

CSSB

28 AM

"An Act relating to the capacity of persons to consent to marriage; and providing for an effective date."

## COMMITTEE REPORT

2/26/75

HOUSE

Mr. Speaker:

Date \_\_\_\_\_

The Committee on JUDICIARY has had CSSB 22 am

under consideration. A Majority of the members of the Committee

( ) recommends it DO PASS

( ) recommends it DO NOT PASS

( ) recommends it DO PASS WITH ATTACHED AMENDMENT(S)

() recommends it BE REPLACED WITH CS FOR \_\_\_\_\_ AND THAT

CS FOR \_\_\_\_\_ DO PASS

( ) "and" recommends it BE REFERRED TO THE \_\_\_\_\_

COMMITTEE

( ) reports it back WITHOUT RECOMMENDATION

( ) "other"

Members signing the Majority report:

<u>[Signature]</u>	_____	_____
<u>[Signature]</u>	_____	_____
<u>[Signature]</u>	_____	_____
<u>[Signature]</u>	_____	_____

Members NOT concurring in the Majority report:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

[Signature] Chairman



A M E N D M E N T

OFFERED IN THE HOUSE:

By: Judiciary Committee

To: \_\_\_\_\_ HOUSE BILL No. \_\_\_\_\_

SENATE BILL No. HCS CS SB 23 am House

PAGE: \_\_\_\_\_

LINE: \_\_\_\_\_

Amendment adopted on floor:

page 1, line 20 DELETE "over 13" and INSERT "who has reached the age of 16"

JUDICIARY COMMITTEE AMENDMENTS

page 1, line 26 DELETE "over 13" and insert "who has reached the age of 14"

page 2, before line 1 ADD a new (1) that the parents have given their consent, or

renumber line 1 (1) to (2)

and line 7 (2) to (3)

House CS CSSB 28 am House

Judiciary committee recommendation, March 19, 1975

\* Sec. 2. AS 25.05.171 is repealed and re-enacted to read:

Sec. 25.05.171. PERSONS CAPABLE OF CONSENTING TO MARRIAGE: MINIMUM AGES, AND CONSENT OF PARENTS OR GUARDIAN. (a) A person who has reached the age of 16 but under the age of 18 years shall be issued a marriage license if the written consent of the parents of each person who is underage, or of the parent having actual care, custody and control, or of his or her guardian is filed with the licensing officer issuing the marriage license as provided in sec. 111 of this chapter.

(b) A superior court judge may grant permission for a person who has reached the age of 14 but under 18 years of age to marry and order the licensing officer to issue the license if he finds, following a hearing at which the parents and children are given the opportunity to appear and be heard, .

(1) that the parents have given their consent, or

(2) that the parents are

(A) arbitrarily and capriciously withholding consent; or

(B) absent or otherwise unaccountable; or

(C) in disagreement amongst themselves on the question; or

(D) unfit to decide the matter; and

(3) that the marriage is in the best interest of the minor.

*as it appears with amend. adopted  
in 23rd July Judiciary Committee proposed  
amendments*  
House CS CSSB 28 am House

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House Judiciary Committee  
March 3, 1975

The meeting was called to order at 1:15 p.m. by Chairman Gardiner. All members were present except Rep. Bradley and Rep. Specking.

CS SB 28 am Marriage

Rep. Brown moved that the bill pass with the HESS amendment and the following amendments to lines 14 and 20: After 18 years of age ADD "but above the age of 13 years"  
Mr. Fink objected. Mr. Brown withdrew his motion. Mr. Brown moved the above amendment only. Amendment 1 to lines 14 and 20 passed.

Mr. Fink moved the following amendment to line 20 after parental consent INSERT language that in essence says "due to parental absence, disagreement between the two parents, or if the parents are determined unfit. Mr. Parr moved to amend Mr. Fink's amendment by adding that the parents withhold consent for arbitrary or capricious reasons. Amendment 2 as amended by Mr. Parr passed.

Mr. Cotton moved that a section be added to state that members of the military service of the U.S. are not prevented from marriage by any sections of this act. Amendment 3 passed.

The committee asked that a CS be prepared to incorporate the above amendments before the committee moves the bill out of committee.

HB 59 Teacher Tenure

Mr. Brown moved the bill out of committee with a do pass. There being no objection, the bill was passed out of committee.

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House Judiciary Committee  
March 6, 1975

The meeting was called to order at 11:30 a.m. by Chairman Gardiner. All members were present except Reps. Brown and Parr.

CS CS SB 28 Marriage

The committee reviewed the proposed Judiciary CS. Mr. Fink moved and asked unanimous consent that H CS for CS for SB 28 pass out of committee with a do pass recommendation. There being no objections, it was so ordered.

HB 237/238 Divorce

Speaker Bradner, sponsor of the legislation testified that HB 237 was intended to provide for an informal forum outside the Rules of Court Procedure. He suggested the following amendments:

p 1, line 14 - within 30 days after  
p 1, line 23 - delete "himself"  
p 2 - delete section (e)  
add a section stating that counsel may be present

He explained the purposes of HB 238 as follows: if custody is at issue, the court will be notified and will consider the possibility of appointing a lawyer for the child. It specifies the method of payment for the lawyer. Mr. Fink raised the question of why legal services would have a special exception.

The meeting adjourned at 12:10 p.m. and was reconvened at 1:20 p.m. All members were present except Mr. Parr and Mr. Brown..

Art Snowden testified that the Court system had no objections to the bills.

Don Clocksin of Alaska Legal Services stated that they supported HB 237 with the following amendments:

- p 1, line 14 - within 30 days after all necessary papers (cross complaints) had been filed
- p 1, line 20 - may, at any time,
- p 1, line 23 - delete "himself"
- p 2 - delete section (e)

Mr. Fink stated that if (e) were deleted, "himself could be retained for those circumstances where only the judge would be qualified to do the mediation. There was no objection from anyone present.

Mr. Clocksin continued that he thought that the right to counsel in attendance at mediation was implied, but if there was a question to add language to that effect.

"Parties to the action and their counsel, if they choose . . ."

LEAGUE OF WOMEN VOTERS OF ALASKA  
 128-B Behrends Avenue  
 Juneau, Alaska 99801

Representative Terry Gardiner  
 Chairman, House Judiciary Committee  
 Alaska State Legislature  
 Pouch V, State Capitol  
 Juneau, Alaska 99801

re: CSSB 28 am - Age for Consent to Marriage

Dear Representative Gardiner:

The League of Women Voters of Alaska supports CSSB 28 am only if Section 1(c) is amended to permit a judge to have more latitude in making a decision.

We agree there is a need to revise the law in relation to the age for consent to marriage because of the revisor statute error in 1974. However, we do not feel it is necessary to alter the law in such a way as to make it more restrictive in its other provisions such as would be the case with the proposed (c) of Section 1 - "where there is evidence of actual or potential physical trauma."

A person under the age of 18 years may be an emancipated youth or may have other reasons that prevent him from obtaining parental consent. Each case should be judged on its own merits. Therefore we recommend the following amendment to CSSB 28 am:

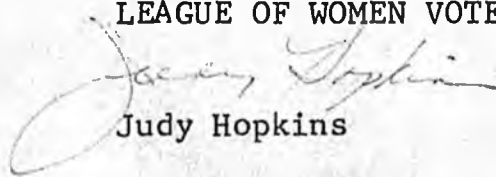
Section 1(c): remove all wording in line 22 after the word "marry" and substitute the words "if there is substantial reason to believe that marriage is in the best interests of the persons involved."

Or,

- reinstate Section 1(b)(1) from SB 28
- change Section 1(b)(2) to read: "if parental consent is unobtainable, after such showing as the superior court may require, an order of the court granting permission to the underage person to marry."
- reinstate Section 1(c)

Very truly yours,

LEAGUE OF WOMEN VOTERS OF ALASKA

  
 Judy Hopkins

c: Robert H. Ziegler, Sr.