

**CS FOR HOUSE BILL NO. 146 (JUDICIARY)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - FIRST SESSION**

**BY THE HOUSE JUDICIARY COMMITTEE**

**Offered: 5/14/91**

**Referred: Rules**

**Sponsor(s): REPRESENTATIVES BARNES, Brown, Ulmer, Koponen, M.A.Miller**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act prohibiting a court from reserving property division and child custody issues for  
2 a later decision when granting certain judgments unless agreed to by the parties or  
3 ordered by the court under certain circumstances; amending Rule 54(b), Alaska Rules of  
4 Civil Procedure; and providing for an effective date."

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

6 \* **Section 1.** AS 25.24.150 is amended by adding a new subsection to read:

7 (f) If the issue of child custody is before the court at the time it issues a judgment under  
8 AS 25.24.160, the court shall concurrently issue a judgment for custody under this section unless,  
9 subject to AS 25.24.155, the court delays the custody decision for a later time.

10 \* **Sec. 2.** AS 25.24 is amended by adding a new section to read:

11 **Sec. 25.24.155. RESERVATION OF ISSUES.** (a) The court may not delay or reserve  
12 a custody decision under AS 25.24.150(f) or an issue of property division under AS 25.24.160(c)  
13 unless

14 (1) each party, and the guardian ad litem if one has been appointed under

1 AS 25.24.310, expressly agrees on the record to the delay or reservation; or

2 (2) a party who moves for an order of delay or reservation shows good cause and  
3 the court finds that the interests of a party opposing the motion will not be jeopardized by the  
4 delay or reservation.

5 (b) The court may not grant a motion under (a)(2) of this section if the court finds that  
6 granting the motion would

7 (1) put the opposing party's interests substantially at risk due to the death of the  
8 other party before a final disposition of the marital property;

9 (2) diminish the ability of the party opposing the motion to protect the value of  
10 assets not in the party's control;

11 (3) not be in the best interests of each minor child whose custody would remain  
12 unresolved if the motion were granted.

13 (4) have adverse tax consequences for the opposing party; or

14 (5) have adverse consequences on the opposing party's ability to maintain existing  
15 health insurance coverage.

16 \* Sec. 3. AS 25.24.160 is amended by adding a new subsection to read

17 (c) Notwithstanding (a) of this section, if one of the parties to an action for divorce or  
18 action declaring a marriage void expressly submits to the court the issue of property division and  
19 has not withdrawn that issue from the court before judgment, the court shall provide in the  
20 judgment for the division of property and may not reserve the issue of property division for a  
21 later time unless the conditions of AS 25.24.155 have been met.

22 \* Sec. 4. AS 25.24.150(f), 25.24.155, and 25.24.160(c), added by secs. 1 - 3 of this Act, apply to  
23 actions for divorce and actions declaring a marriage void for which no judgment on any claim in the  
24 action has been entered before the effective date of this Act.

25 \* Sec. 5. AS 25.24.150(f), 25.24.155, and 25.24.160(c), added by secs. 1 - 3 of this Act, amend  
26 Rule 54(b), Alaska Rules of Civil Procedure, by prohibiting separation of claims in certain actions  
27 without compliance with AS 25.24.155, as added by sec. 2 of this Act.

28 \* Sec. 6. This Act takes effect immediately under AS 01.10.070(c) but only if sec. 5 of this Act  
29 receives the two-thirds majority vote of each house required by art. IV, sec. 15, Constitution of the State  
30 of Alaska.