

HOUSE BILL NO. 136

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES C.DAVIS, Gruenberg

Introduced: 2/13/91

Referred: Health, Education and Social Services, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to divorce, dissolution, and child custody."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 *** Section 1. AS 25.20.060(a) is amended to read:**

4 (a) If there is a dispute over child custody, either parent may petition the superior court
5 for resolution of the matter under AS 25.20.060 - 25.20.130. The court shall award custody on
6 the basis of the best interests of the child. In determining the best interests of the child, the court
7 shall consider all relevant factors including those factors enumerated in AS 25.24.150(c). In a
8 custody determination under this section, the court shall provide for visitation by a
9 grandparent or other person if that is in the best interests of the child.

10 *** Sec. 2. AS 25.24.050 is repealed and reenacted to read:**

11 Sec. 25.24.050. GROUND FOR DIVORCE. A divorce may be granted for an
12 incompatibility of temperament that has caused irremediable breakdown of the marriage.

13 *** Sec. 3. AS 25.24.200(b) is amended to read:**

14 (b) A husband or wife may separately petition for dissolution of their marriage under

1 AS 25.24.200 - 25.24.260 if the following conditions exist at the time of filing the petition:

2 (1) an incompatibility of temperament [, AS EVIDENCED BY EXTENDED
3 ABSENCE OR OTHERWISE,] has caused the irremediable breakdown of the marriage;

4 (2) the petitioning spouse has been unable to ascertain the other spouse's position
5 in regard to the dissolution of their marriage and in regard to the fair and just division of
6 property, including retirement benefits, spousal maintenance, payment of debts, and custody,
7 support, and visitation because the whereabouts of the other spouse is unknown to the petitioning
8 spouse after reasonable efforts have been made to locate the absent spouse; and

9 (3) the other spouse cannot be personally served with process inside or outside
10 the state.

11 * Sec. 4. AS 25.24.220(d) is amended to read:

12 (d) If the petition is filed by both spouses under AS 25.24.200(a), the court shall examine
13 the petitioners or petitioner present and consider whether

14 (1) the spouses fully understand the nature and consequences of their action;

15 (2) the written agreements between the spouses concerning child custody, child
16 support, and visitation are just as between the spouses and in the best interests of the children
17 of the marriage; in determining whether the parents' agreement on visitation is in the best
18 interests of the children under this paragraph, the court shall also consider whether the
19 agreement should include visitation by grandparents and other persons;

20 (3) the written agreements between the spouses relating to the division of
21 property, including retirement benefits, spousal maintenance, and the allocation of obligations are
22 just; the spousal maintenance and division of property must fairly allocate the economic effect
23 of dissolution and take into consideration the factors listed in AS 25.24.160(a)(2) and (4);

24 (4) the written agreements constitute the entire agreement between the parties; and

25 (5) the conditions in AS 25.24.200(a) have been met.

26 * Sec. 5. AS 25.24.070, 25.24.120, and 25.24.130 are repealed.