

SB261 INTRODUCED



1 SB261
2 JPEKPFY-1
3 By Senator Orr
4 RFD: Judiciary
5 First Read: 05-Feb-26



SYNOPSIS:

Existing common law provides the standards that a petitioner must satisfy in order for a court to modify a prior custody determination.

This bill would replace those existing common law standards and provide a new standard for determining if the modification of any existing custody order is warranted by requiring a material change of circumstances and a showing by a preponderance of the evidence that the modification is in the best interest of the child.

This bill would also provide factors that a court must consider when determining whether the modification is in the best interest of the child.

A BILL
TO BE ENTITLED
AN ACT

Relating to child custody; to authorize the court to modify a prior custody determination if a material change in circumstances has occurred and the modification is in the best interest of the child; and to provide factors for determining



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the best interest of the child.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as Hudnell's Law.

Section 2. (a) In any action to modify a prior judgment awarding custody, the court may grant the modification only if there has been a material change of circumstances since that judgment was entered and the court finds by a preponderance of the evidence that the modification is in the best interest of the child. In determining whether the modification is in the best interest of the child, the court shall consider all relevant factors including, but not limited to, the following:

(1) The emotional, mental, physical, and developmental needs of the child.

(2) The ability of each parent to meet the needs described in subdivision (1).

(3) The child's relationship with each parent.

(4) The stability of the proposed home environments.

(5) The child's adjustment to home, school, and the community.

(6) Evidence of parental alienation, domestic or family violence, or substance abuse.

(7) The child's preference, if the court deems the child to be of sufficient age and maturity.

(8) The willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the child and the other parent.

(9) Each parent's capacity to provide continuity in the



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child's education and medical care.

(10) Each parent's history of compliance with court orders and facilitation of the child's welfare.

(b) This section shall apply to any prior judgment awarding custody, including, but not limited to, a judgment awarding sole, primary, or joint custody.

(c) Nothing in this section may be construed to authorize or require a heightened burden of standard that requires parents seeking custody modification to prove that the benefits of the modification outweigh the disruption of the child's environment.

Section 3. This act shall become effective on October 1, 2026.