

Introduced: 2/13/89  
Referred: Health, Education &  
Social Services and Judiciary,

6-0791A

1 IN THE HOUSE

BY SPOHNHOLZ, ULMER, ELLIS,  
GRUENBERG, COLLINS, MENARD  
AND M.DAVIS

2

HOUSE BILL NO. 167

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to child custody determinations."

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

8 \* Section 1. AS 25.20.090 is amended to read:

9           Sec. 25.20.090. FACTORS FOR CONSIDERATION IN AWARDING SHARED  
10 CHILD CUSTODY. In determining whether to award shared custody of a  
11 child the court shall consider

12           (1) the child's preference if the child is of sufficient  
13 age and capacity to form a preference;

14           (2) the needs of the child;

15           (3) the stability of the home environment likely to be  
16 offered by each parent;

17           (4) the education of the child;

18           (5) the advantages of keeping the child in the community  
19 where the child presently resides;

20           (6) the optimal time for the child to spend with each  
21 parent considering

22                   (A) the actual time spent with each parent;

23                   (B) the proximity of each parent to the other and to  
24 the school in which the child is enrolled;

25                   (C) the feasibility of travel between the parents;

26                   (D) special needs unique to the child that may be  
27 better met by one parent than the other;

28                   (E) which parent is more likely to encourage frequent  
29 and continuing contact with the other parent;

- 1 (7) any findings and recommendations of a neutral mediator;  
2 (8) any evidence of domestic violence, child abuse, or  
3 child neglect in the proposed custodial household or [WHETHER THERE  
4 IS] a history of violence between the parents;  
5 (9) other factors the court considers pertinent.
- 6 \* Sec. 2. AS 25.24.150(c) is amended to read:
- 7 (c) The court shall determine custody in accordance with the  
8 best interests of the child under AS 25.20.060 -- 25.20.130. In  
9 determining the best interests of the child the court shall consider
- 10 (1) the physical, emotional, mental, religious, and social  
11 needs of the child;
- 12 (2) the capability and desire of each parent to meet these  
13 needs;
- 14 (3) the child's preference if the child is of sufficient  
15 age and capacity to form a preference;
- 16 (4) the love and affection existing between the child and  
17 each parent;
- 18 (5) the length of time the child has lived in a stable,  
19 satisfactory environment and the desirability of maintaining continu-  
20 ity;
- 21 (6) the desire and ability of each parent to allow an open  
22 and loving frequent relationship between the child and the other  
23 parent;
- 24 (7) any evidence of domestic violence, child abuse, or  
25 child neglect in the proposed custodial household or a history of  
26 violence between the parents;  
27 (8) other factors that the court considers pertinent.