

Common Myths & Misconceptions About SB266 – The Children’s Equal Access Act

50/50 Time Mandate

The bill does not mandate 50/50 time. Instead, it provides a starting point that children have approximately equal (or max) time with both parents, unless evidence suggests this is not in the child’s best interest.

Promotes Stability

Children are accustomed to daily transitions (e.g., home to daycare, changing classes at school, etc.) and favor splitting time more evenly between each parent’s home (Warshak, 2014; Fabricus & Hall, 2000).

Judges’ Discretion

SB266 does not take away the discretion of circuit court judges. Rather, it provides standardized guidelines and a rebuttable presumption that shared parenting is in the best interest of Alabama’s children.

Parent’s Rights

SB266 is child-focused. It is not about the rights of fathers or mothers. Children will limited or no contact with one parent are at higher risk for suicide, drug abuse, incarceration, homelessness, and teen pregnancy.

Child Support

This bill does not change Rule 32 child support guidelines. There shall be a rebuttable presumption that the amount of child support calculated using the guidelines is correct

Domestic Abuse

SB266 does not change existing laws that are applied to protect victims of domestic abuse. This bill strictly aims to provide starting guidelines for custody determinations in cases with two fit parents.

Extracurricular Activities

There is no compelling reason why both fit parents cannot participate equally in their children’s after-school events. Equal parental participation in routine activities results in easier transitions between parents.

Current System

The current law fails to define “frequent and continuing contact,” leading to inconsistency in child custody rulings. Without standardization, 5 different judges with the same facts = 5 different outcomes.

Parental Conflict

The consensus of over 100 experts in the field have determined that shared parenting time is still in the best interest of children and that parallel parenting can be implemented to reduce conflict.

Standardized Guidelines

Currently, Courts use standardized visitation schedules created by each county or judge. SB266 creates a starting point for shared parenting instead of the “winner-take-all” system we have now.

What Other States Do

Shared parenting bills have been considered in 30 states in the last two sessions, with legislation similar to the SB266, passing unanimously in the Kentucky legislature last session.