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STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

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Subdivisions – Counties – Maps

The term “immediate family member,” as used in section 11-24-2(d) of the Code of Alabama, includes a person’s spouse, parent, child, and sibling. A stepchild and adopted child is an immediate family member.

Dear Mr. Ross:

This opinion of the Attorney General is issued in response to your request on behalf of the Mobile County Commission.

QUESTION

Who is an “immediate family member” under section 11-24-2(d) of the Code of Alabama?

FACTS AND ANALYSIS

Sections 11-24-1 through 11-24-3 of the Code of Alabama govern the regulation of subdivisions situated outside a municipality in the county. ALA. CODE §§ 11-24-1 to 11-24-3 (Supp. 2006). Section 11-24-2(a) requires the owner or developer of a proposed subdivision to submit a plat of the subdivision to the county for approval. This Office recently explained that section 11-24-2(d) provides an exemption from this requirement for a subdivision that is part of a real estate transaction

between the owner of the property and an "immediate family member" such as a spouse. Opinion to Honorable Jimmy F. Carnes, Attorney, Marshall County Commission, dated April 13, 2006, A.G. No. 2006-082. You question what other persons are immediate family members in addition to a spouse. Your request states that the Mobile County Commission has received requests for exemptions from parents, grandparents, step-grandparents, aunts, uncles, and stepparents.

The term "immediate family" is not defined by sections 11-24-1 through 11-24-3. This Office has construed that term under section 15-18-83(a)(8) of the Code of Alabama governing who may be present at an execution. Opinion to Honorable Joe S. Hopper, Commissioner, Department of Corrections, dated June 3, 1997, A.G. No. 97-00196. Words used in a statute must be given their natural, plain, ordinary, and commonly understood meaning. *Martin v. State Dept. of Mental Health and Mental Retardation*, 814 So. 2d 290 (Ala. 2001). The *Hopper* opinion turned to the Sixth Edition of Black's Law Dictionary, concluding that the victim's spouse, parents, children, siblings, and the spouses of each were "immediate family." *Hopper* at 2-3. That edition, however, did not include "immediate family" as a separate category under the general definition of "family." BLACK'S LAW DICTIONARY 604 (6th ed. 1990).

The current edition of Black's Law Dictionary specifically defines "immediate family" as "[a] person's parents, spouse, children, and siblings." BLACK'S LAW DICTIONARY 638 (8th ed. 2004). It further provides that "[s]tepchildren and adopted children are usu. immediate family members" and that "[f]or some purposes, such as taxes, a person's immediate family may also include the spouses of children and siblings." *Id.* (emphasis added). Although the *Hopper* opinion included the spouses of children and siblings in the definition of immediate family, it interpreted the term liberally based on the intent of the Legislature to expand the rights of victims in enacting section 15-18-83(a)(8). No such considerations are present with regard to section 11-24-2(d).

CONCLUSION

The term "immediate family member," as used in section 11-24-2(d) of the Code of Alabama, includes a person's spouse, parent, child, and sibling. A stepchild and adopted child is an immediate family member.

Honorable Jay M. Ross
Page 3

I hope this opinion answers your question. If this Office can be of further assistance, please contact Ward Beeson of my staff.

Sincerely,

TROY KING
Attorney General
By:

A handwritten signature in cursive script that reads "Brenda F. Smith".

BRENDA F. SMITH
Chief, Opinions Division

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