

H B

1 3 6



February 26, 1991

Representative Georgianna Lincoln, Co-Chair
House HESS Committee
PO Box V
Juneau, Ak. 99811

Re: House Bill 136

Dear Representative Lincoln,

The purpose of this letter is to request that the committee pass House Bill 136: An act giving children of divorce legal access to grandparents and others who are important in the child(rens) lives.

Research is showing that when children are denied access to their biological parents, grandparents, and other loved ones, serious developmental psychological problems often occur. Many of these children do not do well in school, have low self esteem, have a high incidence of drug and alcohol abuse, and are involved in crime.

We support this bill because we believe it is good public policy to provide emotional as well as monetary support for children.

Sincerely,

Steven P. Strube
Steven P. Strube, President

P.O. Box 521155
Big Lake, AK 99652

TO: PATTI BEARDMAN;
HOUSE HESS COMM.

PLEASE DISTRIBUTE
TO COMMITTEE MEMBERS

THANKS,
STEVE
STAUBE

HB 136

Three years ago, I was divorced and the custody and legal guardianship of an eight year old was a major issue. I thought my agonies over the the pending hearing and its unknown were the epitome of anxieties. I have since learned that that was one of the minor issues, the pain comes later.

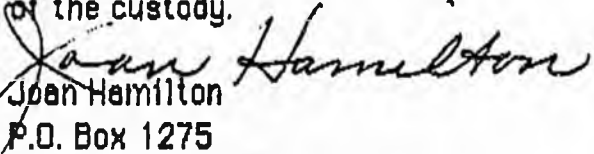
Prior to the divorce, the father called faithfully every Wednesday. Since the final decree, my son has heard from him at the most six times. Last year, the father asked for a Christmas list, my son thoughtfully completed a list and sent it his father. When my son had not received anything by mid-January, he called his father. His father's response was, "YOU SENT YOUR LIST TOO LATE, SO YOU'RE NOT GETTING ANYTHING THIS YEAR."

This Christmas, the father sent an airplane ticket, made all the arrangements on times and dates for a visit. On the day my son was to be in Anchorage, the weather closed in. My son called his father to let him know and to make alternate plans. The father had not been in Anchorage and was not expected to be there for hours. I watched my son's face change to pain as he realized that his father would not have been at the airport to meet him nor had he made other arrangements. It is March 7th and my son still has not heard from his father. My son does not know what happened.

I have crawled with my son in his experience of rejection and betrayal. I have held my 11 year old child sob in the depth of sorrow and confusion. The source of the suffering is avoidable. Rejection is difficult lesson to learn for all of us, but it seems that rejection from a parent is an unimaginable sorrow.

At the temporary custody battles, the parent goes through hell. We do not foresee that the innocent child shoulders the worst hell. All of the custody proceedings accommodate the battling parents. There are no provisions for the emotional and psychological protection of the child.

I know now why children of divorced are high risks for social pathology. The child is used and used again to hurt the other parent regardless of the psychological agony the child must endure. There must be specific guidelines and deterrents to protect the abuse of a child who is the object of the custody.


Joan Hamilton

P.O. Box 1275

Bethel, Alaska 99559

(h) 543-3454 or (w) 543-3455

 FAX TRANSMITTAL MEMO
 TO: Hous Assess Cmte
 DEPT: _____ FAX #: members
 FROM: _____ PHONE: _____
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NO. OF
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Refer To:0006.091

March 6, 1991

Representative Georgiana Lincoln
 Chairperson, Health, Ed. & Social Services
 P.O. Box V
 Juneau, Alaska 99811

Madam Chairman,

My name is Emil Portscheller, Jr. I am here today representing the National Center For Families And Children. I would like to thank each of you for the opportunity to provide information regarding House bill No. 136, and I would like to offer thanks that each of you has exhibited the refreshing responsibility to address key issues of families and children in Alaska.

We are currently in the process of establishing a informational clearinghouse, national library and computer information network dealing with a broad scope of family and children related subject areas.

One of the very most alarming issues that we are encountering more and more frequently is the highly unstable circumstances and general position that families and children in Alaska are faced with. We find ever increasing evidence that in Alaska we have perhaps the most destabilized society of any of the 50 U.S. States. We base this not on the indicators of drug involvement in our state, although certainly this is a factor in the general destabilization, but rather on the extremely high rates of family disruption, disfunction, dissolution, and family child separation.

As we referenced to the Senate Health and Social Services Committee yesterday in discussion of Senate Bill No. 100, we feel that before the legislature and representatives of this committee pursue changes in existing legislation or initiate entirely new legislation regarding family, marriage, and children we recommend strongly establishing as a basic premise and top priority for this legislature and this committee that the family unit is yet the basis or cornerstone for our state's society.

When considering legislation affecting families, marriages, and children we must clearly place our focus on the present and future welfare of families, marriages, and children and not an emphasis on further entrenching power fiefdoms in the judiciary and its affiliates. In simpler terms we must afford every option to families and children as there "cases" enter into and "progress" through the legal arena and we must not continue to concentrate the power of the judiciary.

We feel this proposed legislation HB No. 136 not only further concentrates the power of the judiciary but the legislation clearly puts the judiciary in the drivers seat in regard to making decisions affecting families and children as opposed to quite simply implementing the laws derived in the legislature. We feel this bill must not go forth as proposed.

We feel there is an imperative existing in Alaska that bespeaks ever so loudly of the need for virtual total revision of the statutes dealing with family, marriage, and children. We are in the process of drawing together interested professionals, legislators, and members of the public to a general conference on statute revision. In the interim we have developed several option recommendations for the committee regarding this proposed legislation. HB 136

(1) LINE 5 The court shall award custody on the basis of the best interests of the child. In determining the best interests of the child the court shall consider all relevant factors including those factors enumerated in AS 25.24.150(c).

Recommendation:

Here we have one of the key flaws in our child related law... Child custody is such a very delicate and far ranging issue that it demands input from private sector sources wholly unaffiliated with the judiciary to achieve the best possible objective input and decisions and determinations. It is terribly wrong to place the judiciary in the position of acting as the professional sector representative in determining custody. The judiciary should be permitted only to implement existing statutory requirements. The judiciary should not should not be given the authority to make DETERMINATION as to what is "In the best interest of the child". The court should implement STATUTE which requires professional private sector determination. In other words do not permit the judiciary in effect to pass law, but rather require the judiciary to simply implement statute. The judiciary is not in a position to make professional determination of the best interests of a child. Our judiciary in this state is dramatically ill equipped in training and education to function as professional sector representative. The judiciary is in strong position to function in the implementation of statute. This is a key distinction needed in family and child law in Alaska.

Proposed amendment:

Delete: In determining the best interests of the child the court shall consider all relevant factors including those factors enumerated in AS 25.24.150(c).

Insert: The court in initiating custody award shall consider all relevant factors including those factors enumerated in AS 25.24.150(c). Custody award shall be made based on implementation of PRIVATE SECTOR determination of custody that is in the best interests of the child which includes the specific input of the child(ren) whenever possible.

(2) LINE 7-8-9 In a custody Determination under this section, the court shall provide for visitation by a grandparent or other person if that is in the best interests of the child.

Recommendation:

is good

The basic thrust in the proposed amendment of providing for avenue for contact by grandparents with a child(ren). However, two problems exist in the wording and the general approach to this subject area. The first problem area is quite similar to that noted in the first recommendation and amendment we have offered. The amendment to the proposed existing legislation leaves the judiciary once again in the drivers seat as to determination. We must restate here that the judiciary should function to implement statute and not make determination. The second problem area with the line 7-9 proposed amendment to the existing statute is that as written it fails to give any to say nothing of adequate recognition to the fact that grandparents are, based on statistical information, frequently the perpetrators of marriage and family disfunction and dissolution, and child family separation. One of the cases serving as best example of this is that of Carolyn Smith v. Smith in Houston, Texas. It has become a landmark in this particular area of family and child law. Therefore in addressing whether there is an indication of a need for grandparents to play a role in contact with the child(ren) we feel strongly that such determination should not be left to the judiciary but rather to the private sector professional community (and clergy).

Proposed Amendment:

Delete: In a custody Determination under this section, the court shall provide for visitation by a grandparent or other person if that is in the best interests of the child.

Insert: In a custody determination under this section the court shall provide for visitation by a grandparent or other person if that is determined to be in the best interests of the child to include the direct input of the child(dren) whenever possible.

W

(3) LINE 11-12 A divorce may be granted for an incompatibility of temperament that has caused irremedial breakdown of the marriage.

Recommendation:

Our state statutes addressing dissolution and divorce already provide for many ways out of marriage and often out of marriages that can be saved and strengthened if our judiciary and support service sector had the proper tools.

Line 11-12 is definitely the groundwork for an easy way out. However if the negative attitude toward marriage unity or lack thereof is so deeply entrenched in the minds of our lawmakers that we must retain this section then we recommend at least the one following amendment:

Proposed Amendment:

Delete: A divorce may be granted for an incompatibility of temperament that has caused irremedial breakdown of the marriage.

Insert: A divorce may be granted for an incompatibility of temperament that has caused irremedial breakdown of the marriage, except where mental incapacity has been documented to be affecting the marriage partner seeking the divorce.

(4) LINES 16-19 support, and visitation are just as between the spouses and in the best interests of the children of the marriage; in determining whether the parents' agreement on visitation is in the best interests of the children under this paragraph, the court shall also consider whether the agreement should include visitation by grandparents and other persons;

Recommendation:

The first and gutt level response to this proposed amendment is that it is yet another attempt at encroachment by the judiciary on the rights and responsibilities of parents.

Second, we see some of the same problems with this amendment that we described in previous discussion and recommendations.

Proposed Amendment:

Delete: support, and visitation are just as between the spouses and in the best interests of the children of the marriage; in determining whether the parents' agreement on visitation is in the best interests of the children under this paragraph, the court shall also consider whether the agreement should include visitation by grandparents and other persons;

Insert: support, and visitation are just as between the spouses, and in the best interests of the children of the marriage as achieved through private sector determination and report; the court may direct that visitation by grandparents and or others shall be considered in the achievement of determination as to whether the parents' agreement on visitation is in the best interests of the children under this paragraph;

We would like once again to thank the committee for the opportunity to provide input on this proposed legislation. I will be glad to provide a written copy of our position on this legislation and our proposed amendments.

Sincerely


Emil Partscheller, Jr.

EPJR/e

cc: Senate Family Law Review Task Force Committee
Coghill

Lt. Governor

Alaska Family Support Group
Governor's Commission On Children And Youth
Rep. Terry Martin
Rep. Randy Phillips
Rep. Ron Larson
Rep. Ramona Barnes

5

ALASKA STATE LEGISLATURE

ELECTIVE DISTRICT 1

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DURING SESSION

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JUNEAU, AK 99811
PHONE 465-3424

Representative Cheri L. Davis

MEMORANDUM

TO: Rep. Dave Donley
Chair, House Judiciary Committee

FROM: Rep. Cheri Davis *CD*

DATE: March 13, 1991

RE: Scheduling of House Bill 136

Please accept this memorandum as my request for House Bill 136, "An act allowing a grandparent to petition a court for visitation rights with a grandchild and requiring a court to consider nonspousal visitation rights when reviewing a dissolution agreement," to be heard in your committee.

Attached, is a draft Committee Substitute that I would like the Judiciary Committee to consider. This CS will narrow the scope of the bill to grandparents visitation rights only.

The intent of this bill is to keep foremost the best interests of the children and to insure grandparents have the right to petition for visitation in the event there is no marriage, and thus, no divorce.

If you have any questions about this bill, please do not hesitate to contact me.

Thank you.

CS FOR HOUSE BILL NO. 136 ()

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES C.DAVIS, Gruenberg

A BILL

FOR AN ACT ENTITLED

1 "An Act allowing a grandparent to petition a court for visitation rights with a grandchild;
2 and requiring a court to consider nonspousal visitation rights when reviewing a dissolution
3 agreement."

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

5 * Section 1. AS 25.20.060(a) is amended to read:

6 (a) If there is a dispute over child custody, either parent may petition the superior court
7 for resolution of the matter under AS 25.20.060 - 25.20.130. The court shall award custody on
8 the basis of the best interests of the child. In determining the best interests of the child, the court
9 shall consider all relevant factors including those factors enumerated in AS 25.24.150(c). In a
10 custody determination under this section, the court shall provide for visitation by a
11 grandparent or other person if that is in the best interests of the child.

12 * Sec. 2. AS 25.20 is amended by adding a new section to read:

13 Sec. 25.20.065. VISITATION RIGHTS OF GRANDPARENT. (a) Except as provided
14 in (c) of this section, a child's grandparent may petition the superior court for an order

1 establishing reasonable rights of visitation between the grandparent and child if

2 (1) the grandparent has established or attempted to establish ongoing personal
3 contact with the child;

4 (2) the child's custodian has denied the grandparent reasonable opportunity to visit
5 the child; and

6 (3) visitation by the grandparent is in the child's best interest.

7 (b) After a decree or final order relating to child custody is entered under AS 25.20.060
8 or AS 25.24.160 or relating to an adoption under AS 25.23, a grandparent may petition under this
9 section only if

10 (1) the grandparent did not request the court to grant visitation rights during the
11 pendency of proceedings under AS 25.20.060, AS 25.23, or AS 25.24; or

12 (2) there has been a change in circumstances relating to the custodial parent or
13 the minor child that justifies reconsideration of the grandparent's visitation rights.

14 (c) This section does not apply to a

15 (1) stepgrandparent;

16 (2) paternal grandparent of a child born out of wedlock unless the child has been
17 legitimated by the father under AS 25.20.050(a).

18 * Sec. 3. A.S 25.24.220(d) is amended to read:

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

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

22 (2) the written agreements between the spouses concerning child custody, child
23 support, and visitation are just as between the spouses and in the best interests of the children
24 of the marriage; in determining whether the parents' agreement on visitation is in the best
25 interests of the children under this paragraph, the court shall also consider whether the
26 agreement should include visitation by grandparents and other persons;

27 (3) the written agreements between the spouses relating to the division of
28 property, including retirement benefits, spousal maintenance, and the allocation of obligations are
29 just; the spousal maintenance and division of property must fairly allocate the economic effect
30 of dissolution and take into consideration the factors listed in AS 25.24.160(a)(2) and (4);

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

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

2 * Sec. 4. AS 25.24.230 is amended by adding a new subsection to read:

3 (i) Notwithstanding AS 25.24.220(g), the court may, in addition to granting the relief
4 sought by the petitioning spouses, provide in a decree of dissolution for visitation rights of a
5 grandparent or another person who is not a petitioning spouse.

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(Western Regional Office) P.O. Box 210594 Anchorage, Alaska 99521-0594

Refer To:0007.091

April 17,

John B. 'Jack' Coghill, Lt. Governor P.O. Box AA Juneau, Alaska 99811

Lt. Governor Goghill,

I would like to bear upon your long term experience in government and as a parent and grandparent in requesting your observations and possibly assistance in addressing House Bill 136.

Probably to most observers of this bill the bill presents the state with an opportunity to establish avenue for a contact arrangement between children and grandparents in the event of some form of discord or dissolving of family unit.

Mr. Steve Strube formerly with the Alaska Family Support Group has spoken strongly in support of the bill as a mechanism for grandparents to access grandchildren. We support the general position that contact between children and granparents should have a vehicle in state law. However HB 136 is a ruse promulgated by the judiciary. We are asked to believe the core of the bill is contact between children and grandparents. We suggest very strongly that this is not the true core of the bill. Contact by children with grandparents or "extended family" in general or in theory is a good idea and it strikes a warm cord with most of us. There are many cases that speak loudly against an automatic avenue for this contact.

However this bill placates the family and children movement in this state by dangling out a legislative carrot on a very long stick as an enticement to support contact by grandparents. The movement and ultimately individuals and families and children will if this bill passes be in receipt of the other end of that proverbial stick (shaft) by the further entrenchment of judicial sector powers in family law... The judiciary in this state has a nationwide reputation for being enept when addressing family law. Certainly our "social statistics" bear this out.

Handwritten notes and stamps including 'F A M I L I E S & C H I L D R E N M E M O', 'DEPT: M-SLO', 'FAX #: 376-3704', and 'NO. OF PAGES 8'.

Handwritten mark or signature at the bottom right corner.

Lt. Governor Coghill
Page (2)

Determination should NEVER be in the realm of the judges. Our laws are the determining factors in our society. Statutory implementation should be the only lifeblood for the judiciary, not the emotional blood and guts of the families and children in this state.

At the risk of appearing like our worst nightmare of a politician, I ask for your support on the original bill and the judiciary committee substitute unless they include the changes enclosed for your consideration.

Throughout the original bill there is implication, at least, that "we the public, government etc." are concerned about the best interest(s) of the child(ren) in this state. Yet where, anywhere, in the original bill or the substitute is there first priority emphasis on the needs, desires, yes even basic input from the child(ren). Need I say this is not present. This is also powerful indicator of how little understanding our legislators have of the very mandate we all have to incorporate the child(ren) into the decision making about the child's own future. We must no longer view and treat and relegate children as property.

Our office is of the strong opinion that you are able to see through the facade of this proposed legislation. We ask for your assistance in ensuring key revision of this bill to emphasize the contact without the bill being used as a vehicle for further strengthening the Judiciary in the area of family law. Our state judiciary is realistically wholly illiterate in the area of family law. Certainly the initial review and findings of the Senate Family Law Review task Force is ample substantiation of the above contention. Lets bring forth a bill that is an open up front contact avenue without the added baggage of influence from the judiciary.

Lt. Governor Coghill
Page (3)

Thanks so much for your seasoned enlightened consideration.

Sincerely

Emil

Emil Portscheller, Jr.

EPJR/e

Enclosure: Letter to Rep. Lincoln/HB 136

cc: Senate Family Law Review Task Force
Lt. Governor Coghill
Alaska family Support Group
Governor's Commission On Children And Youth
Rep. Terry Martin
Rep. Randy Phillips
Rep. Ron Larson
Rep. Ramona Barnes

D&L YOUNG

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(Western Regional Office)

P.O. Box 210594
Anchorage, Alaska 99521-0594

Refer To:0006.091

March 6, 1991

Representative Georgiana Lincoln
Chairperson, Health, Ed. & Social Services
P.O. Box V
Juneau, Alaska 99811

Madam Chairman,

My name is Emil Portschteller, Jr. I am here today representing the National Center For Families And Children. I would like to thank each of you for the opportunity to provide information regarding House bill No. 136, and I would like to offer thanks that each of you has exhibited the refreshing responsibility to address key issues of families and children in Alaska.

We are currently in the process of establishing a informational clearinghouse, national library and computer information network dealing with a broad scope of family and children related subject areas.

One of the very most alarming issues that we are encountering more and more frequently is the highly unstable circumstances and general position that families and children in Alaska are faced with. We find ever increasing evidence that in Alaska we have perhaps the most destabilized society of any of the 50 U.S. States. We base this not on the indicators of drug involvement in our state, although certainly this is a factor in the general destabilization, but rather on the extremely high rates of family disruption, disfunction, dissolution, and family child separation.

As we referenced to the Senate Health and Social Services Committee yesterday in discussion of Senate Bill No. 100, we feel that before the legislature and representatives of this committee pursue changes in existing legislation or initiate entirely new legislation regarding family, marriage, and children we recommend strongly establishing as a basic premise and top priority for this legislature and this committee that the family unit is yet the basis or cornerstone for our state's society.

(4)

When considering legislation affecting families, marriages, and children we must clearly place our focus on the present and future welfare of families, marriages, and children and not an emphasis on further entrenching power fiefdoms in the judiciary and its affiliates. In simpler terms we must afford every option to families and children as there "cases" enter into and "progress" through the legal arena and we must not continue to concentrate the power of the judiciary.

We feel this proposed legislation HB No. 136 not only further concentrates the power of the judiciary but the legislation clearly puts the judiciary in the drivers seat in regard to making decisions affecting families and children as opposed to quite simply implementing the laws derived in the legislature. We feel this bill must not go forth as proposed.

We feel there is an imperative existing in Alaska that bespeaks ever so loudly of the need for virtual total revision of the statutes dealing with family, marriage, and children. We are in the process of drawing together interested professionals, legislators, and members of the public to a general conference on statute revision. In the interim we have developed several option recommendations for the committee regarding this proposed legislation (HB136):

(1) LINE 5 The court shall award custody on the basis of the best interests of the child. In determining the best interests of the child the court shall consider all relevant factors including those factors enumerated in AS 25.24.150(c).

Recommendation:

Here we have one of the key flaws in our child related law... Child custody is such a very delicate and far ranging issue that it demands input from private sector sources wholly unaffiliated with the judiciary to achieve the best possible objective input and decisions and determinations. It is terribly wrong to place the judiciary in the position of acting as the professional sector representative in DETERMINING custody and or visitation. The judiciary should be permitted ONLY to implement existing statutory requirements. The judiciary should not SHOULD NOT be given the authority to make DETERMINATION as to what is "In the best interest of the child(ren)". The court should implement STATUTE which requires professional private sector determination. In other words do not permit the judiciary in effect to pass law by making determination. The judiciary is not in a position to make professional determination of the best interests of a child. Our judiciary in this state is dramatically ill equipped in training and education to function as professional sector representative. The judiciary is in strong position to function in the implementation of statute. This is a key distinction needed in family and child law in Alaska.

Proposed amendment:

Delete: In determining the best interests of the child the court shall consider all relevant factors including those factors enumerated in AS 25.24.150(c).

Insert: The court in initiating custody award shall consider all relevant factors including those factors enumerated in AS 25.24.150(c). Custody award shall be made based on implementation of PRIVATE SECTOR determination of custody that is in the best interests of the child which includes the specific input of the child(ren) whenever possible.

(2) LINE 7-8-9 In a custody Determination under this section, the court shall provide for visitation by a grandparent or other person if that is in the best interests of the child.

Recommendation:

The basic thrust in the proposed amendment of providing for avenue for contact by grandparents with a child(ren) is good. However, two problems exist in the wording and the general approach to this subject area. The first problem area is quite similar to that noted in the first recommendation and amendment we have offered. The amendment to the proposed existing legislation leaves the judiciary once again in the drivers seat as to determination. We must restate here that the judiciary should function to implement statute and not make determination. The second problem area with the line 7-9 proposed amendment to the existing statute is that as written it fails to give any to say nothing of adequate recognition to the fact that grandparents are frequently the perpetrators of marriage and family disfunction and dissolution, and child family separation. One of the cases serving as best example of this is that of Carolyn Smith v. Smith in Houston, Texas. It has become a landmark in this particular area of family and child law. Therefore in addressing whether there is an indication of a need for grandparents to play a role in contact with the child(ren) we feel strongly that such determination should not be left to the judiciary but rather to the private sector professional community (and clergy).

Proposed Amendment:

Delete: In a custody Determination under this section, the court shall provide for visitation by a grandparent or other person if that is in the best interests of the child.

Insert: In a custody determination under this section the court shall provide for visitation by a grandparent or other person if that is determined to be in the best interests of the child to include the direct input of the child(dren) whenever possible. Determination shall be accomplished in the private sector professional community and or with the clergy.

(3) LINE 11-12 A divorce may be granted for an incompatibility of temperament that has caused irremedial breakdown of the marriage.

Recommendation:

Our state statutes addressing dissolution and divorce already provide for many ways out of marriage and often out of marriages that can be saved and strengthened if our judiciary and support service sector had the proper tools.

Line 11-12 is definitely the groundwork for an easy way out. However if the negative attitude toward marriage unity or lack thereof is so deeply entrenched in the minds of our lawmakers that we must retain this section then we recommend at least the one following amendment:

Proposed Amendment:

Delete: A divorce may be granted for an incompatibility of temperament that has caused irremedial breakdown of the marriage.

Insert: A divorce may be granted for an incompatibility of temperament that has caused irremedial breakdown of the marriage except where mental incapacity has been documented to be affecting the marriage partner seeking the divorce.

(4) LINES 16-19 support, and visitation are just as between the spouses and in the best interests of the children of the marriage; in determining whether the parents' agreement on visitation is in the best interests of the children under this paragraph, the court shall also consider whether the agreement should include visitation by grandparents and other persons;

Recommendation:

The first and gutt level response to this proposed amendment is that it is yet another attempt at encroachment by the judiciary on the rights and responsibilities of parents.

Second, we see some of the same problems with this amendment that we described in previous discussion and recommendations.

Proposed Amendment:

Delete: support, and visitation are just as between the spouses and in the best interests of the children of the marriage; in determining whether the parents' agreement on visitation is in the best interests of the children under this paragraph, the court shall also consider whether the agreement should include visitation by grandparents and other persons;

Insert: support, and visitation are just as between the spouses, and in the best interests of the children of the marriage as achieved through private sector determination and report; the court may direct that visitation by grandparents and or others shall be considered in the achievement of determination as to whether the parents' agreement on visitation is in the best interests of the children under this paragraph;

We would like once again to thank the committee for the opportunity to provide input on this proposed legislation. I will be glad to provide a written copy of our position on this legislation and our proposed amendments.

Sincerely

Emil Portscheller, Jr.

EPJR/e

cc: Senate Family Law Review Task Force Committee
Lt. Governor Jack Goghill
Alaska family Support Group
Governor's Commission On Children And Youth
Rep. Terry Martin
Rep. Randy Phillips
Rep. Ron Larson
Rep. Ramona Barnes

ALASKA STATE LEGISLATURE

ELECTIVE DISTRICT 1

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MEYERS CHUCK
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WRANGELL



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DURING SESSION

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A-22-91

Representative Cheri L. Davis

Good afternoon.

Current Alaska Statutes allow grandparents to petition the court to allow visitation with their grandchildren in the event of a divorce.

House Bill 136 allows a child's grandparent the right to petition the superior court for an order establishing reasonable rights of visitation between the grandparent and the child, even if no divorce or dissolution has taken place.

Grandparents often provide the support children need, especially when there is instability in the child's home.

Furthermore, in the event of a divorce, this bill will allow the court to consider visitation by grandparents and other persons in addition to the parent's visitation agreement.

The intent of this bill is to keep foremost the best interests of the children and to insure grandparents have the right to petition the courts for visitation rights.

FISCAL NOTE

No. 1

Bill Version: HB 136

(H) Publish Date: 3/8/91

STATE OF ALASKA
1991 LEGISLATIVE SESSION

Revision Date: _____ Department Affected: Alaska Court System
 Title: An Act relating to divorce, dis- BRU: Trial Courts
solution, and child custody Components: _____
 Sponsor: C. Davis
 Requestor: House HESS COMPONENT SERIAL NO.

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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0


POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel  Phone: 264-8228
 Division: Alaska Court System Date: 03/04/91

Approved by: Arthur H. Snowden, II, Administrative Director  Date: 03/04/91
 Agency: Alaska Court System

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

COMMITTEE COPY

FN ⊕ AK COURT SYSTEM

HOUSE COMMITTEE REPORT

(7)

Date Referred: March 8, 1991

FURTHER REFERRALS:

Date of Committee Action: 4-22-91

The JUDICIARY Committee considered:

HB 136

HOUSE BILL NO. 136

MISC. DIVORCE AND CHILD CUSTODY LAWS

"An Act relating to divorce, dissolution, and child custody."

RECOMMENDATIONS: CSHB 136 (JUD) the same title
 be replaced with a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

fiscal impact _____

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) AK. Court System

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Larry Mantz</i>	✓				
<i>Mark C. Stanley</i>	X				
<i>Kevin Pat. Puhell</i>	✓				
<i>J. Ellis</i>	✓				
<i>Daniel Doulley</i>	✓				
<i>R. K. Gumbay</i>	✓				

Daniel Doulley
 CHAIRMAN'S SIGNATURE

HOUSE COMMITTEE REPORT

(7)

Date Referred: February 13, 1991

FURTHER REFERRALS:

Judiciary

Date of Committee Action: 3-7-91

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 136

HOUSE BILL NO. 136

MISC. DIVORCE AND CHILD CUSTODY LAWS

"An Act relating to divorce, dissolution, and child custody."

RECOMMENDATIONS:

be replaced with _____ the same title
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

fiscal impact _____

fiscal note(s) _____

zero fiscal note AKCOURT SYSTEM

zero fiscal note(s) _____

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

	Check appropriate column:	Do Not Pass	No Rec	Amend
<i>Cheri Davis</i>				
	<i>Mary Miller</i>			X
	<i>Mark Hanley (HANLEY)</i>		X	
	<i>Bettye Davis (DAVIS)</i>			X
<i>J. G. Gonzales (GONZALES)</i>				
<i>Patricia Carney (CARNEY)</i>				
	<i>Lincoln</i> (LINCOLN)			X

[Signature]
CO-Chairman's Signature

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

Bill No. HB 136

Revision Date: _____ Department Affected: Alaska Court System
 Title: An Act relating to divorce, dis- BRU: Trial Courts
 solution, and child custody Components: _____
 Sponsor: C. Davis
 Requestor: House HESS COMPONENT SERIAL NO.

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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

FUNDING: (Thousands of Dollars)

GENERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0


POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel  Phone: 264-8228
 Division: Alaska Court System Date: 03/04/91

Approved by: Arthur H. Snowden, II, Administrative Director  Date: 03/04/91
 Agency: Alaska Court System

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).