

The Structure of Alabama Courts

Overall Structure of the Alabama Unified Judicial System

- Alabama's court system became a unified judicial system on January 16, 1977.
- Under the unified system, jurisdictions of courts and rules of court are uniform.

Overall Structure of the Alabama Unified Judicial System (cont'd)

- In Alabama, there are three court levels:
 - courts of limited jurisdiction.
 - courts of general jurisdiction.
 - appellate courts.

COURTS OF LIMITED JURISDICTION

The Municipal Courts

- Municipal courts exercise jurisdiction over all prosecutions for violations of municipal ordinances occurring within the city limits and police jurisdiction of the municipality.
- Some municipalities have enacted ordinances making State misdemeanor offenses violations of municipal ordinances.
- The Alabama Constitution provides that a municipal governing body may choose to maintain its local court or transfer jurisdiction to the District Court of the county where the municipality is located.

COURTS OF LIMITED JURISDICTION (cont'd)

The Probate Courts

- Probate courts are courts of limited jurisdiction. Like other constitutionally-created courts, they are considered part of the State court system.
- Probate Courts are funded by the counties and are not included in the State's judicial budget.
- Probate Courts generally have jurisdiction in each county over all matters dealing with the probate of wills; the administration of estates of those persons dying without a will; the appointment and removal of guardians for minors and persons of unsound mind; name changes; and adoption proceedings unless such proceedings are transferred to the Juvenile Court.

COURTS OF LIMITED JURISDICTION (cont'd)

The District Courts

- Alabama's District Courts generally have jurisdiction over criminal misdemeanors, hold preliminary hearings in felony prosecutions, and, concurrent with Circuit Courts, receive guilty pleas in felony cases not punishable by death.
- District Courts also exercise concurrent jurisdiction with the Circuit Courts in juvenile matters and in civil actions where the amount of controversy does not exceed \$10,000, exclusive of interest and costs.
- District Courts have exclusive jurisdiction over all civil actions where the amount of controversy, exclusive of interest and costs, does not exceed \$6,000. These actions are referred to as Small Claims cases. Citizens may file any case in the Small Claims Division of the District Court without a lawyer.
- District courts also have contempt power.
- There is a District Court in each county. There are 106 district court positions.

COURTS OF GENERAL JURISDICTION

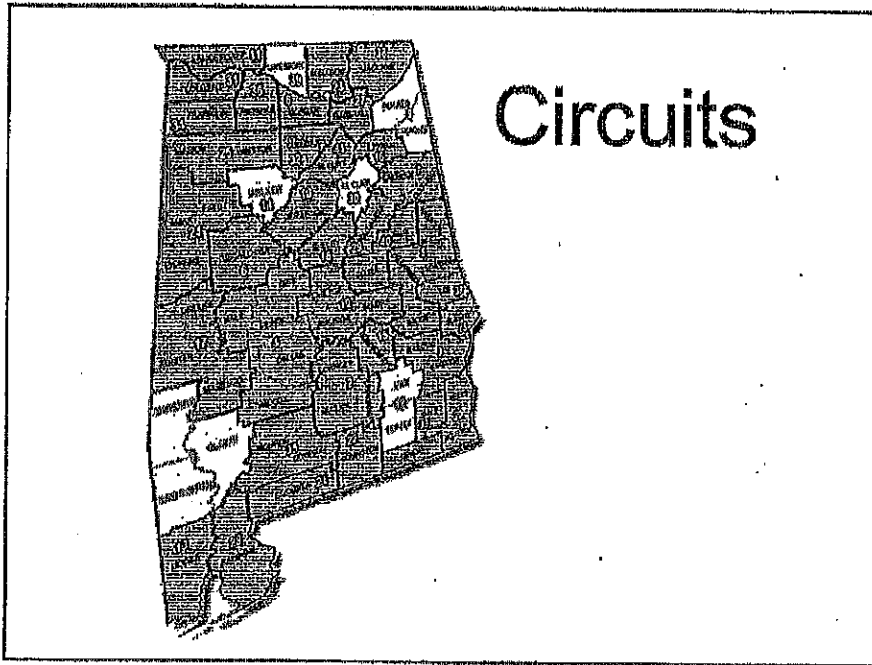
The Circuit Courts

- Alabama's trial courts of general jurisdiction are the Circuit Courts, which exercise both criminal and civil jurisdiction. The 67 counties in Alabama are divided into 41 judicial circuits ranging in size from one to five counties. There are 146 circuit judge positions.
- Circuit Courts hear all civil matters where the amount in controversy exceeds \$10,000, exclusive of interest and costs, and generally criminal prosecutions involving felony offenses.
- Circuit Courts also have original jurisdiction concurrent with the District Courts in juvenile matters and in all civil matters where the amount in controversy exceeds \$6,000 but does not exceed \$10,000, exclusive of interest and costs.

COURTS OF GENERAL JURISDICTION (cont'd)

The Circuit Courts (cont'd)

- Circuit Courts also exercise appellate jurisdiction over cases appealed from District and Municipal Courts. An appeal to the Circuit Court is tried as though it were a new trial (referred to as a "trial de novo") and may be tried with or without a jury.
- Circuit Courts also have equitable jurisdiction and contempt power.



APPELLATE COURTS

The Alabama Court of Civil Appeals

- The Alabama Court of Civil Appeals consists of five judges, the most senior judge serving as the Presiding Judge.
- This Court has appellate jurisdiction in all civil appeals where the amount in controversy, exclusive of interest and costs, does not exceed \$50,000. The Supreme Court of Alabama may transfer to the Alabama Court of Civil Appeals civil cases appealed to the Supreme Court of Alabama and within its appellate jurisdiction with some exceptions.
- The Alabama Court of Civil Appeals has jurisdiction of all appeals from administrative agencies other than the Alabama Public Service Commission. The Court also exercises jurisdiction over appeals in workers' compensation cases and in domestic relations cases, including annulment, divorce, adoption, and child custody cases.

APPELLATE COURTS (cont'd)

The Alabama Court of Criminal Appeals

- *The Alabama Court of Criminal Appeals consists of five judges, the most senior judge serving as the Presiding Judge.
- *The Alabama Court of Criminal Appeals has appellate jurisdiction of all misdemeanors, including the violation of town and city ordinances, habeas corpus, and all felonies, including all post conviction writs in criminal cases.

APPELLATE COURTS (cont'd)

The Supreme Court of Alabama

- The Supreme Court of Alabama is composed of a Chief Justice and eight Associate Justices.
- The Supreme Court has exclusive jurisdiction over all appeals where the amount in controversy exceeds \$50,000 and appeals from the Alabama Public Service Commission.
- The Supreme Court may make rules governing the administration, practice, and procedure in all courts.
- The Chief Justice is the administrative head of the State's judicial system.

The Roles and Duties of Juvenile Court Officials, Etc.

Juvenile and Family Court Judges

*In Alabama, juvenile and family court judges are actually circuit and district court judges.

*Currently, there are approximately ²⁰~~8~~ circuit court judges and ~~75~~ district court judges designated as juvenile court judges.

Juvenile and Family Court Judges (cont'd)

***Statutory Powers (§ 12-15-103,
Ala. Code 1975)**

- **Issue writs and processes.**
- **Issue warrants of arrest,
pick-up orders, and writs
of habeas corpus.**
- **Exercise equity power.**

Family Court "Divisions"

***Unified Family Court concept studied by group formed for
this purpose.**

***Result: Section 12-17-24.1.**

***Presiding Circuit Judge works with the ADC in the
development of a written implementation plan – plan
shall be submitted to Chief Justice for approval.**

***3 circuits have used this statute.**

Family Court "Divisions" (cont'd)

*Cases Heard:

Domestic Relations/Divorces

Annulments of Marriage/Legal Separations

Custody/Support/Alimony

Uniform Support or Custody Acts

Nonsupport Actions

Any Other Matter In Juvenile Court's Jurisdiction

Sometimes, Protection From Abuse Cases

Other "Family Courts"

State Statute: Lee

Local Acts:

*Tuscaloosa.

*Calhoun, Cleburne.

*Jefferson.

*Mobile.

*Montgomery.

*Henry, Houston.

*Madison

Juvenile Appeals

Rule 28(A), Alabama Rules of Juvenile Procedure:

"(A) Direct Appeals to Appellate Courts.

"(1) Appeals from final orders or judgments of the juvenile court shall be to the appropriate appellate court, subject to the Alabama Rules of Appellate Procedure, if:

"(a) A record has been certified as adequate by the juvenile court judge or a stipulation of facts is available and, if applicable, the right to a jury trial has been exercised or waived by all parties entitled thereto; or,

"(b) The parties stipulate that only questions of law are involved and the juvenile court certifies the questions. . . ."

Juvenile Appeals (cont'd)

Rule 28(A), Alabama Rules of Juvenile Procedure (cont'd):

"(A) . . . (2) If the appeal provided in this subsection is taken from a final order or judgment in a case or proceeding arising out of the jurisdiction of the juvenile court over a child, as that term is defined in Ala. Code 1975, § 12-15-102(3), the appropriate appellate court for purposes of the appeal shall be (a) the Court of Criminal Appeals in proceedings in which a child is adjudicated delinquent, proceedings to revoke probation or aftercare in delinquency cases, and proceedings in which a motion seeking an order to transfer a child to the adult court for criminal prosecution is either granted or denied, and (b) the Court of Civil Appeals in any other case or proceeding."

Juvenile Appeals (cont'd)

Rule 28(B), Alabama Rules of Juvenile Procedure:

"(B) Appeals to Circuit Court. Appeals from final orders or judgments in all other cases, including those cases in which there is not an adequate record as provided in subsection (A) of this rule, shall be to the circuit court for trial de novo and the case shall be heard by a different circuit court judge if heard by a circuit court judge in the first instance in the juvenile court. . . ."

GOALS FOR THE JUVENILE COURTS

§ 12-15-101(b)

"(b) In furtherance of this purpose, the following goals have been established for the juvenile court:

- "(1) To preserve and strengthen the family of the child whenever possible, including improvement of the home environment of the child.
- "(2) To remove the child from the custody of his or her parent or parents only when it is judicially determined to be in his or her best interests or for the safety and protection of the public.
- "(3) To reunite a child with his or her parent or parents as quickly and as safely as possible when the child has been removed from the custody of his or her parent or parents unless reunification is judicially determined not to be in the best interests of the child. . . ."

GOALS FOR THE JUVENILE COURTS (cont'd)

§ 12-15-101(b) (cont'd)

- "(b) . . . (4) To secure for any child removed from parental custody the necessary treatment, care, guidance, and discipline to assist him or her in becoming a responsible, productive member of society.
- "(5) To promote a continuum of services for children and their families from prevention to aftercare, considering wherever possible, prevention, diversion, and early intervention
....."

GOALS FOR THE JUVENILE COURTS (cont'd)

§ 12-15-101(b) (cont'd):

- "(b) . . . (6) To promote the use of community-based alternatives as deterrents to acts of juvenile delinquency and as least restrictive dispositional alternatives.
- "(7) To hold a child found to be delinquent accountable for his or her actions to the extent of the age, education, mental and physical condition, and background of the child, and all other relevant factors and to provide a program of supervision, care, and rehabilitation, including restitution by the child to the victim of his or her delinquent acts.
- "(8) To achieve the foregoing goals in the least restrictive setting necessary, with a preference at all times for the preservation of the family and the integration of parental accountability and participation in treatment and counseling programs."