

CS HB 496 (Fin)

Introduced: 1/22/86
Referred: Judiciary and
Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

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HOUSE BILL NO. 496

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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FOURTEENTH LEGISLATURE - SECOND SESSION

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A BILL

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For an Act entitled: "An Act relating to spousal support and attorney fees during divorce proceedings, and to judicial review of marriage dissolution agreements; and providing for an effective date."

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

11 * Section 1. AS 25.24.140(a) is amended to read:

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(a) During the pendency of the action, the court may provide by order

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(1) that one spouse pay attorney fees and costs that reasonably approximate the actual fees and costs required for the proceeding [AN AMOUNT OF MONEY AS MAY BE NECESSARY] to enable the other spouse to prosecute or defend the action;

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(2) for the care, custody, and maintenance of the minor children of the marriage during the pendency of the action;

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(3) for the freedom of one spouse from the control of the other spouse during the pendency of the action;

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(4) for the care and maintenance of the other spouse during the pendency of the hearing.

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* Sec. 2. AS 25.24.220(b) is amended to read:

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(b) If the petition is brought by both spouses under AS 25.24.-200(a), both the husband and wife are required to attend the hearing personally and not through counsel unless the court, for good cause, provides otherwise[, OR UNLESS A SPOUSE HAS COMPLIED WITH AS 25.24.-200(c), IN WHICH CASE ONLY THE SPOUSE FILING THE PETITION IS REQUIRED

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1 TO ATTEND]. Either spouse may have counsel at the hearing.

2 * Sec. 3. AS 25.24.220(d) is amended to read:

3 (d) If the petition is brought by both spouses under AS 25.24.-
4 200(a), the court shall examine the petitioners or petitioner present
5 and consider whether

6 (1) the spouses fully understand the nature and conse-
7 quences of their action;

8 (2) the agreements between the spouses concerning child
9 custody, child support, and visitation are [FAIR,] just, [AND EQUITA-
10 BLE] as between the spouses, and in the best interests of the children
11 of the marriage;

12 (3) the agreements between the spouses relating to the
13 division of property, spousal support, and the allocation of obliga-
14 tions are [FAIR,] just[, AND EQUITABLE]; and

15 (4) the conditions in AS 25.24.200(a) have been met.

16 * Sec. 4. AS 25.24.220 is amended by adding new subsections to read:

17 (h) In its examination of the petitioner or petitioners under
18 (d) of this section, the court shall use a heightened level of scruti-
19 ny of agreements if

20 (1) one party is represented by counsel and the other is
21 not;

22 (2) an unusually high or low amount of spousal support will
23 be awarded;

24 (3) domestic violence has occurred in the marriage;

25 (4) there are minor children in the marriage; or

26 (5) one party has not worked for wages for a long time or
27 has a limited future earning capability.

28 (i) If the court finds that a higher level of scrutiny is re-
29 quired by (h) of this section, the court shall examine the agreements

1 between the spouses concerning child custody, child support, visita-
2 tion, spousal support and tax consequences, if any, division of prop-
3 erty, including retirement benefits and allocation of obligations to
4 determine that they are just and are in the best interests of the
5 children of the marriage, if any.

6 * Sec. 5. AS 25.24.230(a) is amended to read:

7 (a) If the petition is brought by one or both spouses under
8 AS 25.24.200(a), the court may grant the spouses a final decree of
9 dissolution and shall order [PROVIDE THE] other relief as provided in
10 this section if the court, upon consideration of the information
11 contained in the petition and the testimony of the spouse or spouses
12 at the hearing, finds that

13 (1) the spouses understand fully the nature and conse-
14 quences of their action;

15 (2) the agreements between the spouses concerning child
16 custody, child support, visitation, spousal support and tax conse-
17 quences, if any, division of property, including retirement benefits,
18 and allocation of obligations are not grossly [UNFAIR,] unjust[, OR
19 INEQUITABLE] and are in the best interests of the children of the
20 marriage, if any; and

21 (3) the conditions in AS 25.24.200(a) have been met.

22 * Sec. 6. AS 25.24.200(c) is repealed.

23 * Sec. 7. This Act takes effect immediately in accordance with AS 01.-
24 10.070(c).