

## **ALABAMA RULES OF JUVENILE PROCEDURE**

### **Rule 2.**

#### **Juvenile court judge—Assignment**

(A) Unless a judicial office is specifically designated by law as a juvenile or family court, the presiding circuit court judge shall designate in writing one or more circuit or district court judges to serve as the juvenile court judge or judges for each county in the circuit. If there are two or more juvenile court judges in a county, one shall be designated as the presiding juvenile court judge. If there is only one juvenile court judge in a county, that judge shall be considered to be the presiding juvenile court judge. The original written designations shall be maintained in the offices of the circuit court clerks. Copies of these designations shall be sent to and maintained at the Administrative Office of Courts.

(B) The presiding circuit court judge shall designate in writing one or more circuit court judges or district court judges within the circuit to sit in juvenile court cases in the absence or recusal of one or more juvenile court judges.

(C) When a juvenile court judge is a circuit court judge, the juvenile court judge shall have and exercise full jurisdiction and power of the juvenile court and of the circuit court of the State. When a juvenile court judge is a district court judge, the juvenile court judge shall have and exercise full jurisdiction and power of the juvenile court and of the district court of the State.

(D) For purposes of these Rules, "juvenile court judge" means a judge who hears juvenile (designated as "JU") and child-support (designated as "CS") cases.

[Amended eff. 5-1-94; Amended 7-14-2011, eff. 10-1-2011; Amended 5-1-2014, eff. 7-1-2014.]

#### **Comment**

See Ala.Code 1975, § 12-15-3(a). This rule clarifies the administrative duties of the presiding circuit judge in each circuit in designating a judge or judges to exercise juvenile jurisdiction within the circuit. Sections (A), (B), and (C) of this rule clarify the power of the presiding circuit judge to designate a circuit or district judge as the juvenile judge in any circuit or district. This procedural flexibility is necessary due to inability to predict caseloads of district courts, especially in respect to possible municipal jurisdiction. See Ala.Code 1975, § 12-17-70, empowering the presiding circuit judge to establish family court divisions.

[Comment amended effective 5-1-94.]

**Comment to Amendment to Rule 2**  
**Effective October 1, 2011**

The changes to this rule were mostly technical -- combining some former subsections and redesignating the subsections. The phrase "[u]nless a judicial office is specifically designated by law as a juvenile or family court" was added to what is now subsection (A) because juvenile court judges in some counties are elected to specifically designated family or juvenile court judgeships created by local acts. It is not necessary for the presiding circuit court judges in those counties to designate juvenile court judges. Language was also added to subsection (A) to clarify that a juvenile court judge must be appointed in each county of the circuit and that, if there are two or more juvenile court judges in a county, one of the juvenile court judges is to be designated as the presiding juvenile court judge. Provisions regarding the handling of written designations of juvenile court judges was moved to subsection (B) for the purpose of clarification.

Both circuit court judges and district court judges may be designated as juvenile court judges. See Ala. Code 1975, §§ 12-12-34 and 12-15-103(a). Because of the language changes in what is now subsection (A), former subsections (A) and (C) are no longer necessary and have been deleted.

**Comment to Amendment to Rule 2**  
**Effective July 1, 2014**

The changes to Rule 2 were mostly technical. The standard procedure for recusals still should be followed, including situations as set out in *Ex parte Jim Walter Homes, Inc.*, 776 So. 2d 76 (Ala. 2000). Subsection (D) was added to provide a definition for "juvenile court judge" to be used throughout these Rules.

**Note from the reporter of decisions:** The order amending effective October 1, 2011, Rule 1, Rule 2, Rule 3, Rule 5, Rule 6, Rule 8, Rule 9, Rule 12, Rule 13, Rule 14, Rule 15, Rule 15.1, Rule 17, Rule 18, Rule 20, Rule 23, Rule 24, Rule 25, Rule 26, Rule 28, and Rule 31 and adopting effective October 1, 2011, Rule 8.1 and the Comment to Amendment to Rule 1 Effective October 1, 2011; the Comment to Amendment to Rule 2 Effective October 1, 2011; the Comment to Amendment to Rule 3 Effective October 1, 2011; the Comment to Amendment to Rule 5 Effective October 1, 2011; the Comment to Amendment to Rule 6 Effective October 1, 2011; the Comment to Amendment to Rule 8 Effective October 1, 2011; the Comment to Adoption of Rule 8.1 Effective October 1, 2011; the Comment to Amendment to Rule 9 Effective October 1, 2011; the Comment to Amendment to Rule 12 Effective October 1, 2011; the Comment to Amendment to Rule 13 Effective October 1, 2011; the Comment to Amendment to Rule 14 Effective October 1, 2011; the Comment to Amendment to Rule 15 Effective October 1, 2011; the Comment to Amendment to Rule 15.1 Effective October 1, 2011; the Comment to Amendment to Rule 17 Effective

October 1, 2011; the Comment to Amendment to Rule 18 Effective October 1, 2011; the Comment to Amendment to Rule 20 Effective October 1, 2011; the Comment to Amendment to Rule 23 Effective October 1, 2011; the Comment to Amendment to Rule 24 Effective October 1, 2011; the Comment to Amendment to Rule 25 Effective October 1, 2011; the Comment to Amendment to Rule 26 Effective October 1, 2011; the Comment to Amendment to Rule 28 Effective October 1, 2011; and the Comment to Amendment to Rule 31 Effective October 1, 2011, is published in that volume of *Alabama Reporter* that contains Alabama cases from \_\_\_\_ So. 3d.

**Note from the reporter of decisions:** The order amending Rule 1, Rule 2, Rule 3, Rule 5, Rule 5.1, Rule 6, Rule 8, Rule 8.1, Rule 12, Rule 13, Rule 14, Rule 15, Rule 18, Rule 20, Rule 24, Rule 26, Rule 28, and Rule 31 effective July 1, 2014, is published in that volume of *Alabama Reporter* that contains Alabama cases from \_\_\_\_ So. 3d.