

A closer look at Alabama child custody law practices and proposed legislation

	Current child custody law practices	2017 proposed bill -SB186	2017 proposed bill -SB191 / HB239	Reference
Create a rebuttable presumption that both parents are fit to make parenting decisions*		X		Pg 5, Ln 24
Require courts to enforce all parenting time, visitation, custody, and child support orders in the same manner.		X		Pg 11, Ln 20
"The court shall in every case presume joint custody [equal or approximately equal parenting time] to be in the best interest of the child" as the starting point. **		X		Pg 5, Ln 18
Provides statutory definition of frequent and continuing (substantial) contact		X		Pg 4, Ln 16
Reordered the 18 factors for the Courts to consider; provides guidelines for judges so that children and parents across the State are treated the same.***		X		Pg 7, Ln 3
Require the parties to submit a parenting plan in all cases		X	X	pg 8, Ln 13 pg 7, Ln 23
Incorporates recommendations from the Alabama Law Institute Family Law Standing Committee members	X	X	X	
Courts shall provide protection for victims of domestic abuse and child abuse.	X	X	X	pg 7, Ln 15 pg 7, Ln 10
"The court shall in every case consider joint custody but may award any form of custody which is determined to be in the best interest of the child."	X		X	pg 5, Ln 4
Assure that minor children have frequent and continuing contact with parents (defined as standard visitation by the Courts)	X		X	pg 2, Ln 26
Specifies that "joint custody does not necessarily mean equal physical custody"	X		X	pg 3, Ln 26
Courts may establish standard visitation (every other weekend) as the starting point for every child custody case, to be considered in the best interest of the child	X		X	pg 2, Ln 26

*similar language in the Grandparents legislation supported by SB191 sponsor/co-sponsors

**Evidence based produces better outcomes for children.

***Consistent with the consensus of child psychologists and family therapists from the 40 studies and consensus of over 100 social scientists regarding child custody. Better reflects a constitutional perspective**