

HB

195

HOUSE COMMITTEE REPORT

(7)

Date Referred: February 24, 1989

FURTHER REFERRALS: FINANCE

Date of Committee Action: 3/28/89

The JUDICIARY Committee considered:

HB 195

HOUSE BILL NO. 195 [DIVORCE, DISSOLUTION, & ANNULMENT]
"An Act relating to divorce, dissolution, and annulment, and amending Rule 84(a), Alaska Rules of Civil Procedure."

RECOMMENDS:

- replacing with AS 11.09.01 (2) the same title
- the 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
- zero fiscal note
- zero with analysis

APPROVES PREVIOUS:

- fiscal note(s) published: _____
- zero fiscal notes(s) published: _____

SIGNING DO PASS:

[Signature]
[Signature]
[Signature]
[Signature]

SIGNING OTHER THAN DO PASS:

(Do Not Pass, No Recommendation, Amend)

[Signature] (No rec)
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[Signature] (no rec)

[Signature]
 Chairman's signature

(7)

Date Referred: February 24, 1989

FURTHER REFERRALS: FINANCE

Date of Committee Action: 3/31/89

The Judiciary Committee considered:

HB 195

HOUSE BILL NO. 195 [DIVORCE, DISSOLUTION, & ANNULMENT]
"An Act relating to divorce, dissolution, and annulment, and amending Rule 84(a), Alaska Rules of Civil Procedure."

RECOMMENDATIONS:

- be replaced with C.S. HB 195 - the same title
- have 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):
(Dept)

APPROVES PREVIOUS: (Date/Dept)

- fiscal impact _____
- zero fiscal note _____
- zero with analysis _____

- fiscal note(s) Court System
- zero fiscal note(s) _____
- zero fn/analysis _____

SIGNING DO PASS:

SIGNING:
(Check approp. column)

Do Not Pass No Rec Amend

[Signature]
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Peter Joe
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[Signature]

	Do Not Pass	No Rec	Amend

[Signature] / Peter Joe
Chairman's Signature

STATE OF ALASKA 1989 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: Bill Version: HB 195
Publish Date:

Revision Date: 3/10/89 Agency Affected: Alaska Court System
 Title: An act related to divorce and BRU: Trial Courts
 dissolution

Sponsor: Components:
 Requestor:

EXPENDITURES/REVENUES:	(Thousands of Dollars)					
OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
Personal Services	51.1	51.1	51.1	51.1	51.1
Travel	12.9	10.0	10.0	10.0	10.0
Contractual
Supplies
Equipment	2.5	. . . .	. . . .	. . . .	. . . .
Land & Structures
Grants & Claims
TOTAL OPERATING	0.0	66.5	61.1	61.1	61.1	61.1

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

FUNDING:	(Thousands of Dollars)					
General Funds	0.0	66.5	61.1	61.1	61.1	61.1
Federal Funds	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Other	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
TOTAL	0.0	66.5	61.1	61.1	61.1	61.1

POSITIONS:						
Full-time	. . . .	2.0	2.0	2.0	2.0	2.0
Part-time	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Temporary	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: *Jan Strandberg* Jan Strandberg, General Counsel Phone: 264-8228
 Division: Alaska Court System Date: 03/10/89

Approved by: *Stephanie Cole, for* Arthur H. Snowden, II, Administrative Director Date: 03/10/89
 Agency: Alaska Court System

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

ALASKA COURT SYSTEM

FISCAL ANALYSIS

HB 195 - Divorce and Dissolution

<u>Personal Services:</u>	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Custody Investigator, Range 18A, Anchorage, PFT - 12 months	\$37,548	\$13,526	\$51,074

Travel:

Custody investigator travel-

Monthly service to Fairbanks, Kenai and
Kodiak. Quarterly service to Ketchikan,
Sitka, Wrangell, & Petersburg

10,000

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

12,900

Equipment: (one time cost)

Desk, chair, filing cabinet, and typewriter for each
new employee

2,574

Total First Year Cost

\$66,548

ALASKA COURT SYSTEM

FISCAL ANALYSIS

Summary of FY 88 Filings - Dissolution of Marriage

<u>Court</u>	<u>Number of Filings</u>	<u>Estimated # of Cases Involving Children (1)</u>	<u>Estimated # of Cases Requiring Custody Investigation (2)</u>
Anchorage	1,455	975	98
Fairbanks	500	335	34
Palmer	191	128	13
Kenai	131	88	9
Kodiak	50	34	3
Juneau	139	93	9
Ketchikan	73	49	5
Sitka	39	26	3
Wrangell/ Petersburg	26	17	2
Others	76	51	5

- (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.

Although the estimated increase in dissolutions that will require custody investigations is principally centered in Anchorage and Fairbanks, each of the other superior courts is expected to be impacted as well. To meet these needs on a statewide basis, one new custody investigator will be hired in Anchorage to provide services to Anchorage, Fairbanks and other communities on an as needed basis.

The proposed standing master position in Fairbanks has been eliminated with the expectation that increased custody investigation support from Anchorage will partially assist the present judicial staff in absorbing the extra work engendered by heightened scrutiny.

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

cc
1/19/89

February 24, 1989

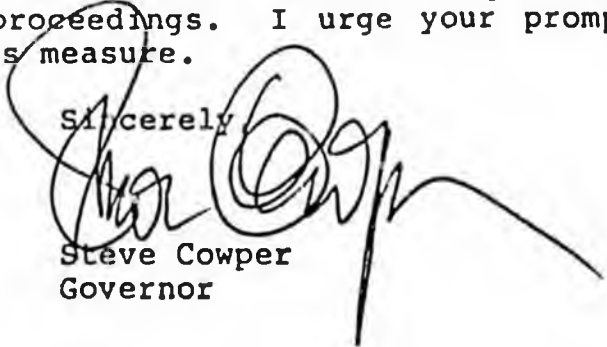
The Honorable Sam Cotten
Speaker of the House
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill to amend the Alaska Statutes regarding divorce proceedings and marriage dissolution proceedings. The bill deals expressly with award of spousal maintenance and attorney fees during the pendency of a proceeding, judicial scrutiny of marriage dissolution agreements, and name changes in connection with divorces and dissolutions. The bill includes some clean-up and technical amendments, and, in so doing, 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.")

I believe that the changes proposed in this bill will result in significantly greater justice in divorce and dissolution proceedings, as well as providing some basic clean-up in the statutes governing those proceedings. I urge your prompt and favorable action on this measure.

Sincerely,


Steve Cowper
Governor

STATE OF ALASKA 1989 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: HB 195
Publish Date: HOUSE 2/24/89

REQUEST:

Revision Date:
Title: An act related to divorce and
dissolution

Agency Affected: Alaska Court System
ERRU: Trial Courts

Sponsor:
Requestor:

Components:

EXPENDITURES/REVENUES (Thousands of Dollars)		FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
OPERATING							
Personal Services		67.6	67.6	67.6	67.6	67.6	67.6
Travel		10.4	7.5	7.5	7.5	7.5	7.5
Contractual							
Supplies							
Equipment		3.1					
Land & Structures							
Grants & Claims							
TOTAL OPERATING	0.0	83.1	75.1	75.1	75.1	75.1	75.1

CAPITAL

REVENUE

FUNDING (Thousands of Dollars)		FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
General Funds	0.0	83.1	75.1	75.1	75.1	75.1	75.1
Federal Funds							
Other							
TOTAL	0.0	83.1	75.1	75.1	75.1	75.1	75.1

POSITIONS		FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
Full-time	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Part-time							
Temporary							

ANALYSIS (Attach a separate page if necessary)

See attached analysis.

Prepared by: Jan Strandberg, General Counsel Phone: 264-8228
 Division: Alaska Court System Date: 02/23/89

Approved by: *Arthur H. Snowden, II* Administrative Director Date: 02/23/89
 Agency: Alaska Court System

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

ALASKA COURT SYSTEMFISCAL ANALYSISDivorce and Dissolution

<u>Personal Services</u>	<u>SALARY</u>	<u>Benefits</u>	<u>Total</u>
Special Master, Range 24A, Fairbanks, PPT - 6 months	\$32,310	\$9,723	\$42,033
Custody Investigator, Range 18A, Anchorage, PPT - 6 months	18,774	6,763	25,537

Total Personal Services			67,570

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			5,148

Total First Year Cost			\$83,118

ALASKA COURT SYSTEM

HB 195
HOUSE 2/24/89FISCAL ANALYSISSUMMARY of FY 88 Filings - Dissolution of Marriage

<u>Court</u>	<u>Number of Filings</u>	<u>Estimated # of Cases Involving Children (1)</u>	<u>Estimated # of Cases Requiring Custody Investigation (2)</u>
Anchorage	1,455	975	98
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Juneau	139	93	9
Ketchikan	73	49	5
Sitka	39	26	3
Wrangell/ Petersburg	26	17	2
Others	76	51	5

- (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.



American Association of University Women
Alaska Division

TESTIMONY ON ~~HB 195~~ March 20, 1989

By Rosemary van der Laan, President American Association of University Women, Alaska Division, 3549 Spinnaker Drive, Anchorage, AK 99516: tel: 345-4644

The American Association of University Women (AAUW) in Alaska supports HB195. *Our division consists of 300 men and women.*

Alaska is one of eight states to have adopted a no-fault divorce law, allowing people to fashion their own divorces without legal assistance. Currently about two thirds of all Alaskan divorces are terminated through dissolution procedures as opposed to the more traditional and structured divorce proceedings. Recent research, however, suggests that many women and children suffer severe 'downward mobility' as the unintended result of these reforms. Economic settlements are often unfair, and women and children appear to be losing ground financially because of them.

Current Alaskan law does not authorize spousal support while a divorce is pending. In addition, the court often awards insufficient attorney's fees to a spouse already in financial need. Proposed Divorce and Dissolution Bills address these problems; furthermore proposed legislation would clarify that "career assets" are part of marital property under dissolution law. In addition reform would require greater judicial scrutiny to ensure fair and equitable economic settlements.

AAUW advocates reform in the Divorce and Dissolution laws. Inadequate and poorly enforced child support awards, the near absence of spousal support, and unequal division of marital property are creating a new class of poor. Legislative reform, such as HB 195, is necessary to correct these inequities.

STEVE COWPER
GOVERNOR



PHONE
(907) 661-4227

STATE OF ALASKA
OFFICE OF THE GOVERNOR
ALASKA WOMEN'S COMMISSION
3401 C STREET - SUITE 742
ANCHORAGE, ALASKA 99503

March 17, 1989

POSITION PAPER ON HB 195

In the last two decades, the divorce process has undergone major reform. The introduction of no-fault divorce and the procedure of dissolution for terminating marriages have had a major impact on divorce and its consequences in Alaska. The impetus behind this legislation was to remove the bitter court battles that had traditionally accompanied divorce and to lessen the financial burden of divorce. While emotionally less traumatic and, in the case of dissolutions, much cheaper, we are seeing a serious negative economic impact of divorce on women and children. A recent study by the Alaska Women's Commission showed that women's per capita income declines 33% after divorce and men's increases 17%.

Dissolution is used by 2/3 of Alaskan couples who end their marriages. Alaska is one of only 8 states that permit dissolution. It is also one of the most liberal in its provisions. Most other states do not permit dissolutions if there are minor children, if the marriage is one of long duration, or if the couple has property. Alaska law places no limitations on the use of dissolutions.

What we have found is that women who choose dissolution suffer even more financial hardship than women who go through divorce. Our study indicated that women using dissolutions received only 29% of the marital property. Physical custody of the children was awarded to the mother in 70% of cases using divorce compared with 52% of cases using dissolution. Women are not faring so well with dissolutions because there is often an imbalance of power in marital relationships and women are pressured or threatened to agree to settlements which are not in their or their children's best interests. In Alaska 26% of women report having been in a violent relationship. Domestic violence is a factor in a significantly high number of divorces.

For all of the above reasons, the Alaska Women's Commission believes that there should be heightened judicial scrutiny of dissolutions under certain circumstances. HB 195 would require increased judicial scrutiny for dissolutions where there are minor children, there is evidence of domestic violence, one party has an attorney, or there is a patently inequitable division of property. In addition to statements currently required in a dissolution of marriage petition, parties must state whether either spouse needs medical care, whether a domestic violence complaint has been filed, whether either party has received legal counsel and whether the petition constitutes the entire agreement between the parties. Both parties are required to be present at the hearing except upon a finding that there are compelling circumstances warranting absence.

Page 2

A second area addressed by HB 195 is the division of property and spousal maintenance. In many marriages the couple's major investments are in the education and career of the primary wage earner, usually the husband. Homemaking and child raising, which are usually done by women, enable the primary wage earner to make career advancements. The value of homemaking and child raising, which are essential to the marriage partnership and thus to the building of career assets, are presently virtually ignored. The division of marital property usually excludes career assets, thus allowing the major wage earner to keep what are often the most valuable assets of the marriage. For example, not only do almost twice as many men as women have retirement benefits, but the median value of the husband's benefits is three times that of the wife's. Retirement benefits were divided by only 20% of couples in our study. Other types of career assets were rarely included in the division of property. By not including career assets we are contributing to the rising number of women and children in poverty.

Alimony or spousal maintenance was awarded in only 10 percent of divorces surveyed. Awards lasted usually for one year, at most two, and averaged \$500 month. Yet most who received it had no job, no other income and were of an age which made it difficult to find paid work.

In HB 195 career assets are defined as the ability of a spouse to earn money resulting from education, profession or employment acquired in part as a result of the contributions, including homemaking and child rearing, provided by the other spouse. This legislation would require that career assets be considered in the division of property and award of spousal maintenance. Retirement benefits are also specified.

A third area addressed by HB 195 is the ability of the parties involved to obtain legal representation, support and protection prior to a settlement. Half of the women we surveyed felt pressured to reach a divorce settlement by economic factors such as non-support of the children until settlement of the divorce. Only 15% indicated that the other spouse paid any portion of the respondent's attorney fees. HB 195 clarifies and strengthens orders during the pendency of the action providing for spousal maintenance, attorney's fees, child support and protective restraining orders.

Finally, the bill provides for name changes in divorce and dissolution proceedings, which will have the effect of amending Rule 84(a), Alaska Rules of Civil Procedure.

In Alaska, with a divorce rate of 63% compared with 47% nationally, it is imperative that the economic hardships for women and children created by divorce be addressed and increased judicial scrutiny of dissolutions be incorporated into the statute. Divorce laws are based upon the notion that women have achieved equality of opportunity in the job market. Married women earn on average half of what their spouse's earn. Many have put their own careers or education on hold and thus not attained an earning power adequate to support themselves and their children, even with child support. Hardest hit are older homemakers. HB 195 is a critical piece of legislation. The Alaska Women's Commission strongly urges your support.

RESOURCES:

Community resources exist to assist people who are considering divorce. The following is a list of some of the agencies who provide legal assistance or counseling.

Legal Assistance:

Alaska Legal Services— Provides legal assistance to low income people. It also screens applicants for the Pro Bono Program which provides free legal assistance to low income people. "Do It Yourself" (Pro Se) Divorce Clinics are also conducted by Alaska Legal Services in some communities. Legal Services is located in Anchorage, Barrow, Bethel, Dillingham, Fairbanks, Juneau, Ketchikan, Kodiak, Kotzebue, Nome, Unalaska.

Dispute Resolution Services, Fairbanks

Counseling and Support:

Women's Resource Centers are located in Anchorage, Barrow, Bethel, Cordova, Fairbanks, Homer, Kenai/Soldotna, Kodiak, Kotzebue, Nome and Wasilla.

Men's Support Network, Anchorage

Father's Rights Group, Fairbanks

RELATED RESEARCH ON DIVORCE:

Lenore Weitzman, *The Divorce Revolution: The Unexpected Social and Economic Consequences for Women and Children in America* (New York: The Free Press, 1986).

Heather Wishtik, "Economics of Divorce: An Exploratory Study," *Family Law Quarterly*, Vol. 20, No. 1, Spring 1986.

California Senate Task Force on Family Equity (Sacramento, State of California, 1987).

S. Hoffman and T. Holmes, "Husbands, Wives, and Divorce," *Five Thousand American Families—Patterns of Economic Progress* (Ann Arbor, Michigan: Institute for Social Research, 1976).

William Goods, *After Divorce* (New York: The Free Press, 1956).



ALASKA WOMEN'S COMMISSION

RESEARCH SUMMARY

October 1987

FAMILY EQUITY AT ISSUE: A Study of the Economic Consequences of Divorce on Women and Children

During the 1970's social reformers sought to ease the acrimony of divorce and create more fairness and equity for the families involved. "No fault" divorce reform was introduced in many states including Alaska. In addition, Alaska developed a dissolution procedure that allows people to file without the expense of an attorney. Unfortunately, many of these changes have had unintended economic results for women. It now appears that women and children are suffering major financial inequities as a direct result of some of the changes in divorce law and procedure.

The most striking documentation of the "downward mobility" of women and children created by "no fault" divorce was in the state of California. Because of the seriousness of the findings there, in 1986 the Alaska

Women's Commission undertook a study to determine if Alaskan women and children were suffering the same effects.

The study of divorce is important because so many people are affected by it. The divorce rate in Alaska is 63 percent compared to 46 percent nationally. More than 11,000 people are affected each year, 3,000 of them children. Even though the two-decade increase in the divorce rate seems to have peaked, each year thousands of Alaskan families are affected by divorce.

The study site chosen was Anchorage, where more than half of the state's divorces occur. A statistically valid sample drawn from all divorce and dissolution cases occurring in a one-year period was analyzed.



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

Members of Commission:

Kris Chatfield, chair
Anchorage
Joy Green-Armstrong, vice chair
Anchorage
Loretta Bullard
Nome
Elizabeth (Pat) Kennedy, Anchorage
Mary Pete, Bethel
Betty Ramage, Anchorage
Wendy Redman, Fairbanks
Paula Ziegler, Juneau

Executive Director
Christine Callahan

Research Analyst
Barbara Baker

State of Alaska
Steve Cowper, Governor
Stephen McAlpin, Lt. Governor

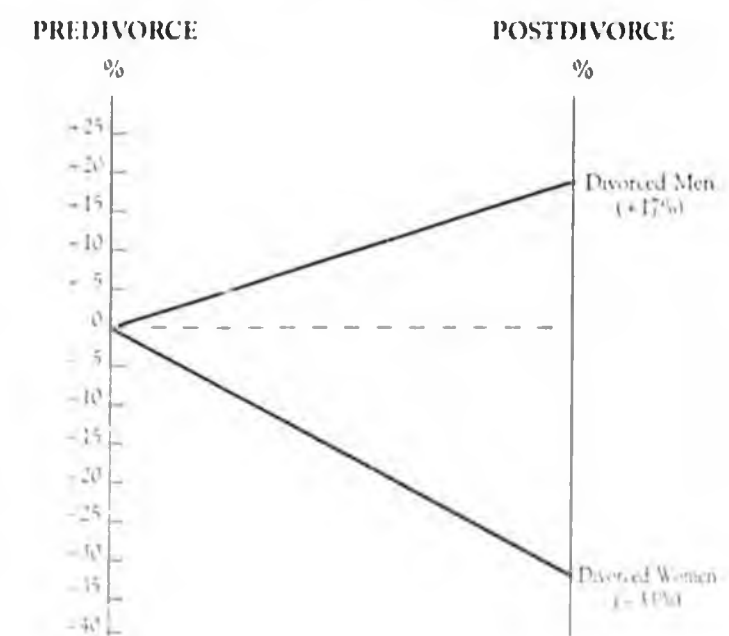
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BULK RATE
U.S. POSTAGE
PAID
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Anchorage, AK

GENERAL FINDINGS:

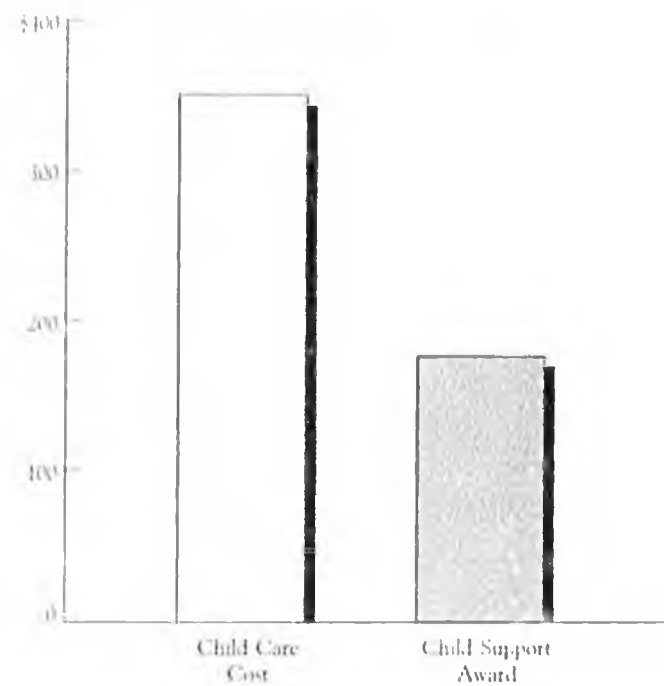
- In Alaska, divorce has substantially different economic consequences for women and men.
- Divorced women and their children experienced a 33 percent decline in per capita income resulting in a radical downward shift of their standard of living (see Figure 1). The greatest relative deprivation was experienced by women and children of middle and upper middle class families.
- Divorced men, however, experienced an improvement in their standard of living as a result of a 17 percent rise in their per capita incomes (see Figure 1).
- In many marriages the couple's major investments were in the education and career of the primary wage earner. Yet the division of marital property often excluded career assets. Disregarding this property allows the major wage earner, usually the husband, to keep what are often the most valuable assets of the marriage.

FIGURE 1: PERCENTAGE CHANGE IN PER CAPITA INCOME OF DIVORCED MEN AND WOMEN



- Fifty-four percent of divorcing men had pensions compared to 33 percent of divorcing women. The median value of the husband's pension was worth more than 3 times that of the wife's (\$27,500 and \$7,500 respectively). Yet, only 20 percent of the couples in the study divided pensions.
- Other types of career assets such as life insurance, paid leave, professional licenses, medical and dental insurance were rarely included in the division of property, even though they were acquired during the marriage.
- Award of the family home was influenced by the presence of children. In 74 percent of the cases, the home was given to the parent having physical custody. Fathers with physical custody almost always got the home (93 percent) while mothers with custody were awarded the family home only 60 percent of the time.
- Among the families who moved following divorce were accounts of children traumatized by the dislocation. New schools and neighborhoods increased the disruption already generated from economic and emotional distress.
- In the absence of children, husbands were awarded the family home and mortgage more frequently (60 percent) than wives (40 percent).
- Alimony was awarded in only 10 percent of the divorces surveyed. For the few who receive it, this "safety net" appears to be an illusion. Awards usually lasted for only one year and provided an average of only \$500 a month, despite the fact that most who received it had no job, no other income or were of an age which makes it difficult to find paid work.
- Divorced mothers are the primary caretakers of children. Sole custody was awarded to mothers in 58 percent of the cases, while fathers received it in 18 percent of the cases. Joint custody was awarded 19 percent of the time.
- Child support was awarded in 80 percent of the divorces where minor children were present. However, the average amount per child was \$191. This barely meets half the monthly cost of child care in Anchorage today (see Figure 2). This figure also falls below the standard used to determine eligibility for welfare.
- Cost of living increments were included in only 23 percent of the child support awards. Without these adjustments, the purchasing power of the support award continually declines because of inflation and the increased costs associated with older children.
- Only 22 percent of child support awards were written beyond the age of majority although financial burdens such as education continue for several years beyond this point.

FIGURE 2: AVERAGE MONTHLY COST OF CHILD CARE COMPARED TO AVERAGE MONTHLY CHILD SUPPORT AWARD



- Only 58 percent of the people in the survey received the full amount of child support awarded. This is consistent with statewide data from the Child Support Enforcement Agency.
- Divorced men are rarely required to pay more than 15 percent of their predivorce income to support their children.

IMPACT OF DISSOLUTION:

In Alaska people can end their marriage in two ways. Both are considered "no-fault." One, a divorce, usually involves attorneys' fees and court hearings, with the judge making a final decision in areas where the two parties cannot agree. The other, a dissolution, can be done without attorneys, with minimal expense, and requires that both parties agree about every issue. About two-thirds of all Alaskan couples who end their marriages choose a dissolution.

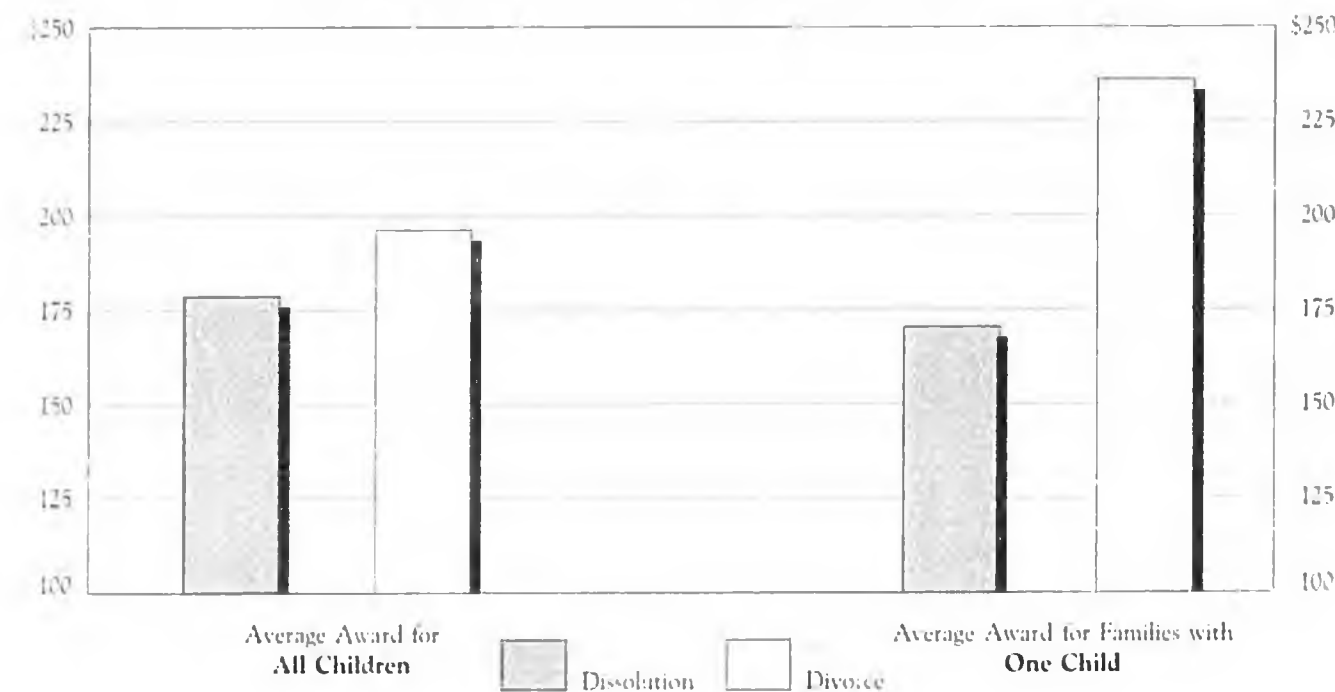
Alaska is one of only 8 states that permit dissolutions. It is also one of the most liberal in its provisions. Most

other states do not permit dissolutions if there are minor children, if the marriage is one of long duration, or if the couple has property. Alaska law places no limitations on the use of dissolutions.

In addition to the study's general findings, it appears that women who choose dissolution suffer even more financial hardship than women who go through a divorce.

- Women who used the dissolution procedure received far less than half of the couple's property. Wives received only 29 percent of the property in dissolutions. Women who used divorce received 50 percent of the marital property.
- Child support awards were lower when the dissolution procedure was used. Particularly hard hit were families with one child where average awards were 27 percent lower than in divorce (see Figure 3).

FIGURE 3: AVERAGE MONTHLY CHILD SUPPORT AWARD FOR ALL CHILDREN AND ONE CHILD FAMILIES BY LEGAL PROCEDURE



SUMMARY:

The findings of this study together with a growing body of research suggest that the current legal system of divorce creates economic hardships for women and children instead of providing greater family equity. Inadequate and poorly enforced child support awards, the near absence of spousal support, and unequal division of marital property are creating a new class of poor.

Divorced women and their children face a precipitous drop in family income. Some face certain impoverishment. Women who choose the dissolution procedure suffer even more financial hardship than those who go through a divorce.

The Alaska Women's Commission was created to ensure equity for women in Alaska. The Commission's current legislative platform attempts to correct many of the inequities that occur under existing divorce laws. The findings of the Commission's study support these efforts.

The report was written by Barbara Baker, research analyst for the Alaska Women's Commission. For a copy of the full report or for more information about the Commission's legislative advocacy, research efforts and educational services, please contact the Commission ofice at 3601 "C" Street, Suite 742, Anchorage, Alaska 99501 or call 561-4227.

JAMES M. PRESTON

CERTIFIED
PUBLIC
ACCOUNTANT1205 E INTERNATIONAL AIRPORT ROAD, SUITE 103
ANCHORAGE, ALASKA 99518
(907) 562-3272House Judiciary Committee
Testimony regarding ~~House Bill 195~~
March 20, 1989

Mr. Chairman:

Please see attached resumes as my introduction. I intended to testify at the Anchorage teleconference, but could not due to the delay. The following are my notes:

This proposed law has two provisions which are unfair to a working spouse. It is an attempt to legislate fairness that merely shifts unfairness from a limited set of circumstances to the population at large. I do support all other provisions and encourage their adoption this session. The two provisions that I take issue with are good concepts, but are not developed to the point of becoming workable legislation. I have volunteered to assist the Alaska Women's Commission in finding more workable wording for introduction in the next session.

Section 25.24.140 (1) Legal Fees (Page 1)

Minnesota has recently reversed this law. It was being abused by vengeful spouses who used it as a weapon. Let's not create more divorce horror stories by including this sentence in the proposed changes. Again, something should be done, but not this.

Section 25.24.350 Career Assets (page 13)

- 1) The valuation of any asset that is not sold at fair market value is highly subjective and may not be possible in many circumstances. Valuing career assets is a tangled web of conflicting theories with no good answers.
- 2) The word "ability" as in the proposal will result in gross distortions of forecasted income. Not everyone can or will be paid based on ability. This word opens a can of worms in a legal setting. It is similar to the "comparable worth" problems recently addressed and rejected in Washington.
- 3) This proposal does not consider circumstances where the man suffers economic loss because the wife is not working. He may have been harassed into having kids by a determined wife. Using legislation to force a reluctant husband to economically maintain the wife's avocation based on his potential career earnings is unfair in at least some circumstances. Alimony should certainly be given when the wife needs to stay home with children or has to accept low pay during child rearing years.

Testimony
March 20, 1989
Page 2

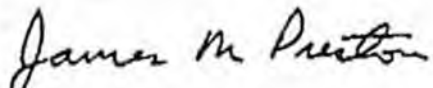
- 4) The definition of career assets does not take into account the value of child rearing to the wife. She may have more earning potential than the husband, but choose to forego this for child rearing. How are her potential earnings calculated and used? What a nightmare this would be in trial.
- 5) My experience has been that wives and mothers are walking out on marriages that are not abusive, just not as satisfying as they would like. In these situations, why hurt the husband even more than he 's. Most of my divorced friends were in this situation. Interestingly, the husbands have custody of the children. Most of the former wives are college educated and working at high paying jobs now. Most wanted children and then tired of raising them. In these cases men could gain from the proposed changes. This is not justification for enacting the changes as written.

Conclusion:

These provisions would create more tangled, lengthy, and costly trials. It increases the opportunity for unfairness to a much larger part of our population. I would not get married under this law as proposed. I feel that these two provisions will accelerate the trend away from marriage and that trend is not healthy for our society.

We should be encouraging intelligent, hard working people to enjoy the emotional and spiritual benefits of marriage, not scaring them away. People rarely get married for economic reasons. When the marriage contract is signed the couple usually does not have a meeting of the minds regarding long-range economic obligations. Let's not make marriage and it's dissolution more complicated than it is now. Let's work together to find a workable solution to the injustices that do exist.

Sincerely,



James M. Preston

JAMES M. PRESTON

CERTIFIED
PUBLIC
ACCOUNTANT

RESUME

1206 E INTERNATIONAL AIRPORT ROAD, SUITE 403
ANCHORAGE, ALASKA 99518
(907) 862-3272EDUCATION

West Valley College - Saratoga, CA: AA Degree in Business,
3.6 GPA (4.0 Basis) (1974 - 1977)

San Jose State University - San Jose, CA: BS Business Admin-
istration (Accounting), 3.5 GPA (1977 - 1979)

* LaSalle Extension University: Completed one half of a three-year
correspondence law school, 3.3 GPA (1972 - 1974)

* Lindenwood College - St. Charles, MO: Business valuation courses,
accredited. (1987)

Continuing professional education.

ACTIVITIES

American Institute of Certified Public Accountants (AICPA)

AICPA Division for CPA Firms (quality control peer review)

Alaska Society of Certified Public Accountants

Rotary International (Anchorage East club)

Resource Development Council

* American Society of Appraisers

Active in and founder of various civic organizations since 1962

Founder, Prince William Sound Recreation Association

University of Alaska, Anchorage, occasional teaching positions

Alaska Repertory Theatre, Board of Directors, treasurer

PROFESSIONAL AND BUSINESS EXPERIENCE

* Professional: Owner, James M. Preston, CPA. December 1982 to
present. Public accounting firm specializing in
individual and business taxation, business plans,
business valuations, financial statements.

Peat, Marwick, Mitchell & Co. July 1979 to June
1982. Auditing, taxation, and special projects.

Business: Preston Pipelines, Inc., 1972 to June 1979. Pipeline
construction. Left this financial opportunity to
live in Alaska and pursue a professional career.
Worked in all aspects of the family business before
and during college.

Skis and Such, August 1976 to March 1977. Sporting
goods, business start-up with friends.

PERSONAL

Married to Kelly. Enjoys boating, skiing, wilderness float trips.

JAMES M. PRESTON

CERTIFIED
PUBLIC
ACCOUNTANT1205 E INTERNATIONAL AIRPORT ROAD, SUITE 103
ANCHORAGE, ALASKA 99518
(907) 562-3272**BUSINESS VALUATION RESUME**
Addendum to Personal Resume**EDUCATION**

Lindenwood College - St. Charles, MO: Business valuation courses, accredited. (1987)

A Guide to the Valuation of Small Businesses for the Trial Courts of the State of Alaska. Unpublished work by James M. Preston, CPA. October, 1987, 32 pages. A history of significant valuation cases before the California, Washington, and Alaska supreme courts. Includes analysis and recommendations based on current valuation authorities. Updated for Alaska annually and distributed to interested attorneys and CPAs.

Continuing professional education courses:

Valuation of Businesses: California CPA Foundation.

CPA as a Valuation Advocate in Divorce, Estate, and Gift Tax: Alaska Society of CPA's.

Forensic Accounting: California CPA Foundation.

Considerations in Buying and Selling a Business in Alaska:

National Business Institute - Anchorage.

Valuation of Closely Held Businesses: Rainier Bank, Anchorage.

Three self-study AICPA courses in business valuation.

Subscriptions:

Valuation. Journal of the American Society of Appraisers.

Business Valuation Review. Journal of the Business Valuation Committee of the American Society of Appraisers.

Lexis/Veralex 2. Computer databases that include all U.S. and state court cases.

Comprehensive business valuation library, including the leading authorities.

ACTIVITIES

American Institute of Certified Public Accountants (AICPA)

American Society of Appraisers (ASA) - Business Valuation

PROFESSIONAL EXPERIENCE

Numerous valuations of small businesses since 1984 for buy/sell purposes. Most work referred to us by national CPA firms in Anchorage. Mostly retail, construction, real estate development, with various other types of businesses.

Several valuations of small businesses for litigation purposes. All settled before trial. Most were personal service firms.

Several valuations performed for personal business purchase purposes in personal service and retail areas.

LAW OFFICE
G. R. ESCHBACHER

718 BARROW STREET
ANCHORAGE, ALASKA 99501
[907] 276-8001

March 17, 1989

Max Gruenberg
P.O. Box V
Juneau, Alaska 99811

RE: House Bill #195

Dear Max,

The undersigned would appreciate your support of house bill #195. The Alaska Supreme Court, in it's January 1989 decision in Moffett v Moffett, emasculated the ability of the non-working spouse to obtain a fair settlement when the husband is a professional who has career assets. House bill #195 will go a long way toward remedying this injustice.

Very truly yours,



G. R. Eschbacher

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 29, 1989

SUBJECT: Technical changes
CSHB 195(Judiciary)

TO: Representative Peter Goll, Co-Chair
Representative Max Gruenberg, Co-Chair
House Judiciary Committee

FROM: Terri Lauterbach *Terri*
Legislative Counsel

Enclosed is CSHB 195(Judiciary).

As you know, when preparing CS's for bills originally drafted by the AG's office, we review the entire bill to ascertain if there is a need to make technical changes. Because of that review, I have made the following changes:

(1) I have deleted the phrase "as defined in AS 25.24.350" where it has been used in relation to "career assets"; since the definition enacted in bill sec. 17 applies to all of AS 25.24 and all sections of the bill are in AS 25.24, it is improper to use the phrase "as defined in AS 25.24.350" every time the term is used;

(2) I have made more consistent the language referring to spousal maintenance and property division; in AS 25.24.-200(b)(2), 25.24.220(d)(3), and 25.24.220(g), I have used the type of phrasing used by the AG's in AS 25.24.230(a)(2) and (b)(3) in relation to career assets, i.e., I moved the phrasing to the end of the paragraph; that phrasing is more readable and less ambiguous in that position than when the phrasing is inserted within the preceding series of items;

(3) I slightly changed the wording of the new language at the end of AS 25.24.200(a)(3) for grammatical reasons;

(4) I changed the wording in the second sentence to AS 25.-24.220(b) for clarity.

I also note the following points for your further consideration:

(1) AS 25.24.200(c) uses the career assets language to modify only spousal maintenance, not property division; almost every other section says that both the division of property and the award of spousal maintenance must take into consideration career assets;

(2) AS 25.24.210(e) states only that the agreement on spousal maintenance must take into consideration career assets; again, unlike many other sections, the division of property language is not modified by the career assets language;

(3) The requirement that career assets be considered seems misplaced in AS 25.24.200(b)(2); AS 25.24.200(b)(2) only pertains to situations where a petitioning spouse has been unable to ascertain the whereabouts of the other spouse; no awards or property divisions are made under this paragraph.

Please let me know if I can answer questions about these changes or if I can be of further assistance.

TL:gc
WKG8/083

Enclosure

go0949hE,
Lauterbach
3/29/89

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 195 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST 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 25.24.100 is amended to read:

11 Sec. 25.24.100. RESIDENCY OF MILITARY PERSONNEL. A person
12 serving in a military branch of the United States government who has
13 been continuously stationed at [IN] a military base or installation in
14 the state for at least 30 days is considered [A PERIOD OF ONE YEAR
15 SHALL BE DEEMED] a resident [IN GOOD FAITH] of the state for the
16 purposes of this chapter [AS 25.24.010 - 25.24.180].

17 * Sec. 2. AS 25.24.140 is repealed and reenacted to read:

18 Sec. 25.24.140. ORDERS DURING ACTION. (a) During the pendency
19 of the action, a spouse may, upon application and in appropriate
20 circumstances, be awarded expenses, including

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

23 (2) reasonable spousal maintenance, including medical
24 expenses; and

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

28 (b) During the pendency of the action, upon application, a
29 spouse is entitled to necessary protective orders, including orders

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

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

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

8 (4) restraining a spouse from communicating directly or
9 indirectly with the other spouse;

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

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

15 (c) After a hearing, if both parties agree, the court may also
16 order that the parties engage in personal or family counseling or
17 mediation. In the order, the court shall provide for the payment of
18 the costs of the counseling or mediation.

19 * Sec. 3. AS 25.24.160(a) is amended to read:

20 (a) In a judgment in an action for divorce or action declaring a
21 marriage void or at any time after judgment, the court may provide

22 (1) for the payment by either or both parties of an amount
23 of money or goods, in gross or installments that may include cost-
24 of-living adjustments, as may be just and proper for the parties to
25 contribute toward the nurture and education of their children, and the
26 court may order the parties to arrange with their employers for an
27 automatic payroll deduction each month or each pay period, if the
28 period is other than monthly, of the amount of the installment; if the
29 employer agrees, the installment shall be forwarded by the employer to

1 the clerk of the superior court that [WHICH] entered the judgment or
2 to the court trustee, and the amount of the installment is exempt from
3 execution;

4 (2) for the recovery by one party from the other of an
5 amount of money for maintenance, in gross or in installments, as may
6 be just and necessary without regard to which of the parties is in
7 fault; an award of maintenance must take into consideration the extent
8 to which each spouse contributed to the acquisition of career assets;

9 (3) for the delivery to either party of that party's per-
10 sonal property in the possession or control of the other party at the
11 time of giving the judgment;

12 (4) for the division between the parties of their property,
13 including retirement benefits, whether joint or separate, acquired
14 only during marriage [COVERTURE], in a just [THE] manner [AS MAY BE
15 JUST,] and without regard to which of the parties is in fault; howev-
16 er, the court, in making the division, may invade the property, in-
17 cluding retirement benefits, of either spouse acquired before marriage
18 when the balancing of the equities between the parties requires it;
19 and to accomplish this end the judgment may require that one or both
20 of the parties assign, deliver, or convey any of their real or person-
21 al property, including retirement benefits, to the other party; a
22 division of property must take into consideration the extent to which
23 each spouse contributed to the acquisition of career assets

24 [(5) TO CHANGE THE NAME OF ONE OF THE PARTIES].

25 * Sec. 4. AS 25.24 is amended by adding a new section to read:

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

29 (b) If a party seeks a change of name to a name other than a

1 prior name, the court shall set a date for hearing not less than 40
 2 days after filing of the action. Notice of the application for a
 3 change of name to a name other than a prior name and the date of the
 4 hearing shall be published once each week for four consecutive calen-
 5 dar weeks before the hearing in a newspaper of general circulation in
 6 the judicial district. The court may also require posting of the
 7 notice at locations it considers appropriate. The court shall by
 8 judgment authorize the party to assume the new name not less than 30
 9 days after issuance of the judgment, if the court is satisfied that no
 10 reasonable objection exists to assumption of the new name. Within 10
 11 days after issuance of the judgment the party shall publish notice of
 12 the approval of the name change in a newspaper of general circulation
 13 in the judicial district. The court may also require the posting of a
 14 copy of the judgment.

15 * Sec. 5. AS 25.24.200 is amended to read:

16 Sec. 25.24.200. DISSOLUTION OF MARRIAGE. (a) A husband and
 17 wife together may petition the superior court for the dissolution of
 18 their marriage under AS 25.24.200 - 25.24.260 if the following con-
 19 ditions exist at the time of filing the petition:

20 (1) incompatibility of temperament has caused the irremedi-
 21 able breakdown of the marriage;

22 (2) if there are minor children of the marriage or the wife
 23 is pregnant, and the spouses have agreed on which spouse or third
 24 party is to [SHALL] be awarded custody of each minor child of the
 25 marriage and the extent of visitation, including visitation by grand-
 26 parents and other persons, if in the child's best interests, and
 27 support to be provided on the children's behalf, whether the payments
 28 are to be made through the child support enforcement agency and the
 29 tax consequences of that agreement;

1 (3) the spouses have agreed as to the distribution of all
2 jointly owned real and personal property, including retirement bene-
3 fits, and the payment of spousal maintenance [SUPPORT], if any, and
4 the tax consequences resulting from these payments; the agreement must
5 be fair and just and take into consideration career assets; and

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

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

12 (1) incompatibility of temperament, as evidenced by extend-
13 ed absence or otherwise, has caused the irremediable breakdown of the
14 marriage;

15 (2) the petitioning spouse has been unable to ascertain the
16 other spouse's position in regard to the dissolution of their marriage
17 and in regard to the fair and just division of property, including
18 retirement benefits, spousal maintenance, payment of debts, and
19 custody, support and visitation because the whereabouts of the other
20 spouse is unknown to the petitioning spouse after reasonable efforts
21 have been made to locate the absent spouse; the division of property
22 and spousal maintenance must take into consideration career assets;
23 and

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

26 (c) Except as provided in AS 25.24.220(i), [NOTHING IN THIS
27 SECTION PROHIBITS] a spouse who has been personally served with a copy
28 of a petition filed [MADE] under (a) of this section may execute [FROM
29 EXECUTING] an appearance, waiver of time to answer, and waiver of

1 notice of hearing. The appearance and waivers must [SHALL] include an
2 acknowledgment signed before an officer authorized to administer an
3 oath or affirmation that the spouse being served has read the peti-
4 tion; assents to the terms relating to custody of the children, child
5 support, visitation, spousal maintenance, taking into consideration
6 career assets, [SUPPORT] and [RESULTANT] tax consequences, division of
7 property, including retirement benefits, and allocation of debts;
8 agrees that the conditions otherwise required by (a) of this section
9 exist; agrees that the petition constitutes the entire agreement
10 between the parties; understands fully the nature and consequences of
11 the action; and is not signing the appearance and waivers under duress
12 or coercion.

13 (d) The action created under this section is separate from the
14 action created by AS 25.24.010. The procedures prescribed by AS 25.-
15 24.200 - 25.24.260 do not apply to an action brought under AS 25.24.-
16 010, nor do procedures prescribed under AS 25.24.010 - 25.24.180 apply
17 to an action filed [BROUGHT] under this section, except as specificall-
18 ly provided.

19 * Sec. 6. AS 25.24.200 is amended by adding a new subsection to read:

20 (e) A division of property, and spousal maintenance, must take
21 into consideration career assets.

22 * Sec. 7. AS 25.24.210(d) is amended to read:

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

26 * Sec. 8. AS 25.24.210(e) is repealed and reenacted to read:

27 (e) If the petition is filed by both spouses under AS 25.24.-
28 200(a), the petition must state in detail the terms of the agreement
29 between the spouses concerning the custody of children, child support,

1 visitation, spousal maintenance and tax consequences, if any, and fair
2 and just division of property, including retirement benefits. Agree-
3 ment on spousal maintenance must take into consideration career as-
4 sets. In addition, the petition must state

5 (1) the respective occupations of the petitioners;

6 (2) the income, assets, and liabilities of the respective
7 petitioners 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 either petitioner requires medical care or
14 treatment;

15 (7) whether a domestic violence complaint has been filed
16 during the marriage by a member of the household;

17 (8) whether either petitioner has received the advice of
18 legal counsel regarding a divorce or dissolution;

19 (9) other facts and circumstances that the petitioners
20 believe should be considered;

21 (10) that the petition constitutes the entire agreement
22 between the petitioners; and

23 (11) any other relief sought by the petitioners.

24 * Sec. 9. AS 25.24.220(b) is repealed and reenacted to read:

25 (b) Except as provided in (i) of this section, if the petition
26 is filed by both spouses under AS 25.24.200(a), both spouses shall
27 attend the hearing personally and not through counsel. However, if
28 the petition is not subject to (i) of this section, a spouse who
29 complies with AS 25.24.200(c) is not required to attend the hearing.

1 Either spouse may have counsel at the hearing.

2 * Sec. 10. AS 25.24.220(c) is amended to read:

3 (c) If the petition is filed [BROUGHT] by one spouse under
4 AS 25.24.200(b), that spouse shall submit proof of diligent inquiry as
5 to the whereabouts of the absent spouse and provide notice by publica-
6 tion, posting, or other means as ordered by the court under [IN ACCOR-
7 DANCE WITH] the Alaska Rules of Civil Procedure.

8 * Sec. 11. AS 25.24.220(d) is amended to read:

9 (d) If the petition is filed [BROUGHT] by both spouses under
10 AS 25.24.200(a), the court shall examine the petitioners or petitioner
11 present and consider whether

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

14 (2) the written agreements between the spouses concerning
15 child custody, child support, and visitation are [FAIR,] just [, AND
16 EQUITABLE] as between the spouses and in the best interests of the
17 children of the marriage;

18 (3) the written agreements between the spouses relating to
19 the division of property, including retirement benefits, spousal
20 maintenance [SPOUSAL SUPPORT], and the allocation of obligations are
21 [FAIR,] just; the division of property and spousal maintenance must
22 take into consideration career assets; [, AND EQUITABLE; AND]

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

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

26 * Sec. 12. AS 25.24.220(e) is amended to read:

27 (e) If the petition is filed [BROUGHT] by one spouse under
28 AS 25.24.200(b), the court shall examine the petitioner and consider
29 whether the petitioner fully understands the nature and consequences

1 of the action and whether the conditions in AS 25.24.200(b) have been
2 met.

3 * Sec. 13. AS 25.24.220(g) is amended to read:

4 (g) The court may amend the written agreements between the
5 spouses relating to child custody, child support, visitation, [SPOUSAL
6 SUPPORT,] division of the property, including retirement benefits,
7 spousal maintenance, and allocation of obligations, but only if both
8 petitioners concur in the amendment in writing or on the record.
9 Division of property and spousal maintenance must take into consid-
10 eration career assets.

11 * Sec. 14. AS 25.24.220 is amended by adding new subsections to read:

12 (h) In its examination of a petitioner under (d) of this sec-
13 tion, the court shall use a heightened level of scrutiny of agreements
14 if

15 (1) one party is represented by counsel and the other is
16 not;

17 (2) a domestic violence complaint has been filed during the
18 marriage by a member of the family or there is evidence of domestic
19 violence during the marriage;

20 (3) there is a minor child of the marriage; or

21 (4) there is a patently inequitable division of the marital
22 estate.

23 (i) If the court finds that a higher level of scrutiny is re-
24 quired by (h) of this section, the court shall examine the written
25 agreements between the spouses to determine that they are just, that
26 they constitute the entire agreement between the parties, and that the
27 agreements concerning child custody, child support, and visitation are
28 in the best interest of the children of the marriage, if any. The
29 court shall require the presence of both spouses at a hearing for this

1 purpose unless the court finds on the record that it would constitute
2 a significant hardship on one of the spouses to appear and that a just
3 agreement has been reached. If one of the spouses cannot attend the
4 hearing because it would constitute a significant hardship, the court
5 may require that spouse to be available by telephone to answer
6 questions, at that spouse's expense.

7 * Sec. 15. AS 25.24.230 is repealed and reenacted to read:

8 Sec. 25.24.230. JUDGMENT. (a) If the petition is filed under
9 AS 25.24.200(a), and is not subject to AS 25.24.220(h), the court may
10 grant the spouses a final decree of dissolution and shall order other
11 relief as provided in this section if the court, upon consideration of
12 the information contained in the petition and the testimony of the
13 spouse or spouses at the hearing, finds that

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

16 (2) the written agreements between the spouses concerning
17 spousal maintenance and tax consequences, if any, division of proper-
18 ty, including retirement benefits, and allocation of obligations are
19 fair and just and constitute the entire agreement between the parties;
20 division of property and spousal maintenance must take into consid-
21 eration career assets;

22 (3) each spouse entered into the agreement voluntarily and
23 free from the coercion of another person; and

24 (4) the conditions in AS 25.24.200(a) have been met.

25 (b) If the petition is filed under AS 25.24.200(a) and is sub-
26 ject to AS 25.24.220(h), the court may grant the spouses a final
27 decree of dissolution and shall order other relief as provided in this
28 section if the court, upon consideration of the information contained
29 in the petition and the testimony of the spouse or spouses at the

1 hearing, finds that

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

4 (2) the written agreements between the spouses concerning
5 child custody, child support, and visitation are in the best interest
6 of the children of the marriage, constitute the entire agreement of
7 the parties on child custody, child support, and visitation, and, as
8 between the spouses, are just;

9 (3) the written agreements between the spouses concerning
10 spousal maintenance and tax consequences, if any, division of proper-
11 ty, including retirement benefits, and allocation of obligations are
12 just and constitute the entire agreement between the parties; division
13 of property and spousal maintenance must take into consideration
14 career assets;

15 (4) each spouse entered the agreement voluntarily and free
16 from the coercion of another person; and

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

18 (c) If the petition is filed by one spouse under AS 25.24.-
19 200(b), the court may grant the spouse a final decree of dissolution
20 and change the petitioner's name, if so requested, if the court, upon
21 consideration of affidavits supplied by the spouse and the testimony
22 of the spouse at the hearing, finds that

23 (1) the spouse present at the hearing understands fully the
24 nature and consequences of the action;

25 (2) the conditions in AS 25.24.200(b) have been met; and

26 (3) the requirements of AS 25.24.165(b) have been sat-
27 isfied, if a change of name is requested.

28 (d) The court shall dismiss a petition or continue action on a
29 petition filed under AS 25.24.200 - 25.24.260 before findings are made

1 if

2 (1) a representative of the minor children objects to a
3 term of an agreement between the spouses;

4 (2) either of the spouses withdraws from an agreement
5 required under AS 25.24.200(a); or

6 (3) the petition alleges that the conditions in AS 25.24.-
7 200(b) exist, but the whereabouts of the absent spouse becomes known
8 to the other spouse or the court before findings are made.

9 (e) The court shall deny the relief sought in a petition filed
10 under AS 25.24.200 - 25.24.260 if the court does not make the findings
11 required under (a) - (c) of this section.

12 (f) If the petition is filed by both spouses under AS 25.24.-
13 200(a), the court shall change either spouse's name, if the spouse
14 seeking a change of name to a name other than a prior name complies
15 with AS 25.24.165(b), and shall fully and specifically set out in the
16 decree the written agreements of the spouses and shall order the
17 performance of those written agreements. The court shall also state,
18 in the decree, whether child support payments are to be made through
19 the child support enforcement agency. If the petition is filed by one
20 spouse under AS 25.24.200(b), the decree must state that it does not
21 bar future action on the issues not resolved in the decree.

22 (g) Notwithstanding other provisions of AS 25.24.200 - 25.24.-
23 260, the court may not award to one spouse real or personal property
24 acquired by the other spouse before the date of the marriage, unless
25 the spouses expressly agree otherwise or the court determines that the
26 property should be made available, by sale or other conveyance, to
27 ensure that the best interests of the children are provided for. If
28 the court determines that the best interests of the children require
29 an award of premarital property, but the spouses do not agree, the

1 court shall dismiss or continue the action.

2 (h) If a judgment under this section distributes benefits to an
3 alternate payee under AS 14.25, AS 22.25, AS 26.05.222 - 26.05.226, or
4 AS 39.35, the judgment must meet the requirements of a qualified
5 domestic relations order under the definition of that phrase that is
6 applicable to those provisions.

7 * Sec. 16. AS 25.24.250 is amended by adding a new subsection to read:

8 (c) Forms or instructions prepared under (a) of this section
9 must specify that the dissolution petition constitutes the entire
10 agreement between the parties and must provide examples of kinds of
11 property and obligations that are subject to distribution.

12 * Sec. 17. AS 25.24 is amended by adding a new section to read:

13 ARTICLE 4. GENERAL PROVISIONS.

14 Sec. 25.24.400. DEFINITION. In this chapter, "career assets"
15 means the ability of a spouse to earn money resulting from that
16 spouse's education, profession, or employment that was acquired at
17 least in part as a result of the direct or indirect contribution,
18 including the value of homemaking and child rearing services, provided
19 by the other spouse.

20 * Sec. 18. AS 25.24.165, as added by sec. 4 of this Act, AS 25.24.-
21 210(d) as amended by sec. 7 of this Act, and AS 25.24.230(c) and 25.24.-
22 230(f) as amended by sec. 15 of this Act, have the effect of amending Rule
23 84(a), Alaska Rules of Civil Procedure, to allow a change of name to a name
24 other than a prior name to be commenced in a complaint for divorce or
25 annulment or a petition for dissolution of marriage.

MEMORANDUM

State of Alaska

Department of Law

TO Shari Kochman
Legislative Staff Assistant
Office of the Governor

DATE March 2, 1989

FILE NO 773-89-0094

TEL NO 465-3603

SUBJECT Sectional analysis of
HB 195

FROM Elizabeth L. Shaw
Assistant Attorney General

Attached is a sectional analysis of HB 195. Please let me know if there is anything further needed.

ELS:bap

Attachment

cc: Art Peterson w/copy of analysis
Ruth Lister w/copy of analysis

SECTIONAL ANALYSIS OF HB 195

HB 195 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 section-by-section description follows.

Section 1

In sec. 1, the bill amends AS 25.24.100 to eliminate a one year durational residency requirement for divorce proceedings for military personnel stationed in Alaska.

Section 2

In sec. 2, 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.

Section 3

In sec. 3, the bill amends AS 25.24.160(a)(4) to include retirement benefits in the property that may be divided at the time of the divorce. The amendment also provides that in the property division decisions the court must consider the contribution of each spouse in the acquisition of career assets. Career assets, defined in sec. 17 of the bill, means the ability of a spouse to earn money resulting from the education, profession or employment acquired in part as a result of the contributions, including homemaking and child rearing, provided by the other spouse.

Section 4

In sec. 4, the bill adds a new section which provides that in the divorce or annulment action a court has jurisdiction to change the name of either party. The new section provides a notice and hearing procedure for the change of name to other than a prior name.

Section 5

AS 25.24.200 (a), (b) and (c) are amended in sec. 5 to reflect that property to be distributed in a property settlement in a dissolution proceeding includes retirement benefits and consideration of 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, if there are minor children of the marriage, or if there is a patently inequitable division of the marital estate, 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 6

Section 6 of the bill adds a new subsection to AS 24.25.-200 which specifically states that property division and spousal maintenance must take into consideration career assets.

Section 7

Section 7 makes an amendment in the provision regarding a spouse changing his or her name as part of the dissolution process. A spouse may change his or her name as part of the dissolution action, not merely restore his or her prior name.

Section 8

Section 8 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 career assets has also been added, to correspond to other amendments made by the bill.

Section 9

Section 9 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. One of the spouses to be absent from the hearing if the court finds it would be an undue hardship for him or her to attend.

Sections 10 and 12

Section 10 and sec. 12 of the bill make conforming amendments to AS 25.24.220 (c) and AS 25.24.220 (e) to provide consistency in references.

Section 11

Section 11 of the bill amends AS 25.24.220(d) 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 using 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."

Section 13

AS 25.24.220(g) is amended in sec. 13 of the bill to require that the court's amendments to written agreements must be agreed to by both petitioners in writing or on the record. Other conforming amendments regarding retirement benefits and career assets are also made in this subsection.

Section 14

AS 25.24.220 is further amended in sec. 14 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.

Section 15

Section 15 of the bill repeals and reenacts AS 25.24.-230(a) 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 consideration of career assets, and allocation of obligations,

are fair and just. In this case there would be no children of the marriage to consider.

Section 15 also repeals and reenacts AS 25.24.230(b) to require that, if there are children of the marriage, if only one party is represented by counsel, if a complaint for domestic violence has been filed during the marriage, or if the division of the marital estate is patently inequitable (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 consequence of their action and that they entered into the agreements voluntarily and free from coercion.

The language of existing AS 25.24.230(b) -- (g) appears as AS 25.24.230(c) -- (h) in the bill, with some minor corrections and conforming language changes including a hearing and notice requirement if a spouse seeks a change of a name other than a prior name.

Section 16

AS 25.24.250 is amended in sec. 16 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 17

Section 17 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.

Section 18

Section 18 of the bill notes that the effect providing for hearing and notice procedures for name changes in divorce and dissolution proceedings will have the effect of amending Rule 84(a), Alaska Rules of Civil Procedure.

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Sec. 25.24.120. Defenses to adultery. In a divorce action for adultery, the following defenses may be made:

- (1) procurement;
- (2) connivance;
- (3) the act has been expressly forgiven or impliedly forgiven by the voluntary cohabitation of the parties after knowledge of the act;
- (4) the plaintiff is also guilty of adultery and without procurement or connivance of the defendant and not forgiven as provided in the defenses to adultery; or
- (5) the action has not been commenced within two years after the discovery of the act by the plaintiff. (§ 12.11 ch 101 SLA 1962)

Revisor's notes. — Formerly AS 25.24.120. Collateral references. — Connivance, 3 Am Jur. POF, pp 371-378.
09.55.180. Renumbered in 1983.

Sec. 25.24.130. Defenses to other divorce grounds. When the divorce action is for any of the grounds provided in AS 25.24.050(4)-(6), the defense of procurement or that the defendant has been expressly forgiven may be made. When the divorce action is for the ground provided in AS 25.24.050(3), the defense of procurement or that the defendant has been expressly forgiven or that the action was not brought within two years after conviction may be made. (§ 12.12 ch 101 SLA 1962)

Revisor's notes. — Formerly AS 25.24.130. Collateral references. — What constitutes reconciliation of separated spouses, 35 ALR2d 746.
09.55.190. Renumbered in 1983.

Sec. 25.24.140. Orders during action. (a) During the pendency of the action, the court may provide by order

- (1) that one spouse pay an amount of money as may be necessary to enable the other spouse to prosecute or defend the action;
- (2) for the care, custody, and maintenance of the minor children of the marriage during the pendency of the action;
- (3) for the freedom of one spouse from the control of the other spouse during the pendency of the action;

(b) The court may restrain either or both parties from disposing of the property of either party during the pendency of the action. (§ 12.13 ch 101 SLA 1962; am § 71 ch 127 SLA 1974)

Revisor's notes. — Formerly AS 25.24.140. Collateral references. — For duty of parent and child to maintain each other, see AS 25.20.030.
09.55.200. Renumbered in 1983.

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Revisor's notes. — Formerly AS 09.55.231. Renumbered in 1983.

Cross references. — For jurisdiction of court to consider child custody, see AS 25.30.020

Effect of amendments. — The 1982 amendment, in subsection (a), inserted "including visitation by grandparents and other persons" in the middle of paragraph (2)

NOTES TO DECISIONS

Jurisdiction. — The superior court has no jurisdiction to make the "child custody determination" that is a prerequisite to the entry of a decree of dissolution under AS 25.24.230(a) unless one of the conditions listed in AS 25.30.020(a) exists

Layne v Niles, Sup. Ct. Op. No. 2396 (File No. 5887), 632 P.2d 234 (1981)

Cited in Szmyd v Szmyd, Sup. Ct. Op. No. 2472 (File No. 5854), 641 P.2d 14 (1982)

Sec. 25.24.210. Petition for dissolution. (a) The caption in a petition for dissolution of marriage under AS 25.24.200 — 25.24.260 shall be styled substantially "In the Matter of the Dissolution of the Marriage of and"

(b) The petition shall be filed with the superior court and shall either

(1) recite that the conditions enumerated under AS 25.24.200(a) exist and shall be signed and verified by both of the petitioners or by one petitioner, if that petitioner personally serves the petition on the other spouse in accordance with the Alaska Rules of Civil Procedure in anticipation that the spouse will comply with AS 25.24.200(c); or

(2) recite that the conditions enumerated under AS 25.24.200(b) exist and be signed and verified by one of the petitioners.

(c) The petition shall state that the spouse or spouses executing the petition consent to the jurisdiction of the court.

(d) The petition shall request that the marriage be dissolved and that the prior name of a spouse be restored, if desired by that spouse.

(e) If the petition is brought by both spouses under AS 25.24.200(a), the petition shall state in detail the terms of agreement as between the spouses with regard to the custody of children, child support, visitation, spousal support and tax consequences, if any, division of property, and allocation of debts, and, in addition, shall state

- (1) the respective occupations of the spouses;
- (2) the income, assets, and liabilities of the respective spouses at the time of filing the petition;
- (3) the date and place of the marriage;
- (4) the name, date of birth, and current custodial status of each minor child born of the marriage or adopted by the petitioners;
- (5) whether the wife is pregnant;
- (6) other facts and circumstances which the petitioners believe should be considered; and
- (7) any other relief sought by the spouses. (§ 1 ch 260 SLA 1976)

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

Sec. 25.24.220. Hearing. (a) After a petition for dissolution is filed under the provisions of AS 25.24.210, a hearing shall be scheduled in accordance with the Alaska Rules of Civil Procedure.

(b) If the petition is brought by both spouses under AS 25.24.200(a), both the husband and wife are required to attend the hearing personally and not through counsel unless the court, for good cause, provides otherwise, or unless a spouse has complied with AS 25.24.200(c), in which case only the spouse filing the petition is required to attend. Either spouse may have counsel at the hearing.

(c) If the petition is brought by one spouse under AS 25.24.200(b), that spouse shall submit proof of diligent inquiry as to the whereabouts of the absent spouse and provide notice by publication, posting, or other means as ordered by the court in accordance with the Alaska Rules of Civil Procedure.

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

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

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

(3) the agreements between the spouses relating to the division of property, spousal support, and the allocation of obligations are fair, just, and equitable; and

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

(e) If the petition is brought by one spouse under AS 25.24.200(b), the court shall examine the petitioner and consider whether the petitioner fully understands the nature and consequences of the action and whether the conditions in AS 25.24.200(b) have been met.

(f) The court may appoint a guardian ad litem to represent the best interests of the child. Appointment of a guardian ad litem or attorney for the child shall be made under the terms of AS 25.24.310.

(g) The court may amend the agreements between the spouses relating to child custody, child support, visitation, spousal support, division of the property, and allocation of obligations, but only if both petitioners concur in the amendment. (§ 1 ch 260 SLA 1976)

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

Sec. 25.24.230. Judgment. (a) If the petition is brought by one or both spouses under AS 25.24.200(a), the court may grant the spouses a final decree of dissolution and shall provide the other relief as pro-

order and the change more or less permanent. *Burrell v. No. 2795 (File Nos. 96 P.2d 157 (1984)).* Personal law is not a ces which would al- to modify a divorce ion, eliminating the requiring the hus- ajority educational ce v. Lawrence, Sup. ile No. S-652), 718

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Sec. 25.24.230. Judgment. (a) If the petition is brought by one or both spouses under AS 25.24.200(a), the court may grant the spouses a final decree of dissolution and shall provide the other relief as provided in this section if the court, upon consideration of the information contained in the petition and the testimony of the spouse or spouses at the hearing, finds that

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

(2) the agreements between the spouses concerning child custody, child support, visitation, spousal support and tax consequences, if any, division of property, and allocation of obligations are not grossly unfair, unjust, or inequitable and are in the best interests of the children of the marriage, if any; and

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

(b) If the petition is brought by one spouse under AS 25.24.200(b), the court may grant the spouses a final decree of dissolution and restore the petitioner's prior name, when so requested, if the court, upon consideration of affidavits supplied by the spouse and the testimony of the spouse at the hearing, finds that

(1) the spouse present at the hearing understands fully the nature and consequences of the action; and

(2) the conditions in AS 25.24.200(b) have been met.

(c) The court shall dismiss or continue an action brought under AS 25.24.200 — 25.24.260 before findings are made if

(1) a representative of the minor children objects to a term of any of the agreements between the spouses;

(2) either of the spouses withdraws from any of the agreements required under AS 25.24.200(a); or

(3) the petition alleges that the conditions in AS 25.24.200(b) exist, but the whereabouts of the absent spouse becomes known to the other spouse or the court before findings are made.

(d) The court shall deny the relief sought in an action brought under AS 25.24.200 — 25.24.260 if the court does not make the findings requisite under (a) and (b) of this section.

(e) If the petition is brought by both spouses under AS 25.24.200(a), the court shall restore either spouse's prior name, if so requested, and shall fully and specifically set out in the decree the agreements of the spouses relating to child custody, child support, visitation, spousal support, division of property, and the allocation of the obligations of the spouses; and the court shall order the performance of those agreements. The court shall also state, in the decree, whether child support payments are to be made through the child support enforcement agency. If the petition is brought by one spouse under AS 25.24.200(b), the decree shall state that it does not bar future action on the issues not resolved in the decree.

(f) Notwithstanding any other provisions of AS 25.24.200 — 25.24.260, the court may not award as between the spouses any real or personal property acquired by the spouses before the date of the marriage, unless the spouses expressly agree otherwise or the court determines that such property should be made available, by sale or other conveyance, to ensure that the children's best interests are provided for. If the court determines that the children's best interests require an award of premarital property but the spouses do not agree, the action shall be dismissed or continued.

(g) If a judgment under this section distributes benefits to an alternate payee under AS 14.25, AS 22.25, AS 26.05.222 — 26.05.226, or AS 39.35, the judgment must meet the requirements of a qualified domestic relations order under the definition of that phrase that is applicable to those provisions. (§ 1 ch 260 SLA 1976; am § 28 ch 117 SLA 1986)

Effect of amendments. — The 1986 amendment added subsection (g).

NOTES TO DECISIONS

Support of illegitimate children. — Although a husband's support obligation is regarded as extending only to children "of the marriage," a mistake in the determination of paternity is not regarded as jurisdictional error and the superior court

can enforce an agreement to support a child even though both parties to the dissolution action later admit that the child was born out of wedlock. *J.C. v. M.L.C.*, Sup. Ct. Op. No. 2724 (File No. 7166), 668 P.2d 1351 (1983).

Article 3. Miscellaneous Provisions.

Section

310. Representation of minor

Sec. 25.24.300. Action for failure to permit visitation with minor child.

NOTES TO DECISIONS

Full attorney fee recoverable. — The term "a reasonable attorney fee" as set out in subsection (b) means full, rather than partial, fees. *L.L.M. v. P.M.*, Sup. Ct. Op. No. 3323 (File No. S-1901), P 2d (1988).

But only where denial of visitation unjustified. — Trial court's award of attorney's fees in an action for enforcement of visitation rights was reversed and the case was remanded, where the award was

based on the inappropriate "prevailing party" standard of Civil Rule 82, rather than on a determination that the father had "willfully and without just excuse" failed to permit visitation. *L.L.M. v. P.M.*, Sup. Ct. Op. No. 3323 (File No. S-1901), P 2d (1988).

Cited in *Gerlach v. State*, Ct. App. Op. No. 468 (File No. A-501), 699 P 2d 358 (1985).

mines that such property should be made available, by sale or other conveyance, to ensure that the children's best interests are provided for. If the court determines that the children's best interests require an award of premarital property but the spouses do not agree, the action shall be dismissed or continued. (§ 1 ch 260 SLA 1976)

Revisor's notes. — Formerly AS 09 55 234 Renumbered in 1983.

Cross references. — For jurisdiction of

court to make child custody determination, see AS 25 30 020(a).

NOTES TO DECISIONS

Jurisdiction to make child custody determination. — The superior court has no jurisdiction to make the "child custody determination" that is a prerequisite to the entry of a decree of dissolution under subsection (a) unless one of the conditions listed in AS 25.30.020(a) exists. *Layne v. Niles*, Sup. Ct. Op. No. 2396 (File No. 5887), 632 P.2d 234 (1981).

Sec. 25.24.240. Effect and modification of decree. (a) A decree of dissolution issued under AS 25.24.200 — 25.24.260 shall have the same force and effect as a decree granted under AS 25.24.010 — 25.24.180.

(b) A decree of dissolution granted under AS 25.24.200 — 25.24.260 may be modified or enlarged as prescribed by AS 25.24.150 — 25.24.170. (§ 1 ch 260 SLA 1976)

Revisor's notes. — Formerly AS 09 55 235 Renumbered in 1983.

Sec. 25.24.250. Forms. (a) The Department of Law, in cooperation with the administrator of the Alaska Court System, shall prepare forms and instructions for use by persons wishing to obtain a dissolution of their marriage under AS 25.24.200 — 25.24.260 and wishing to utilize the services of the child support enforcement agency. These forms shall conform to the requirements of the Alaska Rules of Civil Procedure, except that information appearing on the forms in legible handwriting shall be acceptable.

(b) Forms prepared under (a) of this section shall be made available to the public at each office of the division of social services of the Department of Health and Social Services, and every superior court, and wherever else considered necessary by the Department of Law. (§ 1 ch 260 SLA 1976)

Revisor's notes. — Formerly AS 09 55 236 Renumbered in 1983.

Sec. 25.24.260. Miscellaneous. No spouse may be precluded from filing an action for divorce under AS 25.24.010 — 25.24.180 upon dismissal or denial of a petition filed under AS 25.24.200 — 25.24.260. (§ 1 ch 260 SLA 1976)