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ALABAMA COURT OF CIVIL APPEALS

OCTOBER TERM, 2006-2007

2051079

F.I.

v.

State Department of Human Resources

Appeal from Dallas Juvenile Court
(JU-1997-89.02)

On Return to Remand

THOMAS, Judge.

This is a termination-of-parental rights case. On April 6, 2007, we remanded this action to the Dallas Juvenile Court and instructed that court to determine whether F.I. ("the

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father") had abandoned M.P. ("the child"). See F.I. v. State Dep't of Human Res., [Ms. 2051079, April 6, 2007] ____ So. 2d ____ (Ala. Civ. App. 2007). The trial court, in compliance with our instructions, has filed its return with this court. It has determined that the father did abandon the child and, thus, that the Department of Human Resources ("DHR") was not required to make any efforts toward rehabilitating the father or reuniting the father and the child.

The father has shown a grave lack of concern for the child. Although the father had married and lived with the mother, he did not seek to establish paternity of the child (or of the mother's other children, who she asserted he had also fathered) until DHR sought to collect child support from him. Despite his concern and discomfort about the mother's living conditions -- conditions that he said had motivated him to move out of their home -- he did nothing to seek custody of the child, instead opting to wait for the mother to succeed in having the child returned to her care. Despite his knowledge of the DHR caseworker's name and DHR's long-term involvement with this case, he never sought to establish visitation or to pay support for the child. It also appears that the father

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did not apprise DHR of his whereabouts so that he could be contacted by the caseworker. Thus, we conclude that the trial court correctly determined that the father's inaction amounted to an abandonment of the child, which would permit the trial court to terminate his parental rights even though DHR did not attempt to rehabilitate the father or to reunite the father with the child. See Ala. Code 1975, § 26-18-7(a)(1) (permitting the termination of parental rights when "the parents have abandoned the child, provided that in such cases, proof shall not be required of reasonable efforts to prevent removal or reunite the child with the parents").

AFFIRMED.

Thompson, P.J., and Pittman, Bryan, and Moore, JJ., concur.