

SB14 ENROLLED



1 4UJYIR-3
2 By Senator Chambliss
3 RFD: Finance and Taxation General Fund
4 First Read: 07-Mar-23
5 2023 Regular Session



SB14 Enrolled

6 Enrolled, An Act,

7

8 Relating to marital and domestic relations; to amend
9 Section 30-5-5, Code of Alabama 1975, to further provide for
10 exemption from court costs and fees for certain actions
11 related to protection orders.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Section 30-5-5, Code of Alabama 1975, is
14 amended to read as follows:

15 "§30-5-5

16 (a) The following persons have standing to file a sworn
17 petition for a protection order under this chapter as a
18 plaintiff:

19 (1) A person who is at least 18 years old or is
20 otherwise emancipated and is the victim of abuse, as defined
21 in Section 30-5-2, or has reasonable cause to believe he or
22 she is in imminent danger of becoming the victim of any act of
23 abuse.

24 (2) A parent, legal guardian, next friend,
25 court-appointed guardian ad litem, or the State Department of
26 Human Resources may petition for relief on behalf of the
27 following:

28 a. A minor child.

29 b. Any person prevented by physical or mental
30 incapacity from seeking a protection order.

31 (b) Standardized petitions for actions pursuant to this
32 chapter shall be made available through the circuit clerks'
33 offices around the state. The circuit clerk shall not provide



SB14 Enrolled

34 assistance to persons in completing the forms or in presenting
35 their case to the court.

36 (c) A sworn petition shall allege the incidents of
37 abuse, the specific facts and circumstances that form the
38 basis upon which relief is sought, and that the plaintiff
39 genuinely fears subsequent acts of abuse by the defendant.

40 (d) The court shall not enter mutual orders. The court
41 shall issue separate orders that specifically and
42 independently state the prohibited behavior and relief granted
43 in order to protect the victim and the victim's immediate
44 family and to clearly provide law enforcement with sufficient
45 directives.

46 (e) Any plaintiff who files a petition under this
47 chapter may do so through an attorney or may represent himself
48 or herself throughout the legal process outlined in this
49 chapter, including, but not limited to, the filing of
50 pleadings, motions, and any other legal documents with any
51 court, and the appearance in ex parte and formal court
52 proceedings on his or her behalf.

53 (f) (1) The following information shall not be contained
54 on any court document made available to the public and the
55 defendant by the circuit clerk's office: The plaintiff's home
56 address and, if applicable, business address; a plaintiff's
57 home telephone number and, if applicable, business telephone
58 number; the home or business address or telephone number of
59 any member of the plaintiff's family or household; or an
60 address that would reveal the confidential location of a
61 shelter for victims of domestic violence as defined in Section



SB14 Enrolled

62 30-6-1.

63 (2) If disclosure of the plaintiff's address, the
64 address of any member of the plaintiff's family or household,
65 or an address that would reveal the confidential location of a
66 shelter for victims of domestic violence is necessary to
67 determine jurisdiction or to consider a venue issue, it shall
68 be made orally and in camera.

69 (3) If the plaintiff has not disclosed an address or
70 telephone number under this section, the plaintiff shall
71 satisfy one of the following requirements:

72 a. Designate and provide to the court an alternative
73 address.

74 b. Elect to substitute the business address and
75 telephone number of his or her attorney of record in place of
76 the address of the plaintiff on any court document.

77 ~~(g) No court costs and fees shall be assessed for the~~
78 ~~filing and service of a petition for a protection order, for~~
79 ~~the issuance or registration of a protection order, or for the~~
80 ~~issuance of a witness subpoena under this chapter. Costs and~~
81 ~~fees may be assessed against the defendant at the discretion~~
82 ~~of the court.~~

83 (g) (1) No court costs or fees shall be assessed for the
84 filing, issuance, registration, modification, enforcement,
85 dismissal, withdrawal, or service of a protection order or a
86 petition for a protection order under this chapter.

87 (2) No court costs or fees shall be assessed for the
88 issuance of a witness subpoena under this chapter.

89 (3) Costs and fees may be assessed against the



SB14 Enrolled

90 defendant at the discretion of the court."

91 Section 2. This act shall become effective on the first
92 day of the third month following its passage and approval by
93 the Governor, or its otherwise becoming law.



SB14 Enrolled

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB14

Senate 23-Mar-23

I hereby certify that the within Act originated in and passed the Senate.

Senate 02-May-23

I hereby certify that the within Act originated in and passed the Senate, as amended by Executive Amendment.

Patrick Harris,
Secretary.

House of Representatives

Passed: 18-Apr-23

House of Representatives

Passed: 24-May-23, as amended by Executive Amendment.

By: Senator Chambliss