

Offered: 2/3/84
Referred: Rules

Original sponsor: Ray

1 IN THE SENATE BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 320 (Judiciary) am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to dissolution of marriage."

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

8 * Section 1. AS 25.24.200(a) is amended to read:

9 (a) A husband and wife together may petition the superior court
10 for the dissolution of their marriage under AS 25.24.200 - 25.24.260
11 if the following conditions exist at the time of filing the petition:

12 (1) incompatibility of temperament has caused the irremedi-
13 able breakdown of the marriage;

14 (2) if there are minor children of the marriage or the wife
15 is pregnant, the spouses have agreed on

16 (A) [WHICH SPOUSE OR THIRD PARTY SHALL BE AWARDED
17 CUSTODY OF EACH MINOR CHILD OF THE MARRIAGE AND THE EXTENT OF
18 VISITATION, INCLUDING VISITATION BY GRANDPARENTS AND OTHER PER-
19 SONS, AND] support to be provided on the children's behalf,
20 whether the payments are to be made through the child support
21 enforcement agency and the tax consequences of that agreement;
22 and

23 (B) if the court has jurisdiction under AS 25.30.020
24 and is an appropriate forum under AS 25.30.050 and 25.30.060,
25 which spouse or third party shall be awarded custody of each
26 minor child of the marriage and the extent of visitation, includ-
27 ing visitation by grandparents and other persons;

28 (3) the spouses have agreed as to the distribution of all
29 jointly owned real and personal property and the payment of spousal

1 support, if any, and the tax consequences resulting from these pay-
2 ments; and

3 (4) the spouses have agreed as to the payment of all unpaid
4 obligations incurred by either or both of them, and as to payment of
5 obligations incurred jointly in the future.

6 * Sec. 2. AS 25.24.230(e) is amended to read:

7 (e) If the petition is brought by both spouses under AS 25.24.-
8 200(a), the court shall restore either spouse's prior name, if so
9 requested, and shall fully and specifically set out in the decree the
10 agreements of the spouses relating to child custody, child support,
11 visitation, spousal support, division of property, and the allocation
12 of the obligations of the spouses; and the court shall order the
13 performance of those agreements. The court shall also state, in the
14 decree, whether child support payments are to be made through the
15 child support enforcement agency. The [IF THE PETITION IS BROUGHT BY
16 ONE SPOUSE UNDER AS 25.24.200(b), THE] decree shall state that it does
17 not bar future action on the issues not resolved in the decree if

18 (1) the petition is brought by one spouse under AS 25.24.-
19 200(b);

20 (2) the court does not have jurisdiction under AS 25.30.020
21 or is not the appropriate forum under AS 25.30.050 and 25.30.060 to
22 enter an order for custody and visitation; or

23 (3) the court otherwise lacks jurisdiction to grant all of
24 the relief requested.

25 * Sec. 3. AS 25.30.020(a) is amended to read:

26 (a) The superior court has jurisdiction to make a child custody
27 determination by initial or modification decree if the conditions set
28 out in any of the following paragraphs are met:

29 (1) this state (A) is the home state of the child at the time of

1 commencement of the proceeding, or (B) had been the child's home state
2 within six months before commencement of the proceeding and the child
3 is absent from the state because of removal or retention by a person
4 claiming custody or for other reasons, and a parent or person acting
5 as parent continues to live in this state; [OR]

6 (2) the child is physically present in this state and is a child
7 in need of aid as defined in AS 47.10.290; [OR]

8 (3) it is in the best interest of the child that a court of this
9 state assume jurisdiction because (a) the child and the child's
10 parents, or the child and at least one contestant, have significant
11 connection with this state, and (B) there is available in this state
12 substantial evidence concerning the child's present or future care,
13 protection, training, and personal relationships; or

14 (4) [(3)] it (A) appears that no other state would have jurisdic-
15 tion under prerequisites substantially in accordance with (1), [OR]
16 (2), or (3) of this subsection, or another state has declined to
17 exercise jurisdiction on the ground that this state is more appro-
18 priate forum to determine the custody of the child, and (B) is in the
19 best interest of the child that this court assume jurisdiction.

20 * Sec. 4. AS 25.30.020(b) is amended to read:

21 (b) Except under (a) (2) and (4) [(3)] of this section, physical
22 presence in this state of the child, or of the child and one of the
23 contestants, is not alone sufficient to confer jurisdiction on a court
24 of this state to make a child custody determination.