rights,
 11 ~~as this term is defined in subdivision (10) of Section~~
 12 ~~12-15-301."~~

13 Section 2. The Legislature finds that its original
 14 intent in the adoption of Act 2008-277, the Alabama Juvenile
 15 Justice Act, was for a juvenile court to exercise exclusive
 16 original jurisdiction in all termination of parental rights
 17 proceedings. The amendatory language to Section 12-15-114,
 18 Code of Alabama 1975, provided in Section 1, is intended to be
 19 curative and shall apply retroactively for the purpose of
 20 ratifying and confirming the exercise of original jurisdiction
 21 of the juvenile court to hear and adjudicate termination of
 22 parental rights cases filed in juvenile court on and after
 23 January 1, 2009, and prior to the effective date of this act.
 24 Any order of a juvenile court issued while exercising
 25 jurisdiction pursuant to this section during that time shall

1 be deemed valid in absence of an adjudication on appeal to the
2 contrary.

3 Section 3. The provisions of this act are severable.
4 If any part of this act is declared invalid or
5 unconstitutional, that declaration shall not affect the part
6 which remains.

7 Section 4. This act shall become effective
8 immediately following its passage and approval by the
9 Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 27-FEB-14.

Jeff Woodard
Clerk

Senate	03-APR-14	Passed
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