

Original sponsor: Cotten by request

Offered: 5/18/81
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 436 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the rights of a putative spouse."

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

8 * Section 1. AS 25.05.051 is amended to read:

9 Sec. 25.05.051. EFFECT OF EXISTING FORMER MARRIAGE. (a) If,
10 during the lifetime of a husband or wife with whom a marriage is still
11 in force, a person remarries and the parties to the subsequent marriage
12 live together as husband and wife, and one of the parties to the sub-
13 sequent marriage believes in good faith that the former husband or wife
14 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

16 (1) after the death or divorce of the other party to the
17 former marriage, if they continue to live together as husband and wife
18 in good faith on the part of one of them, they are legally married from
19 the time of removal of the impediment, and the issue of the subsequent
20 marriage are the legitimate issue of both parents, whether born before
21 or after the removal of the impediment;

22 (2) the person unaware of the impediment is a putative
23 spouse as long as the person remains unaware of the impediment and has
24 the same rights as a legal spouse.

25 (b) The rights of a putative spouse are not greater than the
26 rights of a legal spouse or other putative spouse. A court shall equi-
27 tably apportion inheritance, property, maintenance, and support rights
28 among putative and legal spouses.

29 (c) In this section "putative spouse" means a person who has a

1 good faith reasonable belief that the person is married even though the
2 marriage is void under AS 25.05.021(1).

3 * Sec. 2. AS 13.11.010 is amended by adding new subsections to read:

4 (b) For purposes of this section "surviving spouse" includes a
5 surviving putative spouse as defined in AS 25.05.051.

6 (c) If there is both a surviving spouse and one or more surviving
7 putative spouses, a court shall equitably apportion the intestate share
8 between them as provided in AS 25.05.051(b).