

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

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8 SYNOPSIS: Under existing law, the Court of Civil
9 Appeals in W.B.B. v. H.M.S., W.L. 2120501
10 (September 6, 2013), construed the Juvenile Justice
11 Act of 2008 to grant the juvenile court exclusive
12 original jurisdiction over termination of parental
13 rights proceedings only if the proceeding for
14 termination arises as the result of a separate
15 juvenile court proceeding in which the child has
16 been adjudged to have committed a delinquent act,
17 to be dependent, or to be in need of supervision.
18 Before January 1, 2009, the effective date of the
19 Juvenile Justice Act, the juvenile court had
20 exclusive original jurisdiction over termination of
21 parent rights proceedings.

22 This bill would restore to the juvenile
23 court exclusive original jurisdiction over all
24 actions for the terminations of parental rights.
25 This bill would express the intent of the
26 Legislature. This bill would provide that it is
27 retroactive to January 1, 2009.

1
2 A BILL
3 TO BE ENTITLED
4 AN ACT
5

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

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

16 "§12-15-114.

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

25 "(b) A juvenile court shall not have jurisdiction
26 over any delinquent act committed by an individual before his
27 or her 18th birthday for which a petition has not been filed

1 before the individual reaches 21 years of age, except when the
2 delinquent act is an offense having no statute of limitation
3 as provided in Section 15-3-5.

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

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

11 "(2) Proceedings for termination of parental rights,
12 ~~as this term is defined in subdivision (10) of Section~~
13 ~~12-15-301."~~

14 Section 2. The Legislature finds that its original
15 intent in the adoption of Act 2008-277, the Alabama Juvenile
16 Justice Act, was for a juvenile court to exercise exclusive
17 original jurisdiction in all termination of parental rights
18 proceedings. The amendatory language to Section 12-15-114,
19 Code of Alabama 1975, provided in Section 1, is intended to be
20 curative and shall apply retroactively for the purpose of
21 ratifying and confirming the exercise of original jurisdiction
22 of the juvenile court to hear and adjudicate termination of
23 parental rights cases filed in juvenile court on and after
24 January 1, 2009, and prior to the effective date of this act.
25 Any order of a juvenile court issued while exercising
26 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.