

SB261 INTRODUCED



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



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5 SYNOPSIS:

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

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

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

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21 A BILL
22 TO BE ENTITLED
23 AN ACT

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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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29 the best interest of the child.

30 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

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

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

46 (4) The stability of the proposed home environments.

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

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

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

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

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

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57 child's education and medical care.

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

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

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

68 Section 3. This act shall become effective on October
69 1, 2026.