

Page 1 of 5	In The Family Court of Jefferson County, Alabama DEPENDENT COMPLAINT, CUSTODY AFFIDAVIT AND PETITION	Case Number JU _____
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Family Court of Jefferson County, Alabama

DEPENDENT CASE PACKET

PURPOSE

This packet contains instructions and the form for the legal document you will need to start a dependent case on one child. You will need additional documents if you want to start cases on more than one child.

DISCLAIMER

Every dependent case is a serious and complicated legal action. The law requires you to make serious allegations about the care and supervision of a child in order to start a case. It then requires you to be able to prove those allegations in court. Only a lawyer can give you legal advice about evidence, witnesses and presenting the facts in court. And only a lawyer can properly advise you about the all the possible consequences of starting such a legal action. Family Court employees and judges can't do any of these things for you. The law requires us to remain neutral and impartial. This packet represents all of the assistance we can legally give you.

FORM INSTRUCTIONS

Follow the instructions on the form and fill in all blanks except the shaded areas. Please print or type all information. When necessary, write in words like "NONE," "UNKNOWN" or "DECEASED." Be as specific as possible. If you need help, ask a relative, your minister or some other person you trust.

About half way down the first page there is a space to indicate whether the child is a resident of the Birmingham Division of Jefferson County or the Bessemer Division of Jefferson County. The Tax Assessor's Office can tell which division the child's address is located in if you don't know.

The complaint section of the form contains an allegation that the child is dependent and in need of care or supervision. You must check at least one of the types of dependency listed in this section. If none of them apply, you don't have a dependent case. Be careful though, you have the burden of proving everything you say in this section.

The first item on the second page is where you describe the specific events or circumstances that cause the child to be dependent. You must be as specific as possible. State only the facts, not your feelings, beliefs or suspicions. Remember, you have the burden of proof.

The custody affidavit section on pages 2 and 3 is required by the Uniform Child Custody Jurisdiction Act (Code of Alabama 1975, Section 30-3-29). Don't fail to provide the information requested. Write "NONE," "DOES NOT APPLY" or "UNKNOWN" where necessary.

In bold print at the end of the petition section on page 3 is the oath you will be required to take when you sign and file your complaint, custody affidavit and petition. Please keep this oath in mind when you are putting information on the form.

COMPLAINT FILING PROCEDURE

When you have finished all of the unshaded blanks on the form, bring it to the Court's intake office in the division where the child lives. An intake officer will put you under oath so that you can sign the document you prepared. The document then meets the standards for a verified dependent complaint. The intake officer will record the date and time your verified dependent complaint is received (filed).

Page 2 of 5	<p align="center">In The Family Court of Jefferson County, Alabama</p> <p align="center">DEPENDENT COMPLAINT, CUSTODY AFFIDAVIT AND PETITION</p>	<p align="center">Case Number</p> <p align="center">JU _____</p>
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The intake officer then has up to 14 days to evaluate the information in your document to determine whether or not it meets the legal requirements for starting dependent case. This is an objective and impartial inquiry, it is not an investigation.

Note: If your document does not meet these requirements, the intake officer will explain why. The intake officer may then suggest that you consult a lawyer, the police or the Department of Human Resources. There is nothing else an intake officer can legally do for you.

FILING FEE

After determining that your document meets the legal requirements for a dependent case, the intake officer will tell you where to pay the Court's filing fee. The filing fee is \$103 in the Bessemer Division and \$99 in the Birmingham Division. The judge can waive the filing fee for someone who is financially indigent. However, if the person is asking for custody of the child, the judge may question how this person can afford the expenses of caring for the child.

COURT DATE

After the filing fee is paid or waived by the judge, the intake officer will file your document with the Clerk's Office as a verified dependent petition. The responsibilities of the intake officer end at this point. The Clerk's Office will then set a date and time for a court hearing. You will receive a notice of this hearing in the mail.

SERVICE OF SUMMONS

The Clerk's Office will issue summonses to the child and all of the people who are identified in your document as parties to the case. Each summons will direct the person to appear at the court hearing. A copy of your document will be attached to each summons so that the other parties will know what the hearing is about and can be prepared to defend their rights. There is no charge for summonses served by the Jefferson County Sheriff's Department. However, you will have to pay a postage fee of approximately \$9 for each summons that must be served by certified mail. The intake officer can tell you when this is necessary.

NOTICE TO DEPARTMENT OF HUMAN RESOURCES

The Clerk's Office is required to send a notice of the hearing and a copy of your document to the Jefferson County Department of Human Resources. A social worker will be assigned to your case and attend the court hearing. However, it is up to the Department of Human Resources and the judge as to what role this social worker will have in your case.

GUARDIAN AD LITEM

The judge will appoint a lawyer to represent the child's interests in your case. This lawyer is called the guardian ad litem or GAL. The GAL does not represent you or any other party to the case and is free to urge the judge to take any action that he or she believes is best for the child.

LAWYERS FOR PARTIES

Every party to your case has the right to be represented in court by their own lawyer. Some parties also have the right to ask for a court-appointed lawyer if they are financially indigent. These include both of the child's parents any other person who has legal custody of the child.

Page 3 of 5	In The Family Court of Jefferson County, Alabama	Case Number
	DEPENDENT COMPLAINT, CUSTODY AFFIDAVIT AND PETITION	JU _____

COMPLAINT

In The Matter Of: _____ A Child. DOB: _____ Race: _____ SS# _____
Child's full legal name Child's date of birth, race and social security number

The Child's residence address is: _____
Child's address, city, state and zip code

The Child lives with: _____
Name(s) and/or relationship of person(s) child lives with

The name of the Child's Father is: _____ SS# _____
Father's full name Father's SS#

The Father's residence address is: _____
Father's address, city, state and zip code

The name of the Child's Mother is: _____ SS# _____
Mother's full name Mother's SS#

The Mother's residence address is: _____
Mother's address, city, state and zip code

Legal Custody of the Child is vested in: _____ SS# _____
Legal custodian's full name Custodian's SS#

The Legal Custodian's address is: _____
Legal Custodian's address, city, state and zip code

My name is: _____ My telephone number is: _____
Complainant's full name Complainant's telephone number

My DOB is: _____ Race : _____ My SS# is: _____
Complainant's date of birth, race and social security number

My address is: _____
Complainant's address, city, state and zip code

The Child is a resident of the _____ Division of Jefferson County, Alabama.
"Birmingham" or "Bessemer"

The Child is **DEPENDENT** and is **IN NEED OF CARE OR SUPERVISION** for the reason(s) checked below:

Check at least one of the types of dependency listed below.

- The child is without a parent, legal guardian or legal custodian willing and able to provide for the child's support, training, or education.
- The child's parent, legal guardian or legal custodian subjects the child or any child in the household to abuse or neglect, or allows the child to be so subjected.
- The child's parent, legal guardian or legal custodian neglects or refuses, when able to do so or when the service is offered without charge, to provide or allow medical, surgical, or other care necessary for the child's health or well-being.
- The child's parent, legal guardian or legal custodian fails, refuses, or neglects to send the child to school in accordance with the terms of the compulsory school attendance laws of this state.
- The child has been abandoned by the child's parent, legal guardian or legal custodian.
- The child's parent, legal guardian or legal custodian is unable to discharge their responsibilities to and for the child.
- The child has been placed for care or adoption in violation of the law.
- The child is in need of the care and protection of the State of Alabama.

**DEPENDENT COMPLAINT,
CUSTODY AFFIDAVIT AND PETITION**

The Child's dependency is evidenced by the following facts: Describe the specific events or conditions that caused the child to be dependent.

CHILD CUSTODY AFFIDAVIT

The Child has lived at the following addresses during the last five (5) years: List the complete addresses with dates.

Address	City	State	Zip Code	Dates: From and To

The names and current addresses of the persons the Child lived with during the last five (5) years are: List the names and current addresses.

Name	Address	City	State	Zip Code

I have participated in or have knowledge of the following other cases concerning custody of or visitation with the child, including any proceeding that could affect this dependent case (divorce, domestic violence, protective order, termination of parental rights or adoption.) Write "NONE" or list the dates and locations of the other cases.

Date	Location	Date	Location

**DEPENDENT COMPLAINT,
CUSTODY AFFIDAVIT AND PETITION**

JU _____

The following are the names and present addresses of any persons who are not parties to this case but have physical custody of the child or claim rights of legal custody of, physical custody of, or visitation with the child

Name	Address	City	State	Zip Code

I know of the following persons who are not otherwise identified in this document who have physical custody of the Child or claim to have custody or visitation rights with respect to the Child: Write "NONE" or list the names and complete addresses of these persons.

Name	Address	City	State	Zip Code

I am aware that I have a continuing duty to inform the Court of any information I may have about other custody proceedings while this case is pending in Family Court.

PETITION

I request that the Intake Office of Family Court file this Complaint, Custody Affidavit and Petition as a verified dependent petition to initiate a case before the Court.

I further request that the Court take the following actions to provide the care and supervision necessary to resolve the Child's dependency: Explain what you want the Judge to do.

A parent or guardian of the child can be made a party to this case pursuant to section 12-15-31(5), Code of Alabama 1975. A person made a party to this case may be required to pay attorney fees, to pay for evaluation and treatment, to pay fines, court costs, and restitution, and to pay for care, support and supervision of the child. A person made a party may be subject to other things also. Failure to comply with the orders of the court can result in contempt proceedings and failure to make payments can result in a civil judgment for the collection of the payments ordered.

I, being 18 years of age or older, swear and affirm that I have knowledge of the facts alleged or am informed of these facts and believe that they are true.

Date: _____ Complainant's Signature: _____

SWORN TO AND SUBSCRIBED BEFORE ME

RECEIVED AS A VERIFIED DEPENDENT COMPLAINT

Date: _____ Intake Officer: _____ Date _____ Time _____ Intake Officer _____

Having conducted a preliminary inquiry into the complaint as required by Alabama Rules of Juvenile Procedure, Rule 12, I have determined that this complaint is sufficient to establish the jurisdiction of the court and the dependency of the child and that the best interests of the child or of the public require that a petition be filed. Therefore, this complaint, custody affidavit and petition is hereby filed with the Clerk as a verified dependent petition pursuant to Code of Alabama 1975, Section 12-15-50.

Date _____ Intake Officer _____