

SUPREME COURT OF ALABAMA

R.W. v. T.J.

89 So. 3d 744 (Ala. 2012) · Decided February 10, 2012

SUMMARY

The Alabama Supreme Court considers T.J.’s petition for a writ of mandamus concerning presumed paternity under the Alabama Uniform Parentage Act. The court holds that a man need not be the biological father to present evidence supporting presumed-father status under Ala. Code § 26-17-204(a)(5), which focuses on the parent-child relationship. The court denies the petition with instructions because the evidentiary record was incomplete, directing the juvenile court to determine whether T.J. established the statutory relationship and, if so, to vacate the genetic-testing order.

CASE DETAILS

COURT	Supreme Court of Alabama
WRITING FOR THE COURT	Bolin, Justice; Malone, C.J.; Woodall, J.; Stuart, J.; Parker, J.; Shaw, J.; Main, J.; Wise, J.; Bolin, J.
JURISDICTION	Alabama
DECIDED	February 10, 2012
DISPOSITION	writ_denied
PROCEDURAL POSTURE	T.J. petitioned for a writ of mandamus directing the Montgomery Juvenile Court to recognize and adjudicate him as the presumed father of S.W. and to vacate an order authorizing genetic testing. The Court of Civil Appeals denied mandamus relief, and T.J. sought mandamus relief in the Supreme Court of Alabama.
STANDARD OF REVIEW	Mandamus is an extraordinary remedy available only upon a clear legal right, an imperative duty accompanied by refusal to perform, lack of another adequate remedy, and properly invoked jurisdiction. Mandamus is an appropriate vehicle for reviewing an interlocutory order.
PRECEDENTIAL VALUE	Published Alabama Supreme Court opinion; precedential.
PARTIES	T.J. v. R.W., C.W., S.W., A.W.

TOPICS

- paternity
- appellate procedure
- statutory interpretation
- family law procedure
- family law

PRACTICE AREAS

Family law

Paternity

Appellate procedure

Statutory interpretation

Mandamus

QUESTIONS PRESENTED

1. Whether a man may qualify as a presumed father under Ala. Code § 26-17-204(a)(5) even if evidence suggests that he may not be the child's biological father.
2. Whether the Supreme Court could order the juvenile court to adjudicate T.J. the presumed father and vacate the genetic-testing order without a complete record of the evidence concerning T.J.'s relationship with the child.

HOLDINGS

1. A man does not lose the ability to establish presumed-father status under § 26-17-204(a)(5) merely because he may not be the child's biological father. The presumption is based on the man's relationship with the child, including receiving the child into his home, openly holding the child out as his natural child, and establishing a significant parental relationship through emotional and financial support.
2. T.J. established a clear legal right to proceed under § 26-17-204(a)(5), but the Supreme Court could not determine on the incomplete record whether he had presented sufficient evidence to establish presumed-father status. The juvenile court therefore had to make that factual determination.

KEY QUOTATIONS

“T.J. did not lose his ability to present evidence that he was a presumed father under § 26-17-204(a)(5) simply because he may not be the biological father.” (747)

“The fact that T.J. may not be the child’s biological father does not negate his ability to present evidence that he is the presumed father of the child under § 26-17-204(a)(5) by virtue of his relationship with the child, because the presumption established by § 26-17-204(a)(5) is based on the man’s relationship with the child, not on a biological connection.” (749)

FACTUAL BACKGROUND

T.J. claimed to be the child's biological father and asserted that the child had lived with him since birth. The mother sought genetic testing of T.J. and another man, and the juvenile court authorized testing after concluding that T.J.'s incarceration during the likely conception period made biological paternity unlikely. The record before the Supreme Court did not include the juvenile-court hearing transcript or the underlying custody and paternity filings, leaving disputed evidence concerning T.J.'s relationship with the child.

PROCEDURAL HISTORY

The juvenile court authorized genetic testing after finding that T.J.'s incarceration during the likely conception period made it unlikely that he could in good faith believe he was the biological father. The Court of Civil Appeals denied T.J.'s mandamus petition because the record did not establish whether he had held the child out as his natural child. The Alabama Supreme Court held that the juvenile court applied an erroneous legal

standard, denied the requested writ with instructions, and required the juvenile court to determine whether the evidence established presumed-father status under the statutory relationship-based presumption.

DISPOSITION

writ_denied

REMAND INSTRUCTIONS

The juvenile court must determine from the testimony presented at the hearing whether T.J. sufficiently proved that he received the child into his home and openly held the child out as his natural child, or otherwise held the child out as his natural child and established a significant parental relationship through emotional and financial support. If the evidence is sufficient, the juvenile court must recognize T.J. as the presumed father under § 26-17-204(a)(5) and vacate the genetic-testing order. If the evidence is insufficient, the genetic-testing order may stand.

CASES CITED

- Ex parte T.J., 74 So. 3d 447 (Ala. Civ. App. 2011)
- Ex parte Nall, 879 So. 2d 541, 543 (Ala. 2003)
- Ex parte BOC Group, Inc., 823 So. 2d 1270, 1272 (Ala. 2001)
- Ex parte A.M.P., 997 So. 2d 1008, 1014 (Ala. 2008)
- Ex parte D.J.B., 859 So. 2d 445 (Ala. Civ. App. 2003)
- Michael H. v. Gerald D., 491 U.S. 110 (1989)
- Caban v. Mohammed, 441 U.S. 380, 397 (1979)
- Ex parte Presse, 554 So. 2d 406, 411-412 (Ala. 1989)
- Ex parte C.A.P., 683 So. 2d 1010 (Ala. 1996)