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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5	A BILL
6	TO BE ENTITLED
7	AN ACT
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9	Relating to child support; to amend Section 26-17-636,
10	Code of Alabama 1975; to provide for retroactivity of child
11	support in certain circumstances.
12	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
13	Section 1. Section 26-17-636, Code of Alabama 1975, is
14	amended to read as follows:
15	" §26-17-636
16	(a) The court shall issue an order adjudicating whether
17	a man alleged or claiming to be the father is the parent of
18	the child.
19	(b) An order adjudicating parentage must identify the
20	child by name and date of birth, if known.
21	(c) Except as otherwise provided in subsection (d), the
22	court may assess filing fees, reasonable attorney's fees, fees
23	for genetic testing, other costs, and necessary travel and
24	other reasonable expenses incurred in a proceeding under this
25	article, subject to the following rules:
26	(1) Parties to proceedings under this chapter should
27	pay the fees and expenses of retained counsel, expert
28	witnesses, guardians ad litem, the costs of appropriate tests,



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 unable to pay the fees and costs as directed, it may order 35 36 fees and costs, including fees and costs of appropriate tests, 37 if such tests have been ordered by the court as provided in Section 26-17-506, to be paid from the fund entitled, "court 38 39 costs not otherwise provided for." If costs and fees are ordered to be paid from the fund, claims shall be submitted by 40 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. Provided, docket fees and fees of retained counsel shall not 44 be paid from the fund. Docket fees shall be waived if the

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them.

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

court determines that the parties are incapable of paying

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

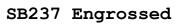


- (d) When a party bringing an action is represented by the district attorney or an attorney authorized to represent the State of Alabama, no filing fee shall be paid to the clerk of the court but may be taxed as a cost of the action as provided herein. The court may not assess fees, costs, or expenses against the support-enforcement agency of this state or another state, except as provided by other law or except for good cause shown.
- (e) On request of a party and for good cause shown, the court may order that the name of the child be changed.

- (f) If the order of the court is at variance with the child's birth certificate, the court shall order the Alabama Office of Vital Statistics to issue an amended birth certificate.
 - nonexistence of the parent and child relationship is determinative for all purposes. Upon paternity being established, the court shall immediately determine support payments at the conclusion of the paternity hearing and make support payment determination including the provision for medical support or health insurance a part of the order establishing paternity. The order may contain any other provision directed against the appropriate party to the proceeding, concerning the duty of support, the custody and visitation of the child, or the furnishing of bond or other security for payment under the order. The order may direct the father to pay the reasonable expenses of the mother's pregnancy and confinement.



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	ExceptOtherwise, 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.





101 102 103	Senate
104 105 106 107	Read for the first time and referred
108 109 110 111	Read for the second time and placed04-Apr-24 on the calendar: 0 amendments
112 113 114 115 116 117 118	Read for the third time and passed09-Apr-24 as amended Yeas 33 Nays 0 Abstains 0
119 120 121	Patrick Harris, Secretary.