

**SB18 ENGROSSED**



1 SB18  
2 BLB7JJQ-2  
3 By Senator Coleman  
4 RFD: Judiciary  
5 First Read: 04-Feb-25  
6 PFD: 19-Nov-24



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A BILL  
TO BE ENTITLED  
AN ACT

Relating to child support; to amend Section 26-17-636, Code of Alabama 1975; to provide for retroactivity of child support in certain circumstances; and to make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 26-17-636, Code of Alabama 1975, is amended to read as follows:

"§26-17-636

(a) The court shall issue an order adjudicating whether a man alleged or claiming to be the father is the parent of the child.

(b) An order adjudicating parentage must identify the child by name and date of birth, if known.

(c) Except as otherwise provided in subsection (d), the court may assess filing fees, reasonable attorney's fees, fees for genetic testing, other costs, and necessary travel and other reasonable expenses incurred in a proceeding under this article, subject to the following rules:

(1)a. Parties to proceedings under this chapter should



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29 pay the fees and expenses of retained counsel, expert  
30 witnesses, guardians ad litem, the costs of appropriate tests  
31 and other costs of the trial as they may, themselves, incur.  
32 The court may order reasonable fees for attorneys, expert  
33 witnesses, guardian ad litem fees, costs of appropriate tests  
34 and other costs of the trial, including docket fees, ~~to~~ which  
35 shall be paid by the parties in ~~such~~ proportions as the court  
36 may direct.

37 b. In the event the court determines that a party is  
38 unable to pay the fees and costs as directed, ~~it~~ the court may  
39 order fees and costs, including fees and costs of appropriate  
40 tests, if such tests have been ordered by the court as  
41 provided in Section 26-17-506, to be paid from the fund  
42 entitled, "court costs not otherwise provided for."

43 c. If costs and fees are ordered to be paid from the  
44 fund, claims shall be submitted by the clerk of the court to  
45 the state Comptroller for audit and allowance and, if approved  
46 by the Comptroller, shall be forwarded to the State Treasurer  
47 for payment from the fund.

48 d. ~~Provided, docket~~ Docket fees and fees of retained  
49 counsel shall not be paid from the fund. Docket fees shall be  
50 waived if the court determines that the parties are incapable  
51 of paying them.

52 (2) When an action is brought by the Department of  
53 Human Resources, its agent, the district attorney, or an  
54 attorney authorized to represent the State of Alabama, no fee  
55 shall be paid to the clerk of the court but may be taxed as a  
56 cost of the action as provided herein. If an appeal is taken



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57 by the state, no security for the costs need be given.

58 (3) The court may award attorney's fees and other  
59 expenses, which may be paid directly to the attorney, who may  
60 enforce the order in the attorney's own name.

61 (d) When a party bringing an action is represented by  
62 the district attorney or an attorney authorized to represent  
63 the State of Alabama, no filing fee shall be paid to the clerk  
64 of the court but may be taxed as a cost of the action as  
65 provided herein. The court may not assess fees, costs, or  
66 expenses against the support-enforcement agency of this state  
67 or another state, except as provided by other law or except  
68 for good cause shown.

69 (e) On request of a party and for good cause shown, the  
70 court may order that the name of the child be changed.

71 (f) If the order of the court is at variance with the  
72 child's birth certificate, the court shall order the Alabama  
73 Office of Vital Statistics to issue an amended birth  
74 certificate.

75 (g) The order of the court determining the existence or  
76 nonexistence of the parent and child relationship is  
77 determinative for all purposes. Upon paternity being  
78 established, the court shall immediately determine support  
79 payments at the conclusion of the paternity hearing and make  
80 support payment determination including the provision for  
81 medical support or health insurance a part of the order  
82 establishing paternity. The order may contain any other  
83 provision directed against the appropriate party to the  
84 proceeding~~r~~ concerning the duty of support, the custody and



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85 visitation of the child, or the furnishing of bond or other  
86 security for payment under the order. ~~The order may direct the~~  
87 ~~father to pay the reasonable expenses of the mother's~~  
88 ~~pregnancy and confinement.~~

89         (h) a. If a child-support order is entered within the  
90 first year after the birth of the child, the order may be  
91 retroactive to nine months prior to the birth of the child.  
92 ~~Except~~ Otherwise, except as provided in Title 30, Chapter 3,  
93 Article 5, Chapter 3 of Title 30, a parent's liabilities for  
94 past support is limited to a period of two years next  
95 preceding the commencement of an enforcement action under this  
96 chapter unless an order of support has been previously  
97 entered.

98         b. Nothing in this section may be construed as  
99 authorizing a child-support order if the child is not born  
100 alive.

101         (i) The provisions of this article do not extend the  
102 time within which a right of inheritance or a right to a  
103 succession may be asserted beyond the time provided by law  
104 relating to the distribution and closing of decedents' estates  
105 or to the determination of heirship, or otherwise."

106         Section 2. This act shall become effective on October  
107 1, 2025.



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108  
109  
110 Senate

111 Read for the first time and referred .....04-Feb-25  
112 to the Senate committee on Judiciary  
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114 Read for the second time and placed .....20-Feb-25  
115 on the calendar:  
116 0 amendments  
117  
118 Read for the third time and passed .....04-Mar-25  
119 as amended  
120 Yeas 31  
121 Nays 0  
122 Abstains 0  
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Patrick Harris,  
Secretary.

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