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**STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date : 4/11/86

REQUEST

Bill/Resolution No. : CSHB 496
 Title : An Act Relating to Spousal Support, Etc., and to Judicial Review of Marriage Dissolution Agreements
 Sponsor : _____
 Requestor : _____
 Date of Request : _____

FISCAL DETAIL

Agency Affected : Alaska Court System
 BRU : Trial Courts

Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL		14.5				
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		14.6				
CAPITAL						
REVENUE						

FUNDING : (Thousands of Dollars)

GENERAL FUND		14.5				
FEDERAL FUNDS						
OTHER						
TOTAL		14.5				

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

See Attachments

Prepared by : Robert G. Fisher
 Division : Alaska Court System

Phone : 264-8215
 Date : 4/11/86

Approved by Commissioner : Arthur H. Snowden, II *AHST*
 Agency : Alaska Court System

Date : 4/11/86

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

CSHB 496 (Finance)

The original version of EB 496 would have required substantially expanded court hearings for spouses using the dissolution process. The proposed Finance Committee substitute eliminates the need for lengthy and more costly court hearings, and instead requires major changes to the forms which the spouses file with the court.

Changes to Current Law.

This bill makes several procedural changes in the way the courts process dissolutions (do-it-yourself divorces).

Under present law, a do-it-yourself dissolution complaint can be filed by one spouse if the other spouse cannot be located, but otherwise must be filed by both spouses. Even if both spouses file, only one spouse must attend the court hearing.

Under this bill, both spouses will have to attend the hearing in specified situations: if domestic violence occurred during the marriage, if child support is unusually high or low, if one spouse has an attorney and the other does not, or if the spouses are asking for shared or split custody (more than one child, with children divided between the spouses). However, if the court finds it would pose a significant hardship to require both spouses to appear, the court can permit the hearing to take place with only one spouse present.

If both spouses attend the hearing because one of these conditions is present, the judge must use "a heightened level of scrutiny" in reviewing the dissolution agreement. According to the bill's proponents, this change is intended to guide the courts to look more closely at agreements which may not be in the best interests of children from the standpoint of custody or child support, or in the best interests of the spouses because they are one-sided in favor of a person who has sought legal advice or who has subjected the other spouse to domestic violence. The bill's proponents indicate the intent of this legislation is not to require greatly expanded or lengthy court hearings, but to permit judges to ask as many

questions of the parties as the judge deems necessary to make sure the dissolution agreement is fair.

The bill also changes an inconsistency in current law. The law now provides that the court must examine the spouses to determine if the agreement is fair, but that the court grants the dissolution if the agreement is not grossly unfair. This bill adopts the fairness standard for both the examination of the parties and for granting the dissolution.

The bill makes several other changes. It permits parties to file for a change of name other than to a prior name within a divorce proceeding. It requires the spouses in a dissolution hearing to agree about distribution of retirement benefits and "other career assets".

Impact on Courts.

Current law requires preparation of forms and instructions to permit persons to file for dissolutions by themselves without incurring legal costs. Although this bill should result in only a small increase in the length of dissolution hearings, implementation will require substantial revisions to current dissolution forms. These changes include devising a means of notifying both spouses when they must both attend the hearing, a provision to permit spouses to state that it will be a hardship to attend the hearing, and a new section discussing retirement benefits and "other career assets". Developing language to explain these changes to lay people in terms that are understandable and legally accurate, especially changes relating to career assets, will be a time-consuming process which must take into account the level of understanding of litigants in a variety of locations statewide. Without carefully prepared forms and instructions, do-it-yourself divorce can become a very confusing and intimidating process.

The best way of drafting these changes is for court staff from around the state who are involved with dissolutions on a daily basis as well as other interested parties to meet together. This fiscal note sets out the costs of a one-time meeting to develop substantial revisions to the dissolution forms which are required by this bill.

CSHB 496 (FIN) am

The original version of HB 496 would have required substantially expanded court hearings for spouses using the dissolution process. The amended Finance Committee substitute eliminates the need for lengthy and more costly court hearings, and instead requires major changes to the forms which the spouses file with the court.

Changes to Current Law.

This bill makes several procedural changes in the way the courts process dissolutions (do-it-yourself divorces).

Under present law, a do-it-yourself dissolution complaint can be filed by one spouse if the other spouse cannot be located, but otherwise must be filed by both spouses. Even if both spouses file, only one spouse must attend the court hearing.

Under this bill, both spouses will have to attend the hearing in specified situations: if there is a patently inequitable division of the marital estate, if domestic violence occurred during the marriage, if child support is unusually high or low, if one spouse has an attorney and the other does not, or if the spouses are asking for shared or split custody (more than one child, with children divided between the spouses). However, if the court finds it would pose a significant hardship to require both spouses to appear, the court can permit the hearing to take place with only one spouse present.

If both spouses attend the hearing because one of these conditions is present, the judge must use "a heightened level of scrutiny" in reviewing the dissolution agreement. According to the bill's proponents, this change is intended to guide the courts to look more closely at agreements which may not be in the best interest of children from the standpoint of custody or child support, or in the best interests of the spouses because they are one-sided in favor of a person who has sought legal advice or who has subjected the other spouse to domestic violence. The bill's proponents indicate the intent of this legislation is not to require greatly expanded or lengthy court hearings, but to permit judges to ask as many questions of the parties as the judge deems necessary to make sure the dissolution agreement is fair.

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ALASKA COURT SYSTEM
 CSHB 496 (FIN) am - DISSOLUTIONS
 FISCAL IMPACT

TRAVEL:

Travel costs of Dissolution Forms Committee meetings in Anchorage, average length of meeting is 2 days with one and one-half days of in-transit travel time:

Member	Air Fare Cost	Per Diem Cost	Number of Meetings	Total Cost
Clerk of Court - Juneau	\$352	\$280	5	\$3,160
Clerk of Court - Fairbanks	222	280	5	2,510
Area Court Administrator - 1st District	452	280	5	3,660
Superior Court Judge - Wrangell	420	280	5	3,500
Magistrate - Kenai Trial Courts	70	280	5	1,750
Anchorage members - no cost	0	0	5	<u>0</u>
			Total Cost (one-time cost)	<u>\$14,580</u>

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : 5/1/86

REQUEST

Bill/Resolution No. : CSHB 496 (Fin) am
 Title : An Act Relating to Divorce,
 Dissolution and Annulment

Sponsor : Rules/Governor
 Requestor : _____
 Date of Request : _____

FISCAL DETAIL

Agency Affected : Alaska Court System
 BRU : Trial Courts

Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL		14.6				
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		14.6				

CAPITAL						
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REVENUE						
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FUNDING : (Thousands of Dollars)

GENERAL FUND		14.6				
FEDERAL FUNDS						
OTHER						
TOTAL		14.6				

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Robert G. Fisher Phone : 264-8215
 Division : Alaska Court System Date : 5/1/86

Approved by Commissioner : Arthur H. Snowden, II *AHS II* Date : 5/1/86
 Agency : Alaska Court System

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)



STATE OF ALASKA

OFFICE OF THE GOVERNOR

ALASKA WOMEN'S COMMISSION

3601 C STREET - SUITE 742

ANCHORAGE, ALASKA 99503

Testimony

Kathy Marshall

CSHB 496 - Dissolution & Divorce

Senate Judiciary Committee

May 6, 1986

The Alaska Women's Commission requested the Governor introduce HB 496 in an effort to improve the economic status of women. A recent study on the economic consequence of no-fault divorce and dissolutions indicates that women with children experience a 73 percent drop in their standard of living during the first year after divorce.

The Women's Commission believes the dissolution procedure, which is a do-it-yourself divorce, is an excellent method of obtaining a divorce for certain individuals -- it is a faster, less expensive, and less traumatic means -- but for many women it spells economic disaster. Here in Alaska, over 25 percent of the families headed by women live in poverty.

The Commission believes that provisions included in CSHB 496 will help alleviate poverty for these women while saving money for the State by lessening the number of AFDC recipients.

The bill makes several procedural changes in the way the courts process dissolutions.

1) Under present law, a dissolution can be filed by one spouse if the other spouse cannot be located, but otherwise must be filed by both spouses. Even if both spouses file, only one spouse must attend the court hearing. Under this bill, both spouses will have to attend the hearing in specified situations:

- a) if domestic violence occurred during the marriage.
- b) if child support is unusually high or low
- c) if one spouse has an attorney and the other does not, or
- d) if the spouses are requesting shared or split custody (more than one child, with the children divided between the spouses).

However, if the court finds it would pose a significant hardship to require both spouses to appear, the court can permit the hearing to take place with only one spouse present.

If both spouses attend the hearing because one of these conditions is present the judge must use a "a heightened level of scrutiny" in reviewing the dissolution agreement. This change will require the courts to look more closely at agreements which may not be in the best interests of children, or in the best interests of the spouses. The intent of this legislation is not to require greatly expanded or lengthy court hearings, but to permit judges to ask as many questions of the parties as the judge deems necessary to make sure the dissolution agreement is fair.

- 2) The bill changes the standard for granting a dissolution from "grossly unfair" to "fair, just and equitable".
- 3) It includes retirement benefits and career assets as part of marital property. While the courts often consider these assets as marital property many people are unaware of it and fail to include them in their agreements.

The bill also changes the divorce statute by:

1. permitting parties to file for a name change other than to a prior name.
2. awarding attorney's fees and spousal support to a spouse while the divorce is pending.

The Commission believes these provisions will help prevent one marital partner from exercising unequal bargaining power over a financially need spouse.

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HB496(Fin)am
 Title : "An Act relating to divorce,...

Sponsor : Rules/Governor
 Requestor : Senate Judiciary
 Date of Request : 5/05/86

FISCAL DETAIL

Agency Affected : Public Safety
 BRU : Council on Domestic Violence
 and Sexual Assault

Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Barbara Miklos, Exec. Dir.
 Division : CDVSA

Phone : 465-4356
 Date : 4/30/86

Approved by Commissioner : [Signature]
 Agency : Public Safety

Date : 5/2/86

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - CSHB 496 (Finance) am

April 30, 1986

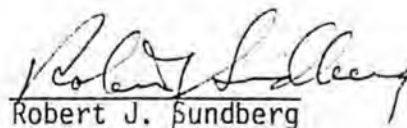
Support

CS HB 496 (Finance) am - "An Act relating to divorce, dissolution, and annulment; and amending Rule 84(a), Alaska Rules of Civil Procedure."

The Council on Domestic Violence and Sexual Assault supports CS HB 496 (Finance) am. The Council's endorsement focuses on Section (11)(h)(3) which requires a heightened level of scrutiny in dissolution agreements if "a domestic violence complaint has been filed during the marriage by a member of the household."

In relationships where domestic violence exists, victims may have experienced long term intimidation by their spouses and may be so anxious to get free of the relationship that they will agree to a dissolution agreement on the terms the spouse dictates as the easiest way out for them. In cases of domestic violence, experience has shown that the intimidation that occurs often takes the form of "brainwashing" so that the victim loses confidence in her ability to make decisions and comes to devalue her judgement and her sense of worth. Yet a woman may appear to be in agreement should she come before the judge and is not questioned about her understanding and the long-term consequences of the agreement. The increased judicial scrutiny called for in this legislation will further protect victims of domestic violence.

Although the Council supports the inclusion of domestic violence as a reason for greater scrutiny, we prefer the original language of the bill which stated that a heightened level of scrutiny is required if "domestic violence has occurred in the marriage." With the original wording, a petitioner could indicate if domestic violence has occurred. With the revision, the information would still need to come from the petitioner yet it would be very difficult to verify the information since not all domestic violence complaints are recorded by police agencies. Also, in rural and isolated areas where police protection is sporadic or nonexistent, victims of domestic violence might never have had an opportunity to file a complaint. These victims should still be entitled to heightened judicial scrutiny.


Robert J. Sundberg

Alaska Women's Commission

Testimony
Kathy Marshall

CSHB 496 - Dissolution & Divorce
House Finance Committee
April 11, 1986

The Alaska Women's Commission requested the Governor introduce HB 496 in an effort to improve the economic status of women. A recent study on the economic consequence of no-fault divorce and dissolutions indicates that women with children experience a 73 percent drop in their standard of living during the first year after divorce.

The Women's Commission believes the dissolution procedure, which is a do-it-yourself divorce, is an excellent method of obtaining a divorce for certain individuals -- it is a faster, less expensive, and less traumatic means -- but for many women it spells economic disaster. Here in Alaska, over 25 percent of the families headed by women live in poverty.

The Commission believes that provisions included in CSHB 496 will help alleviate poverty for these women while saving money for the State by lessening the number of AFDC recipients.

The bill makes several procedural changes in the way the courts process dissolutions.

- 1) Under present law, a dissolution can be filed by one spouse if the other spouse cannot be located, but otherwise must be filed by both spouses. Even if both spouses file, only one spouse must attend the court hearing. Under this bill, both spouses will have to attend the hearing in specified situations:
 - a) if domestic violence occurred during the marriage.
 - b) if child support is unusually high or low
 - c) if one spouse has an attorney and the other does not, or
 - d) if the spouses are requesting shared or split custody (more than one child, with the children divided between the spouses).

However, if the court finds it would pose a significant hardship to require both spouse to appear, the court can permit the hearing to take place with only one spouse present.

If both spouses attend the hearing because one of these conditions is present the judge must use a "a heightened level of scrutiny" in reviewing the dissolution agreement. This change will require the courts to look more closely at agreements which may not be in the best interests of children, or in the best interests of the spouses. The intent of this legislation is not to require greatly expanded or lengthy court hearings, but to permit judges to ask as many questions of the parties as the judge deems necessary to make sure the dissolution agreement is fair.

- 2) The bill changes the standard for granting a dissolution from "grossly unfair" to "fair, just and equitable".
- 3) It includes retirement benefits and career assets as part of marital property. While the courts often consider these assets as marital property many people are unaware of it and fail to include them in their agreements.

The bill also changes the divorce statute by:

1. permitting parties to file for a name change other than to a prior name.
2. awarding attorney's fees and spousal support to a spouse while the divorce is pending.

The Commission believes these provisions will help prevent one marital partner from exercising unequal bargaining power over a financially need spouse.

Honorable Pat Rodey
Senator
State of Alaska
M/S 3100

May 5, 1986

Daryl Methvin
P.O. Box 964
Douglas, Ak. 99824
465-2086

Subject: H.B. 496

I am in hopes that you will consider the following, with reference to annotated subject.

The Statute section's covering child custody and property settlements thru divorce were brought out of the dark ages in 1982. However, most Judges are not applying the laws as written, as mandated by the people of this state.

1. Property/Assets, etc.:

- A. Party retains what was brought into marriage, balance is settled 50/50.

Comment: If settlement is to be 50/50 due to unstated duration of marriage, then Statute should state what duration is to be. Suggest twenty (20) years minimum.

2. Child Custody:

- A. Statute states - Joint Custody - Childs preference, etc.

Comment: Law necessary as there is most always a dispute. However, any parent who wishes to request full custody generally shows themselves to be a selfish parent and can not be interested in the child and/or childrens wishes and/or best interests. Children should be granted stated preference in any case, at any age. It should not be a decision of a selfish parent and/or a Judge who has not heard and/or had agreement by the child. Re: State Adoptior Statute.

You have the clear opportunity to create a Statute and/or revision(s) to same which does not pit men against women and/or support selfishness via omniputant legalese. Use this opportunity to create clear legislation which gives: First - children equal rights to happiness. Secondly - Fair settlements which are not done out of coercion, despair and/or jest.

This will also save the state money by reducing the need for Dept. of H.&S.S. and Revenue positions which deals with and fosters further disent in (to present) dealing with state supported unfair custody and property settlements due to poor decision making by many Judges, and or self serving attorneys.

It's unfortunate our present statutes covering these areas are allowed to be interpreted and manipulated, rather than applied.

I am available to dicuss subject(s) with you in detail.

c.c. Senator Joe Josephson

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 496 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to divorce, dissolution, and annul-
7 ment; and amending Rule 84(a), Alaska Rules of Civil
8 Procedure."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 25.24.140 is repealed and reenacted to read:

11 Sec. 25.24.140. ORDERS DURING ACTION. (a) During the pendency
12 of the action, upon application a spouse may, in appropriate circum-
13 stances, be awarded expenses, including

14 (1) attorney fees and costs that reasonably approximate the
15 actual fees and costs required to prosecute or defend the action;

16 (2) reasonable spousal support, including medical expenses;
17 and

18 (3) reasonable support for minor children in the care of
19 the spouse, if there is a legal obligation of the other spouse to
20 provide support.

21 (b) During the pendency of the action, upon application a spouse
22 is entitled to necessary protective orders, which may include orders

23 (1) providing for the freedom of each spouse from the
24 control of the other spouse;

25 (2) restraining each spouse from subjecting the other
26 spouse or another person living in the household to domestic violence,
27 as defined in AS 25.35.060;

28 (3) directing one spouse to vacate the marital residence or
29 the home of the other spouse;

1 (4) restraining a spouse from communicating directly or
2 indirectly with the other spouse;

3 (5) restraining a spouse from entering a propelled vehicle
4 in the possession of or occupied by the other spouse; and

5 (6) prohibiting a spouse from disposing of the property of
6 either spouse or marital property without the permission of the other
7 spouse or a court order.

8 (c) After a hearing, the court may also order that the parties
9 engage in personal or family counseling or mediation if both parties
10 agree. The court shall provide in the order for the payment of the
11 costs of counseling or mediation.

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

13 Sec. 25.24.165. CHANGE OF NAME IN DIVORCE OR ANNULMENT. (a) In
14 a judgment in an action for divorce or action declaring a marriage
15 void, the court may change the name of either of the parties.

16 (b) If a party seeks a change of name to a name other than a
17 prior name, the court shall set a date for hearing not less than 40
18 days after filing of the action. Notice of the application for a
19 change of name to a name other than a prior name and the date of the
20 hearing shall be published once each week for four consecutive calen-
21 dar weeks before the hearing in a newspaper of general circulation in
22 the judicial district. At the hearing, the court shall by judgment
23 authorize the party to assume the new name in not less than 30 days
24 after issuance of the judgment, if the court is satisfied that no
25 reasonable objection exists to assumption of the new name. Within 10
26 days after issuance of the judgment the party shall publish notice of
27 the approval of the name change in a newspaper of general circulation
28 in the judicial district.

29 * Sec. 3. AS 25.24.200(a) is amended to read:

1 (a) A husband and wife together may petition the superior court
2 for the dissolution of their marriage under AS 25.24.200 - 25.24.260
3 if the following conditions exist at the time of filing the petition:

4 (1) incompatibility of temperament has caused the irremedi-
5 able breakdown of the marriage;

6 (2) if there are minor children of the marriage or the wife
7 is pregnant, the spouses have agreed on which spouse or third party
8 shall be awarded custody of each minor child of the marriage and the
9 extent of visitation, including visitation by grandparents and other
10 persons, and support to be provided on the children's behalf, whether
11 the payments are to be made through the child support enforcement
12 agency, and the tax consequences of that agreement;

13 (3) the spouses have agreed as to the distribution of all
14 jointly owned real and personal property, including retirement bene-
15 fits and other career assets, and the payment of spousal support, if
16 any, and the tax consequences resulting from these payments; and

17 (4) the spouses have agreed as to the payment of all unpaid
18 obligations incurred by either or both of them, and as to payment of
19 obligations incurred jointly in the future.

20 * Sec. 4. AS 25.24.200(b) is amended to read:

21 (b) A husband or wife may separately petition for dissolution of
22 their marriage under AS 25.24.200 - 25.24.260 if the following con-
23 ditions exist at the time of filing the petition:

24 (1) incompatibility of temperament, as evidenced by extend-
25 ed absence or otherwise, has caused the irremediable breakdown of the
26 marriage;

27 (2) the petitioning spouse has been unable to ascertain the
28 other spouse's position in regard to the dissolution of their marriage
29 and in regard to the division of property, including retirement

1 benefits and other career assets, payment of debts, and custody,
2 support, and visitation because the whereabouts of the other spouse is
3 unknown to the petitioning spouse after reasonable efforts have been
4 made to locate the absent spouse; and

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

7 * Sec. 5. AS 25.24.200(c) is amended to read:

8 (c) Except as provided in AS 25.24.220(i), [NOTHING IN THIS
9 SECTION PROHIBITS] a spouse who has been personally served with a copy
10 of a petition made under (a) of this section may execute [FROM EXECUT-
11 ING] an appearance, waiver of time to answer, and waiver of notice of
12 hearing. The appearance and waivers shall include an acknowledgment
13 signed before an officer authorized to administer an oath or affirma-
14 tion that the spouse being served has read the petition; assents to
15 the terms relating to custody of the children, child support, visita-
16 tion, spousal support and resultant tax consequences, division of
17 property, including retirement benefits and other career assets, and
18 allocation of debts; agrees that the conditions otherwise required by
19 (a) of this section exist; agrees that the petition constitutes the
20 entire agreement between the parties; understands fully the nature and
21 consequences of the action; and is not signing the appearance and
22 waivers under duress or coercion.

23 * Sec. 6. AS 25.24.210(d) is amended to read:

24 (d) The petition shall request that the marriage be dissolved
25 and that the [PRIOR] name of a spouse be changed [RESTORED], if de-
26 sired by that spouse.

27 * Sec. 7. AS 25.24.210(e) is amended to read:

28 (e) If the petition is brought by both spouses under AS 25.24.-
29 200(a), the petition shall state in detail the terms of agreement as

1 between the spouses with regard to the custody of children, child
2 support, visitation, spousal support and tax consequences, if any,
3 division of property, including retirement benefits and other career
4 assets, and allocation of debts, and, in addition, shall state

5 (1) the respective occupations of the spouses;

6 (2) the income, assets, and liabilities of the respective
7 spouses at the time of filing the petition;

8 (3) the date and place of the marriage;

9 (4) the name, date of birth, and current custodial status
10 of each minor child born of the marriage or adopted by the petition-
11 ers;

12 (5) whether the wife is pregnant;

13 (6) whether a domestic violence complaint has been filed
14 during the marriage by a member of the household;

15 (7) whether one of the petitioners has received the advice
16 of legal counsel regarding a divorce or dissolution and the other
17 petitioner has not received advice of legal counsel;

18 (8) other facts and circumstances which the petitioners
19 believe should be considered; [AND]

20 (9) that the petition constitutes the entire agreement
21 between the parties; and

22 (10) [(7)] any other relief sought by the spouses.

23 * Sec. 8. AS 25.24.220(b) is repealed and reenacted to read:

24 (b) Both spouses shall attend the hearing personally and not
25 through counsel. However, if the petition is brought by both spouses
26 under AS 25.24.200(a) and if the petition is not subject to (i) of
27 this section, one spouse may comply with AS 25.24.200(c). Either
28 spouse may have counsel at the hearing.

29 * Sec. 9. AS 25.24.220(d) is amended to read:

1 (d) If the petition is brought by both spouses under AS 25.24.-
2 200(a), the court shall examine the petitioners or petitioner present
3 and consider whether

4 (1) the spouses fully understand the nature and conse-
5 quences of their action;

6 (2) the written agreements between the spouses concerning
7 child custody, child support, and visitation are fair, just, and
8 equitable as between the spouses and in the best interests of the
9 children of the marriage;

10 (3) the written agreements between the spouses relating to
11 the division of property, including retirement benefits and other
12 career assets, spousal support, and the allocation of obligations are
13 fair, just, and equitable; [AND]

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

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

17 * Sec. 10. AS 25.24.220(g) is amended to read:

18 (g) The court may amend the written agreements between the
19 spouses relating to child custody, child support, visitation, spousal
20 support, division of the property, including retirement benefits and
21 other career assets, and allocation of obligations, but only if both
22 petitioners concur in the amendment in writing or on the record.

23 * Sec. 11. AS 25.24.220 is amended by adding new subsections to read:

24 (h) In its examination of the petitioner or petitioners under
25 (d) of this section, the court shall use a heightened level of scruti-
26 ny of agreements if

27 (1) one party is represented by counsel and the other is
28 not;

29 (2) child support or the division of marital assets is

1 patently unfair; or

2 (3) a domestic violence complaint has been filed
3 during the marriage by a member of the household.

4 (i) If the court finds that a higher level of scrutiny is re-
5 quired by (h) of this section, the court shall examine the written
6 agreements between the spouses to determine that they are fair, just,
7 and equitable, that they constitute the entire agreement between the
8 parties, and that the agreements concerning child custody, child
9 support, and visitation are in the best interest of the children of
10 the marriage, if any. The court shall require the presence of both
11 spouses at a hearing for this purpose unless the court finds on the
12 record that it would constitute a significant hardship on one of the
13 spouses to appear, and that a fair, just, and equitable agreement has
14 been reached.

15 * Sec. 12. AS 25.24.230(a) is amended to read:

16 (a) If the petition is brought by one or both spouses under
17 AS 25.24.200(a), the court may grant the spouses a final decree of
18 dissolution and shall order [PROVIDE THE] other relief as provided in
19 this section if the court, upon consideration of the information
20 contained in the petition and the testimony of the spouse or spouses
21 at the hearing, finds that

22 (1) the spouses understand fully the nature and conse-
23 quences of their action;

24 (2) the written agreements between the spouses concerning
25 child custody, child support, and visitation are in the best interest
26 of the children of the marriage, constitute the entire agreement of
27 the parties on child custody, child support, and visitation, and are
28 fair, just, and equitable as between the spouses;

29 (3) the written agreements between the spouses concerning

1 [CHILD CUSTODY, CHILD SUPPORT, VISITATION,] spousal support and tax
2 consequences, if any, division of property, including retirement
3 benefits and other career assets, and allocation of obligations are
4 fair, just, and equitable and constitute the entire agreement between
5 the parties; [NOT GROSSLY UNFAIR, UNJUST, OR INEQUITABLE AND ARE IN
6 THE BEST INTERESTS OF THE CHILDREN OF THE MARRIAGE, IF ANY; AND]

7 (4) each spouse entered into the agreement voluntarily and
8 free from the coercion of any person; and

9 (5) [(3)] the conditions in AS 25.24.200(a) have been met.

10 * Sec. 13. AS 25.24.230(e) is amended to read:

11 (e) If the petition is brought by both spouses under AS 25.24.-
12 200(a), the court shall change [RESTORE] either spouse's [PRIOR] name,
13 if the spouse seeking a change of name to a name other than a prior
14 name complies with AS 25.24.165(b), [SO REQUESTED, AND] shall fully
15 and specifically set out in the decree the written agreements of the
16 spouses, [RELATING TO CHILD CUSTODY, CHILD SUPPORT, VISITATION,
17 SPOUSAL SUPPORT, DIVISION OF PROPERTY, AND THE ALLOCATION OF THE
18 OBLIGATIONS OF THE SPOUSES;] and [THE COURT] shall order the perfor-
19 mance of those written agreements. The court shall also state, in the
20 decree, whether child support payments are to be made through the
21 child support enforcement agency. If the petition is brought by one
22 spouse under AS 25.24.200(b), the decree shall state that it does not
23 bar future action on the issues not resolved in the decree.

24 * Sec. 14. AS 25.24.250 is amended by adding a new subsection to read:

25 (c) Forms or instructions prepared under (a) of this section
26 must specify that the dissolution petition constitutes the entire
27 agreement between the parties and provide examples of kinds of proper-
28 ty and obligations that are subject to distribution.

29 * Sec. 15. AS 25.24 is amended by adding a new section to article 2 to

1 read:

2 Sec. 25.24.290. DEFINITION. In AS 25.24.200 - 25.24.290 "ca-
3 reer assets" means tangible and intangible assets and obligations
4 resulting from a spouse's education, profession, or employment that
5 were acquired at least in part as a result of direct or indirect
6 contributions made by the other spouse; a division of career assets
7 must take into consideration the extent to which each spouse
8 contributed to the acquisition of the career assets.

9 * Sec. 16. AS 25.24.165 as added by sec. 2 of this Act, AS 25.24.210(d)
10 as amended by sec. 6 of this Act, and AS 25.24.230(e) as amended by sec. 13
11 of this Act have the effect of amending Rule 84(a), Alaska Rules of Civil
12 Procedure, to allow a change of name to a name other than a prior name to
13 be commenced in a complaint for divorce or annulment or a petition for
14 dissolution of marriage.

15 * Sec. 17. AS 25.24.160(5) is repealed.
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