

Recent Family Law Changes Families Should Know in 2026

Alabama family law continues to shift in ways that directly affect how custody, support, and related issues are handled. The most notable recent development is the passage of the Best Interest of the Child Protection Act (House Bill 229), which took effect on January 1, 2026.

This law introduces a rebuttable presumption in favor of joint custody in many cases. Below is an overview of that change and other key areas of Alabama family law that may impact you.

Joint Custody Presumption (Effective January 1, 2026)

The most significant change is the new starting point courts must use in custody cases.

Under the 2026 law, courts now begin with the presumption that joint custody is in the child's best interest. This includes both shared decision-making and, in many cases, equal or near-equal parenting time.

Previously, joint custody was only presumed appropriate if both parents agreed. In contested cases, there was no such presumption.

Now courts start from the position that children benefit from substantial involvement from both parents. A parent seeking sole custody must present evidence showing that joint custody would not be in the child's best interest.

It is important to note that this change does not automatically apply to existing custody orders entered before January 1, 2026, and it does not, by itself, qualify as a material change in circumstances for modification purposes.

Child Support Updates

Alabama's child support guidelines, found in Rule 32 of the Alabama Rules of Judicial Administration, were last substantially updated in 2022, with additional adjustments for shared custody arrangements in 2023.

A 2025 law (SB 18, effective October 1, 2025) addressing retroactive child support in paternity cases. In certain situations, courts may award support covering up to nine months prior to the child's birth. Updated calculations in joint custody cases that more accurately reflect shared parenting time and expenses.

If there has been a meaningful change in income, parenting time, or the child's needs, a modification may be appropriate. Courts often consider a deviation of 10% or more from the current guideline amount as a basis for review.

Alimony (Spousal Support)

Alabama law continues to favor rehabilitative alimony in most cases. Rehabilitative alimony is generally limited to five years unless exceptional circumstances justify a longer period. Periodic alimony may still be awarded, particularly in longer marriages

Alimony typically terminates upon remarriage or cohabitation of the receiving spouse. While there have not been major statutory changes in this area recently, courts continue to apply equitable principles when dividing marital property, including retirement accounts.

Grandparent Visitation

Alabama law places significant limits on when grandparents can seek court-ordered visitation. To succeed, a grandparent must prove that denial of visitation would harm the child's emotional, mental, or physical well-being and that a meaningful, pre-existing relationship with the child exists

Courts give considerable weight to a fit parent's decision regarding visitation. In most cases, petitions cannot be filed more than once every two years unless circumstances have significantly changed.

Other Important Considerations

Divorce: Alabama remains a no-fault divorce state. A 30-day waiting period generally applies before a divorce can be finalized.

Relocation: The Alabama Parent-Child Relationship Protection Act typically requires at least 45 days' notice before a move that would significantly change the child's residence (generally more than 60 miles).

Custody Modifications: Modifying an existing custody order usually requires proof of a material change in circumstances and that the proposed change is in the child's best interest.

Dependency Cases: Juvenile and DHR cases remain focused on protecting children while working toward family reunification where appropriate.

What This Means for You

The new joint custody presumption will likely influence how custody cases are negotiated and litigated moving forward. Whether you are going through a divorce, addressing custody, or considering a modification, understanding how these changes apply to your situation is critical.

If you are dealing with a divorce, custody dispute, child support issue, or considering a modification, these recent changes in Alabama law may directly affect your case.

Attorney Alex Sallas at Barfoot & Schoettker handles family law matters across Alabama and can help you understand your options and next steps. Contact Barfoot & Schoettker to discuss your situation and get guidance tailored to your case.