

Original sponsor: Balone by request

Offered: 2/27/68

1 IN THE HOUSE

BY THE HEALTH, WELFARE AND
EDUCATION COMMITTEE

2 CS FOR HOUSE BILL NO. 247

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to a judgment in an action for divorce
7 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 or
11 for legal separation 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 the
14 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. In
16 awarding custody the court is to be guided by the following considera-
17 tions:

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

22 (2) as between parents adversely claiming the custody
23 neither parent is entitled to it as of right.

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 AS 09.55.210(1) is repealed.

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 AS 09.55.210(2) is repealed and re-enacted to read:

26 (2) for the payment by either or both parties of an amount
27 of money or goods, in gross or installments, as may be just and proper
28 for the parties to contribute toward the nurture and education of their
29 children, and the court may order the parties to arrange with their

1 employers for an automatic payroll deduction each month or each pay
2 period, if the period is other than monthly, of the amount of the
3 installment; if the employer agrees, the installment is forwarded by
4 the employer to the clerk of the superior court which entered the
5 judgment or the court trustee and the amount of the installment is
6 exempt from execution;

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 AS 09.55.210(3) is repealed and re-enacted to read:

8 (3) for the recovery by one party from the other an
9 amount of money for maintenance, in gross or in installments, as may
10 be just and necessary without regard to which of the parties is in
11 fault;

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 AS 09.55.210(6) is repealed and re-enacted to read:

13 (6) for the division between the parties of their property,
14 whether joint or separate, acquired only during coverture, in the
15 manner as may be just, and without regard to which of the parties is
16 in fault, provided, however, that the court in making such division
17 may invade the property of either spouse acquired prior to marriage
18 when the balancing of the equities between the parties so require;
19 and to accomplish this end the judgment may require that one or both
20 of the parties assign, deliver, or convey any of his or her real or
21 personal property to the other party;

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

23 (4) for the delivery to either of their personal property
24 in the possession or control of the other party at the time of giving
25 the judgment;