

SB47 INTRODUCED



1 SB47
2 11YMN3L-1
3 By Senator Coleman
4 RFD: Judiciary
5 First Read: 13-Jan-26
6 PFD: 09-Jan-26



SYNOPSIS:

This bill would require child-support orders entered within the first year after the live birth of a child to be retroactive to nine months prior to the child's birth.

This bill would also make nonsubstantive, technical revisions to update the existing code language to current style.

A BILL
TO BE ENTITLED
AN ACT

Relating to child support; to amend Section 26-17-636, Code of Alabama 1975; to provide retroactivity of child support in certain circumstances; and to make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 26-17-636, Code of Alabama 1975, is amended to read as follows:

"§26-17-636

(a) The court shall issue an order adjudicating whether a man alleged or claiming to be the father is the parent of



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the child.

(b) An order adjudicating parentage must identify the child by name and date of birth, if known.

(c) Except as otherwise provided in subsection (d), the court may assess filing fees, reasonable ~~attorney's~~ attorney fees, fees for genetic testing, other costs, and necessary travel and other reasonable expenses incurred in a proceeding under this article, subject to the following rules:

(1) a. Parties to proceedings under this chapter should pay the fees and expenses of retained counsel, expert witnesses, guardians ad litem, the costs of appropriate tests and other costs of the trial as they ~~may~~, themselves, may incur. The court may order reasonable fees for attorneys, expert witnesses, guardian ad litem fees, costs of appropriate tests, and other costs of the trial, including docket fees, ~~to~~ which shall be paid by the parties in ~~such~~ proportions as the court may direct.

b. In the event the court determines that a party is unable to pay the fees and costs as directed, ~~it~~ the court may order fees and costs, including fees and costs of appropriate tests, if such tests have been ordered by the court as provided in Section 26-17-506, to be paid from the fund entitled, "court costs not otherwise provided for."

c. If costs and fees are ordered to be paid from the fund, claims shall be submitted by the clerk of the court to the ~~state~~ Comptroller for audit and allowance and, if approved by the Comptroller, shall be forwarded to the State Treasurer for payment from the fund.



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57 d. Docket ~~Provided, docket~~ fees and fees of retained
58 counsel shall not be paid from the fund. Docket fees shall be
59 waived if the court determines that the parties are incapable
60 of paying them.

61 (2) When an action is brought by the Department of
62 Human Resources, its agent, the district attorney, or an
63 attorney authorized to represent the State of Alabama, no fee
64 shall be paid to the clerk of the court but may be taxed as a
65 cost of the action as provided herein. If an appeal is taken
66 by the state, no security for the costs need be given.

67 (3) The court may award ~~attorney's~~ attorney fees and
68 other expenses, which may be paid directly to the attorney,
69 who may enforce the order in the attorney's own name.

70 (d) When a party bringing an action is represented by
71 the district attorney or an attorney authorized to represent
72 the State of Alabama, no filing fee shall be paid to the clerk
73 of the court but may be taxed as a cost of the action as
74 provided herein. The court may not assess fees, costs, or
75 expenses against the support-enforcement agency of this state
76 or another state, except as provided by other law or except
77 for good cause shown.

78 (e) On request of a party and for good cause shown, the
79 court may order that the name of the child be changed.

80 (f) If the order of the court is at variance with the
81 child's birth certificate, the court shall order the Alabama
82 Office of Vital Statistics to issue an amended birth
83 certificate.

84 (g) The order of the court determining the existence or



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nonexistence of the parent and child relationship is determinative for all purposes. Upon paternity being established, the court shall immediately determine support payments at the conclusion of the paternity hearing and make support payment determination including the provision for medical support or health insurance a part of the order establishing paternity. The order may contain any other provision directed against the appropriate party to the proceeding, concerning the duty of support, the custody and visitation of the child, or the furnishing of bond or other security for payment under the order. ~~The order may direct the father to pay the reasonable expenses of the mother's pregnancy and confinement.~~

(h) a. If a child-support order is entered within the first year after the birth of a child, the order may be retroactive to nine months prior to the birth of the child. Otherwise, except ~~Except~~ as provided in ~~Title 30, Chapter 3,~~ Article 5, Chapter 3 of Title 30, a parent's liabilities for past support is limited to a period of two years next preceding the commencement of an enforcement action under this chapter unless an order of support has been previously entered.

b. Nothing in this section may be construed as authorizing a child-support order if the child is not born alive.

(i) The provisions of this article do not extend the time within which a right of inheritance or a right to a succession may be asserted beyond the time provided by law



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113 relating to [the](#) distribution and closing of decedents' estates
114 or to the determination of heirship, or otherwise."

115 Section 2. This act shall become effective on October
116 1, 2026.