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STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY
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May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

House Hess

April 2, 1987

April 28, 1987

Feb. 24, 1988

Feb. 25, 1988

BILL NO:CS HB 189 (HESS)

DATE: March 29, 1988

TITLE: An Act Relating to Divorce
and Dissolution

CONTACT: Barbara Miklos
Executive Director
Council on Domestic Violence
and Sexual Assault

DEPARTMENT OF
PUBLIC SAFETY
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HB 189 proposes changes which address current inequities in the divorce and dissolution statutes. The Council supports the bill, but has reservations about Section 1 (AS 25.24.140(c), Section 8 (AS 25.24.210(e)(7) and Section 13 (AS 25.24.220(g)(2).

The proposed wording in Section 1 provides that the court may order mediation, but does not prohibit mediation in cases where domestic violence has occurred. Effective mediation depends on the equality of personal, social and economic power between the parties. Violence in a relationship gives unequal power to the violent person; violent men physically coerce and psychologically dominate and intimidate battered women. We have concerns that women may agree to mediation through fear and intimidation unless mediation is prohibited where domestic violence has occurred.

In Section 8, AS 25.24.210(e) is changed to require that the petition for dissolution state "whether a domestic violent complaint has been filed during the marriage by a member of the household." Many women in violent marriages have not filed domestic violent complaints for a number of reasons, including they lived in rural areas where filing would be extremely difficult, they felt it would not relieve the violence or they do not know how to file domestic violence complaints. Thus, it would be preferable to change this section to "whether domestic violence has occurred in the marriage." Also, since changes were made in Section 13 but not in Section 8, the sections are no longer consistent.

Section 13, amending 25.24.220(g)(2), 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 family or there is evidence of significant domestic violence during the marriage." We question how the court would define "significant domestic violence" - broken bones? concussions? Victims of domestic violence tend to minimize the violence that has occurred. The Council recommends changing this section to "domestic violence has occurred in the marriage."


Arthur English
Commissioner

BILL NO: HB 189

DATE: March 31, 1987

TITLE: An Act relating to divorce and dissolution

CONTACT: Barbara Miklos
Executive Director
Council on Domestic Violence
and Sexual Assault

OFFICE OF
THE
ATTORNEY
GENERAL

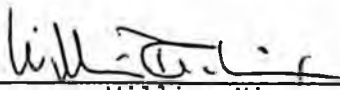
RECEIVED
MAY 1 1987
STATE OF
MISSISSIPPI

The Council on Domestic Violence and Sexual Assault supports HB 189. The Council's endorsement and concerns focus on those provisions in Sections 1, 4, 8, which specifically impact victims of domestic violence.

The Council has concerns about Section 1, Section 25.24.140(c) concerning mediation. The major concern is that the provision for mediation does not exclude cases in which there have been domestic violence. Effective mediation depends on the equality of personal, social and economic power between disputing parties. It is a self-directed, rule-free process where each party is her or his own advocate. Violence in a relationship seriously distorts the power balance. Violent men physically coerce and psychologically dominate battered women by intimidating them into silence regarding their own or their children's needs for support, custody and visitation. The safety and rights of battered women, however, are not negotiable. Therefore, the Council urges that at a minimum, an exception be inserted to prohibit mediation "if domestic violence has occurred in the marriage".

Section AS 25.24.220 8(h)(2) 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 often 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 "brain-washing" 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 language which states that a heightened level of scrutiny is required if "domestic violence has occurred in the marriage." With this wording, a petitioner could indicate if domestic violence has occurred. With the present language, 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.



William Nix
Acting Commissioner

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version : HB 189

Publish Date : _____

Revision Date: _____

Agency Affected: Public Safety

Title: An Act relating to divorce
and dissolution

BRU: Council on Domestic

Violence & Sexual Assault

Sponsor: Rules/Governor

Components : _____

Requestor: House HESS

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
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, Executive Director
Division: Council on Domestic Violence & Sexual Assault

Phone: +65-4356

Date: 3-31-87

Approved by Commissioner: [Signature]
Agency: Public Safety

Date: 4/1/87

Distribution (by prepare...)

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

HOUSE COMMITTEE REPORT

426

(7)

Date referred: 3/18/87

FURTHER REFERRALS:

Judiciary

DATE: 2-25-88

The Health, Education and Social Services Committee has considered HB 189

"An Act relating to divorce and dissolution."

RECOMMENDS:

- replace with CS HB 189 (HESS) the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING TO PASS:

W. E. Koppa

J. L. Ellis

W. L. Schunberg

W. J. Kuley

SIGNING OTHER RECOMMENDATIONS:

Bill Hays - No Rec.

ROSE E. BELL - No Rec.

Alvin Shroy - No Rec.

W. E. Koppa
cc - Chairman's signature
J. L. Ellis

HB 189 -- "An Act relating to divorce and dissolution."

FILE CONTENTS

- 1) Copy of House Bill 189
- 2) Fiscal Note, 3/18/87, Office of the Governor
- 3) Letter from Governor Cowper to Speaker Grussendorf dated 3/16/87
- 4) Position paper, William Nix, Department of Public Safety, with Fiscal Note
- 5) 1986 Bill history for HB 496
- 6) Sections of Statute repealed and reenacted in HB 189
- 7) Fiscal Note, Alaska Court System, 4/1/87
- 8) Alaska Women's Commission analysis
- 9) Testimony and proposed amendment of Daryl Methvin

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

4-3186

March 16, 1987

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill to amend Alaska statutes regarding divorce proceedings and marriage dissolution proceedings. The bill provides expressly for spousal support and attorney fees to be awarded during the pendency of divorce proceedings. It also requires a greater judicial scrutiny of marriage dissolution agreements in specific situations. With some of its clean-up and technical amendments, the bill seeks to simplify the dissolution statutes by removing the present inconsistency in references to the dissolution petition being "filed" or being "brought." (Normally, "actions" are "brought" and "petitions" are "filed.") A brief section-by-section description follows.

In sec. 1, the bill repeals and reenacts AS 25.24.140(a) to deal more specifically with attorney fees and costs, and to state that the court may require one spouse to provide reasonable spousal support, including medical expenses, as well as child support, during the pendency of the divorce proceedings. Existing AS 25.24.140(b) allows the court to restrain either spouse from disposing of property of either party during the pendency of the action. The bill repeals and reenacts AS 25.24.140(b) to provide that during the pendency of the proceeding, the court may issue an order restraining a spouse from disposing of the property of either spouse, or marital property, without the permission of the other spouse unless there is a court order. The court may also order that each spouse be restrained from subjecting the other spouse or another person living in the household to domestic violence, that one spouse vacate the marital residence, or that one spouse be restrained from communicating directly or indirectly with the other spouse or from entering a vehicle in the possession of or occupied by the other spouse.

Proposed AS 25.24.140(c), also in sec. 1 of the bill, goes on to provide that if both parties are in agreement, the

court may order them to participate in personal or family counseling or mediation.

The bill amends AS 25.24.160(a)(4) to include retirement benefits and career assets in the property that may be divided at the time of divorce. (Section 2 of the bill.)

AS 25.24.200(a), (b) and (c) are then amended in sec. 3 to reflect that property to be distributed in a property settlement in a dissolution proceeding includes retirement benefits and other career assets. AS 25.24.200(c) is also amended to require, through reference to AS 25.24.220(i), that if only one party is represented by an attorney, if a family member has filed a domestic violence complaint, or if there are minor children of the marriage, a spouse may not waive his or her right to answer the petition, or to receive notice of the hearing. A third amendment to AS 25.24.200(c) requires that when a party does execute a waiver he or she must acknowledge under oath that the dissolution petition constitutes the entire agreement between the parties.

Section 4 of the bill repeals and reenacts AS 25.24.210(e) to provide that, in addition to the statements currently required in a dissolution of marriage petition, the parties must also state whether either spouse requires medical care or treatment, whether a domestic violence complaint has been filed during the marriage, whether either party has received the advice of legal counsel, and whether the petition constitutes the entire agreement between the parties. A reference to retirement benefits and other career assets has also been added, to correspond to other amendments made by the bill.

Section 5 of the bill repeals and reenacts AS 25.24.220(b) to require that both parties must attend the dissolution hearing personally and not through counsel if one party is represented by counsel and the other is not, if a domestic violence complaint has been filed during the marriage, or if there are children of the marriage.

AS 25.24.220(d) is amended in sec. 6 to require that the written agreements of spouses who have filed for dissolution of their marriage under AS 25.24.220(a) constitute the entire agreement between the parties. Other conforming amendments are also made in AS 25.24.220(d). This statute currently uses the legalese triplet "fair, just, and equitable" as the standard for acceptable agreements between the spouses. The bill removes the redundancy and relies simply on the word "just."

AS 25.24.220(c) is amended in sec. 7 of the bill to require that the court's amendments to written agreements must be agreed to by both petitioners in writing and on the record. Other conforming amendments are also made in this subsection.

AS 25.24.220 is further amended by adding two new subsections that require that, for a dissolution petition filed under AS 25.24.200(a), the court will use a heightened level of scrutiny if one party is represented by counsel and the other is not, if a domestic violence complaint has been filed during the marriage by a member of the family, or if there are any minor children of the marriage. If these special conditions do not exist, the standard for the court's review will be that the agreement is not grossly unjust. (Section 8 of the bill.)

AS 25.24.230(a) is repealed and reenacted to require that if the dissolution petition is not subject to AS 25.24.220(h), the court, in granting the dissolution, must find that the written agreements regarding spousal support and tax consequences, division of property including retirement benefits and other career assets, and allocation of obligations, are not grossly unfair. In this case there would be no children of the marriage to consider. (Section 9 of the bill.)

Section 9 also repeals and reenacts AS 24.24.230(b) to require that, if there are children of the marriage, if only one party is represented by counsel, or if a complaint for domestic violence has been filed during the marriage (i.e., if the dissolution petition is subject to AS 25.24.220(h), the standard to be used by the court in review of the written agreements is that the agreements are just.

Under both AS 25.24.230(a) and (b), the court must find that the parties understand the nature and consequences of their action and that they entered into the agreements voluntarily and free from coercion.

The language of existing AS 25.24.230(b) -- (c) appears as AS 25.24.230(c) -- (h) in the attached bill, with some minor corrections and conforming language changes. (Section 9 of the bill.)

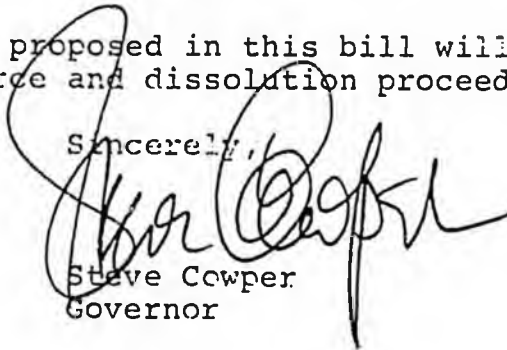
AS 25.24.250 is amended in sec. 10 by adding a new subsection that requires that the forms or instructions prepared by the Department of Law and the Alaska Court System for use by the public must specify that the dissolution petition constitutes the entire agreement between the parties, and

the forms or instructions must provide examples of the kinds of property and obligations that are subject to distribution.

Section 11 of the bill adds a new section to AS 25.24 to define "career assets." That term relates to the petitioners' property, and is added to AS 25.24 in several places by the bill, as described in this letter.

I believe that the changes proposed in this bill will result in greater justice in divorce and dissolution proceedings.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Cowper", written over the typed name and title.

Steve Cowper
Governor

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

Bill Version: HB 189
Publish Date:

REQUEST: _____

Revision Date: _____ Agency Affected: Alaska Court System
Title: An act relating to divorce and BRU: Trial Courts
dissolution.
Sponsor: Rules by request of governor Components:
Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
Personal Services	81.7	81.7	81.7	81.7	81.7
Travel	10.4	7.5	7.5	7.5	7.5
Contractual
Supplies
Equipment	8.2	. . . .	. . . .	. . . .	. . . .
Land & Structures
Grants & Claims
TOTAL OPERATING	0.0	100.3	89.2	89.2	89.2	89.2
CAPITAL
REVENUE

FUNDING: (Thousands of Dollars)

General Funds	0.0	100.3	89.2	89.2	89.2	89.2
Federal Funds	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Other	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
TOTAL	0.0	100.3	89.2	89.2	89.2	89.2

POSITIONS:

Full-time	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Part-time	. . . .	3.0	3.0	3.0	3.0	3.0
Temporary	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: Karla Forsythe, General Counsel
Division: Alaska Court System

Phone: 264-8228
Date: 4-1-87

Approved by: *Stephanie J. Cole*
Stephanie J. Cole, Deputy Director
Agency: Alaska Court System

Date: 4-1-87

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management & Budget
Impacted Agency(ies)
Senate Secretary

ALASKA COURT SYSTEM

HB 189 - FISCAL ANALYSIS

Personal Services:	Salary	Benefits	Total
Special Master, Range 24A, Fairbanks, PPT - 6 months	\$32,310	\$8,789	\$41,099
Custody Investigator, Range 18A, Anchorage, PPT - 6 months	18,774	5,781	24,555
Court Clerk II, Range 10B, Palmer, PPT - 6 months	11,790	4,228	16,018

Total Personal Services			81,672

Travel:			
Custody investigator travel-			
Monthly service to Kenai and Kodiak. Quarterly service to Ketchikan, Sitka, Wrangell, & Petersburg			7,500
Forms Committee meeting- (one time cost)			
Cost of Dissolution Forms Committee meeting in Anchorage for two days with one and one-half days of in-transit time.			2,900

Total Travel			10,400

Equipment: (one time cost)			
Desk, chair, filing cabinet, and typewriter for each new employee			8,202

Total First Year Cost			\$100,274
			=====

ALASKA COURT SYSTEM

HB 189 - FISCAL ANALYSIS

Summary of FY 86 Filings - Dissolution of Marriage

Court	Number of Filings	Estimated # of Cases Involving Children (1)	Estimated # of Cases Requiring Custody Investigation (2)
Anchorage	1,703	1,141	114
Fairbanks	511	342	34
Palmer	222	149	15
Kenai	193	129	13
Koçiak	76	51	5
Juneau	195	131	13
Ketchikan	111	74	7
Sitka	37	25	3
Wrangell/ Petersburg	30	20	2

(1) Two-thirds of dissolution cases are estimated to involve children.

(2) Ten percent of dissolution cases involving children are estimated to require custody investigations.

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

No. 1

REQUEST: _____

Bill Version: HB 189
Publish Date: HOUSE 3/18/87

Revision Date: _____
Title: An Act Relating TO
Divorce and Dissolution
Sponsor: Rules Committee
Requestor: Governor

Agency Affected: Office of the Governor
BRU: Special Offices/Commission:
Components: Alaska Womens Commission

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0

CAPITAL						
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REVENUE						
----------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Michael A. Nizich, Director *MAN*
Division: Administrative Services

Phone: 465-3616
Date: 3-9-87

Approved by Commissioner: Carol P. Kastelic *CPK*
Agency: Office of the Governor

Date: 3-9-87

Distribution (by preparer):

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



STATE OF ALASKA
OFFICE OF THE GOVERNOR

ALASKA WOMEN'S COMMISSION
3601 C STREET - SUITE 742
ANCHORAGE, ALASKA 99503

HOUSE BILL 189

There are five areas in which HB 189 differs from SCS CSHB 496 (Fin), a bill which was before the legislature during the 14th Legislative Session. The changes resulted from interim review and recommendations provided by the Alaska Court System and the Family Law Section of the Alaska Bar Association.

I. HB 189 changes the categories that trigger heightened scrutiny in dissolution cases, reducing the number of situations from five to three. The situations which will trigger heightened scrutiny are if:

- 1) one party is represented by counsel and the other is not;
- 2) a domestic violence complaint has been filed during the marriage by a member of the family; or
- 3) there are any minor children of the marriage.

These changes were arrived at after considerable dialogue with representatives of the Alaska Court System. There was general agreement that the provisions would provide increased protection of the interests of those parties who might be more vulnerable and would also be administratively "do-able."

II. HB 189 changes the provisions relating to heightened judicial scrutiny to make it clear that in the three areas mentioned in I, above, the court will examine agreements to determine that they are "just." In all other cases the court will continue to use the present criterion, that is, to ensure that they are "not grossly unfair."

III. HB 189 would make it mandatory for both parties to appear at a dissolution hearing only in the above three situations where heightened judicial scrutiny is required.

House Bill 189

Page Two

- IV. HB 189 removes provisions relating to Name Change in Divorce or Annulment which had been included in SCS CSHB 496 (Fin). The Alaska Court System indicated that current procedures work well for all parties and that the changes suggested would be more cumbersome for parties seeking the change as well as for the courts. At their suggestion, the section was removed.
- V. "Career assets" pertain to both the divorce and dissolution statutes in HB 189. In last session's bill only dissolution statutes were affected. Members of the Alaska Bar Association suggested that this was a more consistent approach.

Submitted by:

Alaska Women's Commission
April 27, 1987

TESTIMONY - HB 189

Honorable Committee Members

April 27, 1987

Subject: Amendment to Statute 25.24.150 Ref. H.B. 189

The State of Alaska (Governor Steve Cowper) categorically states that its' Courts award custody governed by the Best Interests of the child. For this to be true, the following amendment must be implemented without delay. This amendment will allow and ensure the best interest of children are, in fact, represented and upheld by our Courts.

Amendments to Alaska Statute 25.24.150

Addition's: Underscored

Add item number (7) to 25.24.150

(7) If child custody is not in agreement with each parent, then in the child's best interest, the Court shall request an investigation by Ad Litum. The Court will award custody per Ad Litum's recommendations.

This necessary amendment will support the people's (including childrens) and Legislatures intent of 1982. It will also be beneficial in curtailing degenerating disolutionment litigation and in turn support constructive mediation.

We must remember that to date, the children's best interest's are seldom represented to the Court.

The Ad Litum will investigate the child to determine need and preference and investigate parent's to determine desire, fitness and ability to provide for the child's well-being and report to the Court, custody arrangement that will solely be in the child's best interest!

Opposing Councils represent their clients best interests only. They do not represent the child! This situation leaves the Court to render a decision based on disputes of divorcing parents and councils, which does not address the well-being of the child. It forces the Court to render a decision based on unsubstantiated and non-relevant facts.



Daryl Methvin

465-2086

P.O. Box 964

Douglas, Alaska 99824

Testimony

Honorable Committee Members

April 21, 1987

Subject: Amendment to Statute 25.24.150 Ref. H.B. 189

The State of Alaska (Governor Steve Cowper) categorically states that its' Courts award custody governed by the Best Interests of the child. For this to be true, the following amendment must be implemented without delay. This amendment will allow and ensure the best interest of children are, in fact, represented and upheld by our Courts.

Amendments to Alaska Statute 25.24.150

Addition's: Underscored

Add item number (7) to 25.24.150

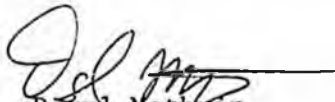
(7) If child custody is not in agreement with each parent, then in the child's best interest, the Court shall request an investigation by Ad Litum. The Court will award custody per Ad Litum's recommendations.

This necessary amendment will support the people's (including childrens) and Legislatures intent of 1982. It will also be beneficial in curtailing degenerating disolutionment litigation and in turn support constructive mediation.

We must remember that to date, the children's best interest's are seldom represented to the Court.

The Ad Litum will investigate the child to determine need and preference and investigate parent's to determine desire, fitness and ability to provide for the child's well-being and report to the Court, custody arrangement that will solely be in the child's best interest!

Opposing Councils represent their clients best interests only. They do not represent the child! This situation leaves the Court to render a decision based on disputes of divorcing parents and councils, which does not address the well-being of the child. It forces the Court to render a decision based on unsubstantiated and non-relevant facts.


Daryl Methwin
465-2086

P.O. Box 964
Douglas, AK 99824

Honorable Committee Members

April 24, 1987

Subject: Amendment to Statute 25.24.150 Ref. H.B. 189

In reference to H.B. 189 directly, or if Bill is split. Said vehicle must be used to ammend statute custody language to ensure award of joint physical custody by Court, when minor(s) has stated this preference and is also recommended, after investigation of case, by Ad Litum. Necessary statute language follows. We hope, for this States childrens well-being, you will use it! It is the right thing to do.

It was the intent of the people and Legislature, in 1982, after in-depth study, to adopt this basis of fair equality in behalf of minor's well-being. It would also save the State millions of dollars in administration, litigation and policing of support, movement of children to other states and/or countries, delinquency and crimes of all varieties by minors, seven years old and up. Unfortunately, this has yet to occur, due to inadequate and non-specific statute language.

A decision for custody award, during initial dispute or modification, if truely addressing minor(s) well-being, is an easy one to make when adhering to specific law and not allowing the entrance of bias, selfishness and facts not directly related to minor(s) well-being. We must remember that custody disputes are the root issue of most disolutions. However, reality is quite different from retoric. Council may use the argument that they follow the adversary process to inform Court of relevent facts. Over ninety percent of the time their alledged facts have no nexus between law, minor's well-being and truth. Children do not get benefit of Jury to decide. They get an individual who may or may not be biased, whom may or may not consider proper facts and the child's well-being only.

For Example, I will quote just two of many attorney's who have similarly stated, "Facts presented in Court have nothing to do with right, wrong, truth or honesty, in winning a case. It has to do with who's the best liar!" Quote-unquote, Phil Wiedner and Ron Drathman.

We must have, at least, the reality of care and equality for minor's, otherwise the State is guilty of abuse of minor's, via mental cruelty. This causes not only grievous despair and anguish of our minor's, but creates disrespect of laws by minor's. As the State has, in no uncertain terms, let minor's know that no one really cares and that our laws are meaningless, through unrealistic custody decisions. Children don't get divorced, parents do!

Please review and utilize the following amendment, as it is, 1. In the best interests for the well-being of the children of this State, and 2. Will assist in curtailing disputes of divorcing parties and help avoid mental and possible physical abuse of one another, and 3. Will assist in curtailing the workloads

of our Departments of Revenue, child support enforcement division, Health and Social Services, family and youth service division, Public Safety, State Trooper Division, law's, Court System, as well as all other related political subdivision services, dealing with domestic relations and violence. This equals millions of dollars saved on administrative and personnel costs by making children happy by addressing their well-being, instead of bias, selfishness and or vengence which has absolutely nothing to do with facts directly related to children(s) well-being.

AMENDMENTS TO ALASKA STATUTE 25.24.150

Addition's underscored:

Deletion's [bracketed]:

Add last sentence to 25.24.150(a)

Equal physical custody of minor(s) shall be awarded when it is the minor(s) preference and recommended by Ad Litum, as it is considered to be in the minor(s) best interests for well-being:

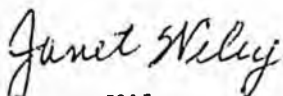
Add the work only to 24.24.150(c)

(c) The court shall determine custody in accordance with the best interests of the child under AS 25.20.060 - 25.20.130. In determining the best interest of the child the court shall only consider

Add/Delete to 25.24.150 (3)

(3) The child's stated preference if the child is [of sufficient age and capacity to form a preference] age seven (7) years or older and the investigating Ad Litum concurs. Ad Litum's recommendation if child is uner age seven (7).

Sincerely,



Janet Wiley
P.O. Box 964
Douglas, Ak. 99824

1987 LEGISLATIVE PROPOSAL REQUEST

Requested By: Janet L. Wiley

DATE: January 12, 1987

Address: P.O. Box 964

Phone #: 364-3641

SUBJECT OF PROPOSED BILL:

Necessary amendments to Alaska Statute 25.24.1 to clarify Legislative intent.
Reference: Chapter 88 SLA 1982.

SUMMARY/EXPLANATION OF INTENT: (Why is legislation requested? Explain need. Attach additional sheet if necessary.)

To direct the court system in no uncertain terms To award custody based on minor(s) preference, Ad Litum's recommendations and parents ability and desire to care for and meet the best interests of minor(s) well-being.

See attachment 1-3

ESTIMATED FISCAL IMPACT:

Capital: -0-

Operating: -0-

Savings: Would be gained by the Court System, Dept. of Revenue and Dept. of Health and Social Services. Both would be spending much less time in dealing with Domestic Relations and Delinquency cases.
Has this or a similar bill been introduced, but not passed, in the Legislature in previous session? NO

Has it been drafted but not introduced? NO

If so, please attach copy of approved draft, and list the Department of Law file number.

377 - _____ - _____

Why wasn't it passed?

Rate the bill's importance to the State.

It's importance is number one (1) in priority just as dealing with revenue short falls. The children of this State must be allowed well-being by the State, as intended by existing law, as the children of the State, are it's future.

Signature: Janet L. Wiley

Title: Loan/Branch Secretary, Alaska Federal Savings & Lc

Governor's Office recommendation:

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 16, 1987

Ms. Janet L. Wiley
P.O. Box 964
Douglas, AK 99824

Dear Ms. Wiley:

Your request for legislative revision regarding divorce and child custody proceedings was referred to my office by Governor Cowper.

Legislation has been prepared for introduction under the Governor's sponsorship dealing with divorce and dissolution proceedings. This will open areas of the law dealing with child custody, creating an opportunity for discussion of your concerns during the legislative process. Parties interested in "mediation" in child custody proceedings have also expressed an interest in new legislation, and we have likewise directed their interest toward this legislative vehicle.

The legislation in question will undoubtedly be a subject of hearings by the House or Senate Judiciary committee. You may wish to watch for introduction of this measure and notify the committee of first referral of your interest.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Bradner", with a long horizontal flourish extending to the right.

Mike Bradner
Legislative Liaison
for the Governor

Representative Fran Ulmer
P.O. Box V
Juneau, Ak. 99811

April 21, 1987

RECEIVED APR 22 1987

Subject: H.B. 189

Dear Representative Ulmer:

In reference to H.B. 189 directly, or if Bill is split. Said vehicle must be used to ammend statute custody language to ensure award of joint physical custody by Court, when minor(s) has stated this preference and is also recommended, after investigation of case, by Ad Litum. Necessary statute language follows. We hope, for this States childrens well-being, you will use it! It is the right thing to do.

It was the intent of the people and Legislature, in 1982, after in-depth study, to adopt this basis of fair equality in behalf of minor's well-being. It would also save the State millions of dollars in administration, litigation and policing of support, movement of children to other states and/or countries, delinquency and crimes of all varieties by minors, seven years old and up. Unfortunately, this has yet to occur, due to inadequate and non-specific statute language.

A decision for custody award, during initial dispute or modification, if truely addressing minor(s) well-being, is an easy one to make when adhering to specific law and not allowing the entrance of bias, selfishness and facts not directly related to minor(s) well-being. We must remember that custody disputes are the root issue of most disolutions. However, reality is quite different from rhetoric. Council may use the argument that they follow the adversary process to inform Court of relevent facts. Over ninety percent of the time their alledged facts have no nexus between law, minor's well-being and truth. Children do not get benefit of Jury to decide. They get an individual who may or may not be biased, whom may or may not consider proper facts and the child's well-being only.

For Example, I will quote just two of many attorney's who have similarly stated, "Facts presented in Court have nothing to do with right, wrong, truth or honesty, in winning a case. It has to do with who's the best liar!" Quote-unquote, Phil Wiedner and Ron Drathman.

We must have, at least, the reality of care and equality for minor's, otherwise the State is guilty of abuse of minor's, via mental cruelty. This causes not only grievous despair and anguish of our minor's, but creates disrespect of laws by minor's. As the State has, in no uncertain terms, let minor's know that no one really cares and that our laws are meaningless, through unrealistic custody decisions. Children don't get divorced, parents do!

Please review and utilize the following amendment, as it is, 1. In the best interests for the well-being of the children of this State, and 2. Will assist in curtailing disputes of divorcing parties and help avoid mental and possible physical abuse of one another, and 3. Will assist in curtailing the workloads

of our Departments of Revenue, child support enforcement division, Health and Social Services, family and youth service division, Public Safety, State Trooper Division, law's, Court System, as well as all other related political subdivision services, dealing with domestic relations and violence. This equals millions of dollars saved on administrative and personnel costs by making children happy by addressing their well-being, instead of bias, selfishness and or vengeance which has absolutely nothing to do with facts directly related to children(s) well-being.

Thank you for your assistance. It is past time that a decision for minor(s) well-being be made by said minor(s) and the hands on case study reality of Ad Litum, rather than a Judge making decisions on assumption. Anyone who supports fairness, equality and cares about children can support this very right and needed change. The children deserve it and everyone benefits.

AMENDMENTS TO ALASKA STATUTE 25.24.150

Addition's underscored:

Deletion's [bracketed]:

Add last sentence to 25.24.150(a)

Equal physical custody of minor(s) shall be awarded when it is the minor(s) preference and recommended by Ad Litum, as it is considered to be in the minor(s) best interests for well-being:

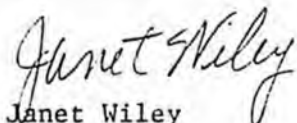
Add the word only to 24.24.150(c)

(c) The court shall determine custody in accordance with the best interests of the child under AS 25.20.060 - 25.20.130. In determining the best interest of the child the court shall only consider

Add/Delete to 25.24.150 (3)

(3) The child's stated preference if the child is [of sufficient age and capacity to form a preference] age seven (7) years or older and the investigating Ad Litum concurs. Ad Litum's recommendation if child is under age seven (7).

Sincerely,



Janet Wiley
P.O. Box 964
Douglas, Ak. 99824
789-3942

Attachment

Sec. 25.24.150. Judgments for custody. (a) In an action for divorce or for legal separation or for placement of a child when one or both parents have died, the court may, if it has jurisdiction under AS 25.30.020, and is an appropriate forum under AS 25.30.050 and 25.30.060, during the pendency of the action, or at the final hearing or at any time thereafter during the minority of a child of the marriage, make, modify, or vacate an order for the custody of or visitation with the minor child that may seem necessary or proper, including an order that provides for visitation by a grandparent or other person if that is in the best interests of the child.

(b) If a guardian ad litem for a child is appointed, the appointment shall be made under the terms of AS 25.24.310(c).

(c) The court shall determine custody in accordance with the best interests of the child under AS 25.20.060 — 25.20.130. In determining the best interests of the child the court shall consider

(1) the physical, emotional, mental, religious, and social needs of the child;

(2) the capability and desire of each parent to meet these needs;

(3) the child's preference if the child is of sufficient age and capacity to form a preference;

(4) the love and affection existing between the child and each parent;

(5) the length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity;

(6) the desire and ability of each parent to allow an open and loving frequent relationship between the child and the other parent.

(d) In awarding custody the court may consider only those facts that directly affect the well-being of the child.

(e) Notwithstanding the provisions of (d) of this section, in awarding custody the court shall comply with the provisions of 25 U.S.C. 1901 — 1963 (P.L. 95-608, the Indian Child Welfare Act of 1978). (§ 1 ch 160 SLA 1968; am § 1 ch 167 SLA 1975; am § 2 ch 61 SLA 1977; am § 1 ch 63 SLA 1977; am § 1 ch 15 SLA 1982; am §§ 2, 3 ch 88 SLA 1982)

Revisor's notes. — Formerly AS 09.55.205. Renumbered in 1983.

Cross references. — For intent of 1982 amendments, see § 1, ch. 88, SLA 1982, in the Temporary and Special Acts; for enforcement of visitation rights, see AS 25.24.300.

Effect of amendments. — The first 1982 amendment designated the former first sentence as subsection (a), the second sentence as subsection (b), and the rest of the section as subsection (c), inserted "or for placement of a child when one or both parents have died" and "modify, or vacate" in subsection (a), substituted "a child of the marriage" for "any child of the marriage," and the language beginning "that

may seem necessary or proper" for "which may seem necessary or proper and may at any time modify or vacate the order" in subsection (a), and substituted "it" for "Any appointment of" and "AS 09.65.130(c)" for "AS 09.65.130" and inserted "is appointed, the appointment" in subsection (b).

The second 1982 amendment, in subsection (c), substituted "under AS 25.20.060 — 25.20.130" for "neither parent is entitled to preference as a matter of right in awarding custody of the child" at the end of the first sentence, deleted "all relevant factors including" from the end of the introductory language in the second sentence, added "if the child is of sufficient



Official Business

COMMITTEE:

House HESS Committee

DATE: April 28, 1987 (Tue.)

SIGN-IN

Subject of meeting:

HB 189 - Divorce and Dissolution Procedures
 SB 1 - Rights of Blind and Disabled Persons
 SB 78 - Motor Vehicles; Handicapped Parking
 HB 260 - Smokeless Tobacco

NAME	ADDRESS	PHONE	REPRESENTING	DO YOU WANT TO TESTIFY? & Which Bill
Jim Duncan	Pouch V Juneau	4766	Senator	SB1 ✓
Roxanne Stewart	Staff	4766	Sen. Duncan	NO
Mike Miller	Bx 21994, JUNEAU	6-3067	AAMI	NO
Daryl Methvin	Box 964 Douglas 99821	465-2086	SELF	189 ✓
Robert Franken	16510 centerfield ER. 99577	694-8486	Gov Council	SB1 SB78

INSTRUCTIONS FOR FILING FOR DISSOLUTION OF MARRIAGE

HUSBAND AND WIFE JOINTLY FILING (AND THERE ARE NO MINOR OR DEPENDENT CHILDREN OF THE MARRIAGE)

I. WHAT IS "DISSOLUTION OF MARRIAGE?"

Alaska Statutes 25.24.200-25.24.260 provide a "no fault" procedure for dissolution of marriage when both husband and wife agree to end the marriage. A decree of dissolution of marriage has the same force and effect as a decree of divorce. The sole ground for dissolution of marriage is that an incompatibility of temperament has caused the irremediable breakdown of the marriage. This means there is no chance of saving the marriage because the husband and wife cannot get along.

II. UNDER WHAT CIRCUMSTANCES CAN DISSOLUTION OF MARRIAGE PROCEDURES BE USED?

These procedures can be used only when at least one petitioner is an Alaska resident. This generally means physical presence within the state and an intent to remain. No specific duration of residence is required. A person serving in the military who has not established residency may use these procedures if he or she has been continuously stationed in a military base or installation in the state for one year or more.

If these circumstances and those described in Section I above are not met, dissolution procedures cannot be used. Further legal information concerning alternatives to the dissolution procedures may be obtained from an attorney. The court may not give legal advice.

A husband and wife may join in a petition for dissolution of marriage only if they reach agreement as to each of the following matters:

Property

1. The distribution of all jointly owned real and personal property;
2. The redistribution, if any, of all separately owned real and personal property;
3. The payment of spousal support ("alimony") if any;
4. The tax consequences resulting from these agreements.

Debts

1. The payment of all unpaid obligations already incurred by either or both spouses;
2. The payment of obligations which may be incurred jointly in the future.

III. WHAT ARE THE COSTS IN FILING FOR DISSOLUTION?

There is a \$70 filing fee. If you cannot afford this fee, you may ask the court clerk for the form for requesting exemption from payment of the filing fee (form TF-920).

IV. WHAT ARE THE STEPS IN THE DISSOLUTION PROCEDURE?

A. Filing a Petition for Dissolution.

The husband and wife must complete

1. a Petition For Dissolution of Marriage: Husband and Wife (Form DR-100) and
2. a Certificate of Absolute Divorce or Annulment (form VS-401) (complete the entire form except for lines 15-18, which will be completed by the court following

Optional: The parties may also want to fill out and file form DR-250, Financial Declaration, in order to give a more complete description of their financial situation. This form is available at the clerks office.

These forms must then be submitted to the clerk's office. The court clerk will assign a case number to the petition which must be written at the top of all other forms subsequently filed.

After the petition is filed, any of the terms of the petition may be amended if both husband and wife agree and complete the Amendment of Agreement form (DR-115). The form Withdrawal of Agreement (DR-120) may be used by a petitioner who wishes to withdraw from the agreement before a decree is signed. If the agreement is withdrawn, the case will be dismissed.

B. The Hearing.

At the time of filing the petition, the parties must check with the clerk's office for instructions on setting a hearing date. The hearing will be at a time acceptable to the petitioners and at least 30 days after the filing of the petition.

At least one petitioner must personally attend the hearing. The spouse not attending the hearing must sign an Appearance and Waiver of Notice of Hearing (form DR-110).

Either spouse may have an attorney at the hearing, but none is required.

At the hearing, the court will question the petitioner or petitioners to determine whether they fully understand the nature and consequences of the proceeding, whether an incompatibility of temperament has caused the breakdown of the marriage; and whether the terms of the agreement between the spouses are equitable.

The judge may amend the agreements between the spouses, but only if both petitioners concur in writing with the amendment.

C. The Decree.

After the hearing, the judge may grant a decree of dissolution of marriage if the judge finds that the agreements between the spouses are equitable.

Hearings in some court locations are held before a Master of the Superior Court whose function is to make a recommendation to the judge as to whether or not the decree should be granted. Therefore, the decree will not be granted at the hearing. If the master recommends approval and the judge agrees with that recommendation, the decree will normally be granted within a few days after the hearing. **HOWEVER, DO NOT ASSUME THE DECREE HAS BEEN GRANTED UNTIL YOU RECEIVE YOUR COPY.**

An attorney's advice may be needed if real property or other property rights evidenced by legal documents are involved. Deeds and other legal documents must be prepared and validly executed. It is the parties' responsibility to make any legal transfers of title of assets listed in the petition.

V. GENERAL INSTRUCTIONS

The instructions and forms for dissolution of marriage are not necessarily a substitute for professional assistance. If you have any doubts about the procedure, you should consult an attorney.

Neither the Alaska Court System nor the Department of Law can advise you.

Read the instructions carefully. Fill out the forms carefully and completely. TYPE OR PRINT NEATLY IN BLACK INK. Do not leave any spaces blank. Write "none" or "not applicable" where appropriate. If more space is needed, attach an additional page, and have each additional page signed by both petitioners. Be sure to fill out the caption at the top of each form.

VI. INSTRUCTIONS FOR COMPLETING THE PETITION

A. Financial Data and Agreements.

Section II of the petition concerns the parties' financial situation (income, expenses, assets, debts, etc.). In addition to filling out this section of the petition, the parties may also want to attach form DR-250, Financial Declaration (available at the clerk's office), to give a more complete description of their financial situation. Some courts may require the parties to fill out this form (DR-250).

Assets

The petition MUST show how all assets of the parties will be distributed.

Assets include all kinds of property and rights in property. "Real property" means buildings and land. "Personal property" includes such things as automobiles, boats, airplanes, snow machines, furniture, household goods, bank accounts, etc. Other examples of assets are retirement funds, businesses, contract rights, stocks, bonds, etc.

Most assets which are accumulated during a marriage are considered "marital property". In the dissolution petition, the parties must agree to a division of this property which is fair and equitable to both husband and wife.

The parties may redistribute their separate property between themselves in order to make a fair distribution of all their property.

Assets must be clearly identified. Motor vehicles and other property requiring a certificate of title or registration must be identified by license or registration number and serial number or vehicle identification number.

Debts

All debts of the parties must be listed in the petition, and the petition must state which party is going to pay each debt.

Debts include all kinds of financial obligations, such as loans, charge account balances, mortgages, etc.

Each spouse is responsible for his or her separate debts unless the parties agree otherwise. The parties may agree which spouse will pay each joint debt (debt in both parties' names).

However, for joint debts, both spouses will remain legally obligated to the creditor until the existing debt is paid, regardless of the agreement of the parties as to who will pay the debt. To protect themselves from incurring future debts on credit cards and other open accounts, the parties may want to close their current charge accounts and reopen them in their separate names.

If more space is needed, attach additional sheets. Both parties must sign each sheet.

Spousal Support

Petitioners may agree to the payment of spousal support ("alimony").

Spousal support payments must be included as income on the tax return of the spouse receiving the payments. An accountant's or attorney's advice may be helpful in regard to other tax consequences of spousal support.

B. Tax Consequences and Other Financial Agreements.

There may be tax consequences as a result of the agreements between the parties concerning property division and spousal support. An accountant's or attorney's advice may be helpful in regard to these tax consequences.

There may be other financial agreements between the parties which should be included in the petition. Examples of such agreements are the maintenance of life insurance by one spouse with the other spouse as beneficiary, and the continued coverage of one spouse by the other spouse's health insurance.

C. Signatures and Notarizations

Both petitioners must sign each page of the petition. The signatures on the last page must be notarized.

If one party does not wish to be present at the hearing, that party must sign the Appearance and Waiver of Notice of Hearing form (DR-110). The signature must be notarized.

D. AGREEMENTS NOT INCLUDED IN THE PETITION ARE NOT ENFORCEABLE.

If you agree to something but do not write it down in your petition, it will not be included in the court's decree of dissolution, and you will, therefore, not be able to enforce your agreement.

V. GENERAL INSTRUCTIONS

The instructions and forms for dissolution of marriage are not necessarily a substitute for professional assistance. If you have any doubts about the procedure, you should consult an attorney.

Neither the Alaska Court System nor the Department of Law can advise you.

Read the instructions carefully. Fill out the forms carefully and completely. TYPE OR PRINT NEATLY IN BLACK INK. Do not leave any spaces blank. Write "none" or "not applicable" where appropriate. If more space is needed, attach an additional page, and have each additional page signed by both petitioners. Be sure to fill out the caption at the top of each form.

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Assets

The petition MUST show how all assets of the parties will be distributed.

Assets include all kinds of property and rights in property. "Real property" means buildings and land. "Personal property" includes such things as automobiles, boats, airplanes, snow machines, furniture, household goods, bank accounts, etc. Other examples of assets are retirement funds, businesses, contract rights, stocks, bonds, etc.

Most assets which are accumulated during a marriage are considered "marital property". In the dissolution petition, the parties must agree to a division of this property which is fair and equitable to both husband and wife.

The parties may redistribute their separate property between themselves in order to make a fair distribution of all their property.

Assets must be clearly identified. Motor vehicles and other property requiring a certificate of title or registration must be identified by license or registration number and serial number or vehicle identification number.

Debts

All debts of the parties must be listed in the petition, and the petition must state which party is going to pay each debt.

Debts include all kinds of financial obligations, such as loans, charge account balances, mortgages, etc.

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

AT _____

In the Matter of the Dissolution)
of the Marriage of)
)
)
_____ and)
)
_____)
)
Husband and Wife.)
_____)

CASE NO. _____

PETITION FOR DISSOLUTION
OF MARRIAGE

Petitioners hereby request a decree of dissolution of marriage pursuant to AS 25.24.200-25.24.260. An incompatibility of temperament has caused the irremediable breakdown of the marriage. There are no minor or dependent children born of or during this marriage or adopted during this marriage, and the wife is not now pregnant.

I. INFORMATION ABOUT PETITIONERS

A. Husband

- 1. Length of residence in Alaska: _____
- 2. Residence address: _____
(street address) (city) (state) (ZIP)
- 3. Home phone: _____
- 4. Mailing address: _____
(box or street number)(city) (state) (ZIP)
- 5. Occupation: _____ Work Phone: _____

B. Wife

- 1. Length of residence in Alaska: _____
- 2. Residence address: _____
(street address) (city) (state) (ZIP)
- 3. Home phone: _____
- 4. Mailing address: _____
(box or street number)(city) (state) (ZIP)
- 5. Occupation: _____ Work Phone: _____

C. Date and place of marriage: _____

II. FINANCIAL DATA AND AGREEMENT OF PETITIONERS

[You may wish to attach form DR-250, Financial Declaration (available at the clerk's office), to give a more complete description of your financial situation.]

Husband

Wife

A. Income per month:

Income per month:

Wages (after taxes) \$ _____
 AFDC (welfare) \$ _____
 Social Security \$ _____
 Other: _____ \$ _____
 _____ \$ _____
 Total \$ _____

Wages (after taxes) \$ _____
 AFDC (welfare) \$ _____
 Social Security \$ _____
 Other: _____ \$ _____
 _____ \$ _____
 Total \$ _____

B. Monthly Expenses:

Housing & Utilities \$ _____
 Food \$ _____
 Transportation \$ _____
 Medical \$ _____
 Other _____ \$ _____
 _____ \$ _____
 Total \$ _____

Housing & Utilities \$ _____
 Food \$ _____
 Transportation \$ _____
 Medical \$ _____
 Other _____ \$ _____
 _____ \$ _____
 Total \$ _____

HUSBAND'S SIGNATURE

WIFE'S SIGNATURE

III. RESTORATION OF NAME. Petitioner wants prior name restored as follows: (Print full names clearly.)

From: _____ To: _____
(wife's current full name) (wife's prior full name)

From: _____ To: _____
(husband's current full name) (husband's prior full name)

IV. OTHER AGREEMENTS. _____

V. SIGNATURES AND VERIFICATIONS.

Do not sign until this petition has been completely filled out. Each signature on this page must be individually notarized.

A. Husband's Signature and Verification

I say on oath or affirm under penalty of perjury that I have read the foregoing petition and believe all statements made in the petition are true. I further certify that my signature is voluntary and not the result of fear, threat, coercion or restraint.

_____ Date _____ Husband's Signature

Subscribed and sworn to or affirmed before me at _____, Alaska, on _____, 19__.

(SEAL)

Clerk of Court, Notary Public or other person authorized to administer oaths.

B. Wife's Signature and Verification

I say on oath or affirm under penalty of perjury that I have read the foregoing petition and believe all statements made in the petition are true. I further certify that my signature is voluntary and not the result of fear, threat, coercion or restraint.

_____ Date _____ Wife's Signature

Subscribed and sworn to or affirmed before me at _____, Alaska, on _____, 19__.

(SEAL)

Clerk of Court, Notary Public or other person authorized to administer oaths.

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

AT _____

In the Matter of the Dissolution)
of the Marriage of)
)
)
_____ and)
)
_____)
)
Husband and Wife.)
_____)

CASE NO. _____

APPEARANCE AND WAIVER OF
NOTICE OF HEARING

I, _____, say on oath or affirm
under penalty of perjury that:

1. I have read the petition in this case and agree to all its terms relating to custody of the children, child support, visitation, spousal support and resultant tax consequences, division of property and allocation of debts.
2. I agree that an incompatibility of temperament has caused the irremediable breakdown of the marriage.
3. I understand fully the nature and consequences of this Petition for Dissolution of Marriage.
4. I understand that I have a right to be present at the dissolution hearing. I also understand, however, that I will not be notified of the time of the hearing and that the court may proceed without me.
5. I am not under duress or coercion to sign this Appearance and Waiver of Notice of Hearing.

DATE

SIGNATURE OF HUSBAND OR WIFE

ACKNOWLEDGEMENT

This is to certify that on _____, 19____, the individual who executed the above instrument appeared before me personally in _____, Alaska and acknowledged to me that he/she signed the same freely and voluntarily for the purposes stated in it.

Clerk of Court, Notary Public or other
person authorized to administer oaths.
My Commission Expires: _____

(SEAL)

This form will be recorded as a permanent record by the Bureau of Vital Statistics. IT WILL NOT BE ACCEPTED UNLESS IT IS FILLED OUT NEATLY.

1. Please TYPE or PRINT neatly using BLACK ink.
2. Do not cross out words. If you make a mistake, you can get another copy of this form at the clerk's office.
3. Please do not fold this form or punch additional holes in it.
4. When you complete the form, YOU MUST GIVE THE COURT CLERK THE ORIGINAL, not a copy.

VS FORM 401

08-5239

TYPE OR PRINT IN PERMANENT INK

CERTIFICATE OF ABSOLUTE DIVORCE OR ANNULMENT

STATE FILE NUMBER

150-

DATE FILED

ALASKA DEPARTMENT OF HEALTH AND SOCIAL SERVICES
BUREAU OF VITAL STATISTICS - JUNEAU, ALASKA 99811

COURT FILE NO.			
HUSBAND - NAME		FIRST	MIDDLE
RESIDENCE - STATE		RECORDING DISTRICT OR COUNTY	
CITY, TOWN OR LOCATION		STREET AND NUMBER	
DATE OF BIRTH (MONTH, DAY, YEAR)		STATE OF BIRTH (IF NOT IN U.S.A. NAME COUNTRY)	SOCIAL SECURITY NO.
WIFE - NAME		FIRST	MIDDLE
RESIDENCE - STATE		RECORDING DISTRICT OR COUNTY	
CITY, TOWN OR LOCATION		STREET AND NUMBER	
DATE OF BIRTH (MONTH, DAY, YEAR)		STATE OF BIRTH (IF NOT IN U.S.A. NAME COUNTRY)	SOCIAL SECURITY NO.
PLACE OF THIS MARRIAGE - STATE (IF NOT IN U.S.A. NAME COUNTRY)		RECORDING DISTRICT OR COUNTY	CITY, TOWN, OR LOCATION
DATE OF THIS MARRIAGE (MONTH, DAY, YEAR)		APPROXIMATE DATE COUPLE SEPARATED (MONTH, YEAR)	
LIVING CHILDREN - TOTAL NUMBER	UNDER 18 YEARS OF AGE	PLAINTIFF <input type="checkbox"/> HUSBAND <input type="checkbox"/> WIFE <input type="checkbox"/> BOTH	
ATTORNEY FOR PLAINTIFF - NAME		MAILING ADDRESS - STREET OR P.O. BOX NO. CITY OR TOWN, STATE, ZIP CODE	
DATE DECREE GRANTED (MONTH, DAY, YEAR)		PLACE GRANTED - CITY OR TOWN	TYPE OF DECREE <input type="checkbox"/> ABSOLUTE DECREE <input type="checkbox"/> ANNULMENT <input type="checkbox"/> DISSOLUTION
DECREE GRANTED TO <input type="checkbox"/> WIFE <input type="checkbox"/> HUSBAND <input type="checkbox"/> BOTH		LEGAL GROUNDS FOR DECREE (SPECIFY)	
I CERTIFY THAT THE MARRIAGE OF THE ABOVE NAMED PERSONS WAS DISSOLVED ON THE DATE STATED			TITLE
COURT OFFICIAL - SIGNATURE			
NAME (TYPE OR PRINT)			
DATE SIGNED (MONTH, DAY, YEAR)	COURT - NAME AND ADDRESS		JUDICIAL DISTRICT
IS MARRIED NAME OF WIFE TO BE RETAINED AFTER DECREE IS GRANTED? <input type="checkbox"/> YES <input type="checkbox"/> NO If No, please state the name to be used			
CONFIDENTIAL INFORMATION			
HUSBAND - RACE	NUMBER OF THIS MARRIAGE	IF PREVIOUSLY MARRIED	EDUCATION - SPECIFY HIGHEST GRADE COMPLETED
WHITE, NEGRO, AMERICAN INDIAN, ETC (SPECIFY)	FIRST, SECOND ETC (SPECIFY)	HOW MANY ENDED BY -	ELEMENTARY HIGH SCHOOL COLLEGE
		DEATH DIVORCE OR ANNULMENT	(0, 1, 2, 3, 4 OR 8) (1, 2, 3, OR 4) (1, 2, 3, 4, OR 5 - 1)
		(SPECIFY IF NONE)	
WIFE - RACE	NUMBER OF THIS MARRIAGE	IF PREVIOUSLY MARRIED	EDUCATION - SPECIFY HIGHEST GRADE COMPLETED
WHITE, NEGRO, AMERICAN INDIAN, ETC (SPECIFY)	FIRST, SECOND ETC (SPECIFY)	HOW MANY ENDED BY -	ELEMENTARY HIGH SCHOOL COLLEGE
		DEATH DIVORCE OR ANNULMENT	(0, 1, 2, 3, 4 OR 8) (1, 2, 3, OR 4) (1, 2, 3, 4, OR 5 - 1)
		(SPECIFY IF NONE)	