

Introduced: 1/9/89
Referred: Judiciary

go00309s

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

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SENATE BILL NO. 86

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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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.