

SB14 INTRODUCED



1 4UJYIR-1
2 By Senator Chambliss
3 RFD: Finance and Taxation General Fund
4 First Read: 07-Mar-23
5 PFD: 22-Feb-23



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SYNOPSIS:

Under existing law, a party filing a document in court such as a petition or motion is generally required to pay court costs and filing fees. Existing law exempts a person who petitions a court for a protection from abuse order from having to pay these court costs or filing fees. However, there is no exemption for persons who, after being granted a protection order, file a motion for contempt against a person violating the protection order.

This bill would exempt a person filing a motion for contempt of a previously ordered protection from abuse judgment from having to pay court costs and filing fees.

A BILL
TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:



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

31 "§30-5-5

32 (a) The following persons have standing to file a sworn
33 petition for a protection order under this chapter as a
34 plaintiff:

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

40 (2) A parent, legal guardian, next friend,
41 court-appointed guardian ad litem, or the State Department of
42 Human Resources may petition for relief on behalf of the
43 following:

44 a. A minor child.

45 b. Any person prevented by physical or mental
46 incapacity from seeking a protection order.

47 (b) Standardized petitions for actions pursuant to this
48 chapter shall be made available through the circuit clerks'
49 offices around the state. The circuit clerk shall not provide
50 assistance to persons in completing the forms or in presenting
51 their case to the court.

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

56 (d) The court shall not enter mutual orders. The court



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57 shall issue separate orders that specifically and
58 independently state the prohibited behavior and relief granted
59 in order to protect the victim and the victim's immediate
60 family and to clearly provide law enforcement with sufficient
61 directives.

62 (e) Any plaintiff who files a petition under this
63 chapter may do so through an attorney or may represent himself
64 or herself throughout the legal process outlined in this
65 chapter, including, but not limited to, the filing of
66 pleadings, motions, and any other legal documents with any
67 court, and the appearance in ex parte and formal court
68 proceedings on his or her behalf.

69 (f) (1) The following information shall not be contained
70 on any court document made available to the public and the
71 defendant by the circuit clerk's office: The plaintiff's home
72 address and, if applicable, business address; a plaintiff's
73 home telephone number and, if applicable, business telephone
74 number; the home or business address or telephone number of
75 any member of the plaintiff's family or household; or an
76 address that would reveal the confidential location of a
77 shelter for victims of domestic violence as defined in Section
78 30-6-1.

79 (2) If disclosure of the plaintiff's address, the
80 address of any member of the plaintiff's family or household,
81 or an address that would reveal the confidential location of a
82 shelter for victims of domestic violence is necessary to
83 determine jurisdiction or to consider a venue issue, it shall
84 be made orally and in camera.



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

88 a. Designate and provide to the court an alternative
89 address.

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

93 (g) No court costs and fees shall be assessed for the
94 filing and service of a petition for a protection order, for
95 the issuance or registration of a protection order, for the
96 filing of a motion for contempt by a party seeking enforcement
97 of a previously entered protection from abuse judgment, or for
98 the issuance of a witness subpoena under this chapter. Costs
99 and fees may be assessed against the defendant at the
100 discretion of the court."

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