

1 HB118  
2 203203-1  
3 By Representatives Drummond, Warren, Forte, Clarke, Lawrence,  
4 Hollis, Isbell, Dismukes, Fincher, Stringer and Brown (C)  
5 RFD: Judiciary  
6 First Read: 04-FEB-20

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8 SYNOPSIS: Existing law provides for post-adoption  
9 visitation rights for a child's natural  
10 grandparents when certain requirements are  
11 fulfilled.

12 This bill would provide that a child who is  
13 the subject of a petition for adoption may ask the  
14 court to consider post-adoption communication or  
15 contact between the child and his or her biological  
16 siblings, biological parents, or other biological  
17 relatives.

18 This bill would provide factors for the  
19 court to consider in making a determination of a  
20 post-adoption communication or contact order  
21 regarding an adopted child.

22 This bill would also make other provisions  
23 relating to a court's review of a request for a  
24 post-adoption communication or contact order or  
25 relating to a court's review of an existing  
26 post-adoption communication or contact order.  
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1 A BILL  
2 TO BE ENTITLED  
3 AN ACT  
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5 Relating to adoption; to amend Section 26-10A-30,  
6 Code of Alabama 1975, to provide that a child who is the  
7 subject of a petition for adoption may ask the court to  
8 consider post-adoption communication or contact between the  
9 child and his or her biological siblings, biological parents,  
10 or other biological relatives; to provide factors for the  
11 court to consider in making a determination of a post-adoption  
12 communication or contact order regarding an adopted child; and  
13 to make other provisions relating to a court's review of a  
14 request for a post-adoption communication or contact order or  
15 relating to a court's review of an existing post-adoption  
16 communication or contact order.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. This act shall be known and may be cited  
19 as Caleb's Law.

20 Section 2. Section 26-10A-30, Code of Alabama 1975,  
21 is amended to read as follows:

22 "§26-10A-30.

23 "(a) Post-adoption visitation rights for the natural  
24 grandparents of the adoptee may be granted when the adoptee is  
25 adopted by a stepparent, a grandfather, a grandmother, a  
26 brother, a half-brother, a sister, a half-sister, an aunt or  
27 an uncle and their respective spouses, if any. ~~Such visitation~~

1 ~~rights~~ Visitation rights pursuant to this subsection may be  
2 maintained or granted at the discretion of the court at any  
3 time prior to or after the final order of adoption is entered  
4 upon petition by the natural grandparents, if it is in the  
5 best interest of the child.

6 "(b) (1) A child who is the subject of a petition for  
7 adoption under this chapter may request the court to consider  
8 the appropriateness of post-adoption communication or contact,  
9 including, but not limited to, visits, written correspondence,  
10 or telephone calls, with his or her siblings, or upon  
11 agreement of the adoptive parents, with his or her biological  
12 parents or with other specified biological relatives. The  
13 court shall consider all of the following in making its  
14 determination:

15 "a. Recommendations of the department, the foster  
16 parents if other than the adoptive parents, and the guardian  
17 ad litem.

18 "b. Statements of the prospective adoptive parents.

19 "c. Any other information deemed relevant and  
20 material by the court.

21 "(2) If the court determines that the child's best  
22 interests will be served by post-adoption communication or  
23 contact, the court shall enter an order stating the nature and  
24 frequency of the communication or contact. This order shall be  
25 made a part of the final adoption order, but the continuing  
26 validity of the adoption may not be contingent upon the  
27 post-adoption communication or contact and the ability of the

1 adoptive parents and child to change residence within or  
2 outside this state shall not be impaired by the communication  
3 or contact.

4 "(c) (1) If an adoptive parent believes that the best  
5 interests of an adopted child are being compromised by the  
6 continued exercise of a communication or contact order entered  
7 pursuant to subsection (b), he or she may petition at any time  
8 for review of the order. The court, after review, may  
9 determine that it is in the best interests of the child to  
10 terminate or modify the communication or contact, and issue an  
11 order accordingly.

12 "(2) A court may not, under an order pursuant to  
13 this subsection, increase contact between an adopted child and  
14 his or her siblings, birth parents, or other relatives without  
15 the consent of the adoptive parent or parents.

16 "(3) The court may order the parties to engage in  
17 mediation as part of the review process. The department shall  
18 not be required to be a party to the mediation proceedings."

19 Section 3. This act shall become effective on the  
20 first day of the third month following its passage and  
21 approval by the Governor, or its otherwise becoming law.