

HB136 ENGROSSED



1 HB136
2 2MGDKIK-2
3 By Representative Simpson
4 RFD: Judiciary
5 First Read: 07-Feb-24



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A BILL
TO BE ENTITLED
AN ACT

Relating to child custody; to add Section 30-3-11 to the Code of Alabama 1975, to allow a circuit or district court to issue an ex parte order of protection or restraint in certain circumstances.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 30-3-11 is added to the Code of Alabama 1975, to read as follows:

§30-3-11

(a) For the purposes of this section, "department" means the local county Department of Human Resources as defined in Section 38-2-8.

(b) Pending all petitions for divorce or legal separation, or other actions seeking modification, interpretation, or enforcement of a final decree, the court may issue an emergency ex parte order of protection or restraint upon it making specific findings of evidence of abuse or neglect of a child, as defined in Section 26-14-1.

(c) The court entering an emergency ex parte order may order the child removed from his or her parent or legal custodian and placed into the custody of an appropriate



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29 relative as determined by the court. If no relative is found,
30 the court may place the child into the temporary protective
31 custody of the department. The court shall include in its
32 order specific findings that no parent or legal custodian of
33 the child is able to provide appropriate care and protection
34 to the child based on the evidence the court relied upon and
35 that it is contrary to the welfare of the child to remain in
36 the home.

37 (d) Immediate verbal and written notice and copies of
38 the order shall be given to the department pursuant to Section
39 26-14-3. Upon notice, the department shall proceed in
40 accordance with the duties set forth under Chapter 14 of Title
41 26. The department may give or cause to be given effective
42 consent for medical, dental, health, and hospital services as
43 needed for the child.

44 (e) The emergency ex parte order shall remain in effect
45 until the juvenile court, exercising jurisdiction pursuant to
46 Section 12-15-114, conducts a hearing pursuant to Section
47 12-15-308, on a petition filed by a relative, the department,
48 or by the court that entered the emergency ex parte order. The
49 juvenile court may ratify the emergency ex parte order or
50 enter its own order upon the conclusion of a hearing.

51 Section 2. This act shall become effective on June 1,
52 2024.



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House of Representatives

Read for the first time and referred07-Feb-24
to the House of Representatives
committee on Judiciary

Read for the second time and placed21-Mar-24
on the calendar:
1 amendment

Read for the third time and passed09-Apr-24
as amended
Yeas 103
Nays 0
Abstains 0

John Treadwell
Clerk