

Amended: 5/6/89

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Offered: 3/9/89

Original sponsor: Rules/Governor

1 IN THE SENATE BY THE RULES COMMITTEE
2 CS FOR SENATE BILL NO. 86 (Rules) am H
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 factors to be considered in
7 making child custody determinations."
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
9 * Section 1. AS 25.20.090 is amended to read:
10 Sec. 25.20.090. FACTORS FOR CONSIDERATION IN AWARDING SHARED
11 CHILD CUSTODY. In determining whether to award shared custody of a
12 child the court shall consider
13 (1) the child's preference if the child is of sufficient
14 age and capacity to form a preference;
15 (2) the needs of the child;
16 (3) the stability of the home environment likely to be
17 offered by each parent;
18 (4) the education of the child;
19 (5) the advantages of keeping the child in the community
20 where the child presently resides;
21 (6) the optimal time for the child to spend with each
22 parent considering
23 (A) the actual time spent with each parent;
24 (B) the proximity of each parent to the other and to
25 the school in which the child is enrolled;
26 (C) the feasibility of travel between the parents;
27 (D) special needs unique to the child that may be
28 better met by one parent than the other;
29 (E) which parent is more likely to encourage frequent

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

- 1 violence between the parents;
- 2 (8) evidence that substance abuse by either parent or other
- 3 members of the household directly affects the emotional or physical
- 4 well-being of the child;
- 5 (9) other factors that the court considers pertinent.