

LEGAL SERVICES

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MEMORANDUM

March 18, 2016

SUBJECT: HB 334 sectional summary
(Work Order No. 29-LS1409\H)

TO: Representative Cathy Muñoz
Attn: Crystal Koeneman

FROM: Linda M. Bruce
Legislative Counsel


FOR LMB

You have requested a sectional summary of the above-described bill. As a preliminary matter, please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

Section 1. Changes the phrase "has committed a crime involving domestic violence" to "has been convicted of a crime involving domestic violence" for purposes of the court's authority to set certain conditions for visitation in proceedings involving domestic violence.

Section 2. Changes the phrase "a history of perpetrating domestic violence" to "has been convicted of a crime involving domestic violence" for purposes of the rebuttable presumption against delegating a deployed parent's visitation rights to certain family members in a custody or visitation proceeding.

Section 3. Changes the phrase "a history of perpetrating domestic violence" to "has been convicted of a crime involving domestic violence" for purposes of the rebuttable presumption against delegating a deployed parent's visitation rights to certain family members in a proceeding for the modification of a custody or visitation order.

Section 4. Changes the phrase "if one parent shows that the other parent has sexually assaulted or engaged in domestic violence" to "if one parent has been convicted of a crime involving sexual assault or domestic violence" relating to the factors that a court may consider in determining the best interests of the child for custody. Adds evidence of sexual abuse in the proposed custodial household to the list of factors a court may consider in determining custody.

Section 5. Changes the phrase "a history of perpetrating domestic violence" to "has been convicted of a crime involving domestic violence" relating to a rebuttable presumption in custody judgments.

Section 6. Deletes the reference to the rebuttable presumption against granting custody to a parent who has a history of perpetrating domestic violence.

Section 7. Changes the phrase "a history of perpetrating domestic violence" to "has been convicted of a crime involving domestic violence" for purposes of custody

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determinations in cases where the court finds that both parents have been convicted of a crime involving domestic violence.

Section 8. Changes the phrase "a history of perpetrating domestic violence" to "has been convicted of a crime involving domestic violence" for purposes of the conditions a court may set before allowing supervised visitation.

Section 9. Limits the applicability of the changes made by the bill to visitation and custody orders issued on or after the bill's effective date.

If I may be of further assistance, please advise.

LBB:dla
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