

HOUSE BILL NO. 98

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES WILLIS, Toohey

Introduced: 1/19/95

Referred: Health, Education and Social Services, Judiciary

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

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

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

5 (2) the child's custodian has denied the grandparent reasonable
6 opportunity to visit the child; and

7 (3) visitation by the grandparent is in the child's best interest.

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

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

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

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

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

19 (1) the spouses fully understand the nature and consequences of their
20 action;

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

27 (3) the written agreements between the spouses relating to the division
28 of property, including retirement benefits, spousal maintenance, and the allocation of
29 obligations are just; the spousal maintenance and division of property must fairly
30 allocate the economic effect of dissolution and take into consideration the factors listed
31 in AS 25.24.160(a)(2) and (4);

- 1 (4) the written agreements constitute the entire agreement between the
2 parties; and
3 (5) the conditions in AS 25.24.200(a) have been met.