

HB19 INTRODUCED



1 HB19
2 JPCSMYN-1
3 By Representative Sellers
4 RFD: Judiciary
5 First Read: 13-Jan-26
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SYNOPSIS:

Under existing law, it is the policy of the state to assure that minor children have frequent and continuing contact with parents who act in the best interest of their children.

This bill would create a rebuttable presumption that: (i) joint legal custody; and (ii) frequent and continuing contact and substantial parenting time with both parents are in the best interest of the child, except in cases of domestic or family violence.

If the court does not grant joint legal custody and substantial parenting time, this bill would require the court to make specific findings supporting the determination that the presumptions were overcome.

This bill would specify information that must be addressed in the final order of the court, such as division of holidays, communication, and child support.

This bill would also remove a provision requiring parents to submit an agreement detailing certain matters relevant to the care and custody of the child.



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29 TO BE ENTITLED

30 AN ACT

31
32 Relating to child custody; to amend Sections 30-3-150,
33 30-3-151, 30-3-152, and 30-3-153, Code of Alabama 1975; to
34 create a rebuttable presumption of joint legal custody and
35 substantial parenting time for both parents, with exceptions;
36 to further provide for certain matters related to child
37 custody which must be addressed in the final order of the
38 court; and to remove a requirement that parents submit an
39 agreed upon parenting plan.

40 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

41 Section 1. Sections 30-3-150, 30-3-151, 30-3-152, and
42 30-3-153, Code of Alabama 1975, are amended to read as
43 follows:

44 "§30-3-150

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

53 "§30-3-151

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

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



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57 physical custody.

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

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

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

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

81 "§30-3-152

82 (a) Except as provided in Section 30-3-131, in any
83 award of custody under the custodial designations in Section
84 30-3-151, there shall be a presumption, rebuttable by a



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85 preponderance of the evidence, that: (i) joint legal custody
86 is in the best interest of the child; and (ii) the child shall
87 have frequent and continuing contact and substantial parenting
88 time with both parents. If the presumptions are not rebutted,
89 the court shall award joint legal custody, frequent and
90 continuing contact of the child with both parents, and
91 substantial parenting time with both parents.~~The court shall~~
92 ~~in every case consider joint custody but may award any form of~~
93 ~~custody which is determined to be in the best interest of the~~
94 ~~child.~~

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

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

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

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

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

109 (5) The geographic proximity of the parents to each
110 other as this relates to the practical considerations of joint
111 physical custody.

112 (6) The emotional bond the child has with either or



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113 both of his or her parents.

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

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

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

130 "§30-3-153

131 In the final order of the court, the court shall
132 address all of the following matters:

133 (1) Parenting time for each parent during the school
134 year, the summer, holidays, birthdays of the child, birthdays
135 of the parents, Father's Day, and Mother's Day.

136 (2) Telephone communication between the parents and the
137 child.

138 (3) The access of both parents to medical records and
139 educational records of the child.

140 (4) The access of both parents to school activities and



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141 extracurricular activities of the child.

142 (5) Communication between the parents about the child's
143 doctor appointments and other medical appointments.

144 (6) Child support and the maintenance of health
145 insurance for the child. ~~(a) In order to implement joint~~

146 ~~custody, the court shall require the parents to submit, as~~
147 ~~part of their agreement, provisions covering matters relevant~~
148 ~~to the care and custody of the child, including, but not~~
149 ~~limited to, all of the following:~~

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

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

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

153 ~~(4) Child support.~~

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

156 ~~(6) Designating the parent possessing primary authority~~
157 ~~and responsibility regarding involvement of the minor child in~~
158 ~~academic, religious, civic, cultural, athletic, and other~~
159 ~~activities, and in medical and dental care if the parents are~~
160 ~~unable to agree on these decisions. The exercise of this~~
161 ~~primary authority is not intended to negate the responsibility~~
162 ~~of the parties to notify and communicate with each other as~~
163 ~~provided in this article.~~

164 ~~(b) If the parties are unable to reach an agreement as~~
165 ~~to the provisions in subsection (a), the court shall set the~~
166 ~~plan."~~

167 Section 2. This act shall become effective on October
168 1, 2026.