

SB18 INTRODUCED



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



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SYNOPSIS:

This bill would require child-support orders entered within the first year after the birth of a child to be retroactive to nine months prior to the child's birth.

This bill would also make nonsubstantive, technical revisions to update the existing code language to current style.

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



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29 the child.

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

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

37 (1) a. Parties to proceedings under this chapter should
38 pay the fees and expenses of retained counsel, expert
39 witnesses, guardians ad litem, the costs of appropriate tests
40 and other costs of the trial as they may, themselves, incur.
41 The court may order reasonable fees for attorneys, expert
42 witnesses, guardian ad litem fees, costs of appropriate tests
43 and other costs of the trial, including docket fees, ~~to~~ which
44 shall be paid by the parties in ~~such~~ proportions as the court
45 may direct.

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

52 c. If costs and fees are ordered to be paid from the
53 fund, claims shall be submitted by the clerk of the court to
54 the state Comptroller for audit and allowance and, if approved
55 by the Comptroller, shall be forwarded to the State Treasurer
56 for payment from the fund.



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57 ~~d. Provided, docket~~ Docket fees and fees of retained
58 counsel shall not be paid from the fund. Docket fees shall be
59 waived if the court determines that the parties are incapable
60 of paying them.

61 (2) When an action is brought by the Department of
62 Human Resources, its agent, the district attorney, or an
63 attorney authorized to represent the State of Alabama, no fee
64 shall be paid to the clerk of the court but may be taxed as a
65 cost of the action as provided herein. If an appeal is taken
66 by the state, no security for the costs need be given.

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

70 (d) When a party bringing an action is represented by
71 the district attorney or an attorney authorized to represent
72 the State of Alabama, no filing fee shall be paid to the clerk
73 of the court but may be taxed as a cost of the action as
74 provided herein. The court may not assess fees, costs, or
75 expenses against the support-enforcement agency of this state
76 or another state, except as provided by other law or except
77 for good cause shown.

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

80 (f) If the order of the court is at variance with the
81 child's birth certificate, the court shall order the Alabama
82 Office of Vital Statistics to issue an amended birth
83 certificate.

84 (g) The order of the court determining the existence or



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85 nonexistence of the parent and child relationship is
86 determinative for all purposes. Upon paternity being
87 established, the court shall immediately determine support
88 payments at the conclusion of the paternity hearing and make
89 support payment determination including the provision for
90 medical support or health insurance a part of the order
91 establishing paternity. The order may contain any other
92 provision directed against the appropriate party to the
93 proceeding, concerning the duty of support, the custody and
94 visitation of the child, or the furnishing of bond or other
95 security for payment under the order. ~~The order may direct the~~
96 ~~father to pay the reasonable expenses of the mother's~~
97 ~~pregnancy and confinement.~~

98 (h) If a child-support order is entered within the
99 first year after the birth of the child, the order shall be
100 retroactive to nine months prior to the birth of the child.
101 ~~Except~~ Otherwise, except as provided in ~~Title 30, Chapter 3,~~
102 Article 5, Chapter 3 of Title 30, a parent's liabilities for
103 past support is limited to a period of two years next
104 preceding the commencement of an enforcement action under this
105 chapter unless an order of support has been previously
106 entered.

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

112 Section 2. This act shall become effective on October



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113 1, 2025.