

KIDS WIN WITH SHARED PARENTING

Existing law specifies that it is the policy of this state that parents who are divorced or separated have frequent and continuing contact with their children. Currently, no definition exists for “frequent and continuing contact” which results in an unequal application of law for parents and children across the State. Child custody determinations are based more on which judge hears the case rather than the actual circumstances of the case.

The 2015 and 2016 surveys administered by the AOC results indicate that a biased and unbalanced practice still exists throughout the State of Alabama. However, 40 studies show and 112 experts agree that “shared parenting should be the norm for parenting plans for children of all ages.” There is no pathway for the courts to use evidence-based guidelines to meet the needs of each unique case, which often leads to a “one size fits all” standardized visitation schedule.

The Children’s Equal Access Act aims to maximize a child’s time with both fit parents during a divorce or separation.

Benefits of this proposed legislation include:

- Reduction of negative social impact on children by reducing juvenile detention and imprisonment, teen pregnancy, suicide, school dropout, drug use, and sex trafficking
- Reduction of court dockets, providing judges more time for criminal cases and domestic relations cases involving unfit parents and domestic violence
- Reduction of financial burden on taxpayers and increase in Alabama revenue
- Cost savings for businesses by reducing parents' time off work
- Uniform guidelines for child custody determinations consistent with the research-based conclusions from the 40 studies and consensus of over 100 social scientists regarding child custody
- A rebuttable presumption that both parents are fit to make parenting decisions and have maximum parenting time with their children
- Gives the Court discretion to deviate from the presumption and requires the Court to indicate why joint custody is not in the best interest of the child
- A parenting plan submitted in all cases – not just those requesting joint custody – and authority for the Court to establish one when the parties are unable to agree
- Providing additional remedies to a party when a parent, without proper cause, fails to adhere to the time-sharing schedule in a parenting plan including makeup parenting time and reimbursement for costs and attorney fees