

SB239 INTRODUCED



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



SYNOPSIS:

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

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

A BILL
TO BE ENTITLED
AN ACT

Relating to child custody; to amend Section 30-3B-204, Code of Alabama 1975; to authorize certain temporary emergency child custody determinations made pursuant to the Uniform Child Custody Jurisdiction Enforcement Act to become final.
BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:



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

"§30-3B-204

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

(b) If there is no previous child custody determination that is entitled to be enforced under this chapter and a child custody proceeding has not been commenced in a court of a state having jurisdiction under Sections 30-3B-201 through 30-3B-203, a child custody determination made under this section remains in effect until an order is obtained from a court of a state having jurisdiction under Sections 30-3B-201 through 30-3B-203. If, six months after the date of the entry of a child custody determination under this section, a child custody proceeding has not been commenced in a court of a state having jurisdiction under Sections 30-3B-201 through 30-3B-203, that child custody determination shall become a final determination. ~~If a child custody proceeding has not been or is not commenced in a court of a state having jurisdiction under Sections 30-3B-201 through 30-3B-203, a child custody determination made under this section becomes a final determination, if it so provides and this state becomes the home state of the child.~~

(c) If there is a previous child custody determination



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

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

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