

Original sponsor: Balone
by request

Offered: 3/22/67
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 247

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to a judgment in an action for
7 divorce or action declaring a marriage void."

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

9 * Section 1. AS 09.55 is amended by adding a new section to read:

10 Sec. 09.55.205. JUDGMENTS FOR CUSTODY. In actions for divorce
11 or for separate maintenance the court may, during the pendency of the
12 action, or at the final hearing or at any time thereafter during the
13 minority of any of the children of the marriage, make an order for
14 the custody of or visitation with the minor children which may seem
15 necessary or proper and may at any time modify or vacate the same.
16 In awarding the custody the court is to be guided by the following
17 considerations:

18 (1) by what appears to be for the best interests of the
19 child and if the child is of a sufficient age to form an intelligent
20 preference, the court may consider that preference in determining
21 the question;

22 (2) as between parents adversely claiming the custody
23 neither parent is entitled to it as of right, but other things being
24 equal, if the child is of tender years, custody should be given to
25 the mother; if the child is of suitable age and need, then custody
26 should be given to the father.

27 * Sec. 2. AS 09.55.210(1) is repealed.

28 * Sec. 3. AS 09.55.210(2) is repealed and re-enacted to read:

29 (2) for the payment by either or both parties of an amount

1 of money or goods, in gross or installments, as may be just and proper
2 for the parties to contribute toward the nurture and education of their
3 children, and the court may order the parties to arrange with their
4 employers for an automatic payroll deduction each month or each pay
5 period, if the period is other than monthly, of the amount of the
6 installment; if the employer agrees, the installment is forwarded by
7 the employer to the clerk of the superior court which entered the
8 judgment or the court trustee and the amount of the installment is
9 exempt from execution; except as otherwise agreed by the parties in
10 writing, upon the remarriage of the party having custody of the minor
11 children, the child support funds due from the other party shall be
12 placed in a trust fund for the future education of the children or for
13 any other proper purpose except that of the day to day needs of the
14 children; maintenance of the trust fund shall be subject to the normal
15 enforcement procedures of the court; after remarriage and upon motion
16 and showing of manifest need by the party having custody of the child
17 and after hearing by the court, the court may provide for payment of a
18 percentage of the monthly trust funds to the party for the support of
19 the minor child;

20 * Sec. 4. AS 09.55.210(3) is repealed and re-enacted to read:

21 (3) for the recovery of an amount of money in gross or in
22 installments as may be just and proper for one party to contribute to
23 the maintenance of the other, but only in cases where financial need
24 is manifestly shown and where one of the parties is by reason of age
25 or physical condition incapable of earning a living, or when considera-
26 tion of other appropriate factors requires it; except as otherwise
27 agreed in writing by the parties, the obligation of any party in a
28 final decree, judgment or order for the support and maintenance of the
29 other party shall not be extended and shall terminate at the end of

1 the period specified in the order, or upon the death of the obligor or
2 remarriage of the other party, whichever occurs first;

3 * Sec. 5. AS 09.55.210(6) is repealed and re-enacted to read:

4 (6) for the division between the parties of their property,
5 whether joint or separate, acquired only during coverture, specifically
6 excluding therefrom property acquired by gift or inheritance, in the
7 manner as may be just, and without regard to which of the parties is
8 in fault; and to accomplish this end the judgment may require one of
9 the parties to assign, deliver, or convey any of his or her real or
10 personal property to the other party;

11 * Sec. 6. AS 09.55.210(4) is repealed and re-enacted to read:

12 (4) for the delivery to either of their personal property
13 in the possession or control of the other party at the time of giving
14 the judgment;