

SUPREME COURT OF ALABAMA

Ex parte S.C.W., P.D., & S.D.H. (In re S.C.W. v. C.B.; P.D. v. R.L.;
S.C.W. & S.D.H. v. C.B.)

826 So. 2d 844 (Ala. 2001) · No. 1001107 · Decided October 12, 2001

SUMMARY

The Alabama Supreme Court reviewed an adoption dispute involving an unmarried biological father who failed to timely register under Alabama's Putative Father Registry Act but had filed legitimation and paternity proceedings and contested the adoption. The court held that the Registry Act and Alabama Adoption Code could be harmonized, reversed the Court of Civil Appeals, and remanded for a contested adoption hearing. The court also directed reconsideration of attorney-fee sanctions imposed against the biological father's attorneys.

CASE DETAILS

COURT	Supreme Court of Alabama
WRITING FOR THE COURT	Per curiam; Moore, C.J.; Lyons, J.; See, J.; Johnstone, J.; Harwood, J.; Houston, J.; Brown, J.; Woodall, J.; Stuart, J.
JURISDICTION	Alabama
DECIDED	October 12, 2001
DOCKET	1001107
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Supreme Court of Alabama granted certiorari review of the Court of Civil Appeals' affirmance of a judgment of adoption and sanctions against the biological father's attorneys.
STANDARD OF REVIEW	The court reviewed the statutory issues presented on certiorari and the judgments below; the opinion does not expressly state a standard-of-review formulation.
PRECEDENTIAL VALUE	Published, precedential Alabama Supreme Court opinion.
PARTIES	S.C.W., P.D., S.D.H. v. R.E.L., C.A.L., C.B.

TOPICS

- adoption
- paternity
- statutory interpretation
- appellate procedure
- remedies

PRACTICE AREAS

family law

adoption

statutory interpretation

appellate procedure

remedies

QUESTIONS PRESENTED

1. Whether the Putative Father Registry Act and the Alabama Adoption Code could be harmonized so that registry filing was only one method by which a putative father could become known to the adoption court and obtain the right to contest the adoption.
2. Whether S.C.W.'s filing of legitimation and paternity proceedings, together with his timely response to notice, preserved his right to contest the adoption despite his failure to timely register.
3. Whether sanctions against S.C.W.'s attorneys under the Alabama Litigation Accountability Act should be reversed or reevaluated.
4. Whether the constitutional challenges to the Putative Father Registry Act could be reached.

HOLDINGS

1. The statutes can be harmonized. Registration with the Putative Father Registry is one of several ways a putative father may bring his paternity claim to the attention of the adoption court; the Alabama Adoption Code's broader provision allowing the putative father to be otherwise known by the court remains operative.
2. S.C.W.'s declaration of legitimation and paternity complaint were sufficient means of making his paternity claim known to the court, and his timely response to adoption notice gave him the right to contest the adoption.
3. The sanctions judgment had to be reversed or reevaluated because the biological father's contest was substantially justified and did not improperly or unnecessarily delay the proceedings.

KEY QUOTATIONS

“The Putative Father Registry Act can be harmonized with the Alabama Adoption Code by holding that filing with the registry is just one of several ways in which a putative father can bring about judicial awareness of his paternity claim.” (851)

“Therefore, we reverse the judgment of the Court of Civil Appeals and remand the cause for that court to, in turn, remand the cause to the trial court with instructions to vacate the judgment of adoption, to hold a contested hearing pursuant to § 26-10A-24, and to conduct any further necessary proceedings that are consistent with this opinion.” (852)

FACTUAL BACKGROUND

The biological parents were unmarried teenagers, and the biological mother placed the child for adoption shortly after the child's birth. Paternity testing confirmed S.C.W. was the biological father, and he filed legitimation and paternity-related proceedings but did not file a notice of intent to claim paternity with the Putative Father Registry within 30 days of the child's birth. The adoption court nevertheless learned of his identity, and he timely

contested the adoption after receiving notice. The juvenile court treated his failure to register as irrevocable implied consent and entered judgment for the adoptive parents.

PROCEDURAL HISTORY

The juvenile court entered summary judgment for the adoptive parents after concluding that the biological father's failure to timely register under the Putative Father Registry Act constituted irrevocable implied consent to adoption. After a final dispositional hearing, the juvenile court entered a final judgment of adoption and imposed sanctions against the biological father's attorneys under the Alabama Litigation Accountability Act. The Court of Civil Appeals affirmed, and the Supreme Court of Alabama reversed and remanded with instructions.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The Court of Civil Appeals was instructed to remand the case to the trial court to vacate the judgment of adoption, conduct a contested hearing under Ala. Code § 26-10A-24, conduct any further proceedings consistent with the opinion, and reevaluate the sanctions imposed against the biological father's attorneys.

CASES CITED

- S.C.W. v. C.B., 826 So. 2d 825 (Ala. Civ. App. 2001)
- Ex parte Sullivan, 407 So. 2d 559 (Ala. 1981)
- Radzanower v. Touche Ross & Co., 426 U.S. 148, 155 (1976)
- City of Birmingham v. Southern Express Co., 164 Ala. 529, 538, 51 So. 159, 162 (1909)
- Hall v. Teipie-Ching Chi, 782 So. 2d 218, 222 (Ala. 2000)
- Benson v. City of Birmingham, 659 So. 2d 82 (Ala. 1995)
- Hayden v. Blue Cross & Blue Shield of Alabama, 843 F. Supp. 1427, 1437 (M.D. Ala. 1994)
- J.N.H. v. N.T.H., 705 So. 2d 448 (Ala. Civ. App. 1997)
- United States v. McLemore, 28 F.3d 1160 (11th Cir. 1994)
- Diemert v. City of Mobile, 474 So. 2d 663 (Ala. 1985)
- Pacific Enters. Oil Co. v. Howell Petroleum Corp., 614 So. 2d 409, 418 (Ala. 1993)