

1 IN THE HOUSE BY MR. METCALF BY REQUE
2 HOUSE BILL NO. 130
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTH LEGISLATURE - FIRST SESSION
5 A BILL

6 For an Act entitled: "An Act providing for an interlocutory judg-
7 ment in divorce actions."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 09.55 is amended by adding new sections to
10 read:

11 Sec. 09.55.202. INTERLOCUTORY JUDGMENT. (a) If the
12 court decides that a divorce should be granted, it shall enter
13 an interlocutory judgment declaring who is entitled to the
14 divorce, and specifying any matters it may provide for under
15 sec. 210 of this chapter.

16 (b) A divorce action may not be dismissed after entry of
17 an interlocutory judgment without the consent of both parties.

18 Sec. 09.55.205. FINAL JUDGMENT. (a) When six months
19 have expired after the entry of an interlocutory judgment,
20 the court may, on motion of either party or upon its own
21 motion, enter a final judgment granting the divorce unless an
22 appeal has been taken from the interlocutory judgment or a
23 motion for a new trial has been made, in which case final
24 judgment shall not be entered until such appeal or motion has
25 been finally disposed of.

26 (b) If one or both of the parties dies before a final
27 judgment may be entered, the marriage relationship is con-
28 sidered to be dissolved by death, not by divorce.

29 Sec. 09.55.207. ENTRY NUNC PRO TUNC. (a) When a final

1 judgment in a divorce action has not been signed, filed and
2 entered because of mistake, negligence or inadvertence, the
3 court may, on the motion of either party or upon its own
4 motion, cause a final judgment to be signed, filed and entered
5 granting the divorce as of the earliest date it could legally
6 have been granted.

7 (b) A marriage entered into by either of the parties on
8 or after the date on which a final judgment could legally have
9 been granted is valid for all purposes upon entry of a judg-
10 ment nunc pro tunc.

11 * Sec. 4. AS 09.55.210 is amended to read:

12 Sec. 09.55.210 ✓ CONTENTS OF JUDGMENT. In a final or
13 interlocutory judgment of [IN AN ACTION FOR] divorce or a
14 judgment [ACTION] declaring a marriage void, or at any time
15 after such judgment, the court may provide

16 (1) for the care and custody of the minor children
17 of the marriage as it considers just and proper, having due
18 regard to the age and sex of the children, and, unless other-
19 wise manifestly improper, giving the preference to the party
20 not in fault;

21 (2) for the payment from the party in fault, not
22 allowed the care and custody of the children, an amount of
23 money, in gross or installments, as may be just and proper for
24 that party to contribute toward the nurture and education of
25 the children;

26 (3) for the recovery from the party in fault an
27 amount of money, in gross or in installments, as may be just
28 and proper for the party to contribute to the maintenance of
29 the other;

1 (4) for the delivery to the wife of her personal
2 property in the possession or control of the husband at the
3 time of giving the judgment;

4 (5) for the appointment of one or more trustees
5 to collect, receive, expend, manage, or invest, in the manner
6 the court directs, any sum of money adjudged for the mainten-
7 ance of the wife or the nurture and education of minor child-
8 ren committed to her care and custody;

9 (6) for the division between the parties of their
10 joint property or the separate property of each, in the manner
11 as may be just, and without regard as to which of the parties
12 is the owner of the property; and to accomplish this end the
13 judgment may require one of the parties to assign, deliver, or
14 convey any of his or her real or personal property to the
15 other party;

16 (7) to change the name of the wife.

17 * Sec. 3. AS 09.55.~~230~~ is repealed and re-enacted to read:

18 Sec. 09.55.230. TERMINATION OF MARRIAGE RELATIONSHIP.

19 The marriage relationship of the parties to a divorce action
20 is not dissolved by entry of an interlocutory judgment, only
21 a final judgment restores the parties to the state of un-
22 married persons.