

IN THE SUPREME COURT OF ALABAMA  
MAY 1, 2014

ORDER

IT IS ORDERED that 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, Alabama Rules of Juvenile Procedure, be amended to read in accordance with Appendices A, C, F, H, J, L, N, P, R, T, V, X, Z, BB, DD, FF, HH, and JJ, respectively;

IT IS FURTHER ORDERED that Rule 2.1, Alabama Rules of Juvenile Procedure, is hereby rescinded;

IT IS FURTHER ORDERED that the Comments to amendments to Rule 1 and Rule 2, to the rescission of Rule 2.1, and to amendments to 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, Alabama Rules of Juvenile Procedure, effective July 1, 2014, be adopted to read in accordance with Appendices B, D, E, G, I, K, M, O, Q, S, U, W, Y, AA, CC, EE, GG, II, and KK, respectively;

IT IS FURTHER ORDERED that these amendments and the rescission of Rule 2.1 are effective July 1, 2014;

IT IS FURTHER ORDERED that the following note from the reporter of decisions be added to follow 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:

"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."

IT IS FURTHER ORDERED that the following note from the reporter of decisions be added to follow the notation of the rescission of Rule 2.1:

"Note from the reporter of decisions: The order rescinding Rule 2.1 effective July 1, 2014, is published in that volume of Alabama Reporter that contains Alabama cases from \_\_\_\_ So. 3d."

Moore, C.J., and Stuart, Bolin, Parker, Murdock, Shaw, Main, Wise, and Bryan, JJ., concur.

## APPENDIX A

### Rule 1.

#### General Procedure and Time Limitations

(A) These Rules shall be known as the Alabama Rules of Juvenile Procedure and shall govern the procedure for all matters in the juvenile court. If no procedure is specifically provided in these Rules or by statute, the Alabama Rules of Civil Procedure shall be applicable to those matters that are considered civil in nature and the Alabama Rules of Criminal Procedure shall be applicable to those matters that are considered criminal in nature. Except as otherwise provided by constitutional provision, statute, these Rules, or other rules adopted by the Supreme Court of Alabama, the Alabama Rules of Evidence shall apply in all proceedings in the juvenile courts. For all matters in the juvenile courts, the phrase "entry of order or judgment" shall have the same meaning as prescribed in Rule 58(c) of the Alabama Rules of Civil Procedure.

(B) Procedure shall be uniform in all juvenile courts, whether at the circuit court or the district court level or in the circuit court by trial de novo. In all juvenile courts, if an answer or other pleading is filed by a party pursuant to Rule 12, Alabama Rules of Civil Procedure, the answer or other pleading shall be filed within the 14-day period provided in Rule 12(dc), Alabama Rules of Civil Procedure, regardless of whether the juvenile courts are circuit courts or district courts. All postjudgment motions, whether provided for by the Alabama Rules of Civil Procedure or the Alabama Rules of Criminal Procedure, must be filed within 14 days after entry of order or judgment and shall not remain pending for more than 14 days, unless, within that time, the period during which a postjudgment motion may remain pending is extended:

(1) By written order of the juvenile court on its own motion, or upon motion of a party for good cause shown, for not more than 14 additional days; or

(2) Upon the express written consent of all the parties, which consent shall appear of record; or

(3) By the appellate court to which an appeal of the judgment would lie.

A failure by the juvenile court to render an order disposing of any pending postjudgment motion within the time permitted hereunder, or any extension thereof, shall constitute a denial of such motion as of the date of the expiration of the period.

(C) Summary-judgment motions may be filed at any time after a petition is filed pursuant to Rule 12(c)(2); provided that such motions are served upon all the parties in the case at least seven days before the time fixed for an adjudicatory hearing. The juvenile court retains jurisdiction to amend judgments for 14 days after the entry of order or judgment. Where execution or similar proceedings are appropriate to enforce a judgment, such action shall not be taken for 14 days.

(D) A claim that counsel in a juvenile transfer hearing has been ineffective shall be filed in the circuit court or the district court to which the case has been transferred no later than seven days from the date of the arraignment in the circuit court or the district court. The circuit court or the district court must rule on the ineffective-assistance claim before trial of the case can begin. If the circuit court or the district court finds that counsel in the juvenile transfer hearing was ineffective, it shall remand the case to the juvenile court for a new juvenile transfer hearing.

(E) For purposes of these Rules, the term "legal guardian" means a person who has been appointed by a probate court pursuant to the Alabama Uniform Guardianship and Protective Proceedings Act, Ala. Code 1975, § 26-2A-1 et seq., to be a guardian of a person under 19 years of age who has not otherwise had the disabilities of nonage removed. The term "legal guardian" also includes a "kinship guardian" as defined in Ala. Code 1975, §§ 12-15-301(6) and 38-12-32(5).

## APPENDIX B

### Comment to Amendment to Rule 1 Effective July 1, 2014

Subsection (B) of Rule 1 was amended to provide for those situations in which an answer or other pleading is filed pursuant to Rule 12, Alabama Rules of Civil Procedure, because such pleadings are not required by statute or by these Rules to be filed in juvenile court proceedings. Subsection (B)(1) was amended to clarify that the extension permitted upon the court's motion or a motion of a party must be reflected in a written order.

Subsection (C) of Rule 1 changed the time in which summary-judgment motions may be filed. Formerly, a summary-judgment motion could be filed any time after a case was commenced, provided it was served seven days before the hearing.

APPENDIX C

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 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.

APPENDIX D

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.

APPENDIX E

Comment to Rescission of Rule 2.1  
Effective July 1, 2014

Rule 2.1 was deleted because the substance of Rule 2.1 has been codified in Ala. Code 1975, § 12-15-106.

APPENDIX F

Rule 3.

Presiding Juvenile Court Judge -- Administrative Authority

The presiding juvenile court judge for each county shall exercise administrative authority over the juvenile court. Unless otherwise provided by law, this authority shall include the power to appoint and supervise chief juvenile probation officers, juvenile probation officers, administrative support assistants, juvenile court magistrates appointed pursuant to Rule 8.1 of these Rules, juvenile court intake officers not subject to the direction and supervision of the circuit clerk, and volunteers appointed pursuant to Rule 6 of these Rules; to initiate and carry on programs; to assign and distribute the work of the juvenile court; to establish and implement policies; and to assign such duties as may be legally delegated.

APPENDIX G

Comment to Amendment to Rule 3  
Effective July 1, 2014

Rule 3 was amended to list specifically the personnel a presiding juvenile court judge appoints and supervises.

## APPENDIX H

### Rule 5.

#### Chief Juvenile Probation Officer

The presiding juvenile court judge of each county shall appoint a chief juvenile probation officer who meets the minimum qualifications of a juvenile probation officer in the Alabama Standards for Certification of Juvenile Probation Officers and who shall serve at the pleasure of the judge. The chief juvenile probation officer shall be responsible directly to the presiding juvenile court judge for coordinating the probation services of the court, their internal procedures, budgeting, office management, allocation of space, and personnel transactions.

APPENDIX I

Comment to Amendment to Rule 5  
Effective July 1, 2014

The amendment to Rule 5 is technical. No substantive change is intended.

## APPENDIX J

### Rule 5.1.

#### Salary Subsidies for Juvenile Probation Officers

For those juvenile probation officers who are not part of the state courts' personnel system and who are not covered by Rule 9, Alabama Rules of Judicial Administration, the Administrative Office of Courts shall allocate to each county salary subsidies for juvenile probation officers at a ratio of one salary subsidy per 15,000 population or fraction thereof. The total number of salary subsidies to be allocated to each county shall be based on the 2000 federal decennial census or the last federal decennial census, taking the lower number of the two. The Administrative Director of Courts shall review the salary-subsidy allocations annually and may choose to increase the allocations; provided, however, that the Administrative Director of Courts cannot decrease the allocations below the minimum level of one salary subsidy per 15,000 population or fraction thereof.

The Administrative Office of Courts shall expend funds to provide a salary subsidy of \$22,000 or one-half the total salary actually paid to a juvenile probation officer, whichever is greater, for the number of juvenile probation officers' subsidies provided to a county based on the ratio provided above. If the annual general fund appropriation allocated to the Administrative Office of Courts for the funding of the Juvenile Probation Officers' Program is reduced by the State Legislature in any fiscal year or is reduced by the Governor through proration in any fiscal year, or if both events occur, the funds expended by the Administrative Office of Courts for the salary subsidies for those juvenile probation officers covered by this rule shall be reduced by a percentage equal to the percentage of that reduction or those reductions.

APPENDIX K

Comment to Amendment to Rule 5.1  
Effective July 1, 2014

The changes to Rule 5.1 are intended to clarify the impact of a shortfall of funding on the salary subsidies provided by this rule.

## APPENDIX L

### Rule 6.

#### Volunteers in Juvenile Court

Prospective volunteers must complete human-resources forms provided by the Human Resources Division of the Administrative Office of Courts. The presiding juvenile court judge for each county may appoint one or more of those volunteers, who shall serve without compensation upon conditions and for such purposes as the judge may prescribe in a written order of appointment. The original written order of appointment shall be maintained in the office of the presiding juvenile court judge in the county in which the order is issued. A copy of the written order shall be sent to and maintained by the Administrative Office of Courts. Volunteers may not begin work until all the requisite human-resources forms have been completed and an appointment order has been signed.

A person appointed by a juvenile court to serve as a volunteer juvenile probation officer must meet the minimum qualifications of a juvenile probation officer and must have attended and completed the required training for a juvenile probation officer as provided in the Alabama Standards for Certification of Juvenile Probation Officers established pursuant to Ala. Code 1975, § 12-5A-2(a).

The county governing body may reimburse these juvenile court volunteers for reasonable and necessary expenses incurred in connection with their appointment. Volunteers are subject to the same confidentiality provisions as are other court officials and employees.

APPENDIX M

Comment to Amendment to Rule 6  
Effective July 1, 2014

Rule 6 was amended to provide that volunteers in juvenile court must comply with certain Unified Judicial System personnel requirements before they can be appointed. Rule 6 as amended also provides that the original and copies of the written order of a volunteer's appointment should be maintained and where they should be maintained.

If a person wishes to serve as a volunteer juvenile probation officer, he or she must follow all the same standards as paid juvenile probation officers, including attending training.

## APPENDIX N

### Rule 8.

#### Juvenile Court Intake Officers

(A) The presiding juvenile court judge for each county shall designate one or more eligible employees to serve as a juvenile court intake officer for the juvenile court. In addition, the presiding juvenile court judge shall designate one or more eligible employees, preferably from the same circuit, to serve as alternate juvenile court intake officers (1) in matters where all the juvenile court intake officers in a county must recuse themselves because of conflicts of interest or (2) in those counties with one juvenile probation officer who has been designated as a juvenile court intake officer when that juvenile probation officer is unavailable. These designations shall be in writing on a form provided by the Administrative Office of Courts. Persons eligible to serve as juvenile court intake officers and alternate juvenile court intake officers shall include full-time or part-time certified juvenile probation officers, employees of the Unified Judicial System, and persons working in the juvenile courts without regard to whether their salaries are paid from Unified Judicial System funds. The original written designations shall be maintained in the office of the presiding juvenile court judge in the county in which the designation is made. Copies of these designations shall be sent to and maintained by the Administrative Office of Courts.

(B) Juvenile court intake officers and alternate juvenile court intake officers shall be neutral and detached from the executive and legislative branches of government and shall not hold elective or appointed offices in any branch of government unless expressly authorized by law to act as a juvenile court intake officer and to hold such office or unless they hold the office of circuit clerk.

(C) Juvenile court intake officers and alternate juvenile court intake officers are authorized to administer oaths for the purpose of verifying complaints and petitions in juvenile

matters and shall perform such other duties as are provided by law.

(D) All juvenile court intake officers and alternate juvenile court intake officers must attend and complete mandatory training for intake officers provided by the Administrative Office of Courts within 12 months of their designation as juvenile court intake officers.

(E) Juvenile court intake officers and alternate juvenile court intake officers shall not be required to be magistrates under Rule 8.1, Alabama Rules of Juvenile Procedure, and Rule 18, Alabama Rules of Judicial Administration, unless they issue warrants of arrest against adults subject to the jurisdiction of the juvenile court.

APPENDIX O

Comment to Amendment to Rule 8  
Effective July 1, 2014

The intent of the provision for alternate juvenile court intake officers was for the presiding juvenile court judge to designate eligible persons, employed full-time or part-time, in the same manner as juvenile court intake officers to serve in matters in which all the juvenile court intake officers have recused themselves or to serve in those counties with one juvenile probation officer when that juvenile probation officer is unavailable. Subsection (B) was deleted because the substance of it was added to subsection (A).

Former subsections (C), (D), (E), and (F) were renumbered accordingly as subsections (B), (C), (D), and (E) and were amended to provide that alternate juvenile court intake officers are subject to the same requirements as juvenile court intake officers and to clarify that the circuit clerk may act as a juvenile court intake officer or an alternate juvenile court intake officer.

APPENDIX P

Rule 8.1.

Juvenile Court Magistrates

(A) Establishment of Juvenile Court Magistrates.

(1) There is hereby established a category of magistrate titled "juvenile court magistrate." A person serving as a juvenile court magistrate must be a full-time or part-time employee of the Unified Judicial System or a person working in the juvenile court without regard to whether his or her salary is paid from Unified Judicial System funds. A person nominated in writing by the presiding juvenile court judge and the clerk of the circuit court to be a juvenile court magistrate, absent good cause otherwise, shall be appointed by the Administrative Director of Courts to serve as juvenile court magistrate.

(2) Juvenile court magistrates shall be subject to the direction and supervision of the clerk of the circuit court if they are employees of that office or to the direction and supervision of the presiding juvenile court judge if they are employees of or persons working for the juvenile court.

(3) Unless already appointed to be a district court magistrate pursuant to Rule 18, Alabama Rules of Judicial Administration, a juvenile court magistrate's power to issue warrants of arrest against adults and to establish the initial bail amount shall be limited to criminal offenses within the jurisdiction of the juvenile court pursuant to Ala. Code 1975, § 12-15-116.

(4) Each juvenile court magistrate must, within 12 months of taking office, enroll in a magistrates' orientation and certification program approved by the Administrative Office of Courts for district court magistrates in Rule 18, Alabama Rules of Judicial Administration. The Administrative Director of Courts may waive the requirements of this subsection as to a juvenile court magistrate, either partially or completely, on his or her own initiative or upon written request from the clerk of the circuit court or from the presiding juvenile

court judge. The Administrative Director of Courts shall establish criteria on which to base any such waivers.

(B) Nominations and Qualifications for Appointment.

(1) Eligibility. The position of juvenile court magistrate is an office of public trust. Any person appointed as a juvenile court magistrate must be a qualified elector of Alabama, cannot hold two offices of profit under the United States or the State of Alabama Constitutions, and shall not have been convicted of any disqualifying crime. In addition, a juvenile court magistrate shall be neutral and detached from the executive and legislative branches of government.

(2) Nominations for Appointments. All nominations for persons to be appointed juvenile court magistrates pursuant to the provisions of this rule shall be in writing.

(C) Notice of Appointment. Each appointment made pursuant to this rule shall be in writing. The original appointment letter shall be filed in the office of the circuit court clerk, and a copy shall be maintained by the Administrative Office of Courts.

(D) Oath of Office. Except when persons have already taken oaths of office as district court magistrates, all juvenile court magistrates shall, before entering upon the duties of that office, take the oath of office prescribed in the Constitution of the State of Alabama, which must be written out and subscribed to by the person taking the oath and accompanied by the certificate of the officer administering the same, specifying the day, the month, and the year it was taken. For all juvenile court magistrates, the oath, along with the certificate, shall be filed in the office of the probate court judge, and a copy thereof shall be filed in the office of the clerk of the circuit court. Failure to file an oath as required by this subsection shall not render invalid any acts of said magistrates.

APPENDIX Q

Comment to Amendment to Rule 8.1  
Effective July 1, 2014

Subsection (A) (1) of Rule 8.1 was amended to provide that full-time and part-time Unified Judicial System employees may be appointed juvenile court magistrates. In addition, subsection (B) (1) of Rule 8.1 was amended to delete the prohibition against serving in other capacities in order to leave that issue to be controlled by other law.

## APPENDIX R

### Rule 12.

#### Initiation of Cases

(A) Any person having knowledge of the facts or being informed of them and believing them to be true may make a complaint, under oath, to a juvenile court intake officer; the complaint, which must be handwritten or typed and contain original signatures, shall allege facts sufficient to establish the subject-matter jurisdiction and venue of the juvenile court and the child's delinquency, dependency, need of supervision, or violation of an order of probation or aftercare. An individual shall not serve as a complainant and a juvenile court intake officer in the same case. A complaint is made when it is received by the juvenile court intake officer, who shall immediately note thereon the date and time of receipt. The juvenile court intake officer may receive and consider supplements to the complaint in the form of sworn written statements, which must be handwritten or typed and contain original signatures.

(B) In determining whether to receive a complaint, the juvenile court intake officer shall conduct a preliminary inquiry to determine whether the acts or conditions alleged are within the subject-matter jurisdiction of the juvenile court, whether venue is proper, and whether probable cause exists to believe that the child is delinquent, dependent, in need of supervision, or in violation of an order of probation or aftercare.

(C) If it appears from the preliminary inquiry that subsection (B) has been satisfied, the juvenile court intake officer shall receive the complaint as provided in subsection (A) and shall either:

(1) Utilize the informal-adjustment process provided by Rule 15 in delinquency or child-in-need-of-supervision cases;  
or

(2) Deliver a petition, which must be handwritten or typed and contain original signatures, to the clerk for filing if the juvenile court intake officer finds that the best interests of the child or of the public requires judicial action. The filing of the petition with the clerk officially commences a case or action in the juvenile court.

(D) If it appears from the preliminary inquiry that subsection (B) has not been satisfied or if the petition has not been delivered to the clerk pursuant to subsection (C)(2), the juvenile court intake officer shall take no further action.

(E) Except as provided in Rule 15, the delivery of a petition by a juvenile court intake officer to the clerk and the filing of that petition shall occur within 21 days of receipt of the complaint or before the 72-hour hearing provided in Ala. Code 1975, § 12-15-207 or § 12-15-308, if such a hearing is required.

(F) If a Uniform Traffic Ticket and Complaint ("UTTC") is issued to a child, the verified UTTC may serve as a complaint and, if the requirements of this rule have been met, also as a petition. However, the UTTC may serve only as a complaint in a felony traffic case.

APPENDIX S

Comment to Amendment to Rule 12  
Effective July 1, 2014

Subsection (C)(2) of Rule 12 was amended to emphasize that it is the filing of a petition that officially begins a case or action in the juvenile court.

Subsection (E) of Rule 12 was amended to change from 14 to 21 the number of days within which a petition must be delivered by a juvenile court intake officer to give juvenile court intake officers more time to process cases.

Subsection (F) of Rule 12 was amended to ensure that the UTTC is verified.

## APPENDIX T

### Rule 13.

#### Issuance of Notices and Service of Summonses

The following procedures shall apply to the issuance of notices and the service of summonses in delinquency, child-in-need-of-supervision, dependency, and termination-of-parental rights cases in juvenile courts:

(A) Summons. Service of summonses shall be pursuant to the Alabama Rules of Civil Procedure, except as hereinafter provided:

(1) After a petition alleging that a child is delinquent, in need of supervision, or dependent, or after a termination-of-parental-rights petition has been filed, summonses shall be issued to the child, if he or she is 12 or more years of age; to the parent or parents, legal guardian, or legal custodian; and to other persons who appear to the juvenile court to be proper or necessary parties to the proceedings, requiring them to appear personally before the juvenile court at the time fixed to answer or testify as to the allegations of the petition. A copy of the petition shall be attached to each summons.

(2) There shall be no service by publication of any proceeding in the juvenile court except in proceedings to terminate parental rights or to remove the disabilities of nonage.

(3) The service of the summons shall give the juvenile court jurisdiction over the persons served. Except with respect to required service upon a child, nothing in this rule is intended to prevent the court from proceeding when a person as to whom notice or service is otherwise required to be given or issued cannot be found.

(4) An adult who is a party may waive service of the summons by written stipulation or by voluntary appearance at the hearing. A person who is summoned but who fails to appear, without reasonable cause for the failure to appear, may be proceeded against for indirect criminal contempt.

(5) A party not served under this rule may, for good cause shown, petition the juvenile court in writing for a modification of any order or judgment of the juvenile court. The juvenile court may dismiss this petition if, after a preliminary investigation, the juvenile court finds that the petition is without substance. If the juvenile court finds that the petition should be reviewed, the juvenile court may conduct a hearing upon the issues raised by the petition and may make any orders authorized by law relative to the issues as it deems proper.

(B) Notices of Detention Hearings, Shelter-Care Hearings, and 72-hour Hearings. Oral or written notice of all detention hearings and shelter-care hearings in delinquency and child-in-need-of-supervision cases, stating the date, time, place, and purpose of the hearings and that the child, parent or parents, legal guardian, or legal custodian has the right to counsel, shall be given to the parent or parents, legal guardian, or legal custodian if he or she can be found and to the child if the child is over 12 years of age. Oral or written notice of the 72-hour hearing in dependency cases, stating the date, time, place, and purpose of the hearing and the right to counsel, shall be given to the parent or parents, legal guardian, or legal custodian if he or she can be found. Nothing in this rule is intended to prevent the court from proceeding when a person required to receive notice as prescribed herein cannot be found.

(C) Notices of Other Hearings. Except for detention, shelter-care, and 72-hour hearings, written notice of all hearings and hearings on the merits of the petition as otherwise provided in this rule shall be provided to all parties in the proceedings, and such notice shall include the date, time, place, and purpose of the hearings.

(D) Notices to Foster Parents, Preadoptive Parents, and Relative Caregivers. The juvenile court shall ensure that foster parents, preadoptive parents, and relative caregivers of a child in foster care under the responsibility of the State are notified, orally or in writing, of the date, time, and place of any juvenile court proceeding to be held with respect to a child in their care.

APPENDIX U

Comment to Amendment to Rule 13

Effective July 1, 2014

Rule 13 was amended to make termination-of-parental-rights cases subject to its provisions.

Subsection (A)(2) of Rule 13 was amended to acknowledge that service by publication is authorized in removal-of-disabilities-of-nonage cases as provided in Ala. Code 1975, § 26-13-3.

Subsections (A)(3) and (B) were amended to indicate that a court may proceed in the absence of notice to or service upon certain persons who cannot be found when doing so would otherwise be permitted by law; provided that these Rules are not to be understood as implying any effort to abrogate statutory or constitutional principles relating to in personam jurisdiction or due process. It is not the office of these Rules to govern the efficacy of orders or judgments as to parties over whom the juvenile court has not acquired jurisdiction.

APPENDIX V

Rule 14.

Appearance of Counsel

Counsel for a party in a juvenile court case shall file his or her pleading or notice of appearance with appropriate contact information in all juvenile court proceedings with the clerk or by appearing personally at a juvenile court hearing and advising the juvenile court that he or she is representing a party to the proceeding. Counsel who have filed a pleading or notice of appearance with the clerk or who have appeared at a juvenile court hearing shall receive copies of all notices, pleadings, motions, orders, and other documents required by statute or rule to be given to parties, and, in these cases, notices need not be given and pleadings, motions, orders, and other documents need not be made available to the parties unless the juvenile court shall so order. When counsel has entered an appearance or accepted an appointment, he or she shall not withdraw from a case without the consent of the juvenile court.

APPENDIX W

Comment to Amendment to Rule 14  
Effective July 1, 2014

Rule 14 was amended to provide that once counsel has entered a notice of appearance with the clerk, counsel is entitled to receive copies of pleadings, motions, orders, and other documents filed in addition to notices and that the party counsel represents need not receive copies of those documents.

## APPENDIX X

### Rule 15.

#### Informal Adjustment

(A) After receiving a complaint alleging that a child is delinquent or in need of supervision and after determining that informal adjustment is appropriate, a juvenile probation officer who has been designated as a juvenile court intake officer may use the informal-adjustment process, with the consent of the child and his or her parent or parents, legal guardian, or legal custodian. Prior to any informal adjustment, the child and his or her parent or parents, legal guardian, or legal custodian must be advised of their rights, including the right to counsel. Any waiver of the right to counsel by the child and his or her parent or parents, legal guardian, or legal custodian during the informal-adjustment process shall apply only to that process and shall not constitute a waiver of the right to counsel by these persons for any subsequent proceeding in the juvenile court. Utilization of the informal-adjustment process shall suspend the 21-day time frame for filing a petition pursuant to Rule 12(E) of these Rules.

(B) An informal adjustment shall include counseling of and advising the child and his or her parent or parents, legal guardian, or legal custodian by the juvenile probation officer. This function may be performed by other appropriate persons, including the juvenile court judge, in the discretion of the juvenile probation officer.

An informal adjustment also may include the following:

(1) Supervision of the child by the juvenile probation officer and temporary placement of the child with persons other than the parent or parents, legal guardian, or legal custodian with the consent of the child and his or her parent or parents, legal guardian, or legal custodian; and

(2) Referrals by the juvenile probation officer to public and private agencies that may provide assistance or services to the child and his or her parent or parents, legal guardian,

or legal custodian.

(C) The informal-adjustment process shall not continue beyond a period of six months from the date the informal-adjustment document is executed.

(D) If the child fails to comply with one or more conditions of the informal-adjustment process, the process may be terminated, and the juvenile probation officer may deliver for filing a petition alleging that the child is delinquent or in need of supervision.

(E) If the child satisfactorily completes the requirements of informal adjustment, the process shall be terminated. Upon termination of the informal-adjustment process, the juvenile probation officer shall notify the child and his or her parent or parents, legal guardian, or legal custodian.

APPENDIX Y

Comment to Amendment to Rule 15  
Effective July 1, 2014

Subsection (A) of Rule 15 was amended to limit the application of a waiver of the right to counsel to the informal-adjustment process.

Subsection (C) of Rule 15 was amended to provide a trigger date for the six-month informal-adjustment process.

Subsection (E) of Rule 15 was amended to delete references to a case being dismissed upon termination of the informal-adjustment process because the case has never actually begun.

APPENDIX Z

Rule 18.

Release of Confidential Juvenile Court Statistical Information

A juvenile court may release statistical information regarding the processing and disposition of juvenile court cases considered to be confidential by law if the identity of the parties cannot be ascertained from such information and the release of such information is not detrimental to the interests of a child or to the work of the juvenile court.

APPENDIX AA

Comment to Amendment to Rule 18  
Effective July 1, 2014

The amendment to Rule 18 is technical. No substantive change is intended.

APPENDIX BB

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.

APPENDIX CC

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.

APPENDIX DD

Rule 24.

Conduct of Adjudicatory Hearings or Taking of Admissions

(A) In an adjudicatory hearing in a delinquency or child-in-need-of-supervision case or in any other hearing in which the child admits the allegations of the petition in a delinquency or child-in-need-of-supervision case, a juvenile court shall begin the hearing by ascertaining if all necessary parties are present and ready to proceed and should so note on the record.

(B) (1) If one or more parties are represented by counsel, the juvenile court shall inquire whether counsel has explained to them the substance of the juvenile petition, the specific allegations contained in the juvenile petition, the nature of the proceedings, the rights of the parties during the proceedings, and the alternatives available to the juvenile court should the allegations of the juvenile petition be admitted or proven. If counsel has explained these things to the parties, the juvenile court shall note these facts on the record.

(2) If a party has counsel but counsel has not explained the items enumerated above to him or her, or if a party is not represented by counsel, then the juvenile court shall explain to that party the substance of the juvenile petition, the specific allegations contained in the juvenile petition, the nature of the proceedings, the rights of the parties during the proceedings, and the alternatives available to the juvenile court should the allegations of the juvenile petition be admitted or proven.

(C) Following these procedures, the juvenile court may inquire of the child whether the child admits or denies all or some of the allegations contained in the juvenile petition. Failure or refusal of the child to admit any allegation shall be deemed a denial of the allegation. If admissions do not obviate the necessity for a hearing, the juvenile court shall then proceed to hear evidence, unless additional time is necessary to prepare for the hearing, and all testimony shall

be under oath.

(D) No juvenile probation officer shall elicit testimony at any hearing. Statements made to a juvenile probation officer or a juvenile court intake officer by a child alleged to have committed a delinquent act or by a child alleged to be in need of supervision for the purposes of determining the appropriateness of, or while the child is participating in, diversion from formal juvenile court proceedings or adjudication shall not be admissible as evidence in an adjudicatory hearing.

APPENDIX EE

Comment to Amendment to Rule 24  
Effective July 1, 2014

Subsection (D) of Rule 24 was amended to prohibit the admission as evidence at an adjudicatory hearing of statements made by an alleged delinquent child or child in need of supervision while a child is participating in diversion from formal juvenile court proceedings or adjudication.

APPENDIX FF

Rule 26.  
Court Costs

(A) The prepayment of fees and costs, except for certified-mail fees, is not required in cases within the jurisdiction of the juvenile court, except in the following:

(1) All CS cases;

(2) Petitions to modify orders issued in dependency cases;

(3) Child-in-need-of-supervision cases alleging that a child is beyond the control of his or her parent or parents, legal guardian, or legal custodian; and

(4) Proceedings seeking the removal of the disabilities of nonage.

(B) In cases where prepayment of fees and costs is required, if a party files an affidavit of substantial hardship that is granted by the juvenile court or if a governmental entity files the action, the prepayment of fees and costs is waived. In cases in which the prepayment of fees and costs is not required or is waived, the fees and costs may be taxed at the conclusion of the cases.

(C) All fees and costs shall be distributed as provided by law.

(D) Uncollected court costs may not be assessed as charges against the county.

APPENDIX GG

Comment to Amendment to Rule 26

Effective July 1, 2014

The provision requiring the prepayment of fees and costs in certain cases within the jurisdiction of the juvenile court is to limit meritless filings while preserving access to the court system. Because certified-mail fees must be paid prior to service by this method, this rule prevents the waiver of prepayment of those fees.

APPENDIX HH

Rule 28.  
Appeals

(A) Direct Appeals to Appellate Courts

(1) Appeals from final orders or judgments of the juvenile court shall be to the appropriate appellate court, subject to the Alabama Rules of Appellate Procedure, after the right to a jury trial, if applicable, has been exercised or waived by all parties entitled thereto and one of the following conditions has been met:

(a) The parties have stipulated to an agreed statement of the record on appeal in accordance with the provisions of Rule 10(e) of the Alabama Rules of Appellate Procedure; or

(b) The parties stipulate that only questions of law are involved and the juvenile court certifies those questions; or

(c) An adequate record of the proceeding is available pursuant to one of the following circumstances:

(i) Proceeding Recorded by Electronic Means. Other than as addressed by (ii) below, if the proceeding has been recorded by electronic means, the juvenile court judge designates a person to transcribe the record of the proceeding and to prepare a reporter's transcript in accordance with the provisions of Rule 10(b)(2) of the Alabama Rules of Appellate Procedure, and the juvenile court judge certifies that the record of the proceeding is adequate.

(ii) Proceeding Recorded by a Court Reporter Present at the Proceeding. If a licensed court reporter or reporters are present at the proceeding to record the proceeding, the reporter or reporters, upon being designated by the juvenile court judge to do so, shall transcribe the record of the proceeding and prepare a reporter's transcript in accordance with the provisions of Rule 10(b)(2) of the Alabama Rules of Appellate Procedure.

(2) If the appeal provided in this subsection is taken from a final order or judgment in a case or proceeding arising out of the jurisdiction of the juvenile court over a child, as that term is defined in Ala. Code 1975, § 12-15-102(3), the appropriate appellate court for purposes of the appeal shall be (a) the Court of Criminal Appeals in proceedings in which a child is adjudicated delinquent, proceedings to revoke probation or aftercare in delinquency cases, and proceedings in which a motion seeking an order to transfer a case of a child to the adult court for criminal prosecution is either granted or denied, and (b) the Court of Civil Appeals in any other case or proceeding.

(3) If the appeal provided in this subsection is taken from a final order or judgment in a case or proceeding arising out of the jurisdiction of the juvenile court over an adult pursuant to Ala. Code 1975, § 12-15-116, the appropriate appellate court for purposes of the appeal shall be the Court of Criminal Appeals.

(B) Appeals to Circuit Court. Appeals from final orders or judgments in all other cases, including those cases in which there is not an adequate record as provided in subsection (A) of this rule, shall be to the circuit court for trial de novo, and the case shall be heard by a different circuit court judge if heard by a circuit court judge in the first instance in the juvenile court. The subject of an appeal to the circuit court for trial de novo on delinquency cases or cases involving a child in need of supervision, as that term is defined in Ala. Code 1975, § 12-15-102(4), shall be on the same charge tried in juvenile court; however, no provision of this rule shall be construed to confer the right to a jury trial for a juvenile adjudication appealed to the circuit court. The same provisions of law or rule regarding confidentiality of records and proceedings in the juvenile court shall be applicable on appeal de novo to the circuit court.

(C) Notice of Appeal. Written notice of appeal shall be filed within 14 days of the date of the entry of order or judgment appealed from, whether the appeal is to an appellate court or to the circuit court for trial de novo.

(D) Transfer of Appeal. An appellate court or circuit court may transfer an appeal to another court if it determines that the appeal should be transferred to or should have been brought in that court.

(E) Stay of Order. Except as otherwise provided by these Rules or by statute, an appeal pursuant to this rule shall not stay enforcement of the order or judgment appealed from, but the court to which the appeal is taken may order otherwise, if suitable provision is made for the care and custody of the child. If the order or judgment appealed from grants the custody of a child to, or withholds it from, one or more of the parties to the appeal, the appeal shall be heard at the earliest time practicable.

(F) Stay of Circuit Court Proceedings Pending Appeal of Transfer Order. The filing of an appeal from an order transferring a case of a child to the adult court for criminal prosecution shall stay the trial on the alleged offense or offenses in the circuit court.

## APPENDIX II

### Comment to Amendment to Rule 28 Effective July 1, 2014

Subsection (A) of Rule 28 was amended to eliminate the necessity of certifying the record as adequate in designated circumstances. Specifically, the juvenile court judge must certify that the record is adequate unless a licensed court reporter was present to record the proceeding, and the court reporter certifies the record as provided by the Alabama Rules of Appellate Procedure. Additionally, Rule 28 was amended to ensure that appeals of cases arising out of the jurisdiction of the juvenile court over adults are to the Court of Criminal Appeals.

Subsection (F) of Rule 28 was amended to clarify that only the trial on the alleged offense or offenses is stayed in the circuit court if an appeal is filed from an order transferring a case of a child to the adult court for criminal prosecution.

APPENDIX JJ

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."

APPENDIX KK

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.