

SUPREME COURT OF ALABAMA

Ex parte M.D.C. (In re M.D.C. v. K.D.)

39 So. 3d 1117 (Ala. 2009) · No. 1071625 · Decided September 30, 2009

SUMMARY

The Supreme Court of Alabama considered whether termination of a parent's parental rights under the Alabama Child Protection Act automatically extinguishes the parent's obligation to pay child support. The court held that termination of parental rights does not, by itself, terminate the child-support obligation, distinguishing parental rights from parental responsibilities and recognizing the child's continuing right to support. The case arose from a contempt proceeding concerning \$16,730 in child-support arrears and accrued interest.

CASE DETAILS

COURT	Supreme Court of Alabama
WRITING FOR THE COURT	Bolin, Justice; Shaw, J.; Cobb, C.J.; Stuart, J.; Smith, J.; Parker, J.; Lyons, J.; Woodall, J.; Murdock, J.
JURISDICTION	Alabama
DECIDED	September 30, 2009
DOCKET	1071625
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The mother petitioned the Supreme Court of Alabama for a writ of certiorari after the Court of Civil Appeals affirmed a trial-court judgment holding that termination of the father's parental rights automatically extinguished his child-support obligation.
STANDARD OF REVIEW	On certiorari review, the Supreme Court of Alabama accords no presumption of correctness to the intermediate appellate court's legal conclusions and applies de novo review.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	M.D.C., the mother v. K.D., the father

TOPICS

- child support
- termination of parental rights
- statutory interpretation
- writ of certiorari
- appellate procedure

PRACTICE AREAS

family law

child support

termination of parental rights

statutory interpretation

appellate procedure

QUESTIONS PRESENTED

1. Whether involuntary termination of a parent's parental rights under the Alabama Child Protection Act automatically terminates that parent's preexisting obligation to pay child support.
2. Whether a juvenile court's termination-of-parental-rights judgment can terminate or modify a child-support obligation previously entered by a circuit court in a divorce proceeding.

HOLDINGS

1. Involuntary termination of a parent's rights to a child does not, by operation of law, extinguish the parent's responsibility to pay child support established by a prior judgment.
2. A termination-of-parental-rights judgment entered by a juvenile court cannot itself terminate a child-support obligation previously entered in a divorce proceeding; the circuit court that entered the support order retains exclusive continuing jurisdiction to modify it.

KEY QUOTATIONS

"In summary, involuntarily terminating a parent's rights to his or her child does not, by operation of law, extinguish the parent's responsibility to pay child support for the benefit of that child as established by a prior judgment." (39 So. 3d at 1132)

"A judgment terminating a parent's rights immediately and permanently severs the parent's rights to custody, control, and affiliation with the child." (39 So. 3d at 1133)

FACTUAL BACKGROUND

The parties had two children and divorced in February 2003, with custody awarded to the mother and the father ordered to pay \$540 per month in child support. After the father pleaded guilty to raping the mother's child from a prior marriage, a juvenile court terminated his parental rights to the parties' two children in October 2005. When the State later sought enforcement of the support order, the trial court determined that the termination had extinguished the father's support obligation, resulting in the appeal.

PROCEDURAL HISTORY

The parties divorced in 2003, and the divorce judgment required the father to pay \$540 per month in child support. After a juvenile court terminated the father's parental rights in 2005, the State sought to hold him in contempt for unpaid support; the trial court initially found arrearages, but after a new trial concluded that the support obligation had been extinguished by the termination. The Court of Civil Appeals affirmed. The Supreme Court of Alabama granted certiorari and reversed.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the judgment holding that termination of the father's parental rights extinguished his child-support obligation and remand for proceedings consistent with the holding that the preexisting support obligation survives termination of parental rights.

CASES CITED

- Ex parte Toyota Motor Corp., 684 So. 2d 132, 135 (Ala. 1996)
- Ex parte Beasley, 564 So. 2d 950, 954 (Ala. 1990)
- Clemons v. Alabama Department of Pensions & Security, 474 So. 2d 1143 (Ala. Civ. App. 1985)
- Archer Daniels Midland Co. v. Seven Up Bottling Co. of Jasper, Inc., 746 So. 2d 966, 988 (Ala. 1999)
- McWhorter v. State Board of Registration for Professional Engineers & Land Surveyors, 359 So. 2d 769, 773 (Ala. 1978)
- Ex parte Tabor, 840 So. 2d 115, 120 (Ala. 2002)
- IMED Corp. v. Systems Engineering Associates Corp., 602 So. 2d 344, 346 (Ala. 1992)
- Ex parte Brooks, 513 So. 2d 614, 617 (Ala. 1987)
- Ex parte Beasley, 564 So. 2d 950 (Ala. 1990)
- State of Rhode Island v. Fritz, 801 A.2d 679 (R.I. 2002)
- In re Stephen Tyler R., 213 W. Va. 725, 584 S.E.2d 581 (2003)
- Ex parte McCall, 596 So. 2d 4 (Ala. 1992)
- State ex rel. Department of Human Resources v. Sullivan, 701 So. 2d 16 (Ala. Civ. App. 1997)
- Ex parte University of South Alabama, 541 So. 2d 535, 538 (Ala. 1989)
- A.S. v. W.T.J., 984 So. 2d 1196, 1202 (Ala. Civ. App. 2007)
- Atkins v. Curtis, 259 Ala. 311, 66 So. 2d 455, 458 (1953)
- Santosky v. Kramer, 455 U.S. 745, 753, 766, 769 (1982)