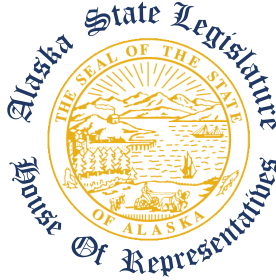


REPRESENTATIVE
GEORGE RAUSCHER
House District 9

Rep.George.Rauscher@akleg.gov



Session
State Capital, Suite 412
Juneau, Alaska 99801-1182
Tel: 907 465-4859
Toll Free: 888-465-4859

Interim
600 E Railroad Ave. Suite 1
Wasilla, Alaska 99654
(907) 373-6287

House Bill 13 – Sectional Analysis

"An Act relating to shared child custody; relating to relocation of a child out of state; and relating to a presumption of the best interests of the child in child custody and visitation determinations."

Section 1: Adds a new section, intent language, stating the legislative's intent to ensure the frequent, continuing, and meaningful contact of a child with each parent of the child, who has shown the ability to act in the best interest of the child, by sharing the rights and responsibilities of raising their child. It also states that all decisions involving the health, education, and welfare of the child should be done together amicably.

Section 2: Amends AS 25.20.060(a) by stating shared physical custody, joint legal custody, and substantially equal parenting time for each parent are in the best interest of the child. The court shall advise parents in a dispute what is the best interest of the child if clear and convincing evidence shows that shared custody is not in the best interest of the child. It also defines "parenting time."

Section 3: Adds new subsections to AS 25.20.060 that states, with equal custody, housing arrangements will be provided for the needs of the child and requires the parents to consult one another when making major decisions regarding the child's health, education, or general welfare.

Section 4: Amends AS 25.20 by adding two new sections, Sec. 25.20.075 and Sec. 25.20.078. AS 25.20.075 pertains to child relocation and denies either parent from relocating their child out of state unless one parent has custody and the other parent consents to the relocation, or a court determines the relocation is in the best interest of the child. AS 25.20.078 states the court shall require the parents to propose a parenting plan that describes: how parents will make decisions that may affect the child; how the parents will share responsibilities; provides housing arrangements; a schedule of the child's time with each parent; how the parents will communicate with each other and the child; describes the manner in which each parent will facilitate the child's time with the other parent; includes a financial arrangement that is consistent with a child support order; describes how the parents will assign authority and responsibility regarding academics, religious, civic, cultural, athletic, and other activities and decisions related to the child's medical care; describes how parents will address a major change in the child's life, including changes that arise because of the child's age or developmental needs, or resolve a disagreement that may affect the child; and addresses other issues the court considers relevant. Unless the court finds by clear and convincing evidence that a parenting plan is not in the best interest of the child, the court shall adopt the parenting plan. The court shall consider all relevant factors, including those listed in AS 25.24.150(c) and the presumption established in AS 25.24.150(g).

Section 5: Amends AS 25.20.090 by replacing “child custody” with “physical custody or joint legal custody” when determining factors for consideration for custody. AS 25.20.090(10) was added to the list of considerations which includes a parenting plan submitted under AS 25.20.078.

Section 6: AS 25.20.095(g) is amended to state the court shall apply the rebuttable presumption under AS 25.20.060(a) in determining the best needs of the child, along with the factors listed under AS 25.24.150(c) and apply the rebuttable presumption under AS 25.24.150(g).

Section 7: Amends AS 25.20.100 to read “requests shared physical custody or joint legal custody of a child” when a parent or guardian is denied the request.

Section 8: AS 25.20.110 adds a new subsection. AS 25.20.110(i) states that, except under subsection (e), a court may provide for a temporary modification of a custody or visitation order while a parent is deployed only if the modification is in the best interest of the child.

Section 9: AS 25.20.115 is amended the attorney fee awards in custody and visitation matters to include false or frivolous allegations under AS 25.24.150(m).

Section 10: AS 25.20 is amended by adding a new section that list definitions for joint legal custody and shared physical custody.

Section 11: AS 25.24.150(c), which lists factors considered by the court when determining custody, is amended to by adding AS 25.24.150(c)(9) which includes the distance between the child’s residence and each parent’s residence and AS 25.24.150(c)(10) if a person is incarcerated, the incarceration of the parent.

Section 12: AS 25.24.150(g) is amended to replace “joint” with “shared” physical custody of a child if a parent has a history of perpetrating domestic violence.

Section 13: AS 25.24.150 is amended by adding subsection (m). This subsection states the courts shall consider false or frivolous allegations of sexual assault, domestic violence, child abuse, child abandonment, or child neglect, or provides false or deceptive financial information to the court.

Section 14: AS 25.24.230(b)(2) is amended by including a parenting plan under AS 25.20.078 to be included in the written agreements.

Section 15: AS 25.20.060(c) is repealed.

Section 16: The uncodified law of the State of Alaska is amended by adding a new section, that reads “Applicability. This Act applies to custody orders issued on or after the effective date of this Act.”

If you have additional questions, please contact Jesse Logan in my office at 465-4859.