

HB54 INTRODUCED



1 HB54
2 QT7A554-1
3 By Representative Simpson
4 RFD: Judiciary
5 First Read: 04-Feb-25
6 PFD: 01-Oct-24



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SYNOPSIS:

Under existing law, a juvenile court may issue an emergency ex parte order of protection or restraint upon a showing of verified written or verbal evidence of abuse or neglect.

This bill would provide that a circuit court and district court may also issue an emergency ex parte order of protection or restraint in certain circumstances.

A BILL
TO BE ENTITLED
AN ACT

Relating to child custody; to add Section 30-3-11 to the Code of Alabama 1975, to allow a circuit or district court to issue an ex parte order of protection or restraint in certain circumstances.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 30-3-11 is added to the Code of Alabama 1975, to read as follows:

§30-3-11

(a) For the purposes of this section, "department" means the local county department of human resources as



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29 described in Section 38-2-8.

30 (b) Pending all petitions for divorce or legal
31 separation, or other actions seeking modification,
32 interpretation, or enforcement of a final decree, the court
33 may issue an emergency ex parte order of protection or
34 restraint upon making specific findings of evidence of abuse
35 or neglect of a child, as defined in Section 26-14-1.

36 (c) The court entering an emergency ex parte order may
37 order the child removed from his or her parent or legal
38 custodian and placed into the custody of an appropriate
39 relative as determined by the court. If no relative is found,
40 the court may place the child into the temporary protective
41 custody of the department. The court shall include in its
42 order specific findings that no parent or legal custodian of
43 the child is able to provide appropriate care and protection
44 to the child based on the evidence the court relied upon and
45 that it is contrary to the welfare of the child to remain in
46 the home of a parent or legal guardian.

47 (d) Immediate verbal and written notice and copies of
48 the order shall be given to the department pursuant to Section
49 26-14-3. Upon notice, the department shall proceed in
50 accordance with the duties set forth under Chapter 14 of Title
51 26. The department may give or cause to be given effective
52 consent for medical, dental, health, and hospital services as
53 needed for the child.

54 (e) The emergency ex parte order shall remain in effect
55 until the juvenile court, exercising jurisdiction pursuant to
56 Section 12-15-114, conducts a hearing pursuant to Section



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57 12-15-308, on a petition filed by a relative, the department,
58 or by the court that entered the emergency ex parte order. The
59 juvenile court may ratify the emergency ex parte order or
60 enter its own order upon the conclusion of a hearing.

61 Section 2. This act shall become effective on June 1,
62 2025.