

REL: June 18, 2021

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# ALABAMA COURT OF CIVIL APPEALS

OCTOBER TERM, 2020-2021

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J.R.C.

v.

Mobile County Department of Human Resources

Appeal from Mobile Juvenile Court  
(JU-17-12.03)

PER CURIAM.

J.R.C. appeals from a judgment of the Mobile Juvenile Court ("the juvenile court") purporting to terminate his parental rights to J.C.J.C.

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("the child"). The Mobile County Department of Human Resources ("DHR"), which filed the petition seeking to terminate his parental rights, as well as the parental rights of C.H. ("the mother") and A.H. ("the mother's husband"), contends on appeal, both in its appellate brief and in a motion to dismiss the appeal, that the juvenile court did not have jurisdiction over J.R.C. and asks this court to dismiss the appeal. We agree with DHR that the juvenile court lacked jurisdiction to consider the parental rights of J.R.C., and we therefore grant its motion and dismiss the appeal, with instructions to the juvenile court to vacate the portion of its final judgment purporting to terminate J.R.C.'s parental rights.

#### Background

On July 3, 2019, DHR filed a verified petition to terminate the parental rights of the mother, the mother's husband, and J.R.C. In its petition, DHR stated that the mother's husband is the father of the child "pursuant to marriage," see § 26-17-204(a)(1), Ala. Code 1975 (defining a "presumed father" as the husband of the mother at the time of the child's birth), and that J.R.C. is the child's father by virtue of having been listed on the child's birth certificate.

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At the trial on DHR's petition, DHR social worker Vera Evans testified that the mother's husband was the "legal father" of the child, and she identified J.R.C. as an "alleged father," as did several documents admitted into evidence. According to DHR's regulations, an "alleged father" is defined as "a man who alleges himself to be, or is alleged to be, the genetic father or a possible genetic father of a child, but whose paternity has not been determined. ..." Ala. Admin. Code (Dep't of Hum. Res.), r. 660-3-11-.01(c). The term "alleged father" does not include a presumed father. Id. No other evidence was presented at trial as to the relationship between J.R.C. and the child. J.R.C. did not attend the trial, and evidence presented at the trial indicated that J.R.C. had been convicted of rape in Louisiana and that he was incarcerated in a maximum-security prison, with a scheduled release date in 2042.

On September 11, 2020, the juvenile court entered an amended judgment terminating the parental rights of the mother, the mother's husband, and J.R.C. Although the juvenile court did not, in its amended judgment, formally adjudicate the issue of paternity, the amended

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judgment identifies the mother's husband and J.R.C. as "father and alleged father respectively."

J.R.C. filed a timely notice of appeal to this court. The mother and the mother's husband did not appeal. On January 20, 2021, DHR filed a motion in this court seeking to have the appeal dismissed because, it said, the juvenile court had lacked jurisdiction to adjudicate J.R.C.'s parental rights. It argued that J.R.C. was not the child's legal father and, as a result, had not established that he had any parental rights to the child in the face of the mother's husband's status as the child's legal father. J.R.C. did not respond to DHR's motion.

#### Analysis

The termination of parental rights is governed by the Alabama Juvenile Justice Act ("the AJJA"), § 12-15-101 et seq., Ala. Code 1975. The statute authorizing a juvenile court to terminate parental rights provides that, if the juvenile court determines that "the parents of a child are unable or unwilling to discharge their responsibilities to and for the child, or that the conduct or condition of the parents renders them unable to properly care for the child ..., it may terminate the parental rights of the

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parents." § 12-15-319(a), Ala. Code 1975 (emphasis added). The AJJA defines "parent" as "[t]he legal mother or the legal father of a child under the jurisdiction of the juvenile court" pursuant to the AJJA. § 12-15-102(19), Ala. Code 1975 (emphasis added). The AJJA does not further define the term "legal father," but that term has a commonly understood legal meaning:

"The man recognized by the law as the male parent of a child.  
● A man is the legal father of a child if he was married to the child's natural mother when the child was born, if he has recognized or acknowledged the child, or if he has been declared the child's natural father in a paternity action. ..."

Black's Law Dictionary 640 (8th ed. 2004).<sup>1</sup> Consistent with that definition, Alabama law recognizes a man as a legal father of a child when he is the "presumed father" of the child, see § 26-17-204, Ala. Code 1975, or has been adjudicated as the father of the child, see § 26-17-201(b), Ala. Code 1975. Under DHR's regulations, an "alleged father" does not meet the criteria to be considered a "legal father" and, therefore, is not a

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<sup>1</sup>The eighth edition of Black's Law Dictionary was the most current edition when the AJJA was enacted.

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"parent" whose parental rights are subject to termination by a juvenile court under the AJJA.

In his dissent, Presiding Judge Thompson opines that certain considerations render untenable the use of these definitions to determine who constitutes a "legal father." However, principles of statutory construction instruct this court to interpret the plain language of a statute to mean exactly what it says and to engage in judicial construction only if the language in the statute is ambiguous. Ex parte Pratt, 815 So. 2d 532, 535 (Ala. 2001). Thus, we are confined to what Presiding Judge Thompson calls the "limited definitions of 'parent'" set forth in the definitional section of the AJJA, § 12-15-102. \_\_\_ So. 3d at \_\_\_. Any concern that the use of that definition of "parent " in a case plainly governed by the AJJA might, for public-policy reasons, result in what this court may view as an "untenable" outcome does not allow this court to ignore the plain language the legislature employed in crafting the governing statutes. As our supreme court has explained:

"It is true that when looking at a statute we might sometimes think that the ramifications of the words are inefficient or unusual. However, it is our job to say what the law is, not to

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say what it should be. Therefore, only if there is no rational way to interpret the words as stated will we look beyond those words to determine legislative intent. To apply a different policy would turn this Court into a legislative body, and doing that, of course, would be utterly inconsistent with the doctrine of separation of powers. See Ex parte T.B., 698 So. 2d 127, 130 (Ala. 1997)."

DeKalb Cnty. LP Gas Co. v. Suburban Gas, Inc., 729 So. 2d 270, 276 (Ala. 1998).

In exercising jurisdiction over juvenile cases, a juvenile court may validly render a judgment only as authorized by the AJJA. See Ex parte R.H., 311 So. 3d 761, 766 (Ala. Civ. App. 2020). Because the AJJA does not provide for termination of the parental rights of alleged or putative fathers, a juvenile court's purported termination of such rights as to an alleged or putative father falls outside its statutory authority.<sup>2</sup> A judgment entered beyond a court's statutory authority is outside the

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<sup>2</sup>We note that, although Alabama law does not confer on a juvenile court the power to terminate the parental rights of an alleged or putative father, other states' legislatures have conferred that power on their courts. See, e.g., Mich. Comp. Laws § 710.39; Mo. Rev. Stat. § 211.442 (defining "parent" to include a putative father).

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jurisdiction of the court. See Dubose v. Dubose, 132 So. 3d 17, 21 (Ala. Civ. App. 2013).

Here, because J.R.C. was never shown to be anything more than the "alleged father" of the child, the juvenile court did not have the authority to adjudicate his parental rights, if any. Although the juvenile court could have first determined in a paternity adjudication whether J.R.C. was the legal father of the child, DHR did not ask the juvenile court to do so, nor did that court act on its own motion to do so. Having thus acted outside its jurisdiction in purporting to terminate J.R.C.'s parental rights, that portion of the juvenile court's judgment is void. See Johnson v. Metro Land Co., 18 So. 3d 962, 967 (Ala. Civ. App. 2009) (holding portion of judgment void for lack of jurisdiction); A.S. v. T.R.B., 246 So. 3d 963, 969 n.1 (Ala. Civ. App. 2017). A void judgment will not support an appeal. See Holt v. Holt, [Ms. 1190025, Aug. 21, 2020] \_\_\_ So. 3d \_\_\_ (Ala. 2020). Accordingly, DHR's motion to dismiss the appeal is granted, and the appeal is dismissed with instructions to the juvenile court to vacate the portion of its final judgment purporting to terminate J.R.C.'s parental rights.



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APPEAL DISMISSED WITH INSTRUCTIONS.

Moore, Hanson, and Fridy, JJ., concur.

Edwards, J., concurs in the result and dissents from the instructions,  
with writing.

Thompson, P.J., dissents, with writing.

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EDWARDS, Judge, concurring in the result and dissenting from the instructions.

To be certain, the circumstances giving rise to this appeal are not ideal. The Mobile County Department of Human Resources ("DHR") commenced an action in the Mobile Juvenile Court ("the juvenile court") seeking the termination of the parental rights of two men, J.R.C. and A.H., alleging in its complaint that J.R.C. was listed as the father of J.C.J.C. ("the child") on the child's birth certificate and that A.H. was the child's presumed father by virtue of his being married to the child's mother, C.H. ("the mother"). See Ala. Code 1975, § 26-17-204(a)(1)-(4) (setting out the presumptions of paternity based on marriage or attempted marriage). Thus, it appears that DHR was not certain which of the two men was, in fact, the child's legal father and, therefore, listed both on the complaint so that the rights of whichever man was declared the father could be terminated.

However, DHR did not request that the juvenile court determine the child's paternity and failed to present sufficient evidence to prove which of the men was, in fact, the child's legal father. Although DHR's

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complaint indicated that A.H. was "the father of the ... child pursuant to marriage," the sole witness at the trial, Vera Evans, testified only that A.H. was "the legal father" of the child. Evans did not testify that A.H. and the mother were married or establish the date of any purported marriage; in addition, no certificate of marriage was admitted into evidence. See Ala. Code 1975, § 26-17-204(a)(1)-(4) (setting out the presumptions of paternity based on marriage or attempted marriage). In contrast, the child's birth certificate, which names J.R.C. as the father, was appended to DHR's complaint; it indicates that the mother's name at the time of the child's birth in January 2014 was not C.H. but C.R. The evidence presented at trial indicated that the child had been living with the mother and J.R.C. at the time of his removal from their custody; DHR apparently believed that J.R.C. was the father of the child based on the child's presence in J.R.C.'s home, invited him to participate in individualized-service-plan meetings, and named him as the father in several documents. See § 26-17-204(a)(5) (indicating that a man is presumed to be the father of a child he accepts into his home and openly holds out as his natural child).

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Thus, the evidence presented at trial does not compel the conclusion that A.H. is the child's presumed father, because the evidence does not indicate when A.H. married the mother, if at all. Even if A.H. had married the mother before the child's birth, the facts gleaned from the record indicate that the child had been living with J.R.C. and the mother, which facts could possibly give rise to presumed fatherhood in J.R.C. Assuming that A.H. was a presumed father, the record lacks any indication that A.H. persisted in any presumption that he might be entitled to, calling into question whether, in fact, any presumption of paternity in his favor would outweigh any possible presumption of paternity in J.R.C. See R.D. v. S.S., 309 So. 3d 146, 157 (Ala. Civ. App. 2020) (explaining that "the presumption in favor of the husband [does not] always 'trump[] all other rights'" when the facts indicate that the child has more than one presumed father); see also Ex parte Kimbrell, 180 So. 3d 30, 38 (Ala. Civ. App. 2015).

In my opinion, which is consistent with the main opinion, the juvenile court lacks the statutory authority to terminate the parental rights of more than one man to the same child. A child can have but one

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legal father. The entire Alabama Uniform Parentage Act, Ala. Code 1975, § 26-17-101 et seq., is built on that premise. I also agree with the main opinion that the juvenile court lacks statutory authority to terminate the parental rights of men who are not a child's legal father. At the time the juvenile court entered its judgment terminating J.R.C.'s parental rights, the juvenile court had not yet decided the issue of the child's paternity; thus, it did not know which man -- J.R.C. or A.H. -- qualified as the child's father and was therefore a legal father whose rights could be terminated.

To be clear, I would not grant DHR's motion to dismiss. First of all, I find DHR's argument that we should dismiss J.R.C.'s appeal because he lacked "standing" to seek a paternity adjudication to be disingenuous. J.R.C. sought nothing. DHR sought the termination of the parental rights of two men that could conceivably be the father of the child so that it could permit the child's foster parents to pursue adoption of the child. See Ala. Code 1975, § 12-15-322 (permitting DHR to place a child for adoption after the termination of the parental rights to the child). The juvenile court entered the judgment terminating the parental rights of both men, as DHR requested, and that judgment was entered, in part, against J.R.C.,

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which gives him standing to appeal. See, e.g., Triple J Cattle, Inc. v. Chambers, 621 So. 2d 1221, 1224 (Ala.1993) (explaining that "a party to the judgment ... has standing to appeal that judgment"). If DHR did not think that J.R.C. was a proper defendant, it should not have made him one. DHR should have sought to establish paternity in one of the two men, but, in its rush to achieve permanency for the child, it did not.

As a practical matter, I believe that declaring the juvenile court's judgment void only insofar as it terminates J.R.C.'s parental rights and dismissing J.R.C.'s appeal leaves any parental rights that J.R.C. might have intact and creates uncertainty regarding the permanency plan for the child, which is adoption by foster parents who live outside the State of Alabama. What purpose does the underlying judgment terminating the mother's and A.H.'s parental rights serve if questions remain regarding the child's paternity and J.R.C.'s potential parental rights? Thus, although I agree that J.R.C.'s appeal should be dismissed, I would declare those portions of the judgment terminating the parental rights of both J.R.C. and A.H. void.

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To my mind, the entire judgment is infected by the juvenile court's failure to determine which of the two men is the child's legal father. "Juvenile courts are purely creatures of statute and have extremely limited jurisdiction," T.B. v. T.H., 30 So. 3d 429, 431 (Ala. Civ. App. 2009), and the juvenile court alone is imbued with the authority to terminate the parental rights of a parent. See Ala. Code 1975, §§ 12-15-114(c)(2) and 12-15-319. The juvenile court is also empowered to determine paternity. See Ala. Code 1975, § 12-15-115(a)(6). The fact that DHR failed to request that the juvenile court determine the paternity of the child and also failed to provide the juvenile court with sufficient facts upon which to determine the child's paternity did not absolve the juvenile court of its duty to determine which of multiple men is the child's legal father so that it could properly exercise its statutory authority to terminate the parental rights of that man.

Based on the evidence contained in the record, it is unclear whether A.H. or J.R.C. is the child's legal father. Thus, in my opinion, that part of the judgment terminating A.H.'s parental rights is infected by the same defect as that part terminating J.R.C.'s parental rights. Simply put, I

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believe that a juvenile court facing a situation like the one in the present case must determine paternity before it considers the termination of a man's parental rights.

As we explained in Continental Casualty Co. v. Barlar, 55 Ala. App. 441, 444, 316 So. 2d 690, 692-93 (Civ. App. 1975) (quoting State ex rel. Yohe v. District Court, 33 Wyo. 281, 238 P. 545, 550 (1925)):

" 'If the measure of a court's authority depends upon and is limited by statute, a judgment that, by the face of the record proper, is shown not to be in substantial compliance with mandatory provision of the statute, or contrary to the limitations or conditions precedent therein expressed is void and subject to collateral attack.' "

Thus, the Barlar court explained, "if the trial court exceeds its statutory authority, an indivisible judgment is void in its entirety." 55 Ala. App. at 443, 316 So. 2d at 692. In light of the principle espoused in Barlar, I cannot agree with dismissing this appeal without also declaring the termination-of-parental-rights judgment void insofar as it terminated the rights of A.H. and instructing the juvenile court to reopen the evidence to accept evidence relevant to a determination of the paternity of the child



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before terminating the parental rights of whichever man is determined,  
after the consideration of that evidence, to be the child's legal father.

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THOMPSON, Presiding Judge, dissenting.

The Mobile County Department of Human Resources ("DHR") sought to terminate the parental rights of the C.H. ("the mother") to her minor child, J.C.J.C. ("the child"). In its petition, DHR alleged that A.H. was the child's father by virtue of his marriage to the mother and that J.R.C. was named as the child's father on the child's birth certificate. J.R.C. was properly served and was represented by appointed counsel in the action below. I agree with the main opinion to the extent that it implies that, as a part of its termination-of-parental-rights action, DHR should have specifically sought a determination of the child's paternity by the juvenile court. In its August 24, 2020, judgment, the juvenile court made a number of factual and legal conclusions and then stated that it terminated "any and all rights to and in the child held by the mother and [J.R.C.], the alleged father, and [A.H.], the father." (Emphasis added.) The juvenile court also identified J.R.C. as the "alleged father" in another part of its judgment. I agree with the main opinion that J.R.C. is the child's "alleged father," but solely on the basis that that determination was reached by the juvenile court in its final judgment.

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DHR has argued to this court, in a motion to dismiss, that the juvenile court lacked subject-matter jurisdiction to terminate J.R.C.'s parental rights. The main opinion has agreed with that argument; I disagree with that conclusion. I note that I agree with many of the points made by Judge Edwards in her special writing. However, Judge Edwards, in her special writing, concludes that the evidence is insufficient to determine that A.H. was the child's legal father. I disagree with Judge Edwards that the evidentiary support for a paternity finding would affect the jurisdiction of the juvenile court to make that finding. The juvenile court named A.H. as the child's father and J.R.C. as the child's alleged father. The question of whether or not the evidence supports that finding is an issue to be raised on appeal. That question does not impact the validity of the judgment containing the determination, even if that finding is later determined to be unsupported by the evidence in the record.

DHR filed its termination petition in the juvenile court and named both A.H. and J.R.C. as possible fathers of the child and as defendants to the termination-of-parental-rights action. The juvenile court has jurisdiction over actions concerning the termination of a parent's parental

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rights. § 12-15-114(c)(2), Ala. Code 1975. Further, DHR's termination petition, although it could have been more artfully drafted, should be interpreted as asserting a claim asking the juvenile court to make a determination of the child's paternity.<sup>3</sup> A juvenile court has jurisdiction to make a paternity determination under the Alabama Uniform Parentage Act ("the AUPA"), § 26-17-101 et seq., Ala. Code 1975. Ex parte B.W., 257 So. 2d 334, 336 (Ala. 2018). As is discussed later in this writing, the correctness of the juvenile court's paternity adjudication, or whether or not the parties fully litigate an issue pertaining to paternity, does not affect the subject-matter jurisdiction of the juvenile court to consider and rule upon that issue.

By referring in its termination judgment to A.H. as "the father" of the child and to J.R.C. as "the alleged father" in terminating "any and all rights" of the mother, A.H., and J.R.C. to the child, the juvenile court made a determination that A.H. is the child's father. The termination

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<sup>3</sup>DHR does not have the authority to make a determination of the paternity of a child. Therefore, it properly left the resolution of that issue to the juvenile court.

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judgment operated to recognize A.H., who had been the child's presumed father, as the father of the child. See 26-17-102(17), Ala. Code 1975 (" 'Presumed father' means a man who, by operation of law under Section 26-17-204, [Ala. Code 1975,] is recognized as the father of a child until that status is rebutted or confirmed in a judicial proceeding.").

The fact that the juvenile court determined that J.R.C. was an alleged father of the child did not impact its jurisdiction to make that determination, to enter a judgment terminating "any rights" J.R.C. might have asserted, or J.R.C.'s ability to appeal that judgment. In Alabama, any party, including an alleged father, may seek to establish a man's paternity of a child under the AUPA. Even when a child has a presumed father, an alleged or putative father has the right to assert a claim or file an action seeking a determination of the child's paternity. That action may not be "maintain[ed]" if the child's presumed father persists in his status as the child's presumed father. § 26-17-607(a), Ala. Code 1975. However, before a juvenile court may make a determination regarding whether the paternity action may be maintained by the alleged father, the alleged father has a right to an evidentiary hearing on the issue of

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whether the presumed father intends to persist in the presumption in favor of his paternity of the child.

"This court has held ... that 'a man seeking to establish paternity of a child born during the mother's marriage to another man must be given the opportunity to establish standing in an evidentiary hearing where he and others may present evidence bearing on whether the presumed father ... had persisted in his presumption of paternity.' W.D.R. v. H.M., 897 So. 2d 327, 331 (Ala. Civ. App. 2004) (stating that, because it could not be determined as a matter of law that the presumed father had persisted in his presumption of paternity, the juvenile court must hold a hearing on that issue); see also R.D.B. v. A.C., 27 So. 3d 1283, 1287-88 (Ala. Civ. App. 2009) (holding that, because the biological father's 'allegations ... call[ed] into question whether the legal father persist[ed] in his presumption of paternity,' the juvenile court 'should permit the biological father and others to present evidence regarding whether the legal father persists in his presumption of paternity'); and J.O.J. v. R.R., 895 So. 2d 336 (Ala. Civ. App. 2004) (holding that evidentiary hearing must be held to determine whether the biological father had standing when there was no evidence regarding whether the child's legal father had persisted in his presumption of paternity)."

D.B. v. A.K., 93 So. 3d 946, 948-49 (Ala. Civ. App. 2012). See also R.D. v. S.S., 309 So. 3d 146, 155-56 (Ala. Civ. App. 2020). In situations in which an alleged father has sought to have his paternity established as against a child's presumed father when the presumed father persists in his status, our courts have dismissed the alleged father's paternity action. Ex parte

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Presse, 554 So. 2d 406, 418 (Ala. 1989) ("[S]o long as the presumed father persists in maintaining his paternal status," no other man has capacity "to challenge the presumed father's parental relationship."); C.L.W. v. Madison Cnty. Dep't of Hum. Res., 170 So. 3d 669, 673 (Ala. Civ. App. 2014) ("Because D.S. failed to present any evidence on this point, we conclude that the juvenile court could not have properly determined that D.S. had met his burden of demonstrating that C.L.W. had not persisted in his presumption of paternity, and, thus, D.S. lacked standing to challenge C.L.W.'s paternity."). If, however, the child's presumed father does not persist in the status afforded him as a presumed father, the alleged father's paternity action may be maintained.

Thus, an alleged father of a child who has a presumed father does have some degree of parental rights. Those rights are arguably speculative until a determination is made regarding whether a presumed father has persisted in his status as the child's presumed father, but the alleged or putative father has the right to file a claim for the determination of that issue. If the presumed father does not persist in his status, the alleged or

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putative father then obtains the right to a determination of whether or not he is the child's father.

DHR sought a determination of what rights, if any, A.H. and J.R.C. might have to the child. In its termination petition, DHR referred to both A.H. and J.R.C. as a "father" of the child. J.R.C. did not present evidence on the issue of his paternity of the child. However, the failure of J.R.C. to make a sufficient evidentiary submission does not result in J.R.C.'s losing the capacity to make such a submission or in the juvenile court's forfeiting its jurisdiction to rule on the issue.

The juvenile court expressly terminated "any and all rights" either A.H, as the father of the child, or J.R.C., as an alleged father of the child, might have with regard to the child. I disagree with the main opinion's conclusion that, under the facts of this case and the allegations contained in DHR's termination petition, the juvenile court could not enter a judgment in the action below concerning the rights J.R.C. had in the child as an alleged or putative father of the child. Further, on appeal, J.R.C. could have argued that the juvenile court had erred in determining A.H. to be the child's father. The fact that J.R.C. did not do so results only in



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the waiver of that argument on appeal; it does not operate to deprive this court of the jurisdiction to consider that argument, had it been properly raised.

Moreover, DHR's naming J.R.C. as a defendant in its action created due-process rights in J.R.C. with regard to the action below. The Indiana Court of Appeals held that Indiana's Department of Child Services ("DCS") could not argue in an appeal of a termination-of-parental-rights judgment that a putative father it had named as a defendant in the court below did not have "standing" because he was not the child's "legal father." In re Involuntary Termination of Parent-Child Relationship of S.M. and Jerrell Smith Covington, 840 N.E.2d 865 (Ind. Ct. App. 2006).

That court explained:

"By asking this Court to apply section 31-35-1-4.5 [of the Indiana Code] to a termination proceeding brought under chapter 31-35-2, DCS asks us to apply a statutory tool used to divest a putative father of his standing to challenge the voluntary termination of his parental rights to a situation where there is no question that his rights have been involuntarily terminated. Such an application would certainly violate a putative father's due process rights. Further, in this particular case, DCS is asking us to divest Covington of his standing to challenge a ruling stemming from an action wherein DCS actually named him as a respondent. In naming

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Covington before the juvenile court -- that is, in requesting that the juvenile court assert its jurisdiction over Covington -- and by winning a judgment directly adverse to his interests, DCS has precluded itself from now arguing that Covington lacks standing. Apart from being absurd, such a result, again, would violate Covington's due process rights."

840 N.E.2d at 872. See also In re C. S., 863 N.E.2d 413, 419 n.5 (Ind. Ct. App. 2007) (reaching the same conclusion and noting that "DCS cannot both take [an alleged father] to task for allegedly failing to live up to his legal responsibilities as a parent and also deny he has the legal rights of a parent"), abrogated on other grounds by In re N.E., 919 N.E.2d 102 (Ind. 2010).

The Alabama Legislature failed to define the term "legal parent" in either the AUPA or the Alabama Juvenile Justice Act ("the AJJA"), § 12-15-101 et seq, Ala. Code 1975. In both acts, the term "parent" is often used in a manner that could mean either alleged or putative parent or mean only a legal or adjudicated parent. In my opinion, any confusion could be resolved, and the process for the termination of parental rights when a child's paternity is at issue or is in question could be simplified ,by the enactment of a provision similar to Ga. Code Ann. § 15-11-283(b), which

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provides that, as part of any action seeking the termination of parental rights, any man who might be the father must be notified that he must file a legitimation proceeding within 30 days of the filing of the termination-of-parental-rights petition. If a man who might be a father of a child fails to seek to legitimate a child within the 30 days required by § 15-11-283(b), a judgment terminating the man's rights can be entered and the man loses standing to object to the entry of that judgment. In re D.W., 264 Ga. App. 833, 834, 592 S.E.2d 679, 680 (2003) (discussing Ga. Code Ann., former § 15-11-96, the predecessor to § 15-11-283).

I also conclude that other considerations render the main opinion's conclusion untenable. The main opinion has utilized the limited definition of "parent" for the purpose of § 12-15-319 that is set forth in § 12-15-102(19), defining a parent as a "legal mother" or a "legal father." However, I do not agree that, in enacting the AJJA, the Alabama Legislature intended that definition to limit most provisions of that act to applying solely to a "legal parent." Not all children have a presumed legal father. Moreover a statutory scheme such as the AJJA must be construed as a whole.

" 'Of course, the rule is well recognized that in the construction of a statute, the legislative intent is to be determined from a consideration of the whole act with reference to the subject matter to which it applies and the particular topic under which the language in question is found. The intent so deduced from the whole will prevail over that of a particular part considered separately.'

"Blair v. Greene, 246 Ala. 28, 30, 18 So. 2d 688, 689 (1944).

" 'It is well settled that when it is interpreting a statute this Court seeks to give effect to the intent of the Legislature, as determined primarily from the language of the statute itself. Beavers v. County of Walker, 645 So. 2d 1365, 1376 (Ala. 1994) (citing [McCall v. McCall, 596 So. 2d 2 (Ala. Civ. App. 199 [1] )); Volkswagen of America, Inc. v. Dillard, 579 So. 2d 1301 (Ala. 1991). Also, our rules of statutory construction direct us to look at the statute as a whole to determine the meaning of certain language that is, when viewed in isolation, susceptible to multiple reasonable interpretations. McRae v. Security Pac. Hous. Servs., Inc., 628 So. 2d 429 (Ala. 1993).'

"Ex parte Alfa Fin. Corp., 762 So. 2d 850, 853 (Ala. 1999).

" ' "When interpreting a statute, [a court] must read the statute as a whole because statutory language depends on context; [a court] will presume that the Legislature knew the meaning of words it used when it enacted the statute." '

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"Ex parte USX Corp., 881 So. 2d 437, 442 (Ala. 2003)(quoting Bean Dredging, L.L.C. v. Alabama Dep't of Revenue, 855 So. 2d 513, 517 (Ala. 2003))."

State Farm Mut. Auto. Ins. Co. v. Motley, 909 So. 2d 806, 813-14 (Ala. 2005). Moreover, "[i]t is a fundamental principle of statutory construction that statutes covering the same or similar subject matter should be construed in pari materia." Ex parte Johnson, 474 So. 2d 715, 717 (Ala. 1985).

In enacting the AJJA, our legislature specified that the purpose of that act, among other things, was to preserve families, to remove a child from the custody of his or her parent if doing so is in the child's best interests, and to reunite the child with his or her parents as expeditiously as possible. § 12-15-101, Ala. Code 1975. I do not believe that the legislature intended that the AJJA apply only in situations in which a child has a "legal father" as defined in the main opinion. Such an interpretation would limit the rights of an alleged father who, although possibly having taken an active role in the child's life, is not a presumed father under § 26-17-204. That interpretation would also impact a child

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with an alleged father by delaying the possibility of the child's reunification with his or her father.

In a section of the AJJA, the legislature specified that "[a] child born to parents who are not married to each other has the same rights under the law as a child born to parents who are married to each other." § 26-17-202, Ala. Code 1975. I am concerned that the effect of the main opinion's interpretation of the AJJA in this case is to create a disparity in the rights of children born to married parents and children who have only an alleged father. In addition to the difference created in this case, under the holding of the main opinion, § 12-15-305(b), Ala. Code 1975, would provide a right to counsel only to a legal father; § 12-15-308 would require notice only to a child's legal father; and § 12-15-312 would dictate that DHR has a responsibility to provide reunification services to only a legal father.

"The fundamental rule of statutory construction is to ascertain and give effect to the intent of the legislature in enacting the statute." Ex parte McCall, 596 So. 2d 4, 6 (Ala. 1992). Our legislature has used the term "parent" throughout the AJJA, and the practice of local county departments of human resources and juvenile courts has been to protect

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the rights of children by contacting, notifying, and working with any man who might be the father of a child. Such practices best serve the interests of the children involved with a department of human resources and who might be before a juvenile court, and, therefore, those practices are in compliance with the stated purpose of the AJJA. I am certain that in enacting legislation intended to strengthen and preserve families, no matter their makeup and legal status in relation to one another, our legislature never intended the distinctions created by the main opinion.

"It is a well-established principle of statutory construction that the law favors rational and sensible construction. See Crowley v. Bass, 445 So. 2d 902 (Ala.1984); 2A Norman J. Singer, Sutherland Statutory Construction § 45.12 at 83-85 (6th ed. 2000). Moreover, the Legislature will not be presumed to have done a futile thing in enacting a statute; there is a presumption that the Legislature intended a just and reasonable construction and did not enact a statute that has no practical meaning. See Ex parte Watley, 708 So. 2d 890 (Ala.1997); Ex parte Meeks, 682 So. 2d 423 (Ala. 1996). Additionally, "[s]ections of the Code originally constituting a single act must be read in pari materia in order to 'produce a harmonious whole.'" Ex parte Jackson, 625 So. 2d 425, 428 (Ala. 1992) (quoting 2A Norman J. Singer, Sutherland Statutory Construction § 46.05 (5th ed. 1993)) (footnote omitted)."

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Alabama Dep't of Indus. Rels. v. AHI Linden Lumber, LLC, 68 So. 3d 187, 193 (Ala. Civ. App. 2011) (quoting Weathers v. City of Oxford, 895 So. 2d 308, 309 (Ala. Civ. App. 2004)).

In my opinion, the "rational and sensible construction" of the AJJA leads to the conclusion that the juvenile court had jurisdiction to enter its judgment terminating any rights that J.R.C. might possibly assert to the child. For that reason, I dissent from the main opinion. I note that, based on my review of the record and the arguments J.R.C. asserts on appeal, I would affirm the juvenile court's judgment.