

HB53 ENGROSSED



1 HB53
2 ZQQY5KR-2
3 By Representative Sellers
4 RFD: Judiciary
5 First Read: 04-Feb-25
6 PFD: 01-Oct-24



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A BILL

TO BE ENTITLED

AN ACT

Relating to child custody; to amend Sections 30-3-150, 30-3-151, 30-3-152, and 30-3-153; to create a rebuttable presumption of joint legal custody and substantial parenting time for both parents, except in cases of domestic or family violence; and to further provide for the final order of the court in certain custody determinations.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 30-3-150, 30-3-151, 30-3-152, and 30-3-153, Code of Alabama 1975, are amended to read as follows:

"§30-3-150

~~Joint Custody.~~ It is the policy of this state to assure that minor children have frequent and continuing contact and substantial parenting time with parents who have shown the ability to act in the best interest of their children and to encourage parents to share in the rights and responsibilities of parenting and rearing their children after the parents have separated or dissolved their marriage. ~~Joint custody does not necessarily mean equal physical custody.~~"

"§30-3-151



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For the purposes of this article the following words
~~shall~~ have the following meanings:

(1) JOINT CUSTODY. Joint legal custody and joint
physical custody.

(2) JOINT LEGAL CUSTODY. A custody arrangement where
both ~~Both~~ parents have equal rights and responsibilities for
major decisions concerning the child, including, but not
limited to, the education ~~of the child~~, health care, and
religious training of the child. The court may designate one
parent to have sole power to make certain decisions while both
parents retain equal rights and responsibilities for other
decisions.

(3) JOINT PHYSICAL CUSTODY. A custody arrangement where
physical ~~Physical~~ custody is shared by the parents in a way
that assures the child frequent and substantial contact with
each parent. Joint physical custody does not necessarily mean
physical custody of equal durations of time.

(4) SOLE LEGAL CUSTODY. A status of custody where one
~~One~~ parent has sole rights and responsibilities to make major
decisions concerning the child, including, but not limited to,
the education ~~of the child~~, health care, and religious
training of the child.

(5) SOLE PHYSICAL CUSTODY or PRIMARY PHYSICAL CUSTODY.
A status of custody where one ~~One~~ parent has sole physical
custody and the other parent has rights of ~~visitation~~
parenting time with the child, except as otherwise provided by
the court."

"§30-3-152



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(a) Except as provided in Section 30-3-131, in any award of custody under the custodial designations in Section 30-3-151, there shall be a presumption, rebuttable by a preponderance of the evidence, that: (i) joint legal custody is in the best interest of the child; and (ii) the child shall have frequent and continuing contact and substantial parenting time with both parents. If the presumptions are not rebutted, the court shall award joint legal custody, frequent and continuing contact of the child with both parents, and substantial parenting time with both parents.~~The court shall in every case consider joint custody but may award any form of custody which is determined to be in the best interest of the child.~~

(b) In ~~determining~~ deciding whether to award joint legal custody or joint custody,~~is in the best interest of the child,~~ the court shall consider the same factors considered in ~~awarding sole legal and physical custody~~ any other custody arrangement and all of the following factors:

(1) The agreement or lack of agreement of the parents on joint custody.

(2) The past and present ability of the parents to cooperate with each other and make decisions jointly.

(3) The ability of the parents to encourage the sharing of love, affection, and contact between the child and the other parent.

(4) Any history of or potential for child abuse, spouse abuse, or kidnapping.

(5) The geographic proximity of the parents to each



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other as this relates to the practical considerations of joint physical custody.

(6) The emotional bond the child has with either or both of his or her parents.

(c) ~~(b)~~ The court may order a form of joint custody without the consent of both parents, when it is in the best interest of the child.

~~(c)~~ (d) In any joint physical custody order that does not designate a primary physical custodian, the court shall designate the parent's residence which contains the school zone of the child.

(e) ~~If both parents request joint custody, the presumption is that joint custody is in the best interest of the child. Joint joint legal custody, frequent and continuing contact, or substantial parenting time is not~~ shall be granted in the final order of the court court's final order, the court shall make unless the court makes specific findings as to why joint custody is not granted supporting its determination that the presumption or presumptions of subsection (a) were overcome."

"§30-3-153

(a) In the final order of the court, the court shall address parenting time for each parent during the school year, the summer, holidays, birthdays of the child, birthdays of the parents, Father's Day, and Mother's Day.

(b) In the final order of the court, the court shall address all of the following matters:

(1) Telephone communication between the parents and the



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113 child.

114 (2) The access of both parents to medical records and
115 educational records of the child.

116 (3) The access of both parents to school activities and
117 extracurricular activities of the child.

118 (4) Communication between the parents about the child's
119 doctor appointments and other medical appointments.

120 (5) Child support and the maintenance of health
121 insurance for the child.~~In order to implement joint custody,~~
122 ~~the court shall require the parents to submit, as part of~~
123 ~~their agreement, provisions covering matters relevant to the~~
124 ~~care and custody of the child, including, but not limited to,~~
125 ~~all of the following:~~

126 ~~(1) The care and education of the child.~~

127 ~~(2) The medical and dental care of the child.~~

128 ~~(3) Holidays and vacations.~~

129 ~~(4) Child support.~~

130 ~~(5) Other necessary factors that affect the physical or~~
131 ~~emotional health and well-being of the child.~~

132 ~~(6) Designating the parent possessing primary authority~~
133 ~~and responsibility regarding involvement of the minor child in~~
134 ~~academic, religious, civic, cultural, athletic, and other~~
135 ~~activities, and in medical and dental care if the parents are~~
136 ~~unable to agree on these decisions. The exercise of this~~
137 ~~primary authority is not intended to negate the responsibility~~
138 ~~of the parties to notify and communicate with each other as~~
139 ~~provided in this article.~~

140 ~~(b) If the parties are unable to reach an agreement as~~



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141 ~~to the provisions in subsection (a), the court shall set the~~
142 ~~plan."~~

143 Section 2. This act shall become effective on October
144 1, 2025.



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House of Representatives

Read for the first time and referred04-Feb-25
to the House of Representatives
committee on Judiciary

Read for the second time and placed19-Mar-25
on the calendar:
0 amendments

Read for the third time and passed29-Apr-25
as amended
Yeas 100
Nays 1
Abstains 1

John Treadwell
Clerk