

Rel: October 04, 2019

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ALABAMA COURT OF CIVIL APPEALS

SPECIAL TERM, 2019

2180630

J.C.C.

v.

Madison County Department of Human Resources

**Appeal from Madison Juvenile Court
(JU-17-893.02)**

THOMPSON, Presiding Judge.

On July 30, 2018, the Madison County Department of Human Resources ("DHR") filed in the Madison Juvenile Court ("the juvenile court") a petition to terminate the parental rights of J.C.C. ("the father") and K.L.M.T. ("the mother"), to their

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minor child. The juvenile court conducted an ore tenus hearing. On March 25, 2019, the juvenile court entered a judgment in which it terminated the parents' parental rights.

On April 1, 2019, the father filed a timely postjudgment motion, see Rule 1(B), Ala. R. Juv. P., and the juvenile court denied that motion on April 15, 2019. The father had 14 days, or until April 29, 2019, to file a timely notice of appeal. Rule 4(a)(1), Ala. R. App. P.; H.J.T. v. State ex rel. M.S.M., 34 So. 3d 1276, 1279 (Ala. Civ. App. 2009).

The father electronically filed a notice of appeal on April 26, 2019.¹ However, a notice of appeal may not be filed electronically. Alabama Dep't of Revenue v. Frederick, 166 So. 3d 123, 125 (Ala. Civ. App. 2014). In Frederick, this court held that an electronically filed notice of appeal did not invoke the jurisdiction of this court, explaining that "at no time since the institution of the electronic-filing system has a notice of appeal been a document capable of being filed electronically." 166 So. 3d at 125; Ex parte Davis, 177 So. 3d 471, 474 n.2 (Ala. Civ. App. 2014) ("[T]here is no provision in our court rules or orders allowing for the

¹The mother is not a party to this appeal.

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electronic filing of a notice of appeal."). See also Rule 28(C), Ala. R. Juv. P. ("Written notice of appeal shall be filed within 14 days of the date of the entry of order or judgment appealed from, whether the appeal is to an appellate court or to the circuit court for trial de novo.").²

The record on appeal indicates that a "hard copy" of the father's notice of appeal was filed in the juvenile-court clerk's office on May 2, 2019, which was outside the time allowed for taking a timely appeal. "An appeal shall be dismissed if the notice of appeal was not timely filed to invoke the jurisdiction of the appellate court." Rule 2(a)(1), Ala. R. App. P. We dismiss the father's appeal. Alabama Dep't of Revenue v. Frederick, supra; and Strong v. Slate, 260 So. 3d 41, 43 n.2 (Ala. Civ. App. 2018).

APPEAL DISMISSED.

Moore, Donaldson, Edwards, and Hanson, JJ., concur.

²We note that our supreme court has amended certain rules of appellate procedure to allow for the electronic filing of a notice of appeal and that the "Administrative Policies and Procedures for Electronic Filing in the Civil Division of the Alabama Unified Judicial System" has been amended to allow the electronic filing of a notice of appeal. Those amendments became effective October 1, 2019. However, Rule 28(C), Ala. R. Juv. P., provides that appeals in juvenile actions must be made by "written" notice of appeal. We are not presented with any question concerning that possible conflict, and we do not address it in this opinion.