

**HOUSE BILL NO. 342**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES JOSEPHSON, Drummond, Guttenberg

Introduced: 2/24/16  
Referred: Judiciary

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to marriage, adoption, birth certificates, state custody of a minor,  
2 divorce, dissolution, and legal separation; replacing the terms 'husband' and 'wife' in  
3 certain statutes relating to loans, trusts, spousal immunity and confidential marital  
4 communications, probate and nonprobate transfers, life and health insurance, workers'  
5 compensation, and property ownership; and making conforming amendments."

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

7 \* **Section 1.** AS 06.20.240 is amended to read:

8 **Sec. 06.20.240. Loans for purpose of obtaining higher interest.** A licensee  
9 may not induce or permit a person, or two spouses [A HUSBAND AND WIFE]  
10 jointly or severally, to split up or divide a loan or to become obligated, directly or  
11 contingently or both, under more than one loan contract at the same time, for the  
12 purpose or with the result of obtaining a higher rate of interest than would otherwise  
13 be permitted by AS 06.20.230. However, a licensee may enter into new or different

1 loan transactions with the borrower or the borrower's spouse at a different time so long  
2 as the purpose of the additional transaction does not violate this section.

3 \* **Sec. 2.** AS 06.26.020(a) is amended to read:

4 (a) Notwithstanding any other provision of this chapter, a person does not act  
5 as a fiduciary under this chapter if the person

6 (1) is licensed to practice law in this state, the person is acting within  
7 the scope of the license, and the person and any law firm of the person are not trustees  
8 of more trusts than the number established for the person and law firm by the  
9 department by regulation or order; in this paragraph, "law firm" means a partnership, a  
10 professional corporation organized under AS 10.45, or another association organized  
11 for the practice of law and in which the person practices law;

12 (2) acts as trustee under a deed of trust delivered only as security for  
13 the payment of money or for the performance of another act;

14 (3) receives and distributes on behalf of a principal rents and proceeds  
15 of sales as a real estate broker or other licensee under AS 08.88;

16 (4) engages in securities business activity or investment advisory  
17 business activity as a registered broker-dealer, a broker-dealer agent, a state  
18 investment adviser, or an investment adviser representative, or as a federal covered  
19 adviser who has made a notice filing under AS 45.55.040(h), the person is acting  
20 within the scope of the person's registration or notice filing, and the activity is  
21 regulated by the department under AS 45.55 or by the United States Securities and  
22 Exchange Commission; in this paragraph, "agent," "broker-dealer," "federal covered  
23 adviser," "investment adviser representative," "investment advisory business,"  
24 "securities business," and "state investment adviser" have the meanings given in  
25 AS 45.55.990;

26 (5) engages in the sale and administration of an insurance product as  
27 an insurance company licensed under AS 21 or an insurance producer licensed under  
28 AS 21 and is acting within the scope of that license;

29 (6) handles escrow transactions and is a title insurance company that  
30 has a certificate of authority issued under AS 21.09, a title insurance limited producer  
31 that is licensed as required by AS 21.66.270, or an employee of the title insurance

1 company or title insurance producer when acting in the scope of the employee's  
2 employment; in this paragraph,

3 (A) "escrow transaction" has the meaning given in  
4 AS 34.80.090;

5 (B) "title insurance company" has the meaning given in  
6 AS 21.66.480;

7 (C) "title insurance limited producer" has the meaning given in  
8 AS 21.66.480;

9 (7) is a cemetery association organized and acting under AS 10.30;

10 (8) is a trustee for a voting trust under AS 10.06 and is acting in that  
11 capacity;

12 (9) has a certified public accountant license issued under AS 08.04.105  
13 or 08.04.195, the person is acting within the scope of the license, and the person and  
14 any accounting firm of the person are not trustees of more trusts than the number  
15 established for the person and accounting firm by the department by regulation or  
16 order; in this paragraph, "accounting firm" means a partnership, a professional  
17 corporation organized under AS 10.45, or another association organized for the  
18 practice of public accounting and in which the person practices public accounting;

19 (10) holds real property in trust for the primary purpose of subdivision,  
20 development, or sale or to facilitate a business transaction with respect to the real  
21 property;

22 (11) serves as a trustee of a trust created by the person's family  
23 members;

24 (12) holds money or other assets as a homeowners' association or  
25 similar organization to pay maintenance and other related costs for commonly owned  
26 property; in this paragraph, "homeowners' association" includes an association of  
27 apartment owners under AS 34.07.450 and a unit owners' association or master  
28 association under AS 34.08.990;

29 (13) holds money or other assets in connection with the collection of  
30 debts or payments on loans by a person acting solely as the agent or representative at  
31 the sole direction of the person to whom the debt or payment is owed, including

1 engaging in the business of an escrow agent;

2 (14) acts as a conservator if the person is appointed by a court of this  
3 or another state or is qualified to act as a conservator under AS 13.26.320;

4 (15) acts as a personal representative if the person is appointed a  
5 personal representative by a court of this or another state or is qualified to act as a  
6 personal representative under AS 13.21.035;

7 (16) acts as a guardian or receiver if the person is appointed as a  
8 guardian or receiver by a court of this or another state;

9 (17) is a business partner acting with regard to the business, or a co-  
10 owner of property acting with regard to the co-owned property;

11 (18) serves as a trustee of one or more trusts in which the settlor is not  
12 a family member of the person, except that the person may not at any one time serve  
13 as a trustee for trusts that cumulatively have more than 10 different settlors; however,  
14 the department may change by regulation or order the maximum number of settlors  
15 allowed for this exemption; in this paragraph, two spouses [A HUSBAND AND  
16 WIFE] who create a joint trust are considered to be one settlor.

17 \* **Sec. 3.** AS 11.51.125(c) is amended to read:

18 (c) In a prosecution under this section, existing provisions of law prohibiting  
19 the disclosure of confidential communications between spouses [HUSBAND AND  
20 WIFE] do not apply, and both spouses [HUSBAND AND WIFE] are competent to  
21 testify for or against each other as to all relevant matters, if a court order has awarded  
22 custody to one spouse and visitation to the other.

23 \* **Sec. 4.** AS 13.12.802 is amended to read:

24 **Sec. 13.12.802. Effect of divorce, annulment, and decree of separation.** (a)  
25 An individual who is divorced from the decedent or whose marriage to the decedent  
26 has been annulled is not a surviving spouse unless, by virtue of a subsequent marriage,  
27 the individual is married to the decedent at the time of death. A decree of separation  
28 that does not terminate the status of the spousal relationship [HUSBAND AND  
29 WIFE] is not a divorce for purposes of this section.

30 (b) In AS 13.12.101 - 13.12.405 and AS 13.16.065, a surviving spouse does  
31 not include

1 (1) an individual who obtains or consents to a final decree or judgment  
 2 of divorce from the decedent or an annulment of their marriage, if the decree or  
 3 judgment is not recognized as valid in this state, unless subsequently they participate  
 4 in a marriage ceremony purporting to marry each to the other or live together as  
 5 **spouses** [HUSBAND AND WIFE];

6 (2) an individual who, following an invalid decree or judgment of  
 7 divorce or annulment obtained by the decedent, participates in a marriage ceremony  
 8 with a third individual; or

9 (3) an individual who was a party to a valid proceeding concluded by  
 10 an order purporting to terminate all marital property rights.

11 \* **Sec. 5.** AS 13.12.804(j)(2) is amended to read:

12 (2) "divorce or annulment" means any divorce or annulment, or any  
 13 dissolution or declaration of invalidity of a marriage, that would exclude the spouse as  
 14 a surviving spouse within the meaning of AS 13.12.802; a decree of separation that  
 15 does not terminate the status of **the spousal relationship** [HUSBAND AND WIFE] is  
 16 not a divorce for purposes of this section;

17 \* **Sec. 6.** AS 18.50.160(d) is amended to read:

18 (d) If the mother was married at conception, during the pregnancy, or at birth,  
 19 the name of the **spouse** [HUSBAND] shall be entered on the certificate as the **second**  
 20 **parent** [FATHER] of the child unless

21 (1) paternity has been lawfully determined otherwise by a tribunal, in  
 22 which case the name of the father, if determined by a tribunal, shall be entered; or

23 (2) both the mother and the mother's **spouse** [HUSBAND] execute  
 24 affidavits attesting that the **spouse** [HUSBAND] is not the **second parent** [FATHER]  
 25 and that another **person** [MAN] is the **second parent** [FATHER], and the mother and  
 26 the other **person** [MAN] execute affidavits attesting that the other **person** [MAN] is  
 27 the **second parent** [FATHER], so long as the affidavits meet the requirements of (g)  
 28 of this section.

29 \* **Sec. 7.** AS 18.50.235(a) is amended to read:

30 (a) After a stillbirth occurs in the state, the person required to file a fetal death  
 31 registration under AS 18.50.240(b) shall advise the mother and, if the **mother's**

1 spouse or the father is present, the mother's spouse or the father

2 (1) that the parent may request the preparation of a certificate of birth  
3 resulting in stillbirth;

4 (2) that the parent may obtain a certificate of birth resulting in stillbirth  
5 by contacting the bureau; and

6 (3) of the contact information for the bureau.

7 \* **Sec. 8.** AS 21.42.090 is amended to read:

8 **Sec. 21.42.090. Application required, life and health insurance.** A life or  
9 health insurance contract on [UPON] an individual, except a contract of group life  
10 insurance or of group or blanket health insurance, may not be made or carried out  
11 [EFFECTUATED] unless at the time of the making of the contract the individual  
12 insured, being of competent legal capacity to contract, applies for the contract or has  
13 consented to it in writing, except in the following cases:

14 (1) a spouse may carry out [EFFECTUATE] the insurance on  
15 [UPON] the other spouse;

16 (2) a person having an insurable interest in the life of a minor or a  
17 person on [UPON] whom a minor is dependent for support and maintenance [,] may  
18 carry out [EFFECTUATE] insurance on [UPON] the life of or pertaining to the  
19 minor;

20 (3) family policies insuring any two or more members of a family may  
21 be issued on an application signed by either parent, a stepparent, or by either spouse  
22 [A HUSBAND OR WIFE].

23 \* **Sec. 9.** AS 21.51.020 is amended to read:

24 **Sec. 21.51.020. Scope, format of policy.** A policy of health insurance may not  
25 be delivered or issued for delivery to a person in this state unless it otherwise complies  
26 with this title, and complies with the following:

27 (1) the entire money and other considerations must be expressed in the  
28 policy;

29 (2) the time the insurance takes effect and terminates must be  
30 expressed in the policy;

31 (3) it must insure only one person, except that a policy may insure,

1 originally or by subsequent amendment, upon the application of an adult member of a  
 2 family, who shall be considered the policyholder, any two or more eligible members  
 3 of that family, including a spouse [HUSBAND, WIFE], dependent children, or any  
 4 children under a specified age, which may [SHALL] not exceed 23 years, and any  
 5 other person dependent on [UPON] the policyholder;

6 (4) the style, arrangement, and over-all appearance of the policy must  
 7 give no undue prominence to any portion of the text, and every printed portion of the  
 8 text of the policy and of endorsements or attached papers must be plainly printed in  
 9 light-faced type of a style in general use, the size of which must be uniform and not  
 10 less than 10 point with a lower case unspaced alphabet length not less than 120 point;  
 11 in this paragraph, text includes all printed matter except the name and address of the  
 12 insurer, name or title of the policy, the brief description, if any, and captions and  
 13 subcaptions;

14 (5) the exceptions and reductions of indemnity must be set out in the  
 15 policy and, other than those contained in AS 21.51.040 - 21.51.260, must be printed, at  
 16 the insurer's option, either included with the benefit provision to which they apply, or  
 17 under an appropriate caption such as "Exceptions," or "Exceptions and Reductions,"  
 18 except that if an exception or reduction specifically applies only to a particular benefit  
 19 of the policy, a statement of the exception or reduction must be included with the  
 20 benefit provision to which it applies;

21 (6) each form, including riders and endorsements, must be identified  
 22 by a form number in the lower left-hand corner of the first page;

23 (7) the policy may not contain a provision making a portion of the  
 24 charter, rules, constitution, or bylaws of the insurer a part of the policy unless the  
 25 portion is set out in full in the policy; this paragraph does not apply to the  
 26 incorporation of, or reference to, a statement of rates or classification of risks, or short-  
 27 rate table filed with the director.

28 \* **Sec. 10.** AS 23.30.055 is amended to read:

29 **Sec. 23.30.055. Exclusiveness of liability.** The liability of an employer  
 30 prescribed in AS 23.30.045 is exclusive and in place of all other liability of the  
 31 employer and any fellow employee to the employee, the employee's legal

1 representative, spouse [HUSBAND OR WIFE], parents, dependents, next of kin, and  
 2 anyone otherwise entitled to recover damages from the employer or fellow employee  
 3 at law or in admiralty on account of the injury or death. The liability of the employer  
 4 is exclusive even if the employee's claim is barred under AS 23.30.022. However, if  
 5 an employer fails to secure payment of compensation as required by this chapter, an  
 6 injured employee or the employee's legal representative in case death results from the  
 7 injury may elect to claim compensation under this chapter, or to maintain an action  
 8 against the employer at law or in admiralty for damages on account of the injury or  
 9 death. In that action, the defendant may not plead as a defense that the injury was  
 10 caused by the negligence of a fellow servant, or that the employee assumed the risk of  
 11 the employment, or that the injury was due to the contributory negligence of the  
 12 employee. In this section, "employer" includes, in addition to the meaning given in  
 13 AS 23.30.395, a person who, under AS 23.30.045(a), is liable for or potentially liable  
 14 for securing payment of compensation.

15 \* **Sec. 11.** AS 25.05.011(a) is amended to read:

16 (a) Marriage is a civil contract entered into by two natural persons [ONE  
 17 MAN AND ONE WOMAN] that requires both a license and solemnization. **Each**  
 18 **person shall** [THE MAN AND THE WOMAN MUST EACH] be at least one of the  
 19 following:

- 20 (1) 18 years of age or older and otherwise capable;  
 21 (2) qualified for a license under AS 25.05.171; or  
 22 (3) a member of the armed forces of the United States while on active  
 23 duty.

24 \* **Sec. 12.** AS 25.05.021 is amended to read:

25 **Sec. 25.05.021. Prohibited marriages.** Marriage is prohibited and void if  
 26 performed when

- 27 (1) either party to the proposed marriage has a spouse [HUSBAND  
 28 OR WIFE] living; or  
 29 (2) the parties to the proposed marriage are more closely related to  
 30 each other than the fourth degree of consanguinity, whether of the whole or half blood,  
 31 computed according to rules of the civil law.

1 \* **Sec. 13.** AS 25.05.041(b) is amended to read:

2 (b) If a license has been issued and the marriage solemnized as provided in  
3 this chapter and the parties to it have immediately thereafter assumed the habit and  
4 repute of spouses [HUSBAND AND WIFE] and have continued to cohabit as spouses  
5 [HUSBAND AND WIFE] for one year or until the death of either of them, the  
6 marriage may [SHALL] not be void or voidable solely on the ground the license  
7 cannot be produced.

8 \* **Sec. 14.** AS 25.05.051 is amended to read:

9 **Sec. 25.05.051. Effect of existing former marriage.** If, during the lifetime of  
10 a person [HUSBAND OR WIFE] with whom a marriage is still in force, the [A]  
11 person remarries and the parties to the subsequent marriage live together as spouses  
12 [HUSBAND AND WIFE], and one of the parties to the subsequent marriage believes  
13 in good faith that the other party's spouse from the former marriage [HUSBAND  
14 OR WIFE] is dead or that the former marriage has been annulled or dissolved by a  
15 divorce or is without knowledge of the former marriage, then after the death or divorce  
16 of the other party to the former marriage, if they continue to live together as spouses  
17 [HUSBAND AND WIFE] in good faith on the part of one of them, they are legally  
18 married from the time of removal of the impediment, and the issue of the subsequent  
19 marriage are the legitimate issue of both parents, whether born before or after the  
20 removal of the impediment.

21 \* **Sec. 15.** AS 25.05.301 is amended to read:

22 **Sec. 25.05.301. Form of solemnization.** In the solemnization of marriage no  
23 particular form is required except that the parties shall assent or declare in the  
24 presence of each other and the person solemnizing the marriage and in the presence of  
25 at least two competent witnesses that they take each other to be spouses [HUSBAND  
26 AND WIFE]. A competent witness for this purpose is a person of sound mind capable  
27 of understanding the seriousness of the ceremony. At the time of the ceremony, the  
28 person solemnizing the marriage shall complete the certification on the original  
29 marriage certificate. The person solemnizing the marriage and the two attending  
30 witnesses shall sign the original marriage certificate and the necessary copies.

31 \* **Sec. 16.** AS 25.05.361 is amended to read:

1           **Sec. 25.05.361. Unlawful solemnization of marriage.** A person who  
 2 solemnizes a marriage without first receiving a proper marriage license from the  
 3 parties as provided in this chapter or without the parties declaring to take each other as  
 4 **spouses** [HUSBAND AND WIFE], or without requiring the presence of two  
 5 competent witnesses; or who solemnizes a marriage involving a person under the legal  
 6 age of marriage without the consent of (1) the licensing official when authorized, or  
 7 (2) the parents or guardian of the underaged person, being stated in the license; or who  
 8 solemnizes a marriage knowing of any legal impediment thereto, or who solemnizes a  
 9 marriage after the expiration of the license, or who falsely certifies to the date of a  
 10 marriage solemnized by that person is guilty of a misdemeanor, and upon conviction is  
 11 punishable by imprisonment for not more than six months, or by a fine of not more  
 12 than \$500, or by both.

13 \* **Sec. 17.** AS 25.15.040 is amended to read:

14           **Sec. 25.15.040. Authority to act as attorney-in-fact for each other.** A  
 15 **person who is married** [HUSBAND OR WIFE] may appoint the **person's spouse**  
 16 [OTHER] as attorney-in-fact to control or dispose of property, and may revoke the  
 17 appointment to the same extent and manner as other persons.

18 \* **Sec. 18.** AS 25.23.020(a) is amended to read:

19           (a) The following persons may adopt:

- 20                   (1) **two spouses** [A HUSBAND AND WIFE] together;  
 21                   (2) an unmarried adult;  
 22                   (3) the unmarried father or mother of the person to be adopted;  
 23                   (4) a married person without the other spouse joining as a petitioner, if  
 24 the person to be adopted is not the other spouse, and if  
 25                           (A) the other spouse is a parent of the person to be adopted and  
 26 consents to the adoption;  
 27                           (B) the petitioner and the other spouse are legally separated; or  
 28                           (C) the failure of the other spouse to join in the petition or to  
 29 agree to the adoption is excused by the court by reason of prolonged  
 30 unexplained absence, unavailability, incapacity, or circumstances constituting  
 31 an unreasonable withholding of consent.

1 \* **Sec. 19.** AS 25.23.040(a) is amended to read:

2 (a) Unless consent is not required under AS 25.23.050, a petition to adopt a  
3 minor may be granted only if written consent to a particular adoption has been  
4 executed by

5 (1) **the legal parent of the minor, including**

6 **(A)** the mother of the minor;

7 **(B)** [(2)] the father of the minor, if the father was married to the  
8 mother at the time the minor was conceived or at any time after conception, the  
9 minor is the father's child by adoption, or the father has otherwise legitimated  
10 the minor under the laws of the state;

11 **(C) the adoptive parent of the minor;**

12 **(D) the second parent of the minor, if the second parent was**  
13 **married to the mother at the time the minor was conceived or at any time**  
14 **after conception, or the second parent has otherwise legitimated the minor**  
15 **under the laws of the state; or**

16 **(E) the second parent of the minor, if the second parent was**  
17 **married to the adoptive parent of the minor at the time the minor was**  
18 **adopted or at any time after adoption, or the second parent has otherwise**  
19 **legitimated the minor under the laws of the state;**

20 **(2)** [(3)] any person lawfully entitled to custody of the minor or  
21 empowered to consent;

22 **(3)** [(4)] the court having jurisdiction to determine custody of the  
23 minor, if the legal guardian or custodian of the person of the minor is not empowered  
24 to consent to the adoption;

25 **(4)** [(5)] the minor, if 10 years of age or older, unless the court in the  
26 best interest of the minor dispenses with the minor's consent; and

27 **(5)** [(6)] the spouse of the minor to be adopted.

28 \* **Sec. 20.** AS 25.23.050(a) is amended to read:

29 (a) Consent to adoption is not required of

30 (1) for purposes of this section, a parent who has abandoned a child for  
31 a period of at least six months;

1 (2) a parent of a child in the custody of another, if the parent for a  
 2 period of at least one year has failed significantly without justifiable cause, including  
 3 but not limited to indigency,

4 (A) to communicate meaningfully with the child, or

5 (B) to provide for the care and support of the child as required  
 6 by law or judicial decree;

7 (3) the father of a minor if the father's consent is not required by  
 8 AS 25.23.040(a)(1)(B) [AS 25.23.040(a)(2)];

9 (4) a parent who has relinquished the right to consent under  
 10 AS 25.23.180;

11 (5) a parent whose parental rights have been terminated by order of the  
 12 court under AS 25.23.180(c)(3) or AS 47.10.080(c)(3);

13 (6) a parent judicially declared incompetent or mentally defective if the  
 14 court dispenses with the parent's consent;

15 (7) a parent of the person to be adopted, if the person is 18 or more  
 16 years of age;

17 (8) a guardian or custodian specified in AS 25.23.040(a)(2) or (3)  
 18 [AS 25.23.040(a)(3) OR (4)] who has failed to respond in writing to a request for  
 19 consent for a period of 60 days or who, after examination of the guardian's or  
 20 custodian's written reasons for withholding consent, is found by the court to be  
 21 withholding consent unreasonably; [OR]

22 (9) the spouse of the person to be adopted, if the requirement of  
 23 consent to the adoption is waived by the court by reason of prolonged unexplained  
 24 absence, unavailability, incapacity, or circumstances constituting an unreasonable  
 25 withholding of consent; **or**

26 **(10) the second parent of a minor if the second parent's consent is**  
 27 **not required under AS 25.23.040(a)(1)(D) or (E).**

28 \* **Sec. 21.** AS 25.23.127 is amended to read:

29 **Sec. 25.23.127. Adult family member preference to adopt.** Taking into  
 30 consideration a child's stated preference under AS 25.23.125(a) and consent given  
 31 under AS 25.23.040(a)(4) [AS 25.23.040(a)(5)], and unless the court finds that a

1 petition to adopt the child by an adult family member is contrary to the best interest of  
 2 the child, the court shall grant a petition to adopt a child by an adult family member  
 3 who has had physical custody of the child for at least 12 consecutive months before  
 4 the parental rights to the child have been terminated. In this section, "adult family  
 5 member" has the meaning given in AS 47.10.990.

6 \* **Sec. 22.** AS 25.24.010 is amended to read:

7 **Sec. 25.24.010. Right of action for divorce.** A person [HUSBAND OR  
 8 WIFE] may maintain an action against the person's spouse [OTHER] for divorce or  
 9 to have the marriage declared void.

10 \* **Sec. 23.** AS 25.24.020 is repealed and reenacted to read:

11 **Sec. 25.24.020. Void marriages.** A marriage is void if the marriage is  
 12 prohibited by law for either of the following reasons:

13 (1) consanguinity between the persons; or

14 (2) a party to the marriage is already married, the person's spouse from  
 15 the preexisting marriage is still alive, and the preexisting marriage has not been  
 16 annulled or dissolved.

17 \* **Sec. 24.** AS 25.24.030 is amended to read:

18 **Sec. 25.24.030. Voidable marriages.** A marriage may be declared void for  
 19 any of the following causes existing at the time of the marriage:

20 (1) that the party in whose behalf it is sought to have the marriage  
 21 declared void was under the age of legal consent, and the marriage was contracted  
 22 without the consent of the parents, guardian, or person having charge of that party,  
 23 unless, after attaining the age of consent, the party for any time freely cohabited with  
 24 the other as spouses [HUSBAND AND WIFE];

25 (2) that either party was of unsound mind, unless that party, after  
 26 coming to reason, freely cohabited with the other as spouses [HUSBAND AND  
 27 WIFE];

28 (3) that the consent of either party was obtained by fraud, unless that  
 29 party afterwards, with full knowledge of the facts constituting the fraud, freely  
 30 cohabited with the other as spouses [HUSBAND AND WIFE];

31 (4) that the consent of either party was obtained by force, unless that

1 party afterwards freely cohabited with the other as spouses [HUSBAND AND WIFE];  
2 (5) failure to consummate the marriage at the time of the marriage and  
3 continuing at the commencement of the action.

4 \* **Sec. 25.** AS 25.24.040 is amended to read:

5 **Sec. 25.24.040. Action to declare marriage valid.** When a spouse [EITHER  
6 THE HUSBAND OR WIFE] claims or pretends that the marriage is void or voidable,  
7 the other spouse may bring an action to have the marriage declared valid. The court  
8 may determine if the marriage is void from the beginning or from the time of the  
9 judgment or that it is valid.

10 \* **Sec. 26.** AS 25.24.200(a) is amended to read:

11 (a) Two spouses [A HUSBAND AND WIFE] together may petition the  
12 superior court for the dissolution of their marriage under AS 25.24.200 - 25.24.260 if  
13 the following conditions exist at the time of filing the petition:

14 (1) incompatibility of temperament has caused the irremediable  
15 breakdown of the marriage;

16 (2) if there are unmarried children of the marriage under the age of 19  
17 or one of the spouses [THE WIFE] is pregnant, and the spouses have agreed on which  
18 spouse or third party is to be awarded custody of each minor child of the marriage and  
19 the extent of visitation, including visitation by grandparents and other persons if in the  
20 child's best interests, and support to be provided on the children's behalf, whether the  
21 payments are to be made through the child support services agency, and the tax  
22 consequences of that agreement;

23 (3) the spouses have agreed as to the distribution of all real and  
24 personal property that is jointly owned or community property under AS 34.77,  
25 including retirement benefits and the payment of spousal maintenance, if any, and the  
26 tax consequences resulting from these payments; the agreement must be fair and just  
27 and take into consideration the factors listed in AS 25.24.160(a)(2) and (4) so that the  
28 economic effect of dissolution is fairly allocated; and

29 (4) the spouses have agreed as to the payment of all unpaid obligations  
30 incurred by either or both of them and as to payment of obligations incurred jointly in  
31 the future.

1 \* **Sec. 27.** AS 25.24.200(b) is amended to read:

2 (b) A **spouse** [HUSBAND OR WIFE] may separately petition for dissolution  
3 of their marriage under AS 25.24.200 - 25.24.260 if the following conditions exist at  
4 the time of filing the petition:

5 (1) incompatibility of temperament, as evidenced by extended absence  
6 or otherwise, has caused the irremediable breakdown of the marriage;

7 (2) the petitioning spouse has been unable to ascertain the other  
8 spouse's position in regard to the dissolution of their marriage and in regard to the fair  
9 and just division of property, including retirement benefits, spousal maintenance,  
10 payment of debts, and custody, support and visitation because the whereabouts of the  
11 other spouse is unknown to the petitioning spouse after reasonable efforts have been  
12 made to locate the absent spouse; and

13 (3) the other spouse cannot be personally served with process inside or  
14 outside the state.

15 \* **Sec. 28.** AS 25.24.210(e) is amended to read:

16 (e) If the petition is filed by both spouses under AS 25.24.200(a), the petition  
17 must state in detail the terms of the agreement between the spouses concerning the  
18 custody of children, child support in terms of periodic payments and in terms of health  
19 care expenses, visitation, spousal maintenance and tax consequences, if any, and fair  
20 and just division of property, including retirement benefits. Agreements on spousal  
21 maintenance and property division must fairly allocate the economic effect of  
22 dissolution and take into consideration the factors listed in AS 25.24.160(a)(2) and (4).  
23 In addition, the petition must state

24 (1) the respective occupations of the petitioners;

25 (2) the income, assets, and liabilities of the respective petitioners at the  
26 time of filing the petition;

27 (3) the date and place of the marriage;

28 (4) the name, date of birth, and current marital, educational, and  
29 custodial status of each child born of the marriage or adopted by the petitioners who is  
30 under the age of 19;

31 (5) whether **either spouse** [THE WIFE] is pregnant;

- 1 (6) whether either petitioner requires medical care or treatment;
- 2 (7) whether any of the following has been issued or filed during the
- 3 marriage by or regarding either spouse as defendant, participant, or respondent:
- 4 (A) a criminal charge of a crime involving domestic violence;
- 5 (B) a protective order under AS 18.66.100 - 18.66.180;
- 6 (C) injunctive relief under former AS 25.35.010 or 25.35.020;
- 7 or
- 8 (D) a protective order issued in another jurisdiction and filed
- 9 with the court in this state under AS 18.66.140;
- 10 (8) whether either petitioner has received the advice of legal counsel
- 11 regarding a divorce or dissolution;
- 12 (9) other facts and circumstances that the petitioners believe should be
- 13 considered;
- 14 (10) that the petition constitutes the entire agreement between the
- 15 petitioners; and
- 16 (11) any other relief sought by the petitioners.

17 \* **Sec. 29.** AS 25.24.400 is amended to read:

18 **Sec. 25.24.400. Complaint for legal separation.** A spouse [HUSBAND OR

19 A WIFE] may separately or jointly file a complaint in the superior court for a legal

20 separation. A legal separation may be granted not [NO] more than once to the same

21 married couple.

22 \* **Sec. 30.** AS 25.25.316(i) is amended to read:

23 (i) The defense of immunity based on the spousal relationship [OF

24 HUSBAND AND WIFE] or the relationship of parent and child does not apply in a

25 proceeding under this chapter.

26 \* **Sec. 31.** AS 25.30.480(d) is amended to read:

27 (d) A privilege against disclosure of marital communications [BETWEEN

28 SPOUSES] and a defense of immunity based on the spousal relationship [OF

29 HUSBAND AND WIFE] or the relationship of parent and child may not be invoked

30 in a proceeding under AS 25.30.400 - 25.30.590.

31 \* **Sec. 32.** AS 34.07.090 is amended to read:

1           **Sec. 34.07.090. Apartment ownership and possession.** Each apartment  
 2 owner shall have exclusive ownership and possession of the owner's apartment, but  
 3 any apartment may be owned by **two spouses** [HUSBAND AND WIFE] as tenants by  
 4 the entirety or may be commonly owned by more than one person.

5 \* **Sec. 33.** AS 34.07.190(b) is amended to read:

6           (b) Nothing in this chapter limits the right of partition by **two spouses** [A  
 7 HUSBAND AND WIFE] owning as tenants by the entirety or by the owners in  
 8 common of one or more of the apartments as to the ownership of the apartment or  
 9 apartments.

10 \* **Sec. 34.** AS 34.15.010(b) is amended to read:

11           (b) In a deed or conveyance of the family home or homestead by a married  
 12 man or a married woman, the **spouses** [HUSBAND AND WIFE] shall join in the deed  
 13 or conveyance.

14 \* **Sec. 35.** AS 34.15.110(b) is amended to read:

15           (b) **Two spouses** [A HUSBAND AND WIFE] who acquire title in real  
 16 property hold the estate as tenants by the entirety, except as provided by AS 34.77.100  
 17 or unless it is expressly declared otherwise in the conveyance or devise. The  
 18 conveyance shall recite the marital status of the parties acquiring title to the real  
 19 property.

20 \* **Sec. 36.** AS 39.50.200(a)(2) is amended to read:

21           (2) "child" includes a biological child, **a legal child**, an adopted child,  
 22 and a stepchild;

23 \* **Sec. 37.** AS 39.50.200(a)(7) is amended to read:

24           (7) "mother or father" includes a biological parent, **a legal parent**, an  
 25 adoptive parent, and a stepparent;

26 \* **Sec. 38.** AS 47.10.110 is amended to read:

27           **Sec. 47.10.110. Appointment of guardian or custodian.** When, in the course  
 28 of a proceeding under this chapter, it appears to the court that the welfare of a minor  
 29 will be promoted by the appointment of a guardian or custodian of the minor's person,  
 30 the court may make the appointment. The court shall have a summons issued and  
 31 served **on** [UPON] the parents of the minor, if they can be found, in a manner and

1 within a time before the hearing that the court considers reasonable. The court may  
 2 determine whether a [THE] father, mother, another suitable person, or the department  
 3 shall have the custody and control of the minor. If the minor is of sufficient age and  
 4 intelligence to state desires, the court shall consider them.

5 \* **Sec. 39.** AS 47.12.080 is amended to read:

6 **Sec. 47.12.080. Release of minor.** A minor who is taken into custody may, in  
 7 the discretion of the court and upon the written promise of the parent, guardian, or  
 8 custodian to bring the minor before the court at a time specified by the court, be  
 9 released to the care and custody of the parent, guardian, or custodian. The minor, if not  
 10 released, shall be detained as provided by AS 47.12.240. The court may determine  
 11 whether a [THE] father or mother or another person shall have the custody and control  
 12 of the minor for the duration of the proceedings. If the minor is of sufficient age and  
 13 intelligence to state desires, the court shall give consideration to the minor's desires.

14 \* **Sec. 40.** AS 47.12.220 is amended to read:

15 **Sec. 47.12.220. Appointment of guardian or custodian.** When, in the course  
 16 of a proceeding under this chapter, it appears to the court that the welfare of a minor  
 17 will be promoted by the appointment of a guardian or custodian of the minor's person  
 18 or property, the court may make the appointment. The court shall have a summons  
 19 issued and served on [UPON] the parents of the minor, if they can be found, in a  
 20 manner and within a time before the hearing that the court considers reasonable. The  
 21 court may determine whether a [THE] father, mother, or the department shall have the  
 22 custody and control of the minor. If the minor is of sufficient age and intelligence to  
 23 state desires, the court shall consider them. The court may order either or both parents  
 24 to pay support for the minor's care to the guardian, custodian, or department.

25 \* **Sec. 41.** AS 47.17.060 is amended to read:

26 **Sec. 47.17.060. Evidence not privileged.** Neither the physician-patient nor the  
 27 spousal [HUSBAND-WIFE] privilege is a ground for excluding evidence regarding a  
 28 child's harm, or its cause, in a judicial proceeding related to a report made under this  
 29 chapter.

30 \* **Sec. 42.** AS 25.05.013 is repealed.

31 \* **Sec. 43.** The uncodified law of the State of Alaska is amended by adding a new section to

1 read:

2 REVISOR'S INSTRUCTION. The revisor of statutes is requested to change the  
3 heading of AS 25.15 from "Husband and Wife" to "Spouses."