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SUPREME COURT OF ALABAMA

OCTOBER TERM, 2010-2011

1091755

Ex parte W.E. and S.E.

**PETITION FOR WRIT OF CERTIORARI
TO THE COURT OF CIVIL APPEALS**

(In re: J.L. v. W.E. and S.E.)

**(Talladega Juvenile Court: JU-09-24.02; Court of Civil
Appeals: 2090210)**

LYONS, Justice.

WRIT DENIED. NO OPINION.

Cobb, C.J., and Woodall, Parker, and Shaw, JJ., concur.

Murdock, J., concurs specially.

Stuart and Bolin, JJ., dissent.

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MURDOCK, Justice (concurring specially).

I do not take issue with the result reached by the Court of Civil Appeals in its opinion in this case. J.L. v. W.E., [Ms. 2090210, July 23, 2010] __ So. 3d __ (Ala. Civ. App. 2010). I write, however, to note that dependency is a status created by law that either is true of a child or is not. That is, either a child is dependent or it is not. A child cannot be dependent vis-à-vis one parent but not dependent as to the other parent. If the child is not dependent "as to one parent," then the child is not dependent.¹ In this case, L.L. is no longer dependent, and I concur in the denial of certiorari review.

¹See Ala. Code 1975, § 12-15-102(8)a.2., defining a "dependent child" as including a child "[w]ho is without a parent, legal guardian, or legal custodian willing and able to provide for the care, support, or education of the child."