



2018 Child Custody Legislation "Children's Equal Access Act"

ALABAMA FAMILY RIGHTS ASSOCIATION

Working to preserve, promote, and protect family relationships
Reform Family Law and the Existing Joint Custody Law
(Ala. Code 1975, Section 30-3-150 et seq.)

WHY UPDATE THE ALABAMA CUSTODY LAW STATUTE?

- Alabama is currently ranked 44th among the 50 states in overall child well-being.
- Approximately 40,000 Alabama children are subjected to child custody determinations annually.
- The majority of counties use varying forms of a restricted, standardized, alternating weekend visitation schedule for children.
- The standard every other weekend visitation law was enacted in 1852 and is not supported by current child development research.
- There are no statewide guidelines that provide consistent custody arrangements. The outcome depends on each judge and the venue.
- The current statute does not require judges to list findings of facts as to why children are restricted from association time with both parents. In such circumstances, the appellate courts only assume that the determination is in the child's best interests.
- In 2008, the Alabama legislature allocated \$10,000 to create a Family Law Task Force (HJR30) with instructions to present a bill to realign custody law with current research. As of 2017, no law has been passed.
- Custody laws that create a "primary parent" class and a "visitor parent" class based solely upon change in marital status violates equal protection under the law.
- Data published by the U.S. Health and Human Services and the Alabama Department of Human Resources indicates that children with limited or no contact with one of their biological parents account for the majority of youth suicides, school dropouts, juvenile drug abusers, youths in prison, teenage pregnancies, and homeless and runaway children.

SUMMARY OF 2018 CHILD CUSTODY PROPOSED LEGISLATION – CHILDREN'S EQUAL ACCESS ACT (CEAA):

- CEAA will protect children's and parents' fundamental right to freedom of associations.
- CEAA is supported by expert peer-reviewed research. The experts are available to testify if called upon.
- The Court will be required to provide written findings of facts.
- There shall be a rebuttable presumption in favor of a division of equal or as approximately equal as possible time between two parents and children.
- The rebuttable presumption may be overcome by findings of facts that equal or as approximately equal as possible time with both parents would not be in the best interest of the children or if the parents agree upon something different.
- Parents will be required to submit a parenting plan in all cases involving custody of a child.
- CEAA provides guidelines (similar to sentencing and child support guidelines) to empower the Courts to meet the needs of each unique case by discontinuing the routine "one size fits all" standard visitation schedule.
- The CEAA will not change Rule 32 of the Alabama Child Support Guidelines or domestic violence statutes.

BENEFITS:

- Reduction of negative social impact on children by reducing juvenile detention/imprisonment, teen pregnancies, suicides, school dropouts, drugs, sex trafficking, etc.
- Reduction of court dockets, thus providing judges more time for cases with unfit parents, domestic violence, and criminal cases.
- Reduction of financial burden on the taxpayer and increase in Alabama tax revenue.
- Cost savings for Alabamians and budget savings for legislature.