

HOUSE BILL NO. 264

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES DAHLSTROM, Fairclough, Lynn, Coghill

Introduced: 5/15/07

Referred: House Special Committee on Military and Veterans' Affairs, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the effect of military deployment on child custody, child support
2 enforcement, and children in need of aid; and amending Rules 62, 77, 90.1, and 90.3(h),
3 Alaska Rules of Civil Procedure, and Rules 205 and 603, Alaska Rules of Appellate
4 Procedure."

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

6 * **Section 1.** AS 25.24.150 is amended by adding a new subsection to read:

7 (l) Notwithstanding the provisions of (c) of this section, in awarding custody,
8 the court may not consider a parent's past, current, or future United States military
9 deployment away from the parent's home state. In this subsection, "home state" has the
10 meaning given in AS 25.30.909.

11 * **Sec. 2.** AS 25.24 is amended by adding a new section to read:

12 **Sec. 25.24.905. Stay of action while military personnel deployed.**
13 Notwithstanding any other provision of this chapter, an action pending before the
14 court under this chapter that involves permanent custody of a child shall be stayed

1 during the time that a party who is a parent of the child is deployed by the United
 2 States government to active military duty away from the party's home state if a motion
 3 is filed on behalf of the party deployed or upon a court's own motion. In this section,
 4 "home state" has the meaning given in AS 25.30.909.

5 * **Sec. 3.** AS 25.27.135 is amended by adding a new subsection to read:

6 (b) Notwithstanding other provisions of this chapter, an action pending before
 7 the court or the agency shall be stayed during the time that an obligor is deployed by
 8 the United States government to active military duty away from the obligor's home
 9 state. In this subsection, "home state" has the meaning given in AS 25.30.909.

10 * **Sec. 4.** AS 47.10.019 is amended to read:

11 **Sec. 47.10.019. Limitations on determinations.** (a) Notwithstanding other
 12 provisions of this chapter, the court may not find a minor to be a child in need of aid
 13 under this chapter solely on the basis that the child's

14 (1) family is poor, lacks adequate housing, or exhibits a lifestyle that is
 15 different from the generally accepted lifestyle standard of the community where the
 16 family lives; or

17 (2) parent has, is, or may in the future be deployed by the United
 18 States government to active military duty outside of the parent's home state.

19 (b) This [HOWEVER, THIS] section may not be construed to prevent a court
 20 from finding that a child is in need of aid if the child has been subjected to conduct or
 21 conditions described in AS 47.10.011 - 47.10.015.

22 (c) In this section, "home state" has the meaning given in AS 25.30.909.

23 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
 24 read:

25 **INDIRECT COURT RULE AMENDMENT.** The provisions of sec. 2 of this Act have
 26 the effect of changing Rules 62, 77, 90.1, and 90.3(h), Alaska Rules of Civil Procedure, and
 27 Rules 205 and 603, Alaska Rules of Appellate Procedure, by changing the procedure for
 28 motions, hearings, modifications of orders, and appeals by requiring an automatic stay of
 29 proceedings.

30 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
 31 read:

1 CONDITIONAL EFFECT. Section 2 of this Act takes effect only if sec. 5 of this Act
2 receives, the two-thirds majority vote of each house required by art. IV, sec. 15, Constitution
3 of the State of Alaska.