

## **Madison County Circuit Court: 1st to address Injustices in Family Law**

Effective July 31, 2020, "Children in Madison County, Alabama are entitled to the presumption that both of their fit and loving parents will continue to be fully engaged in their upbringing regardless of whether or not the parents are still living together."

As a proud resident of Madison County, Debbie Zieger, **ALFRA** Past Vice President, was all too familiar with the previous action whereby children were court ordered to have limited parenting time--2 to 6 days a month--with one of their parents, most often their dad.

**ALFRA's** mission the last several years has been to petition the divorce industry and government officials concerning the importance of equal involvement of both fit parents in a child's life. Whereas, the Twenty-Third Judicial Circuit has determined that [Pendente Lite Order](#) in every original contested divorce action would benefit the administration of justice.

**7.e. states:** *"As such, the Court encourages the parties to work together to develop a joint physical custody plan that is best for the parties' child(ren) during the pendency of the litigation."*

**7.e.2.** allows the court to maintain discretion to deviate from the presumption *"based upon the facts and circumstances of the case and/or the factors to be considered by the Court pursuant to Ala. Code §30-3-152."*

**7.e.5.:** *"The parties shall alternate weeks of physical custody of the child(ren), beginning on Sunday at 6:00 p.m. and ending on the next following Sunday at 6:00 p.m. Section **b.** Parents are allowed to vary from the Court-ordered custody schedule by mutual agreement. However, if parents are not both in agreement," specific guidelines are spelled out in paragraph **7.e.5c – q.***

**This starting point order is crucial to the children in Madison County!** Statewide about 40,000 children are court ordered to visit with one parent for only two to six days a month. These orders subject them to unnecessary Adverse Childhood Experiences (ACEs) risk factors and fosters parental alienation. Madison County's children will now be free to love and share time with both of their parents without feeling fear or guilt.

**ALFRA** appreciates the Twenty Third Judicial Circuit Judges for being first in the state applying the U.S. Constitution Equal Protection Clause in every case; for utilizing the uniform starting point guidelines for child custody determinations consistent with social science data and research regarding child lifetime success and best outcomes.

**The children in Madison County will benefit through** a reduction in juvenile detention and imprisonment, teen pregnancy, suicide, school dropout, drug use, and sex trafficking. They will no longer lose one of their parents because of an outdated systemic process.

Unfortunately, Alabama has no statutory preference for or presumption of shared parenting (joint legal custody and substantially equal physical custody) in either temporary or final orders. Alabama Administrative Office of Courts (AOC) surveys indicate that a biased and unbalanced practice still exists throughout the other counties. The lack of appropriate legislation creates a public health crisis for approximately 40,000 children each year, placing them at unnecessary ACE risk and leaving them with childhood scars which can last their lifetime. Read stats [here](#).

Read Part II of this article [here](#).

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