

ALABAMA RULES OF JUVENILE PROCEDURE

Rule 20.

Record of juvenile court proceedings.

(A) A recording of all juvenile court proceedings shall be kept by stenographic reporting, by mechanical or electronic device, or by some combination thereof, for the purpose of the creation of an official record of the proceedings, except that a recording in a child-support proceeding (designated as a "CS" case) is not required but is permissible by order of the juvenile court. The audio or stenographic recording shall be preserved until the time for taking an appeal has expired and shall not be released except for the following purposes:

(1) In the event of an appeal.

(2) Upon written order of the juvenile court judge, which shall include a specific finding that good cause exists for the creation and release of a transcript of the proceedings.

(B) Transcription of the record of juvenile court proceedings shall be by a person designated by the juvenile court judge. The transcript shall be certified as directed by the juvenile court or as required by the Alabama Rules of Appellate Procedure.

(C) In the event of an appeal pursuant to Rule 28(A)(1) in a case in which the juvenile court proceedings have been recorded by mechanical or electronic devices, the juvenile court judge may request the assistance of the presiding circuit court judge in determining the appropriate person to transcribe the record for purposes of providing a certified record on appeal.

(D) The person designated to transcribe the juvenile court proceedings shall be entitled to be paid the transcript fees provided in Rule 29, Alabama Rules of Judicial Administration.

[Amended eff. 3-1-82; Amended eff. 11-15-85; Amended eff. 5-1-94; amended eff. 7-1-98; Amended eff. 6-22-2007; Amended eff. 1-9-2009; Amended 7-14-2011, eff. 10-1-2011; Amended 5-1-2014, eff. 7-1-2014.]

Comment

This rule provides for the use of electronic devices for recording testimony in any hearings in the juvenile court. This rule should facilitate appeals in that a substantially complete record may be provided in each case.

It is expected that a record made in a juvenile court case by any of the methods prescribed in subsection (A) of this rule will be as adequate and as substantially complete as a record made in a case tried in the circuit court.

Multiple certifications of the record, possibly including a certification of the trial judge, may be necessary in cases in which the person or persons preparing the transcript are not those who actually monitored the electronic recording equipment, and subsection (B) of this rule should be construed as authorizing such certifications. For analogous procedures regarding the use of electronic recording equipment and certification of the correctness of the transcript in cases in which such equipment is used, see Rule 14(a), Alabama Rules of Appellate Procedure.

[Comment amended eff. 5-1-94.]

**Comment to Amendment to Rule 20
Effective June 22, 2007**

Rule 20 was amended to clarify that the entire juvenile court proceedings, not just testimony, should be recorded and that, if an appeal is filed in a juvenile court proceeding, the record should be transcribed in order to make the appeal process similar to that in civil and criminal cases.

**Comment to Amendment to Rule 20(A)
Effective January 9, 2009**

For purposes of this rule, "proceedings" is intended to mean any hearing for which persons are notified to appear in person before a judge or a referee and a transcript of which is required by law to be included in a record on appeal. Subsection (A) was amended by deleting the sentence providing that the party offering exhibits and other tangible evidence shall preserve such exhibits and tangible evidence unless otherwise directed by the court because it is preferable for the retention and destruction of exhibits and other tangible evidence in juvenile courts to follow the Records Retention Schedule approved by the Supreme Court of Alabama.

**Comment to Amendment to Rule 20
Effective October 1, 2011**

Subsection (A) was amended to add language indicating that it is within the discretion of the juvenile court to record child-support proceedings because recording such cases is sometimes impractical with a large number of these cases on the court docket. The other changes to this rule were mostly technical.

Comment to Amendment to Rule 20 Effective July 1, 2014

Rule 20 was amended to clarify and narrow the circumstances under which a transcript of the proceedings should be made. Subsection (A)(2) allows the juvenile court judge to make specific findings that justify the creation of a transcript, e.g., for the purposes of a trial after the transfer of a case for criminal prosecution pursuant to Ala. Code 1975, § 12-15-203.

Note from the reporter of decisions: The order amending effective June 22, 2007, Rule 1, Rule 20, and Rule 28(C), and adopting effective June 22, 2007, Rule 13(E); the Comment to Rule 13(E) Adopted Effective June 22, 2007; the Comment to Amendment of Rule 1 Effective June 22, 2007; the Comment to Amendment of Rule 20 Effective June 22, 2007; and the Comment to Amendment of Rule 28(C) Effective June 22, 2007, is published in that volume of *Alabama Reporter* that contains Alabama cases from 957 So.2d.

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.