

HOUSE CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 27(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/25/95

Referred: Rules

Sponsor(s): SENATORS DONLEY, Ellis, Lincoln, Pearce

REPRESENTATIVES Willis, Robinson, Toohey, Ogan, Rokeberg, James

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to child visitation rights of grandparents and other persons who**
2 **are not the parents of the child."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 25.20.060(a) is amended to read:

5 (a) If there is a dispute over child custody, either parent may petition the
6 superior court for resolution of the matter under AS 25.20.060 - 25.20.130. The court
7 shall award custody on the basis of the best interests of the child. In determining the
8 best interests of the child, the court shall consider all relevant factors including those
9 factors enumerated in AS 25.24.150(c). **In a custody determination under this**
10 **section, the court shall provide for visitation by a grandparent or other person if**
11 **that is in the best interests of the child.**

12 *** Sec. 2.** AS 25.20 is amended by adding a new section to read:

13 Sec. 25.20.065. VISITATION RIGHTS OF GRANDPARENT. (a) Except as
14 provided in (b) of this section, a child's grandparent may petition the superior court for

1 an order establishing reasonable rights of visitation between the grandparent and child
2 if

3 (1) the grandparent has established or attempted to establish ongoing
4 personal contact with the child; and

5 (2) visitation by the grandparent is in the child's best interest.

6 (b) After a decree or final order relating to child custody is entered under
7 AS 25.20.060 or AS 25.24.150 or relating to an adoption under AS 25.23, a
8 grandparent may petition under this section only if

9 (1) the grandparent did not request the court to grant visitation rights
10 during the pendency of proceedings under AS 25.20.060, AS 25.23, or AS 25.24; or

11 (2) there has been a change in circumstances relating to the custodial
12 parent or the minor child that justifies reconsideration of the grandparent's visitation
13 rights.

14 (c) When determining whether to grant rights of visitation between a
15 grandparent and grandchild under this section, AS 25.20.060, or AS 25.24, and when
16 determining the terms and conditions to be attached to a right of grandparent visitation,
17 the court shall consider whether there is a history of child abuse or domestic violence
18 attributable to the grandparent's son or daughter who is a parent of the grandchild.

19 * **Sec. 3.** AS 25.24.220(d) is amended to read:

20 (d) If the petition is filed by both spouses under AS 25.24.200(a), the court
21 shall examine the petitioners or petitioner present and consider whether

22 (1) the spouses fully understand the nature and consequences of their
23 action;

24 (2) the written agreements between the spouses concerning child
25 custody, child support, and visitation are just as between the spouses and in the best
26 interests of the children of the marriage; **in determining whether the parents'**
27 **agreement on visitation is in the best interests of the children under this**
28 **paragraph, the court shall also consider whether the agreement should include**
29 **visitation by grandparents and other persons;**

30 (3) the written agreements between the spouses relating to the division
31 of property, including retirement benefits, spousal maintenance, and the allocation of

1 obligations are just; the spousal maintenance and division of property must fairly
2 allocate the economic effect of dissolution and take into consideration the factors listed
3 in AS 25.24.160(a)(2) and (4);
4 (4) the written agreements constitute the entire agreement between the
5 parties; and
6 (5) the conditions in AS 25.24.200(a) have been met.