

SB239 ENROLLED



1 SB239
2 L5IKCAA-2
3 By Senators Smitherman, Stewart, Figures
4 RFD: Judiciary
5 First Read: 03-Feb-26



SB239 Enrolled

1 Enrolled, An Act,

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4 Relating to child custody; to amend Section 30-3B-204,
5 Code of Alabama 1975; to authorize certain temporary emergency
6 child custody determinations made pursuant to the Uniform
7 Child Custody Jurisdiction Enforcement Act to become final.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. Section 30-3B-204, Code of Alabama 1975, is
10 amended to read as follows:

11 "§30-3B-204

12 (a) A court of this state has temporary emergency
13 jurisdiction if the child is present in this state and the
14 child has been abandoned or it is necessary in an emergency to
15 protect the child because the child, or a sibling or parent of
16 the child, is subjected to or threatened with mistreatment or
17 abuse.

18 (b) If there is no previous child custody determination
19 that is entitled to be enforced under this chapter and a child
20 custody proceeding has not been commenced in a court of a
21 state having jurisdiction under Sections 30-3B-201 through
22 30-3B-203, a child custody determination made under this
23 section remains in effect until an order is obtained from a
24 court of a state having jurisdiction under Sections 30-3B-201
25 through 30-3B-203. If, six months after the date of the entry
26 of a child custody determination under this section, a child
27 custody proceeding has not been commenced in a court of a
28 state having jurisdiction under Sections 30-3B-201 through



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29 30-3B-203, that child custody determination shall become a
30 final determination. ~~If a child custody proceeding has not~~
31 ~~been or is not commenced in a court of a state having~~
32 ~~jurisdiction under Sections 30-3B-201 through 30-3B-203, a~~
33 ~~child custody determination made under this section becomes a~~
34 ~~final determination, if it so provides and this state becomes~~
35 ~~the home state of the child.~~

36 (c) If there is a previous child custody determination
37 that is entitled to be enforced under this chapter, or a child
38 custody proceeding has been commenced in a court of a state
39 having jurisdiction under Sections 30-3B-201 through
40 30-3B-203, any order issued by a court of this state under
41 this section must specify in the order a period that the court
42 considers adequate to allow the person seeking an order to
43 obtain an order from the state having jurisdiction under
44 Sections 30-3B-201 through 30-3B-203. The order issued in this
45 state remains in effect until an order is obtained from the
46 other state within the period specified or the period expires.

47 (d) A court of this state which has been asked to make
48 a child custody determination under this section, upon being
49 informed that a child custody proceeding has been commenced
50 in, or a child custody determination has been made by, a court
51 of a state having jurisdiction under Sections 30-3B-201
52 through 30-3B-203, shall immediately communicate with the
53 other court. A court of this state which is exercising
54 jurisdiction pursuant to Sections 30-3B-201 through 30-3B-203,
55 upon being informed that a child custody proceeding has been
56 commenced in, or a child custody determination has been made



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57 by, a court of another state under a statute similar to this
58 section shall immediately communicate with the court of that
59 state to resolve the emergency, protect the safety of the
60 parties and the child, and determine a period for the duration
61 of the temporary order."

62 Section 2. This act shall become effective on October
63 1, 2026.



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

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Senate 17-Feb-26

I hereby certify that the within Act originated in and passed
the Senate.

Patrick Harris,
Secretary.

House of Representatives

Passed: 03-Mar-26

By: Senator Smitherman