

	<b>“I want custody because...”</b>	<b>Where does complaint/petition go?</b>	<b>Type of Case?</b>	<b>Legal Authority</b>	<b>Charge Code</b>
1	Child is abused or neglected by parent, etc.*	Juvenile court intake office	JU	12-15-102(8)a.1.; 12-15-114(a)	JEME
2	Child has no parent, etc. willing and able to provide care for the child.*	Juvenile court intake office	JU	12-15-102(8)a.2.; 12-15-114(a)	JWOP
3	Child’s parent, etc. neglects or refuses to provide medical care for child when able to do so.*	Juvenile court intake office	JU	12-15-102(8)a.3.; 12-15-114(a)	JEMO
4	Child’s parent, etc. fails to send child to school.*	Juvenile court intake office	JU	12-15-102(8)a.4.; 12-15-114(a)	DSCL
5	Child is abandoned by parent, etc.*	Juvenile court intake office	JU	12-15-102(8)a.5.; 12-15-114(a)	JABD
6	Child’s parent, etc. unable or unwilling to discharge responsibilities to and for child.*	Juvenile court intake office	JU	12-15-102(8)a.6.; 12-15-114(a)	JPUN
7	Child has been placed for care or adoption in violation of law.*	Juvenile court intake office	JU	12-15-102(8)a.7.; 12-15-114(a)	JIMP
8	Child is in need of care and protection of the state.*	Juvenile court intake office	JU	12-15-102(8)a.8.; 12-15-114(a)	JDRV
9	I think I am the father of the child (or, if another party, I think this man is the father of the child) and need this fact determined, the man is not married to the mother, and there has been no acknowledgment of paternity. (NO DEPENDENCY ALLEGED).**	Clerk’s office	CS	26-17-104	CSPT (paternity complaint in which custody is requested)

\* AND the child is in need of care or supervision.

\*\* This example relates to paternity cases filed in CS court only. A court may also determine paternity in pending divorce (DR) and juvenile (JU) cases if this issue is raised. See *Brock v. Herd*, 187 So.3d 1161 (Ala.Civ.App.2015).

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10	<p>Paternity was established and now, as the legal father, I want custody of the child, and no previous custody order has been entered. (NO DEPENDENCY ALLEGED). *</p>	Clerk's office	CS	12-15-115(a)(7)	CSPM
11	<p>Child support was ordered and now, as the payor of child support, I want custody of the child, and no previous custody order has been entered. (NO DEPENDENCY ALLEGED). *</p>	Clerk's office	CS	<i>Ex parte Washington</i> , 176 So.3d 852 (Ala.Civ.App.2015)	CSPM
12	<p>Paternity was established and now, as the legal father, I want visitation of the child, and no previous visitation order has been entered. (NO DEPENDENCY ALLEGED). *</p>	Clerk's office	CS	12-15-115(a)(7)	CSPM
13	<p>I have an executed acknowledgement of paternity, and no previous custody order has been entered. (NO DEPENDENCY ALLEGED).</p>	Clerk's office	DR	12-11-31(1); 12-15-114(a); <i>Ex parte Handley</i> , 460 So.2d 167 (Ala.1984) (Circuit court has equity jurisdiction in child custody proceedings.)	DRPC
14	<p>I need to enroll the child in school, and no previous custody order has been entered. (NO DEPENDENCY ALLEGED).</p>	Clerk's office	DR	12-11-31(1); 12-15-114(a); <i>Ex parte Handley</i> , 460 So.2d 167 (Ala.1984) (Circuit court has equity jurisdiction in child custody proceedings.)	DRPC

\* This example relates to modification actions filed in CS cases only.

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15	We are disputing who should have custody of the child, and no previous custody order has been entered. (NO DEPENDENCY ALLEGED).	Clerk's office	DR	12-11-31(1); 12-15-114(a); <i>Ex parte Handley</i> , 460 So.2d 167 (Ala.1984) (Circuit court has equity jurisdiction in child custody proceedings.)	DRPC
16	There is a previous custody order in a JU case, and now I want custody (NO DEPENDENCY ALLEGED and, if it arises from a previous dependency action, at least one party to the original case still resides in the county).	Clerk's office	JU (new point designator)	12-15-117(a) & (c); 12-15-302(b) (dependency venue)	DMOD if order from previous JU dependency case; PETM if order from JU case other than dependency
17	There is a previous custody order in a JU case, and now I want custody (NO DEPENDENCY ALLEGED and, if it arises from a previous dependency action, all the parties to the original case have left the county in which the original order was issued).	Clerk's office	JU (new JU case number in county where child resides)	12-15-117(a) & (c); 12-15-302(c) (dependency venue)	DMOD if order from previous JU dependency case; PETM if order from JU case other than dependency
18	There is a previous custody and/or visitation order in a CS paternity case, and now I want custody (NO DEPENDENCY ALLEGED).*	Clerk's office	CS	12-15-115(a)(7)	CSPM
19	The Respondent was awarded custody through a previous divorce case in circuit court, and I want custody now because the child is “dependent” ( <b>regardless of whether the situation is an "emergency" or who files it</b> ).	Juvenile court intake office	JU	<i>P.S.R. v. C.L.P.</i> , 67 So.3d 917 (Ala.Civ.App.2011)	Depends on what allegation of dependency is made (See page 1).

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20

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Parties are in agreement to change custody (for whatever reason) and there is no dependency allegation (no prior order of custody to modify).	Clerk’s office	DR	12-11-31(1); 12-15-114(a); <i>Ex parte Handley</i> , 460 So.2d 167 (Ala.1984) (Circuit court has equity jurisdiction in child custody proceedings.)	DRPC