

SB237 ENGROSSED



1 SB237
2 IQFMWWZ-2
3 By Senators Coleman, Coleman-Madison
4 RFD: Children and Youth Health
5 First Read: 19-Mar-24



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A BILL
TO BE ENTITLED
AN ACT

Relating to child support; to amend Section 26-17-636, Code of Alabama 1975; to provide for retroactivity of child support in certain circumstances.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 26-17-636, Code of Alabama 1975, is amended to read as follows:

"§26-17-636

(a) The court shall issue an order adjudicating whether a man alleged or claiming to be the father is the parent of the child.

(b) An order adjudicating parentage must identify the child by name and date of birth, if known.

(c) Except as otherwise provided in subsection (d), the court may assess filing fees, reasonable attorney's fees, fees for genetic testing, other costs, and necessary travel and other reasonable expenses incurred in a proceeding under this article, subject to the following rules:

(1) Parties to proceedings under this chapter should pay the fees and expenses of retained counsel, expert witnesses, guardians ad litem, the costs of appropriate tests,



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29 and other costs of the trial as they may, themselves, incur.
30 The court may order reasonable fees for attorneys, expert
31 witnesses, guardian ad litem fees, costs of appropriate tests
32 and other costs of the trial, including docket fees, to be
33 paid by the parties in such proportions as the court may
34 direct. In the event the court determines that a party is
35 unable to pay the fees and costs as directed, it may order
36 fees and costs, including fees and costs of appropriate tests,
37 if such tests have been ordered by the court as provided in
38 Section 26-17-506, to be paid from the fund entitled, "court
39 costs not otherwise provided for." If costs and fees are
40 ordered to be paid from the fund, claims shall be submitted by
41 the clerk of the court to the state Comptroller for audit and
42 allowance and, if approved by the Comptroller, shall be
43 forwarded to the State Treasurer for payment from the fund.
44 Provided, docket fees and fees of retained counsel shall not
45 be paid from the fund. Docket fees shall be waived if the
46 court determines that the parties are incapable of paying
47 them.

48 (2) When an action is brought by the Department of
49 Human Resources, its agent, the district attorney, or an
50 attorney authorized to represent the State of Alabama, no fee
51 shall be paid to the clerk of the court but may be taxed as a
52 cost of the action as provided herein. If an appeal is taken
53 by the state, no security for the costs need be given.

54 (3) The court may award attorney's fees and other
55 expenses, which may be paid directly to the attorney, who may
56 enforce the order in the attorney's own name.



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57 (d) When a party bringing an action is represented by
58 the district attorney or an attorney authorized to represent
59 the State of Alabama, no filing fee shall be paid to the clerk
60 of the court but may be taxed as a cost of the action as
61 provided herein. The court may not assess fees, costs, or
62 expenses against the support-enforcement agency of this state
63 or another state, except as provided by other law or except
64 for good cause shown.

65 (e) On request of a party and for good cause shown, the
66 court may order that the name of the child be changed.

67 (f) If the order of the court is at variance with the
68 child's birth certificate, the court shall order the Alabama
69 Office of Vital Statistics to issue an amended birth
70 certificate.

71 (g) The order of the court determining the existence or
72 nonexistence of the parent and child relationship is
73 determinative for all purposes. Upon paternity being
74 established, the court shall immediately determine support
75 payments at the conclusion of the paternity hearing and make
76 support payment determination including the provision for
77 medical support or health insurance a part of the order
78 establishing paternity. The order may contain any other
79 provision directed against the appropriate party to the
80 proceeding, concerning the duty of support, the custody and
81 visitation of the child, or the furnishing of bond or other
82 security for payment under the order. ~~The order may direct the~~
83 ~~father to pay the reasonable expenses of the mother's~~
84 ~~pregnancy and confinement.~~



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85 (h) If a child-support order is entered within the
86 first year after the birth of the child, the order shall be
87 retroactive to nine months prior to the birth of the child.
88 ~~Except~~Otherwise, except as provided in ~~Title 30, Chapter 3,~~
89 Article 5, Chapter 3, of Title 30, a parent's liabilities for
90 past support is limited to a period of two years next
91 preceding the commencement of an enforcement action under this
92 chapter unless an order of support has been previously
93 entered.

94 (i) The provisions of this article do not extend the
95 time within which a right of inheritance or a right to a
96 succession may be asserted beyond the time provided by law
97 relating to distribution and closing of decedents' estates or
98 to the determination of heirship, or otherwise."

99 Section 2. This act shall become effective on October
100 1, 2024.



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103 Senate

104 Read for the first time and referred19-Mar-24
105 to the Senate committee on Children
106 and Youth Health
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108 Read for the second time and placed04-Apr-24
109 on the calendar:
110 0 amendments
111
112 Read for the third time and passed09-Apr-24
113 as amended
114 Yeas 33
115 Nays 0
116 Abstains 0
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Patrick Harris,
Secretary.

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