

SB239 INTRODUCED



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



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4 SYNOPSIS:

5 Under existing law, a court exercising temporary
6 jurisdiction pursuant to the Uniform Child Custody
7 Jurisdiction Enforcement Act (UCCJEA) is required to
8 explicitly provide that a child custody determination
9 made under temporary emergency jurisdiction becomes a
10 final determination.

11 This bill would remove that provision and
12 provide that, if no child custody proceeding has been
13 commenced in a state having jurisdiction within six
14 months after a child custody determination is made
15 pursuant to the UCCJEA under temporary emergency
16 jurisdiction, that child custody determination
17 automatically becomes final.

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20 A BILL

21 TO BE ENTITLED

22 AN ACT

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

28 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:



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

31 "§30-3B-204

32 (a) A court of this state has temporary emergency
33 jurisdiction if the child is present in this state and the
34 child has been abandoned or it is necessary in an emergency to
35 protect the child because the child, or a sibling or parent of
36 the child, is subjected to or threatened with mistreatment or
37 abuse.

38 (b) If there is no previous child custody determination
39 that is entitled to be enforced under this chapter and a child
40 custody proceeding has not been commenced in a court of a
41 state having jurisdiction under Sections 30-3B-201 through
42 30-3B-203, a child custody determination made under this
43 section remains in effect until an order is obtained from a
44 court of a state having jurisdiction under Sections 30-3B-201
45 through 30-3B-203. If, six months after the date of the entry
46 of a child custody determination under this section, a child
47 custody proceeding has not been commenced in a court of a
48 state having jurisdiction under Sections 30-3B-201 through
49 30-3B-203, that child custody determination shall become a
50 final determination. ~~If a child custody proceeding has not~~
51 ~~been or is not commenced in a court of a state having~~
52 ~~jurisdiction under Sections 30-3B-201 through 30-3B-203, a~~
53 ~~child custody determination made under this section becomes a~~
54 ~~final determination, if it so provides and this state becomes~~
55 ~~the home state of the child.~~

56 (c) If there is a previous child custody determination

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57 that is entitled to be enforced under this chapter, or a child
58 custody proceeding has been commenced in a court of a state
59 having jurisdiction under Sections 30-3B-201 through
60 30-3B-203, any order issued by a court of this state under
61 this section must specify in the order a period that the court
62 considers adequate to allow the person seeking an order to
63 obtain an order from the state having jurisdiction under
64 Sections 30-3B-201 through 30-3B-203. The order issued in this
65 state remains in effect until an order is obtained from the
66 other state within the period specified or the period expires.

67 (d) A court of this state which has been asked to make
68 a child custody determination under this section, upon being
69 informed that a child custody proceeding has been commenced
70 in, or a child custody determination has been made by, a court
71 of a state having jurisdiction under Sections 30-3B-201
72 through 30-3B-203, shall immediately communicate with the
73 other court. A court of this state which is exercising
74 jurisdiction pursuant to Sections 30-3B-201 through 30-3B-203,
75 upon being informed that a child custody proceeding has been
76 commenced in, or a child custody determination has been made
77 by, a court of another state under a statute similar to this
78 section shall immediately communicate with the court of that
79 state to resolve the emergency, protect the safety of the
80 parties and the child, and determine a period for the duration
81 of the temporary order."

82 Section 2. This act shall become effective on October
83 1, 2026.