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ALABAMA COURT OF CIVIL APPEALS

OCTOBER TERM, 2020-2021

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M.H.-J.

v.

In the matter of P.H.-J.

Appeal from Morgan Juvenile Court
(JU-20-326.01)

EDWARDS, Judge.

On May 28, 2020, M.H.-J. filed in the Morgan Juvenile Court ("the juvenile court") a petition seeking to have P.H.-J., her brother, declared dependent. At the time M.H.-J. filed her petition, P.H.-J. was 18 years old; he turned 19 on

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June 1, 2020. The juvenile court entered an order on June 16, 2020, indicating its concern that it lacked subject-matter jurisdiction over her petition and directing M.H.-J. to submit authority regarding the juvenile court's jurisdiction. After considering the brief M.H.-J. submitted in support of her position that the juvenile court had jurisdiction over her petition, the juvenile court determined that it lacked jurisdiction and entered an order dismissing the action on June 30, 2020. After her postjudgment motion was denied, M.H.-J. filed a notice of appeal to this court.

Relying on C.O. v. Jefferson County Department of Human Resources, 206 So. 3d 621, 627 (Ala. Civ. App. 2016), Ala. Code 1975, § 12-15-114(a), and Ala. Code 1975, § 12-15-117(a), M.H.-J. contends that the juvenile court acquired subject-matter jurisdiction over her dependency action upon the filing of her petition and that it therefore retained jurisdiction over that action despite the fact that P.H.-J. attained the age of 19 before the juvenile court acted on her petition to have him declared dependent. However, as we have previously explained, a person who is 18 years old or older cannot be declared a dependent child. A.C. v. In re E.C.N., 89 So. 3d

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777, 779 (Ala. Civ. App. 2012). As we explained in A.C., a "dependent child" is defined in Ala. Code 1975, § 12-15-102(8), as being a "child," which, for purposes of dependency actions arising under the Alabama Juvenile Justice Act, Ala. Code 1975, § 12-15-1 et seq., is defined in Ala. Code 1975, § 12-15-102(3), as "'[a]n individual under the age of 18 years'" A.C., 89 So. 3d at 779. As we stated in A.C.,

"[i]n order for a child to be adjudicated a dependent child, he or she must meet the definition of the term 'child,' as defined in connection with juvenile-court dependency proceedings. The term 'child' is defined by § 12-15-102(3) thusly: 'An individual under the age of 18 years, or under 21 years of age and before the juvenile court for a delinquency matter arising before that individual's 18th birthday....' Thus, according to the definition of 'child,' a person can be adjudicated a dependent child only if that person is under the age of 18."

Id.

To invoke the jurisdiction of the juvenile court under § 12-15-114(a), the person who is the subject of a dependency action must be a "child," as defined by § 12-15-102(3). M.H.-J.'s petition was filed after P.H.-J. had attained the age of 18 years. He was no longer a "child," as that term is defined in § 12-15-102(3), and he could therefore not be adjudicated a "dependent child," as that term is defined in § 12-15-

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102(8). See A.C., 89 So. 2d at 779 (explaining that a juvenile court lacks jurisdiction to declare a person a dependent child once that person attains the age of 18). The juvenile court correctly concluded that it lacked subject-matter jurisdiction over the dependency action.¹ Accordingly, we affirm the judgment of the juvenile court dismissing M.H.-J.'s dependency petition.

AFFIRMED.

Thompson, P.J., and Moore, Donaldson, and Hanson, JJ.,
concur.

¹Because we conclude that the juvenile court never acquired jurisdiction over M.H.-J.'s dependency action, we will not address her argument that, once acquired, a juvenile court's subject-matter jurisdiction over a dependency action continues until the subject child reaches the age of 21. We note, however, that the text of Ala. Code 1975, § 12-15-117(a), indicates that a juvenile court's retention of jurisdiction is based upon an adjudication of dependency and not merely upon an allegation of dependency.