

HB63 INTRODUCED



1 HB63
2 I3RY3ZZ-1
3 By Representative Treadaway
4 RFD: Judiciary
5 First Read: 13-Jan-26
6 PFD: 13-Nov-25



SYNOPSIS:

Existing law does not provide a mechanism for an individual to adopt a child while maintaining the parental rights of the child's biological parent, except in cases of stepparent or relative adoptions.

This bill would create Kylie's Law and authorize the court to allow an individual to petition for adoption of a child if he or she is a de facto parent and the custodial parent of the child consents to the adoption.

This bill would treat such adoptions as stepparent adoptions for purposes of applying the Alabama Minor Adoption Code.

This bill would also require an individual to establish that he or she is a de facto parent by presenting clear and convincing evidence of certain factors related to the individual's relationship with the child, such as that the individual engaged in consistent caretaking of the child, held the child out as his or her child, and established a parental relationship with the child.

A BILL
TO BE ENTITLED



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AN ACT

Relating to adoption; to amend Section 26-10E-26, Code of Alabama 1975, as last amended by Act 2025-407, 2025 Regular Session; to create Kylie's Law; to provide a mechanism for a court to allow an individual claiming to be a de facto parent to petition to adopt a minor as if he or she were a stepparent; to require the custodial parent of the child to voluntarily agree to the adoption; and to establish factors that an individual must satisfy to qualify as a de facto parent for purposes of adoption.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as Kylie's Law.

Section 2. Section 26-10E-26, Code of Alabama 1975, as last amended by Act 2025-407, 2025 Regular Session, is amended to read as follows:

"§26-10E-26

(a) A stepparent of the adoptee may petition for adoption of an adoptee under this chapter, except that:

(1) Before the entry of the final judgment, the adoptee must have resided for a period of one year with the stepparent petitioner.

(2)a. A limited investigation shall be conducted to determine the suitability of the stepparent petitioner and the home in which the adoptee resides, and the report of the investigation, which shall include, but is not limited to, all of the following:



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1. Excluding the legal parent of the adoptee, letters of suitability pursuant to Chapter 13 of Title 38 for each adult living in the home of the petitioner or petitioners based on the information available in this state.

2. Excluding the legal parent of the adoptee, child abuse and neglect clearances pursuant to the Adam Walsh Child Protection and Safety Act, Public Law 109-248, as amended, for all household members 14 years of age and older from any state in which any petitioners have resided in the preceding five years.

3. Excluding the legal parent of the adoptee, a printed copy of the search on the Dru Sjodin National Sex Offender Public Website for all household members 14 years of age and older.

4. A home safety inspection indicating that the home of the petitioner or petitioners is safe for adoptee's residency.

b. The limited investigation may also include other information required by Section 26-10E-19 as directed by the court. The limited investigation shall be filed with the court within 30 days of the date of the filing of the petition.

(3) The court, in its discretion, may:

a. Require additional information; and

b. Allow a deviation in the investigation requirements, for good cause shown, only as it relates to any household members 14 years of age and older. Good cause must be demonstrated on the record with, at minimum, an affidavit from the investigator as to why the deviation is warranted.

(4) The investigative report shall be submitted in a



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form developed by the Alabama Probate Judges Association and the Alabama Law Institute. The investigative report shall contain information obtained within 12 months preceding the hearing on the final judgment of adoption.

(5) The investigation shall be performed by one of the following:

- a. The State Department of Human Resources.
- b. A licensed child-placing agency.
- c. A social worker licensed by the Alabama Board of Social Work Examiners who is also certified by the Alabama Board of Social Work Examiners for private independent practice in the social casework specialty, as provided in Section 34-30-3.

(6) Other than those individuals and entities listed in subdivision (5), the court on its own motion may order the investigation be performed by an alternative individual or entity when the court has cause to believe the investigation is insufficient.

(7) When an investigation has been conducted, the investigative report shall not be conclusive but may be considered along with other evidence.

(8) The court may order the appointment of a court representative to investigate and evaluate any matters relating to adoption, including the best interest of the adoptee.

(9) No report of fees and charges under Section 26-10E-22 shall be made unless ordered by the court.

(b) (1) For good cause shown, the court may allow an



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individual who is not the stepparent and who is a de facto parent and has the consent of the custodial parent of a minor to file a petition for adoption under this chapter. To qualify as a de facto parent, the individual must demonstrate all of the following by clear and convincing evidence:

a. The individual resided with the minor as a regular member of the minor's household for a significant time period.

b. The individual engaged in consistent caretaking of the minor.

c. The individual undertook full and permanent responsibilities of a parent of the minor without expectation of financial compensation.

d. The individual held out the minor as his or her child.

e. The individual established a bonded and dependent relationship with the minor, parental in nature, and another parent of the minor fostered or supported that relationship.

f. Continuing the relationship between the individual and the minor is in the best interest of the minor.

(2) A petition allowed under this subsection shall be treated as if the petitioner were a stepparent and the minor were a stepchild."

Section 3. This act shall become effective immediately.