

# Best Interest of the Child Protection Act – Shared Parenting

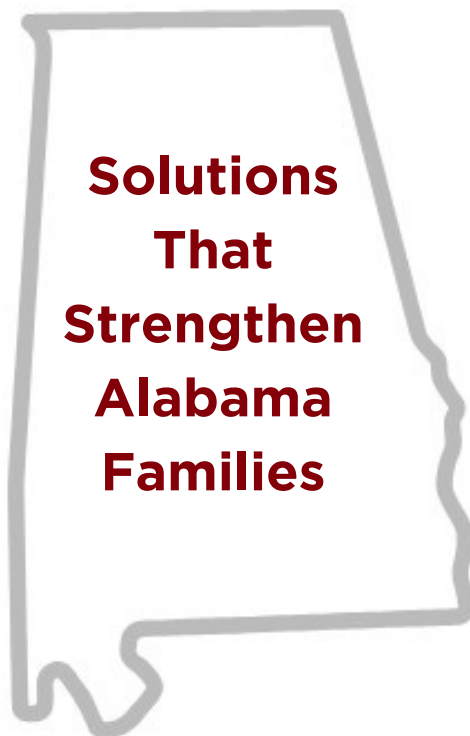
\*In 2008, the Alabama Legislature established the Family Law Task Force (HJR30) to review and update outdated family laws. The task force was assigned the responsibility of recommending ways to modernize Alabama's laws to better meet the needs of families and children. However, 16 years later, the law regarding child custody remains unchanged.

## Five Problems With Existing Law

1. There is no uniform statewide custody and visitation guidelines to protect our children's rights to be raised by both their parents.
2. Joint physical custody is defined as frequent and substantial contact with each parent, with the specific criteria left undefined.
3. Courts are not obligated to document their decision-making process when considering and rejecting joint custody, leading to a lack of transparency and accountability.
4. Requires parents in a child custody matter to submit a parenting plan only in cases when the parties request joint custody.
5. Each year, around 40,000 children in Alabama are subject to court-ordered visitation schedules that limit their time with one parent to four to six days per month without justification. These restrictions expose our children to the well-documented risks associated with single-parent homes.

## What Is The Bill?

The "Best Interest of the Child Protection Act" is bipartisan legislation that maximizes a child's time with both parents during a divorce or separation. This Act will clarify child custody laws and create a fair, uniform starting point for all child custody cases that focus on children first.



## Supported By Data

The bill incorporates research-based conclusions from 40 studies combined with the consensus of over 100 social scientists regarding child custody. Additionally, it includes:

1. Research-based recommendations from the Alabama Law Institute's Family Law Standing Committee that include 41 years of case law
2. Three judges' surveys conducted by the Administrative Office of Courts (AOC)
3. Testimonies from constituents
4. CLE/CEU Family Law questionnaires (2016-2020)
5. Polling data from Alabamians

## The Bill Includes:



## Supported By Alabamians

94%

of those in Alabama believe "it is in the child's best interest ... to have as much time as possible with each parent;"

94%

said they would be "more likely to vote for a candidate who supports children spending equal or nearly equal time with each parent."

86%

said they would support a change in Alabama law.

89%

believe that Alabama should promote shared parenting for all children with separated parents.

87%

believe that both parents should have equal rights and responsibilities following divorce or separation.

Polling data from a March, 2023 independent survey conducted by Researchscape International and commissioned by National Parents Organization

## COMPARISON CHART: Current Custody Law Practices vs. Proposed Bill

Policy	Current Custody Law Practices	Best Interest of the Child Protection Act 2025
Create <b>uniform</b> statewide <b>guidelines</b> for all 67 counties. <b>Create a presumption</b> that joint custody is in the best interest of the child <b>as the starting point</b> . Similar guidelines have already proven effective in Madison County, North AL, and in the states of Kentucky, Arkansas, West Virginia, Florida, and Missouri. (Refer to bill line numbers 77-79 and 204-205)	✗	✓
Allow the court to maintain <b>judicial discretion</b> and to <b>document its findings</b> and/or reasoning for its decisions. (Affords all litigants equal opportunities for a meaningful appellate review.) (Refer to bill line numbers 207 and 213-214)	✗	✓
<b>Provide</b> a statutory <b>definition</b> (codify) of Joint Physical Custody ( <b>frequent and substantial contact</b> ) meaning that children have equal or approximately equal time with both parents. (Supported by social science data resulting in children's having better outcomes.) ( <b>A benefit to the child.</b> ) (Refer to bill line numbers 152-155)	✗	✓
<b>Require the parents to submit a parenting plan</b> ; individually or jointly, in all cases. (Refer to bill line numbers 293-296)	✗	✓
Allow a parent to file a petition for temporary relief if he or she believes joint custody is not in the best interest of the child. (Refer to bill line numbers 86-88 and 332-338)	✗	✓
<b>Consolidates and codifies</b> selected caselaw over the <b>past 41 years</b> . ( <b>A benefit to the legal community.</b> ) (Refer to bill line numbers 99-110, 352-367, and 251-291)	✗	✓