

1 HB100
2 135496-2
3 By Representative Jones
4 RFD: Judiciary
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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.

