

Introduced: 2/4/81
Referred: Health, Education &
Social Services and Judiciary

1 IN THE HOUSE

BY BEIRNE

2 HOUSE BILL NO. 113

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act authorizing marriages of limited duration."

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

8 * Section 1. FINDINGS AND PURPOSE. The legislature finds that many of
9 the joys and satisfactions of life arise out of caring and trusting rela-
10 tionships between members of the opposite sex. The legislature also finds
11 that the traditional marriage of unlimited duration has not met the needs or
12 aspirations of many Alaskans and as a consequence many couples in the state
13 are living together out of wedlock. The legislature further finds that many
14 people find themselves in unsatisfactory marriages, but due to financial
15 uncertainty, inertia, family pressure, social disapproval or the emotional
16 trauma involved are unable or unwilling to seek and obtain a divorce. How-
17 ever, the legislature recognizes that marriage imbues a man-woman relation-
18 ship with a special significance in the minds and hearts of most Alaskans,
19 and that the institution of marriage also plays a significant role in rela-
20 tion to the family and other religious, social, economic, and political
21 institutions of the state. It is the purpose of this Act to provide an al-
22 ternative to the traditional marriage of unlimited duration by allowing
23 persons who wish to deepen their commitments, but who for various reasons
24 are unwilling or unable to make a lifetime commitment, to enter into a
25 legally recognized relationship. It is also the purpose of this Act to
26 allow for trial marriages, by providing for the automatic expiration of a
27 marriage if not renewed after a prescribed period, and by minimizing, in the
28 event of nonrenewal of the marriage, the ugly consequences which often
29 accompany a divorce. It is not the purpose or intent of this Act to affect

1 the validity or the legal incidents of marriages of unlimited duration, nor
2 is it the purpose of this Act to undermine the moral, social, and religious
3 foundation of marriages of unlimited duration.

4 * Sec. 2. AS 25.05 is amended by adding new sections to read:

5 ARTICLE 8A. MARRIAGE OF LIMITED DURATION.

6 Sec. 25.05.372. MARRIAGE OF LIMITED DURATION. If an agreement
7 meeting the requirements of AS 25.05.373(1) is filed in accordance with
8 AS 18.50.270(a), a marriage entered into under this chapter expires at
9 the end of the period of time agreed upon as measured from the date of
10 solemnization and at the end of each subsequent time period agreed
11 upon, unless renewed in accordance with AS 25.05.374.

12 Sec. 25.05.373. AGREEMENT AND FILING. Parties to a prospective
13 marriage, or an existing marriage, who seek to provide for the expira-
14 tion of their marriage under AS 25.05.372 shall

15 (1) agree in writing, on a form supplied by the department,

16 (A) upon when the marriage expires, as measured from
17 the date of solemnization;

18 (B) upon the division of property, both joint and
19 separate, acquired during the marriage and separate property ac-
20 quired before the marriage, if the marriage is not renewed in
21 accordance with AS 25.05.374;

22 (2) submit the agreement, together with a fee of \$100, for
23 filing with the local registrar of vital statistics of the registration
24 district in which the marriage was performed, either by submitting the
25 agreement to the licensing officer before issuance of the license or,
26 if the license has already been issued, by submitting the agreement
27 directly to the local registrar.

28 Sec. 25.05.374. RENEWAL OF MARRIAGE. A marriage of limited dura-
29 tion may be renewed before its expiration by filing with the local

1 registrar of vital statistics notice executed by both parties renewing
2 the marriage. The local registrar of vital statistics shall attach
3 this notice to the agreement filed under AS 25.05.373(2).

4 Sec. 25.05.375. REMOVAL OF LIMITATION. Parties to a marriage
5 subject to expiration under AS 25.05.372 may remove the limitation on
6 the duration of the marriage by filing with the local registrar of
7 vital statistics notice executed by both parties rescinding the agree-
8 ment entered into by the parties in accordance with AS 25.05.373(1).

9 * Sec. 3. AS 18.50.270(a) is amended to read:

10 (a) A certificate of marriage for each marriage performed in the
11 state, together with any agreement subjecting the marriage to expira-
12 tion under AS 25.05.373(1), shall be filed with the local registrar of
13 vital statistics of the registration district in which the marriage was
14 performed within seven days of the marriage.

15 * Sec. 4. AS 18.50.270(b) is amended to read:

16 (b) The official who issues the marriage license shall prepare
17 the certificate of marriage on forms prescribed and furnished by the
18 bureau, as specified elsewhere in the statutes, and in regulations
19 issued under this chapter. The official shall attach to the marriage
20 license any agreement subjecting the marriage to expiration under
21 AS 25.05.373(1).

22 * Sec. 5. AS 18.50.270(c) is amended to read:

23 (c) A person who performs a marriage shall complete the forms as
24 specified elsewhere in the statutes, or in regulations issued under
25 this chapter, and shall file the original certificate of marriage, to-
26 gether with any agreement subjecting the marriage to expiration under
27 AS 25.05.373(1), with the local registrar.

28 * Sec. 6. AS 25.05.091 is amended to read:

29 Sec. 25.05.091. APPLICATION FOR LICENSE. One of the contracting

1 parties to a prospective marriage shall, at least three days before the
2 time of issuance, file with the licensing officer written, verbal, or
3 telegraphic application for a license. Before issuance of the license,
4 each contracting party shall file with the same licensing officer a
5 premarital certificate and any agreement subjecting the marriage to
6 expiration under AS 25.05.373(1); and shall make a statement under oath
7 that the contemplated marriage meets the requirements of law, giving
8 the names, relationship if any, residence, occupation, and age of each
9 party; naming guardians of any party under the legal age for marriage;
10 and describing any prior marriage or marriages of either party, and the
11 manner of dissolution of them. This statement may be made and executed
12 before a notary public or postmaster who shall certify it to the licens-
13 ing officer.

14 * Sec. 7. AS 25.20.060 is amended to read:

15 Sec. 25.20.060. CUSTODY OF THE CHILD. If there is a dispute over
16 child custody, either parent may petition the superior court for resolu-
17 tion of the matter under this section unless an action between the
18 parents is pending under AS 09.55. The court shall award custody on
19 the basis of the best interests of the child. In determining the best
20 interests of the child, the court shall consider all relevant factors
21 including those factors enumerated in AS 09.55.205. Neither parent,
22 regardless of the question of the child's legitimacy, is entitled to
23 preference in the awarding of custody. Dispute over the custody of
24 children born of a marriage of limited duration authorized in AS 25.-
25 05.372 shall be resolved under this section.

26 * Sec. 8. AS 25.25.010(6) is amended to read:

27 (6) "duty of support" includes a duty of support imposed or
28 imposable by law, or by a court order, decree or judgment, whether
29 interlocutory or final, whether incidental to a proceeding for divorce,

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legal separation, separate maintenance, expiration of a marriage of limited duration, or otherwise, and includes the duty to pay arrearages of support past due and unpaid;