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# ALABAMA COURT OF CIVIL APPEALS

SPECIAL TERM, 2021

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2200797

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**Ex parte Autauga County Department of  
Human Resources et al.**

**PETITION FOR WRIT OF MANDAMUS**

**(In re: K.C.C.**

**v.**

**C.D.C.)**

**(Autauga Circuit Court, DR-19-900179)**

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**2200798, 2200799, and 2200800**

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**Ex parte Autauga County Department of**

**Human Resources et al.**

**PETITIONS FOR WRIT OF MANDAMUS**

**(In re: Autauga County Department of Human Resources**

**v.**

**K.C.C. and C.D.C.)**

**(Autauga Juvenile Court, JU-20-499.04,  
JU-20-500.04, and JU-20-501.04)**

THOMPSON, Presiding Judge.

The Autauga County Department of Human Resources ("DHR"); Nancy Buckner, the commissioner of the Alabama Department of Human Resources ("State DHR"); and Serena Cronier, counsel for DHR (hereinafter referred to collectively as "the petitioners"), petition this court for writs of mandamus directing the Autauga Circuit Court ("the trial court") to vacate its June 28, 2021, order, purportedly entered in multiple actions, requiring the petitioners to appear at a contempt hearing. This court consolidated the petitions ex mero motu.

The materials submitted to this court reveal the followings facts and procedural history. Three children, all of whom are still minors, were born

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of the marriage of K.C.C. ("the mother") and C.D.C. ("the father"). The mother initiated case number DR-19-900179 ("the divorce action") in the trial court in September 2019. On November 4, 2019, the trial court entered an order noting that the father was in jail, awarding pendente lite custody of the mother's and the father's children ("the children") to the mother, and ordering that the father have no contact with the mother or the children pending further order of that court.

On November 9, 2020, DHR initiated in the Autauga Juvenile Court ("the juvenile court) three actions ("the .01 actions") alleging that the children were dependent and seeking an award of custody of the children. Specifically, DHR alleged that the mother had attended a party at which gunfire had erupted and, as a result, the mother's car window had been broken. DHR further alleged that, at the time of the party, the children were with the father, in violation of the no-contact order issued by the trial court. We note that the judge in the divorce action is not the same judge that is presiding over the actions in the juvenile court. On November 17, 2020, the juvenile court entered orders in the .01 actions awarding DHR pendente lite custody of the children, noting that a safety

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plan had previously been implemented by DHR regarding the children and that there were concerns about domestic-violence, weapons, and drug use in the mother's home. Also, additional actions pertaining to the children were initiated in the juvenile court. Three .02 actions are referenced in the materials submitted to this court, and the children's paternal grandfather initiated .03 actions in the juvenile court. Very little information pertaining to the .02 and the .03 actions is included in the materials before this court. Regardless, the existence of those .02 and .03 actions does not impact the issues before this court or its resolution of these petitions for a writ of mandamus.

On November 16, 2020, DHR filed in the divorce action a notice to the trial court informing that court that it had pendente lite custody of the parents' three children and that there was an open investigation pertaining to the safety and welfare of the children.

On January 10, 2021, the juvenile court entered orders in the .01 actions in which it awarded custody of the children to D.J., the children's maternal grandfather, "with DHR maintaining protective supervision." In those orders, the juvenile court stated that "DHR announced that it was

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not ready for an adjudicatory hearing, and upon further information, the Court was informed that in almost two months, DHR has failed to provide any services or take any action to reunify and reunite and/or preserve the family." Based on that finding, the juvenile court ordered that the court-appointed special advocate and the children's guardian ad litem monitor the children weekly. In addition, among other things, the juvenile court's orders set forth counseling and drug-testing requirements for the mother and the father and scheduled the matters for a hearing.

The trial court, on January 21, 2021, entered an order in the divorce action that maintained the no-contact order between the father and the mother; however, in that January 21, 2021, order, the trial court set aside that part of the earlier no-contact order that had prohibited the father's contact with the children.

On January 29, 2021, the mother filed in the .01 actions a motion for the immediate return of the children to her custody. In that motion, the mother alleged that the children had been removed from her custody without notice in November 2020 during a review hearing concerning another child, R.J., of whom the mother had had temporary custody. The

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record does not demonstrate whether, or how, R.J. is related to the family.

The mother disputed that the children were dependent and noted that the juvenile court had made no dependency findings in its January 10, 2021, orders awarding custody of the children to the children's maternal grandfather.<sup>1</sup> The maternal grandfather and A.J., the children's maternal grandmother, filed affidavits in support of the mother's motion for the immediate return of custody of the children.

On February 2, 2021, the juvenile court entered an order in at least one of the .01 actions directing DHR to respond to the mother's January 29, 2021, motion and stating that, unless good cause was shown, it would dismiss the .01 actions to allow the trial court to address the issue of child custody in the divorce action.<sup>2</sup> On February 9, 2021, the juvenile court entered orders in the .01 actions finding that there was no basis for it to exercise emergency jurisdiction and that the children were not dependent;

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<sup>1</sup>This motion cannot be interpreted as a postjudgment motion challenging the January 10, 2021, orders because it was filed outside the 14-day period for filing such motions provided in Rule 1(B), Ala. R. Juv. P.

<sup>2</sup>The materials submitted to this court do not indicate whether the February 2, 2021, order was entered in the other two .01 actions.

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therefore, it dismissed the .01 actions. Those dismissal orders stated that, "[a]lthough this Court has attempted to assist this family through counseling and entered Orders to ensure the safety of the children, it appears this matter must be finalized in [the trial] court."

The materials submitted to this court contain a May 26, 2021, safety plan describing the mother and the father as "dangerous as evidenced by the domestic-violence history between" them. Pursuant to that safety plan, the children were to live with their maternal grandparents and the mother and the father were to have supervised visits with the children. That safety plan was signed by the mother, the maternal grandfather, and DHR social workers.

On that same date, DHR filed a notice of limited appearance in the divorce action to inform the trial court of the safety plan, of its concerns about drug use by the mother and the father and domestic violence between them, and of its belief that the children would not be safe in either parent's home. DHR pointed out the existence of the January 21, 2021, no-contact order entered by the trial court, and it alleged that the mother and the father had resumed their relationship and were

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representing to others that they were married, which, DHR argued, violated the trial court's January 21, 2021, no-contact order. Apparently as evidence of that assertion, DHR has included in the materials submitted to this court a photograph of a social-media platform page in which the father posted that he "got married" on "May 22." It does not appear, however, that DHR submitted that evidence in support of its notice of limited appearance filed in the divorce action. In its notice of limited appearance, DHR also stated that it would be initiating new dependency actions pertaining to the children.

One hour after DHR filed its May 26, 2021, notice of limited appearance, the mother and the father filed in the divorce action a settlement agreement in which, among other things, they agreed that the mother would have "primary physical" custody of the children and that the father would have supervised visitation with the children. On May 27, 2021, the trial court entered a judgment in the divorce action in which it incorporated the terms of the settlement agreement.

On June 3, 2021, the mother and the father filed in the trial court a joint motion to enforce the custody provisions of the May 27, 2021, divorce



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judgment and to "quash" the DHR safety plan. It does not appear, however, that the mother and the father initiated a new action in the juvenile court to file a motion to quash in that court. DHR responded by filing in the trial court another notice of limited appearance in which it asserted, among other things, that the mother had not been truthful when she testified that she had had no contact with the father and had not admitted to that contact until she was confronted, in court, with photographic evidence indicating that the mother and the father had had contact. DHR reiterated its concerns about domestic violence between the mother and the father and the resumption of their relationship. The trial court scheduled that motion for a hearing on June 21, 2021.

On June 22, 2021, DHR initiated in the juvenile court new dependency actions pertaining to the children; those actions are hereinafter referred to as "the .04 actions." In the .04 actions, DHR alleged that the mother and the father had a lengthy history of domestic violence, that the father had attacked the mother when the children were present, and that the mother had been seriously injured as a result of that attack. It further maintained that the mother had not been truthful about her

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relationship with the father and that she had withdrawn her consent to the May 2021 safety plan. The juvenile court entered orders in the .04 actions on June 22, 2021, requiring the court-appointed special advocate and the guardian ad litem to investigate DHR's allegations within 72 hours. It also required that the children meet with their counselor to help determine whether the mother was capable of adequately protecting the children. The parties have not submitted to this court any information concerning the results of the 72-hour hearing conducted in the .04 dependency actions.

The mother and the father filed in the trial court, on June 28, 2021, a joint motion seeking to have DHR held in contempt and seeking to consolidate the .04 dependency actions pending in the juvenile court with the "domestic relations case." In that motion, the mother and the father asserted that, during the June 21, 2021, hearing, the trial court had orally directed that the children be returned to the mother and the father because, at that time, there were no pending dependency actions regarding the children. The mother and the father also asserted that the trial court had also orally directed that DHR not file any new dependency

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petitions unless those petitions pertained to conduct occurring after May 27, 2021, i.e., after the entry of the divorce judgment. No order appears to have been entered consistent with those oral directives, and the parties do not allege in their briefs submitted to this court that the trial court issued any written orders as a result of the June 21, 2021, hearing. Regardless, in their contempt motion filed in the trial court, the mother and the father maintained that DHR had violated those purported oral directives by initiating the .04 actions in the juvenile court.

On June 28, 2021, the trial court entered an order scheduling a hearing for July 8, 2021, on the mother and the father's contempt motion; it later rescheduled that hearing for August 27, 2021. In its June 28, 2021, order, the trial court ordered that the divorce action be consolidated with the .04 actions.<sup>3</sup> The trial court also ordered:

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<sup>3</sup>The mother and the father submitted an order entered in one of the .04 actions that stated: "This court, upon conducting a conference with the Presiding Circuit Judge Ben Fuller, does hereby consolidate the above-styled case with [the divorce action]." There is no indication in the materials submitted to this court whether similar orders were entered in the other two .04 actions.

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"2. That a contempt hearing is scheduled for [August 27, 2021], and [DHR], State Director Nancy Buckner, together with DHR counsel Serena R. Cronier, are ordered to personally appear and, if necessary, provide testimony and/or other evidence on the issue of contempt as alleged in the [parents'] instant motion.

"(a) Failure or refusal of either individual identified in paragraph number 2 hereinabove to appear as ordered will result in a writ of arrest being issued against the offending individual(s)."

DHR filed another notice of limited appearance in the trial court on June 29, 2021, that was three sentences in length and purported to limit DHR's, Buckner's, and Cronier's appearances to the filing of a motion to dismiss based on DHR's arguments that there was a lack of personal jurisdiction, insufficiency of process, and insufficiency of service of process. The mother and the father have submitted to this court, in support of their answer to the petitions for a writ of mandamus, a copy of a June 30, 2021, motion to dismiss filed by the petitioners in one of the .04 actions. The case-action-summary sheet for the divorce action indicates that a motion to dismiss was filed in that action on May 30, 2021, and that, on July 2, 2021, the trial court entered an order stating that it would consider the motion to dismiss at the August 27, 2021, hearing scheduled

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on the contempt motion. However, the petitioners did not submit to this court a copy of the motion to dismiss purportedly filed in the trial court.

In their petitions for a writ of mandamus in case numbers 2200798, 2200799, and 2200800, the petitioners indicate that those petitions challenge June 28, 2021, orders requiring the petitioners to appear at the contempt hearing purportedly entered in the .04 actions. However, the petitioners did not include with their petitions filed in this court any June 28, 2021, orders of the juvenile court in the .04 actions. It is the petitioners' burden to support their petitions for a writ of mandamus with the portions of the proceedings below that they contend support their petitions. Ex parte Kimbrell, 180 So. 3d 30, 35 (Ala. Civ. App. 2015). Rule 21(a)(1)(F), Ala. R. App. P., requires that a petitioner submit in support of a petition for a writ of mandamus

"[a]n appendix including copies of all parts of the record that are essential to understanding the matters set forth in the petition, such as the order or orders of which the petitioner seeks review, all court filings (by any party) directly connected to the order or orders, and any transcripts of proceedings that resulted in the order or orders."

(Emphasis added.)

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Thus, the petitions in case numbers 2200798, 2200799, and 2200800 do not contain sufficient materials to support this court's review. Rule 21; Ex parte Scott, 204 So. 3d 895, 898 (Ala. Civ. App. 2016). We note that the June 28, 2021, order entered in the divorce action is not considered to be a part of the .04 actions merely because the trial court purported to consolidate those actions with the divorce action. This court has explained:

"Pursuant to Rule 42, Ala. R. Civ. P., a trial court may order actions involving common facts or issues to be consolidated. Rule 42(a) provides:

" 'When actions involving a common question of law or fact are pending before the court, it may order a joint hearing or trial of any or all the matters in issue in the actions; it may order all the actions consolidated; and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.'

"However, the Committee Comments on 1973 Adoption of Rule 42 clearly demonstrate that consolidation does not merge two actions into one action; rather, the two consolidated actions continue to maintain their separate identities. Those Comments specify:

" 'Rule 42(a) speaks both of joint hearings or trials and of consolidation. This wording is intended to confer a broad discretion to merge the two actions so far as is necessary for their most convenient determination, and to permit merger of some or all

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of the issues in the two cases. But where there is complete consolidation, the actions retain their separate identity and the parties and pleadings in one action do not automatically become parties and pleadings in the other action. Oikarinen v. Alexian Bros., 342 F.2d 155 (3d Cir.1965). National Nut Co. of California v. Susu Nut Co., 61 F. Supp. 86 (N.D. Ill. 1944); Simon v. Carroll, 241 Minn. 211, 62 N.W.2d 822 (1954).'

"(Emphasis added.)

"This court has summarized the caselaw precedent also providing that consolidated actions maintain their separate identities and that separate judgments must be entered in each action:

" "[W]hen two or more actions are consolidated under Rule 42, Ala. R. Civ. P., the actions do not lose their separate identities. League v. McDonald, 355 So. 2d 695, 697 (Ala. 1978). Moreover, '[a]n order of consolidation does not merge the actions into a single [action], change the rights or the parties, or make those who are parties to one [action] parties to another.' Jerome A. Hoffman, Alabama Civil Procedure § 5.71 (2d ed. 2001) (citing Evers v. Link Enters., Inc., 386 So. 2d 1177 (Ala. Civ. App. 1980)). Finally, ' "in consolidated actions ... the parties and pleadings in one action do not become parties and pleadings in the other." ' Ex parte Flexible Prods. Co., 915 So. 2d 34, 50 (Ala. 2005) (quoting

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Teague v. Motes, 57 Ala. App. 609, 613,  
330 So. 2d 434, 438 (Civ. 1976))."

"'Solomon v. Liberty Nat'l Life Ins. Co., 953 So. 2d 1211, 1222 (Ala. 2006). When actions are ordered consolidated, "each action retains its separate identity and thus requires the entry of a separate judgment." League v. McDonald, 355 So. 2d 695, 697 (Ala.1978).'

"H.J.T. v. State ex rel. M.S.M., 34 So. 3d 1276, 1278 (Ala. Civ. App. 2009) (emphasis added)."

R.J.G. v. S.S.W., 42 So. 3d 747, 752-53 (Ala. Civ. App. 2009).

The .04 actions maintained their own, separate identities, regardless of any purported consolidation of those actions. Thus, the June 28, 2021, order entered in the divorce action did not become an order entered in the .04 actions. Although the petitioners represent in a footnote in their brief submitted to this court that the June 28, 2021, order was entered in each of the .04 actions in the juvenile court, the petitioners' failure to include in the materials submitted to this court any orders entered in the .04 actions of which they seek review requires the denial of their petitions in case numbers 2200798, 2200799, and 2200800. Ex parte Staats-Sidwell, 16 So. 3d 789, 792 (Ala. 2008); Ex parte Robbins, 276 So. 3d 232, 236 (Ala.



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Civ. App. 2018); c.f., Ex parte Veteto, 230 So. 3d 401, 404 (Ala. Civ. App. 2017) (dismissing a petition for a writ of mandamus that was not properly supported pursuant to Rule 21(a)(1)(F), Ala. R. App. P.). The petitioners failed to meet their burden with regard to their petitions for a writ of mandamus filed in case numbers 2200798, 2200799, and 2200800, and, therefore, we deny those three petitions. Ex parte Boone Newspapers, Inc., [Ms. 1190995, Feb.12, 2021] \_\_\_ So. 3d \_\_\_ (Ala. 2021); Ex parte Allianz Life Ins. Co. of N. Am., 25 So. 3d 411, 417 (Ala. 2008); Ex parte Staats-Sidwell, *supra*; Ex parte Robbins, *supra*.

We next turn to case number 2200797, which is the petition for a writ of mandamus taken from the June 28, 2021, order entered in the divorce action. The petitioners raise a number of arguments in that petition, including that this court should issue a writ on the grounds that the trial court lacked personal jurisdiction over them, that there was insufficiency of process with regard to the June 28, 2021, order, and that there was insufficiency of service of process with regard to the contempt motion itself. The petitioners specifically contend that they have a clear legal right to the setting aside of that part of the trial court's order

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compelling their attendance at the August 27, 2021, hearing. See Ex parte Flint Constr. Co., 775 So. 2d 805, 808 (Ala. 2000) (noting that granting a petition for a writ of mandamus is appropriate only when "(1) the petitioner has a clear legal right to the relief sought; (2) the respondent has an imperative duty to perform and has refused to do so; (3) the petitioner has no other adequate remedy; and (4) this Court's jurisdiction is properly invoked").

In response to the petitioners' arguments, the mother and the father contend that this petition is premature and is due to be denied for that reason. They cite Ex parte Alabama Department of Human Resources, 227 So. 3d 519 (Ala. Civ. App. 2017), which, they contend, is procedurally similar to this matter. In that case, foster parents sought review by State DHR of a decision of the Marengo County Department of Human Resources to remove from their home a child whom they had wished to adopt; State DHR denied the foster parents' request, and they eventually initiated an action in the Montgomery Circuit Court. State DHR moved to dismiss the foster parents' action, and the circuit court in that case conducted a hearing, after which it scheduled another hearing. State DHR

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filed a petition for a writ of mandamus, to which the circuit court in that case responded by pointing out that it had not yet ruled on the motion to dismiss. This court denied the mandamus petition as being premature, explaining:

"In this case, both the trial court and [State] DHR agree that the trial court has not yet ruled on [State] DHR's motion to dismiss the foster parents' petition seeking judicial review in the trial court. The trial court might yet grant [State] DHR the relief it seeks. In its petition to this court, [State] DHR does not allege that the trial court has failed to enter an order on its motion to dismiss, and it does not request an order compelling the trial court to rule on the motion. Instead, [State] DHR seeks to have this court dictate to the trial court the way in which it should rule on the pending motion. Such a request makes improper use of the petition for a writ of mandamus. To the extent that [State] DHR's petition asks this court to direct the trial court to enter a judgment dismissing the foster parents' petition, the petition is denied as premature."

Ex parte Alabama Dep't of Hum. Res., 227 So. 3d at 521.

We need not resolve the issue of whether the petition in case number 2200797 is premature, however. In that petition, the petitioners, although mischaracterizing their argument as one pertaining to personal jurisdiction, have raised an issue pertaining to the subject-matter jurisdiction of the trial court. "[A] lack of subject-matter jurisdiction may

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be raised at any time, and ... the question of subject-matter jurisdiction is reviewable by a petition for a writ of mandamus." Ex parte Flint Constr. Co., 775 So. 2d at 808. Moreover, the fact that the petitioners incorrectly contend that the issue is one of personal jurisdiction is of no consequence, because the issue of subject-matter jurisdiction may be raised by this court ex mero motu. Ex parte Thompson Tractor Co., 227 So. 3d 1234, 1239 (Ala. Civ. App. 2017).

An action seeking to hold a party in contempt for failing to abide by the provisions of a judgment is a separate, independent action. Opinion of the Clerk No. 25, 381 So. 2d 58, 59 (Ala. 1980); Opinion of the Clerk No. 21, 375 So. 2d 1066, 1067 (Ala. 1979). Accordingly, the mother and the father were required to initiate an action separate from the divorce action to assert their contempt claims. Moreover, a filing fee must be paid to initiate a new contempt action. Opinion of the Clerk No. 21, 375 So. 2d at 1067; G.E.A. v. D.B.A., 920 So. 2d 1110, 1113 (Ala. Civ. App. 2005). The initiation of a new contempt action and the payment of the filing fee are a jurisdictional matters. De-Gas, Inc. v. Midland Res., 470 So. 2d 1218,

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1220 (Ala.1985); Farmer v. Farmer, 842 So. 2d 679, 681 (Ala. Civ. App. 2002); G.E.A. v. D.B.A., supra.

In this case, the mother and the father filed, in the divorce action, a motion seeking to have DHR held in contempt. That motion did not operate to properly initiate a separate contempt action. Additionally, no filing fee was paid by the mother or the father. Consequently, the mother and the father did not properly invoke the jurisdiction of the trial court to consider their contempt claims. Kaufman v. Kaufman, 934 So. 2d 1073, 1082 (Ala. Civ. App. 2005). "Because the [trial] court never obtained jurisdiction over this matter, the orders it has entered to date in this case are void." Ex parte Washington, 176 So. 3d 852, 854 (Ala. Civ. App. 2015). The trial court's June 28, 2021, order entered in the divorce action was void for want of jurisdiction. Id. "This court does not have jurisdiction to review a void order, and, therefore, the petition for a writ of mandamus is dismissed. Ex parte Key Mgmt. Co., 598 So. 2d 1386, 1388 (Ala. 1992)." Ex parte Wynn, 227 So. 3d 534, 535 (Ala. Civ. App. 2017); see also Ex parte Guin, 267 So. 3d 335, 343 (Ala. Civ. App. 2018). Accordingly, we dismiss the petition filed in case number 2200797, the petition for a writ

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of mandamus taken from the void June 28, 2021, order entered in the divorce action. Ex parte Washington, supra; Ex parte Wynn, supra; Ex parte Guin, supra.

We further note that, given the limited period afforded this court to reach the merits of this petition and the limited materials submitted to this court, we do not consider or reach the issues whether the juvenile court and the trial court had the authority or jurisdiction to enter all of the orders submitted to this court, or that were alleged by the parties to have been orally issued, or any other issues that might impact the jurisdiction of the courts below; those issues may be raised for consideration in further proceedings.

2200797--PETITION DISMISSED.

Hanson, J., concurs.

Fridy, J., concurs specially.

Edwards, J., dissents, with writing, which Moore, J., joins.

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2200798--PETITION DENIED.

Hanson, J., concurs.

Fridy, J., concurs specially.

Edwards, J., concurs in the result, with writing, which Moore, J.,  
joins.

2200799--PETITION DENIED.

Hanson, J., concurs.

Fridy, J., concurs specially.

Edwards, J., concurs in the result, with writing, which Moore, J.,  
joins.

2200800--PETITION DENIED.

Hanson, J., concurs.

Fridy, J., concurs specially.

Edwards, J., concurs in the result, with writing, which Moore, J.,  
joins.

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FRIDY, Judge, concurring specially.

I concur fully in the main opinion dismissing the petition regarding the divorce action and denying the petitions regarding the dependency actions. I write specially to express my doubt that the circuit court is properly exercising subject-matter jurisdiction over the dependency actions, given that the legislature has conferred exclusive original jurisdiction over dependency actions on juvenile courts. See § 12-15-114(a), Ala. Code 1975. However, because the limited materials before this court do not foreclose the possibility that the circuit court properly has jurisdiction over the dependency actions, I cannot reach that issue at the present time. Of course, as the main opinion points out, the decision today does not foreclose future review of that or any other question that a subsequent mandamus petition or appeal may present.



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EDWARDS, Judge, concurring in the result in case numbers 2200798, 2200799, and 2200800 and dissenting in case number 2200797.

Although I concur in the determination that the June 28, 2021, order entered by the Autauga Circuit Court ("the circuit court") in case number DR-19-900179 ("the divorce action") is void for lack of subject-matter jurisdiction, I respectfully dissent from the main opinion's dismissal of the petition for the writ of mandamus in case number 2200797. The Autauga County Department of Human Resources ("DHR"); Nancy Buckner, the commissioner of the Alabama Department of Human Resources; and Serena Cronier, counsel for DHR ("the petitioners"), have sought relief from the circuit court's June 28, 2021, order based on, in part, the failure of K.C.C. and C.D.C. to institute a new contempt action; thus, although the petitioners do not quite phrase their argument as being one based on a lack of subject-matter jurisdiction, it is such an argument. See Kaufman v. Kaufman, 934 So. 2d 1073, 1082 (Ala. Civ. App. 2005) (explaining that the failure to institute a contempt action deprived the trial court of subject-matter jurisdiction and rendered the resulting order of contempt void). As the main opinion concedes, the proper method to seek review of

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a void order is by filing a petition for the writ of mandamus. See, e.g., Ex parte Punturo, 928 So. 2d 1030 (Ala. 2002), and Ex parte DiGeronimo, 195 So. 3d 963 (Ala. Civ. App. 2015). Because the petitioners seek relief from a void order through a petition for the writ of mandamus, and because the main opinion concludes that the order is, in fact, void for lack of subject-matter jurisdiction, I would grant, and not dismiss, the mandamus petition in case number 2200797.

As to that part of the main opinion determining that the failure of the petitioners to attach copies of the similar orders that were purportedly entered by the circuit court in the juvenile dependency actions prevents our review of those purported orders in case numbers 2200798, 2200799, and 2200800, I concur in the result. I am gravely concerned that the circuit court and the Autauga Juvenile Court ("the juvenile court") have concluded that orders entered by each of those courts "consolidating" the divorce action, which is no longer pending, and the juvenile dependency actions, which, as far as the materials before us illustrate, remain pending, somehow imbue the circuit court with the authority to act in the juvenile dependency actions. The only court with the statutory authority

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to entertain the dependency actions regarding the children of K.C.C. and C.D.C. is the juvenile court. Ala. Code 1975, § 12-15-114(a) (setting out that juvenile courts "shall exercise exclusive original jurisdiction" over, among other things, actions alleging dependency); B.H. v. Tuscaloosa Cnty. Dep't of Hum. Res., 161 So. 3d 1215, 1218-19 (explaining that the juvenile court has exclusive original jurisdiction over dependency actions); M.S.M. v. M.W.M., 72 So. 3d 626, 630 n.2 (explaining that a circuit court lacked subject-matter jurisdiction over a dependency action and that it could not adjudicate the issue of dependency). I also question whether Rule 42(a), Ala. R. Civ. P., which provides that a court may consolidate "actions involving a common question of law or fact" pending before it, permits the consolidation of actions pending in two separate courts (which, in this case, are the circuit court and the juvenile court, which have distinct and separate areas of jurisdiction). I recognize that opinions indicating that juvenile dependency actions and domestic-relations actions may be consolidated exist; however, I find the attempts to consolidate the divorce action and the juvenile dependency actions in the present matter distinguishable from those situations in which the same judge serves both

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as a juvenile-court judge and as a circuit-court judge and consolidates pending divorce and juvenile dependency matters assigned to him or her for discovery and trial as a matter of judicial economy. See, e.g., L.AC. v. T.S.C., 8 So. 3d 322 (Ala. Civ. App. 2008). Thus, although I take no issue with the legal principles set out in the main opinion regarding the requirement that orders be entered in all consolidated actions, I hesitate to concur in that reasoning because I fear doing so will be perceived as a tacit admission that the orders consolidating the divorce action and the juvenile dependency actions, which are pending in two separate courts in front of two separate judges, are valid. See R.Z. v. S.W., 141 So.3d 1099, 1102 (Ala. Civ. App. 2013) (indicating that a dependency action pending in a juvenile court could not be consolidated with a divorce action).

Moore, J., concurs.