

ALABAMA RULES OF JUVENILE PROCEDURE

Rule 31.

Procedure for making a parent, legal guardian, or legal custodian a party.

(A) In any case in which a child is alleged to be dependent, the child's parent or parents, legal guardian, or legal custodian shall be considered a party or parties to the action. In any case in which a child is alleged to be delinquent or in need of supervision, a juvenile court, on motion of an interested party or on the court's own motion may make, by written order, the child's parent or parents, legal guardian, or legal custodian a party or parties to the proceeding.

(B) A parent or parents or legal custodian who is or has been made a party shall be subject to orders to pay various expenses and costs to the extent provided by law. A parent or parents, legal guardian, or legal custodian who is or has been made a party to the proceeding may also be subject to other orders of the juvenile court. Failure of a parent or parents, legal guardian, or legal custodian to comply with the orders of the juvenile court may result in contempt proceedings being filed, and failure to make payments ordered may result in a civil judgment for the collection of the payments.

(C) A parent or parents, legal guardian, or legal custodian who is or has been made a party to an action in which a child is alleged to be delinquent, dependent, or in need of supervision shall be served with a summons and a copy of the petition at the earliest opportunity pursuant to Ala. Code 1975, § 12-15-122, and Rule 13 of these Rules and, if ordered by the court, may be subject to the provisions of Ala. Code 1975, §§ 12-15-109, 12-15-215(a)(4), and 12-15-314(a)(4), as limited by Ala. Code 1975, § 26-2A-78, or other applicable law.

(D) On each petition alleging that a child is delinquent, dependent, or in need of supervision, the following notice shall be placed in capital letters at the bottom of the petition, as follows:

"NOTICE

"A PARENT OR PARENTS, LEGAL GUARDIAN, OR LEGAL CUSTODIAN OF THE CHILD MAY BE MADE A PARTY TO A DELINQUENCY OR CHILD-IN-NEED- OF-SUPERVISION CASE PURSUANT TO ALA. CODE 1975, § 12-15- 113. A PARENT OR PARENTS OR LEGAL CUSTODIAN WHO IS OR HAS BEEN MADE A PARTY TO A DELINQUENCY, DEPENDENCY, OR CHILD-IN-NEED- OF-SUPERVISION CASE MAY BE REQUIRED TO PAY ATTORNEY FEES; TO PAY FOR EVALUATION AND

TREATMENT; TO PAY FINES, COURT COSTS, AND RESTITUTION; AND TO PAY FOR CARE, SUPPORT, AND SUPERVISION OF THE CHILD. A PARENT OR PARENTS, LEGAL GUARDIAN, OR LEGAL CUSTODIAN WHO IS OR HAS BEEN MADE A PARTY TO A DELINQUENCY, DEPENDENCY, OR CHILD-IN-NEED-OF-SUPERVISION CASE MAY ALSO BE SUBJECT TO OTHER ORDERS. FAILURE TO COMPLY WITH THE ORDERS OF THE COURT MAY RESULT IN CONTEMPT PROCEEDINGS, AND FAILURE TO MAKE PAYMENTS ORDERED MAY RESULT IN A CIVIL JUDGMENT FOR THE COLLECTION OF THE PAYMENTS ORDERED."

[Adopted 8-31-93; eff. 5-1-94; Amended eff. 1-9-2009; Amended 7-14-2011, eff. 10-1-2011; Amended 5-1-2014, eff. 7-1-2014.]

**Comment to Amendment to Rule 31
Effective January 9, 2009**

Nonsubstantive changes were made to subsections (B), (D), and (E) of this rule to make the citations to the Alabama Code consistent with the Alabama Juvenile Justice Act of 2008. The term "legal custodian" was added and the word "legal" was added before the word "guardian" throughout this rule to be consistent with Ala. Code 1975, § 12-15-113. Other technical changes were made.

**Comment to Amendment to Rule 31
Effective October 1, 2011**

Most of the changes to this rule were to clarify that parents, legal guardians, or legal custodians may be made parties only in delinquency and child-in-need-of-supervision cases. Parents, legal guardians, and legal custodians are already considered parties when a dependency case is filed because of the fact that they, as respondents, have a right to appointed counsel if determined by the juvenile court to be indigent. See Ala. Code 1975, § 12-15-305(b). Other changes to this rule were technical.

**Comment to Amendment to Rule 31
Effective July 1, 2014**

Rule 31 was amended to provide that parents, legal guardians, and legal custodians are parties to a dependency proceeding. In addition, changes were made to Rule 31 to tighten the language.

Note from the reporter of decisions: The order amending effective January 9, 2009, Rule 1(A), Rule 8, Rule 13, Rule 20(A), Rule 24, Rule 28, and Rule 31, and adopting effective January 9, 2009, the Comment to Amendment to Rule 1(A) Effective January 9, 2009; the Comment to Amendment to Rule 8 Effective January 9, 2009; the Comment to Rescission of Rule 11 Effective January 9, 2009; the Comment to Amendment to Rule 13 Effective January 9, 2009; the Comment to Rescission of Rule 16 Effective January 9, 2009; the Comment to Amendment to Rule 20(A) Effective January 9, 2009; the Comment to Amendment to Rule 24 Effective January 9, 2009; the Comment to Amendment to Rule 28 Effective January 9, 2009; the Comment to Amendment to Rule 31 Effective January 9, 2009; and the Comment to Rescission of Rule 32 Effective January 9, 2009, is published in that volume of *Alabama Reporter* that contains Alabama cases from 996 So. 2d.

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.