

## HB19 INTRODUCED



1      HB19  
2      JPCSMYN-1  
3      By Representative Sellers  
4      RFD: Judiciary  
5      First Read: 13-Jan-26  
6      PFD: 25-Jun-25



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## 4     SYNOPSIS:

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6                   Under existing law, it is the policy of the  
7     state to assure that minor children have frequent and  
8     continuing contact with parents who act in the best  
9     interest of their children.

10                  This bill would create a rebuttable presumption  
11     that: (i) joint legal custody; and (ii) frequent and  
12     continuing contact and substantial parenting time with  
13     both parents are in the best interest of the child,  
14     except in cases of domestic or family violence.

15                  If the court does not grant joint legal custody  
16     and substantial parenting time, this bill would require  
17     the court to make specific findings supporting the  
18     determination that the presumptions were overcome.

19                  This bill would specify information that must be  
20     addressed in the final order of the court, such as  
21     division of holidays, communication, and child support.

22                  This bill would also remove a provision  
23     requiring parents to submit an agreement detailing  
24     certain matters relevant to the care and custody of the  
25     child.

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A BILL



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29 TO BE ENTITLED  
30 AN ACT

32 Relating to child custody; to amend Sections 30-3-150,  
33 30-3-151, 30-3-152, and 30-3-153, Code of Alabama 1975; to  
34 create a rebuttable presumption of joint legal custody and  
35 substantial parenting time for both parents, with exceptions;  
36 to further provide for certain matters related to child  
37 custody which must be addressed in the final order of the  
38 court; and to remove a requirement that parents submit an  
39 agreed upon parenting plan.

40 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

41                   Section 1. Sections 30-3-150, 30-3-151, 30-3-152, and  
42   30-3-153, Code of Alabama 1975, are amended to read as  
43   follows:

44 "§30-3-150

45                   ~~Joint Custody~~. It is the policy of this state to assure  
46                   that minor children have frequent and continuing contact and  
47                   substantial parenting time with parents who have shown the  
48                   ability to act in the best interest of their children and to  
49                   encourage parents to share in the rights and responsibilities  
50                   of parenting and rearing their children after the parents have  
51                   separated or dissolved their marriage. Joint custody does not  
52                   necessarily mean equal physical custody."

53 "§30-3-151

54 For the purposes of this article the following words  
55 **shall** have the following meanings:

56 (1) JOINT CUSTODY. Joint legal custody and joint



57 physical custody.

58 (2) JOINT LEGAL CUSTODY. A custody arrangement where  
59 both ~~Both~~ parents have equal rights and responsibilities for  
60 major decisions concerning the child, including, but not  
61 limited to, the education ~~of the child~~, health care, and  
62 religious training of the child. The court may designate one  
63 parent to have sole power to make certain decisions while both  
64 parents retain equal rights and responsibilities for other  
65 decisions.

66 (3) JOINT PHYSICAL CUSTODY. A custody arrangement where  
67 physical ~~Physical~~ custody is shared by the parents in a way  
68 that assures the child frequent and substantial contact with  
69 each parent. Joint physical custody does not necessarily mean  
70 physical custody of equal durations of time.

71 (4) SOLE LEGAL CUSTODY. A status of custody where one  
72 ~~One~~ parent has sole rights and responsibilities to make major  
73 decisions concerning the child, including, but not limited to,  
74 the education ~~of the child~~, health care, and religious  
75 training of the child.

76 (5) SOLE PHYSICAL CUSTODY or PRIMARY PHYSICAL CUSTODY.  
77 A status of custody where one ~~One~~ parent has sole physical  
78 custody and the other parent has rights of ~~visitation~~  
79 parenting time with the child, except as otherwise provided by  
80 the court."

81 "§30-3-152

82 (a) Except as provided in Section 30-3-131, in any  
83 award of custody under the custodial designations in Section  
84 30-3-151, there shall be a presumption, rebuttable by a



85 preponderance of the evidence, that: (i) joint legal custody  
86 is in the best interest of the child; and (ii) the child shall  
87 have frequent and continuing contact and substantial parenting  
88 time with both parents. If the presumptions are not rebutted,  
89 the court shall award joint legal custody, frequent and  
90 continuing contact of the child with both parents, and  
91 substantial parenting time with both parents.~~The court shall~~  
92 ~~in every case consider joint custody but may award any form of~~  
93 ~~custody which is determined to be in the best interest of the~~  
94 ~~child.~~

95        (b) In-determining deciding whether to award joint  
96 legal custody or joint custody, is in the best interest of the  
97 ~~child,~~ the court shall consider the same factors considered in  
98 awarding ~~sole legal and physical custody any other custody~~  
99 arrangement and all of the following factors:

100        (1) The agreement or lack of agreement of the parents  
101 on joint custody.

102        (2) The past and present ability of the parents to  
103 cooperate with each other and make decisions jointly.

104        (3) The ability of the parents to encourage the sharing  
105 of love, affection, and contact between the child and the  
106 other parent.

107        (4) Any history of or potential for child abuse, spouse  
108 abuse, or kidnapping.

109        (5) The geographic proximity of the parents to each  
110 other as this relates to the practical considerations of joint  
111 physical custody.

112        (6) The emotional bond the child has with either or



113 both of his or her parents.

114 (c) ~~(b)~~ The court may order a form of joint custody  
115 without the consent of both parents, when it is in the best  
116 interest of the child.

117 (c) (d) In any joint physical custody order that does  
118 not designate a primary physical custodian, the court shall  
119 designate the parent's residence which contains the school  
120 zone of the child.

121 (e) ~~If both parents request joint custody, the~~  
122 ~~presumption is that joint custody is in the best interest of~~  
123 ~~the child. Joint joint legal custody, frequent and continuing~~  
124 ~~contact, or substantial parenting time is not shall be~~ granted  
125 in the ~~final order of the court~~ court's final order, the court  
126 shall make ~~unless the court makes~~ specific findings ~~as to why~~  
127 ~~joint custody is not granted~~ supporting its determination that  
128 ~~the presumption or presumptions of subsection (a) were~~  
129 ~~overcome.~~"

130 "§30-3-153

131 In the final order of the court, the court shall  
132 address all of the following matters:

133 (1) Parenting time for each parent during the school  
134 year, the summer, holidays, birthdays of the child, birthdays  
135 of the parents, Father's Day, and Mother's Day.

136 (2) Telephone communication between the parents and the  
137 child.

138 (3) The access of both parents to medical records and  
139 educational records of the child.

140 (4) The access of both parents to school activities and



141 extracurricular activities of the child.

142 (5) Communication between the parents about the child's  
143 doctor appointments and other medical appointments.

144 (6) Child support and the maintenance of health  
145 insurance for the child.~~(a) In order to implement joint~~  
~~custody, the court shall require the parents to submit, as~~  
~~part of their agreement, provisions covering matters relevant~~  
~~to the care and custody of the child, including, but not~~  
~~limited to, all of the following:~~

150 ~~(1) The care and education of the child.~~

151 ~~(2) The medical and dental care of the child.~~

152 ~~(3) Holidays and vacations.~~

153 ~~(4) Child support.~~

154 ~~(5) Other necessary factors that affect the physical or~~  
155 ~~emotional health and well-being of the child.~~

156 ~~(6) Designating the parent possessing primary authority~~  
157 ~~and responsibility regarding involvement of the minor child in~~  
158 ~~academic, religious, civic, cultural, athletic, and other~~  
159 ~~activities, and in medical and dental care if the parents are~~  
160 ~~unable to agree on these decisions. The exercise of this~~  
161 ~~primary authority is not intended to negate the responsibility~~  
162 ~~of the parties to notify and communicate with each other as~~  
163 ~~provided in this article.~~

164 ~~(b) If the parties are unable to reach an agreement as~~  
165 ~~to the provisions in subsection (a), the court shall set the~~  
166 ~~plan."~~

167 Section 2. This act shall become effective on October  
168 1, 2026.