

**CS FOR HOUSE BILL NO. 136 (JUDICIARY)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION**

BY THE HOUSE JUDICIARY COMMITTEE

**Offered: 4/24/91
Referred: Rules**

Sponsor(s): REPRESENTATIVES C.DAVIS, Gruenberg

A BILL

FOR AN ACT ENTITLED

1 "An Act allowing a grandparent to petition a court for visitation rights with a grandchild;
2 and requiring a court to consider nonspousal visitation rights when reviewing a dissolution
3 agreement."

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

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

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

12 * **Sec. 2.** AS 25.20 is amended by adding a new section to read:

13 **Sec. 25.20.065. VISITATION RIGHTS OF GRANDPARENT.** (a) Except as provided
14 in (c) of this section, a child's grandparent may petition the superior court for an order

1 establishing reasonable rights of visitation between the grandparent and child if

2 (1) the grandparent has established or attempted to establish ongoing personal
3 contact with the child;

4 (2) the child's custodian has denied the grandparent reasonable opportunity to visit
5 the child; and

6 (3) visitation by the grandparent is in the child's best interest.

7 (b) After a decree or final order relating to child custody is entered under AS 25.20.060
8 or AS 25.24.160 or relating to an adoption under AS 25.23, a grandparent may petition under this
9 section only if

10 (1) the grandparent did not request the court to grant visitation rights during the
11 pendency of proceedings under AS 25.20.060, AS 25.23, or AS 25.24; or

12 (2) there has been a change in circumstances relating to the custodial parent or
13 the minor child that justifies reconsideration of the grandparent's visitation rights.

14 (c) This section does not apply to a

15 (1) stepgrandparent;

16 (2) paternal grandparent of a child born out of wedlock unless the child has been
17 legitimated by the father under AS 25.20.050(a).

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

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

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

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

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

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

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

2 * Sec. 4. AS 25.24.230 is amended by adding a new subsection to read:

3 (i) Notwithstanding AS 25.24.220(g), the court may, in addition to granting the relief
4 sought by the petitioning spouses, provide in a decree of dissolution for visitation rights of a
5 grandparent or another person who is not a petitioning spouse.