

ALABAMA COURT OF CIVIL APPEALS

B.F. v. C.D. and A.D.

No. CL-2025-0032 (Ala. Civ. App. May 22, 2026) · No. CL-2025-0032 · Decided May 22, 2026

SUMMARY

The Alabama Court of Civil Appeals affirmed a juvenile court judgment denying a biological father's request for custody of his child. Applying the Alabama Supreme Court's newly announced standard, the court held that the father voluntarily forfeited his presumptive custodial rights by failing to act after he knew or should have known of his paternity, making the Ex parte McLendon standard applicable.

CASE DETAILS

COURT	Alabama Court of Civil Appeals
WRITING FOR THE COURT	Per curiam
JURISDICTION	Alabama Court of Civil Appeals
DECIDED	May 22, 2026
DOCKET	CL-2025-0032
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a juvenile-court custody judgment, considered after remand from the Alabama Supreme Court.
STANDARD OF REVIEW	In ore tenus custody proceedings, the juvenile court's factual findings are presumed correct, and appellate courts do not reweigh disputed evidence or pass judgment on the credibility of witnesses. The appellate court reviews whether the findings are supported by the evidence and whether the legal standard was properly applied.
PRECEDENTIAL VALUE	published
PARTIES	B.F. v. C.D., A.D.

TOPICS

- child custody
- family law procedure
- standard of review
- appellate procedure
- family law

PRACTICE AREAS

- Family law
- Child custody
- Appellate procedure

QUESTIONS PRESENTED

1. Whether the evidence supported the juvenile court's finding that B.F. knew or should have known that he was the child's father and voluntarily forfeited his presumptive right to custody.
2. Whether the juvenile court properly applied the Ex parte McLendon standard rather than the Ex parte Terry parental-presumption standard.

HOLDINGS

1. The evidence supported the juvenile court's finding that B.F. knew or should have known around the time of the child's birth that he was the child's father and voluntarily forfeited his custodial rights by failing to avail himself of those rights.
2. Because B.F. voluntarily forfeited his prima facie custodial right, the Ex parte Terry parental presumption did not apply, and the juvenile court properly applied the Ex parte McLendon standard.

KEY QUOTATIONS

“The relevant period begins when ‘a putative father knows, or should know, of his paternity of a child born out of wedlock.’” (10)

“When evidence in a child custody case has been presented ore tenus to the trial court, that court's findings of fact based on that evidence are presumed to be correct.” (14)

FACTUAL BACKGROUND

B.F. had a nonexclusive sexual relationship with the child's mother, knew she was pregnant, saw the child shortly after birth, received or was aware of photographs of the child, and purchased formula. He was incarcerated or in substance-abuse rehabilitation programs for most of the child's first three years, while C.D. and A.D. provided the child's exclusive care and also cared for the child's half siblings. After genetic testing established B.F.'s paternity, he sought custody, but the juvenile court found that he knew or should have known of his paternity around the child's birth and had voluntarily forfeited his custodial rights.

PROCEDURAL HISTORY

The Coffee Juvenile Court adjudicated B.F. to be the child's father but denied his custody request under the Ex parte McLendon standard, finding that he had voluntarily forfeited his custodial rights. The Alabama Court of Civil Appeals initially reversed, concluding that the Ex parte Terry parental-presumption standard applied. The Alabama Supreme Court reversed that judgment, overruled Ex parte D.J. and Ex parte G.C. insofar as they conflicted with a new standard, and remanded for further proceedings. On remand, the Court of Civil Appeals applied the new standard, upheld the juvenile court's finding of voluntary forfeiture, and affirmed.

DISPOSITION

affirmed

CASES CITED

- Ex parte C.D., [Ms. SC-2025-0655, Mar. 27, 2026] ____ So. 3d ____ (Ala. 2026)
- B.F. v. C.D., [Ms. CL-2025-0032, Aug. 22, 2025] ____ So. 3d ____ (Ala. Civ. App. 2025)
- Ex parte D.J., 645 So. 2d 303 (Ala. 1994)
- Ex parte G.C., 924 So. 2d 651 (Ala. 2005)
- Ex parte McLendon, 455 So. 2d 863, 865-66 (Ala. 1984)
- Ex parte Terry, 494 So. 2d 628, 632 (Ala. 1986)
- Ex parte Matthews, 428 So. 2d 58, 59 (Ala. 1983)
- Woods v. Woods, 653 So. 2d 312, 314 (Ala. Civ. App. 1994)
- Ex parte Bryowsky, 676 So. 2d 1322, 1324 (Ala. 1996)

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