HB

390

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)
Date Referred to Committee: March 2, 1998

FURTHER REFERRALS:

Date of Committee Action: 3/24/98

The FINANCE Committee considered:

HB 390

HOUSE BILL NO. 390

CHARTER MARRIAGES

"An Act relating to marriage; and amending Rules 54 and 56, Alaska Rules of Civil Procedure."

recommends it be replaced
with the following committee substitute C S H.B. 390 (Fin)

[X] the same title
[ ] a new title

[ ] additional referral to _____ Committee
[ ] attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept)

[ ] fiscal note(s) _____

[ ] zero fiscal note(s) _____

APPROVES PREVIOUS: (Dept/Date)

[X] fiscal note(s) DHSS, 3/2/98

[ ] zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
Theriault	X			
Kelly	✓			
Mulder	✓			
Kohring	X			
Martin	X			
Davies			X	

CHAIR'S SIGNATURE Gene Theriault

FISCAL NOTE

No: 1

STATE OF ALASKA
1998 LEGISLATIVE SESSION

Bil. ersion: CSHB 390 (JUD)
(H) Publish Date: 3/2/98

evision Date
Dept. Affected: Health and Social Services
Title: An Act relating to marriage; and amending Rules 54 and 56; Alaska Rules of Civil Procedures
BRU: State Health Services
Component: Bureau of Vital Statistics
Sponsor: Kelley, Dyson, Therriault
COMPONENT SERIAL NO. 961
Requestor: House (JUD)
See also (SN#):

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY99	FY00	FY01	FY02	FY03	FY04
PERSONAL SERVICES	5.0	5.0	5.0	5.0	5.0	5.0
TRAVEL	2.0					
CONTRACTUAL	2.5					
SUPPLIES	3.8					
EQUIPMENT						
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	13.3	5.0	5.0	5.0	5.0	5.0
CAPITAL EXPENDITURES						
CHANGES IN REVENUES ( )						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	8.3					
1005 GF Program Receipts	5.0	5.0	5.0	5.0	5.0	5.0
1037 GF Mental Health						
Other (state specify)						
TOTAL	13.3	5.0	5.0	5.0	5.0	5.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY98) cost: $0.0

ANALYSIS: (Attach a separate page if necessary)

Redesigned and reprinted to marriage application and license (50,000 copies each @ .032/copy 3.2K)
Design and print declarations for charter marriages (10,000 copies @ .032/copy .64K)

Revise bureau computer programs to accommodate new certificate design (25 hours @ 100/hr 2.5K)

Conduct training in new marriage processing requirements in Anchorage and Fairbanks (2K)

The Personal Services will be for additional clients contacts and will be supported by Program Receipts generated by the contacts.

Prepared by: Peter M. Nakamura, MD, MPH
Phone: 465-3090
Division: Public Health
Date: 02/20/98

Approved by Commissioner: Karen Perdue, Commissioner
Date: 2/2_/98
Agency: Department of Health & Social Services

COMMITTEE COPY

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For further distribution information call the Governor's Legislative Office

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM March 25, 1998

SUBJECT: CSHB 390(FIN), version "X" (Charter Marriages)

TO: Representative Mark Hanley
Attn: Louanne

FROM: Terri Lauterbach
Legislative Counsel

Enclosed is a CS(FIN) for HB 390. I am not certain it accomplishes what the committee intended because the drafting instructions I was given were ambiguous.

I understood my instructions to be the addition in sec. 7 of another grounds for divorce: "the other spouse has been convicted of a felony that is a crime against a person under (appropriate statute citation)." When I asked whether the committee meant crimes under AS 11.41, staff responded "yes, probably." Therefore I prepared the CS using "convicted of a felony under AS 11.41." I left out the reference to "crime against a person" because that would have made the statute ambiguous. There is a definition in AS 33.30.901 for "crime against a person." It reads as follows:

> (6) "crime against a person" means a crime as set out in AS 11.41, or a crime against a person in this or another jurisdiction having elements substantially identical to those of a crime as set out in AS 11.41;

As you can see, this definition is not restricted to felonies. It also picks up crimes committed in other jurisdictions. If you prefer to use this definition in HB 390, I will need to know if you intend for the crime to not only be a felony in Alaska under AS 11.41 but also to be a felony in the other jurisdiction (not just have similar elements to an Alaska felony but also be designated as a felony, not just a misdemeanor, in the other jurisdiction).

I apologize if I picked the wrong way to resolve the ambiguity. Please let me know if the enclosed CS needs changes.

TML:jdr
98-191.jdr

Enclosure

0-LS1062\T
Lauterbach
3/24/98

Adopted
Amended

CS FOR HOUSE BILL NO. 390(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES KELLY, Dyson, Therriault

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to marriage; and amending Rules 54 and 56, Alaska Rules of**
2 **Civil Procedure."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 25.05 is amended by adding a new section to read:
5 **Sec. 25.05.015. Charter marriages.** A charter marriage is a marriage
6 authorized under AS 25.05.011 between a man and a woman who have
7 (1) agreed that the marriage between them will be a lifelong
8 relationship;
9 (2) received counseling emphasizing the nature, purposes, and
10 responsibilities of marriage;
11 (3) declared in their application for a marriage license their intent to
12 enter into a charter marriage as required under AS 25.05.091(c); and
13 (4) have executed a declaration of intent to contract a charter marriage
14 under AS 25.05.096.

1 * **Sec. 2.** AS 25.05.091 is amended by adding a new subsection to read:
2 (c) If an application under (a) of this section is for a charter marriage, the
3 application must, in addition to the requirements of (a) and (b) of this section, include
4 a statement substantially similar to the following:
5 We, (Name of Intended Husband) and (Name of Intended Wife),
6 declare our intent to contract a charter marriage and, accordingly, have
7 executed a declaration of intent to contract a charter marriage that is
8 attached to this application.
9 * **Sec. 3.** AS 25.05 is amended by adding a new section to read:
10 **Sec. 25.05.096. Declaration of intent for charter marriage.** The declaration
11 of intent to contract a charter marriage that is required under AS 25.05.091(c) must
12 include
13 (1) a recitation by each party that the party
14 (A) intends to enter into a charter marriage governed by the
15 laws of this state;
16 (B) understands and agrees that the marriage will be a lifelong
17 relationship;
18 (C) has received counseling emphasizing the nature, purposes,
19 and responsibilities of marriage;
20 (D) believes that the party's intended mate is a wise choice as
21 a mate for life;
22 (E) has disclosed to the intended mate all facts that may
23 adversely affect the intended mate's decision to enter into the charter marriage;
24 and
25 (F) is committed to seeking marital counseling to strengthen the
26 marital relationship if the parties have marital difficulties;
27 (2) an affirmation by the parties that both parties have received
28 counseling from a priest, minister, rabbi, clerk of the religious society of friends,
29 clergy member of a religious sect, psychologist, psychological associate, licensed
30 clinical social worker, or marital and family therapist that included
31 (A) a discussion of the seriousness of charter marriage;

(B) communication of the fact that a charter marriage is a commitment for life; and

(C) receipt of a copy of AS 25.24.270 and 25.24.275;

(3) an attestation by the counselor that the parties were counseled as to the nature, purposes, and responsibilities of marriage; the attestation must be signed by the counselor but need not be notarized; and

(4) the notarized signatures of both parties.

*** Sec. 4.** AS 25.05.111 is amended by adding new subsections to read:

(c) If the parties to the marriage have complied with AS 25.05.015, the licensing officer shall indicate on the marriage license that the parties have entered into a charter marriage.

(d) If the parties to the marriage have not complied with AS 25.05.015, the licensing officer shall indicate on the marriage license that the parties have entered into a testament marriage.

*** Sec. 5.** AS 25.05.321 is amended by adding a new subsection to read:

(b) A marriage certificate for a charter marriage and copies of a marriage certificate for a charter marriage must include a designation that the parties entered into a charter marriage.

*** Sec. 6.** AS 25.24.050 is amended to read:

Sec. 25.24.050. Grounds for divorce. **<u>(a) Except as provided in (b) of this section, a</u>** [A] divorce may be granted for any of the following grounds:

(1) failure to consummate the marriage at the time of the marriage and continuing at the commencement of the action;

(2) adultery;

(3) conviction of a felony;

(4) wilful desertion for a period of one year;

(5) either

(A) cruel and inhuman treatment calculated to impair health or endanger life;

(B) personal indignities rendering life burdensome; or

(C) incompatibility of temperament;

(6) habitual gross drunkenness contracted since marriage and continuing for one year **before** [PRIOR TO] the commencement of the action;

(7) [REPEALED

(8)] incurable mental illness when the spouse has been confined to an institution for a period of at least 18 months immediately preceding the commencement of the action; the status as to the support and maintenance of the mentally ill person is not altered in any way by the granting of the divorce;

(8) [(9)] addiction of either party, subsequent to the marriage, to the habitual use of opium, morphine, cocaine, or a similar drug.

* **Sec. 7.** AS 25.24.050 is amended by adding a new subsection to read:

(b) A spouse to a charter marriage may obtain a judgment of divorce only upon proof of one of the following:

(1) the other spouse has committed adultery;

(2) the other spouse has physically abused the petitioning spouse;

(3) the other spouse has physically or sexually abused a child of the marriage or a child of one of the spouses;

(4) the other spouse has treated the petitioning spouse cruelly in a manner that impairs the health or endangers the life of the petitioning spouse;

(5) the other spouse has been convicted of a felony and has been sentenced to death or a term of incarceration of three years or more;

(6) the other spouse has abandoned the matrimonial domicile for one year and consistently refuses to return; or

(7) the spouses have been living separately and apart continuously without reconciliation for one year after the date of a judgment of separation from bed and board was signed under AS 25.24.270 and 25.24.275, except that, if there is a minor child of the marriage, the spouses must have been living separately and apart continuously without reconciliation for 18 months from the date the judgment of separation from bed and board was signed.

* **Sec. 8.** AS 25.24.110 is amended to read:

Sec. 25.24.110. Separate domicile or residence. In an action for divorce **or separation from bed and board**, a spouse may acquire a separate residence or

1 domicile from that of the other spouse without reference among other factors to
2 misconduct or consent of the other spouse.
3 * **Sec. 9.** AS 25.24.130 is amended to read:
4 **Sec. 25.24.130. Defenses to other divorce grounds.** When the divorce action
5 is for any of the grounds provided in **AS 25.24.050(a)(4) - (6) or (b)(4) or (6)**
6 [AS 25.24.050(4) - (6)], the defense of procurement or that the defendant has been
7 expressly forgiven may be made. When the divorce action is for the ground provided
8 in **AS 25.24.050(a)(3) or (b)(5)** [AS 25.24.050(3)], the defense of procurement or that
9 the defendant has been expressly forgiven or that the action was not brought within
10 two years after conviction may be made.
11 * **Sec. 10.** AS 25.24.150(a) is amended to read:
12 (a) In an action for divorce**, separation from bed and board,** or [FOR] legal
13 separation or for placement of a child when one or both parents have died, the court
14 may, if it has jurisdiction under AS 25.30.020 [,] and is an appropriate forum under
15 AS 25.30.050 and 25.30.060, during the pendency of the action [,] or at the final
16 hearing or at any time thereafter during the minority of a child of the marriage, make,
17 modify, or vacate an order for the custody of or visitation with the minor child that
18 may seem necessary or proper, including an order that provides for visitation by a
19 grandparent or other person if that is in the best interests of the child.
20 * **Sec. 11.** AS 25.24.200(a) is amended to read:
21 (a) **Except as provided in (f) of this section, a** [A] husband and wife together
22 may petition the superior court for the dissolution of their marriage under
23 AS 25.24.200 - 25.24.260 if the following conditions exist at the time of filing the
24 petition:
25 (1) incompatibility of temperament has caused the irrem able
26 breakdown of the marriage;
27 (2) if there are unmarried children of the marriage under th e of 19
28 or the wife is pregnant, and the spouses have agreed on which spouse or third party
29 is to be awarded custody of each minor child of the marriage and the extent of
30 visitation, including visitation by grandparents and other persons if in the child's best
31 interests, and support to be provided on the children's behalf, whether the payments

are to be made through the child support enforcement agency and the tax consequences of that agreement;

(3) the spouses have agreed as to the distribution of all jointly owned real and personal property, including retirement benefits, and the payment of spousal maintenance, if any, and the tax consequences resulting from these payments; the agreement must be fair and just and take into consideration the factors listed in AS 25.24.160(a)(2) and (4) so that the economic effect of dissolution is fairly allocated; and

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

*** Sec. 12.** AS 25.24.200(b) is amended to read:

(b) **Except as provided in (f) of this section, a** [A] husband or wife may separately petition for dissolution of their marriage under AS 25.24.200 - 25.24.260 if the following conditions exist at the time of filing the petition:

(1) incompatibility of temperament, as evidenced by extended absence or otherwise, has caused the irremediable breakdown of the marriage;

(2) the petitioning spouse has been unable to ascertain the other spouse's position in regard to the dissolution of their marriage and in regard to the fair and just division of property, including retirement benefits, spousal maintenance, payment of debts, and custody, support, and visitation because the whereabouts of the other spouse is unknown to the petitioning spouse after reasonable efforts have been made to locate the absent spouse; and

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

*** Sec. 13.** AS 25.24.200 is amended by adding a new subsection to read:

(f) A spouse to a charter marriage may not petition for the dissolution of the marriage under AS 25.24.200 - 25.24.260.

*** Sec. 14.** AS 25.24 is amended by adding new sections to read:

Article 2A. Separation from Bed and Board in a Charter Marriage.

Sec. 25.24.270. Separation from bed and board. (a) A spouse to a charter

1 marriage may obtain a judgment of separation from bed and board only on proof of
2 having obtained personal counseling within the six months preceding the date of filing
3 the petition for separation of bed and board and proof that
4 (1) the spouses have been living separately and continuously apart
5 without reconciliation for one year; or
6 (2) the other spouse has
7 (A) committed adultery;
8 (B) been convicted of a felony under AS 11.41 or convicted of
9 an offense under a law in another jurisdiction with elements substantially
10 similar to a felony under AS 11.41;
11 (C) abandoned the matrimonial domicile for one year and
12 consistently refuses to return;
13 (D) physically abused the petitioning spouse;
14 (E) physically or sexually abused a child of the marriage or a
15 child of one of the spouses;
16 (F) been habitually intemperate in the consumption of alcohol
17 or in the use of drugs;
18 (G) treated the petitioning spouse cruelly in a manner that
19 impairs the health or endangers the life of the petitioning spouse; or
20 (H) inflicted on the petitioning spouse personal indignities
21 rendering life burdensome.
22 (b) During the pendency of an action for separation from bed and board under
23 this section, the court may, upon application and in appropriate circumstances, issue
24 orders that are authorized under AS 25.24.140 during the pendency of divorce
25 proceedings.
26 (c) The court may not make a judgment on the pleadings, except for a default
27 judgment, or grant a summary judgment in an action for separation from bed and
28 board under this section.
29 **Sec. 25.24.275. Effect of decree.** A decree of separation from bed and board
30 issued under AS 25.24.270
31 (1) does not dissolve the bond of matrimony; the separated husband and

1 wife are not at liberty to marry again;

2 (2) puts an end to the parties' conjugal cohabitation and to the common

3 concerns that existed between them;

4 (3) remains in effect until either reconciliation or divorce.

5 * **Sec. 15.** COURT RULE CHANGE. AS 25.24.270(c), enacted by sec. 14 of this Act, has

6 the effect of amending Rules 54 and 56, Alaska Rules of Civil Procedure, by prohibiting a

7 court from making a judgment on the pleadings, except for a default judgment, or granting

8 a summary judgment in an action for separation from bed and board in a charter marriage.

9 * **Sec. 16.** AS 25.05.111(d), enacted by sec. 4 of this Act, applies to marriage licenses

10 issued on or after the effective date of this Act.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM March 24, 1998

SUBJECT: Charter Marriages (CSHB 390(FIN), version "T")

TO: Representative Mark Hanley
Attn: Shar

FROM: Terri Lauterbach
Legislative Counsel

Enclosed is a CS that makes the changes you requested in sec. 7 of CSHB 390(JUD). There were related references in sec. 9 that I also had to change. Please check sec. 9 to see if the changes comport with the committee's intent.

Please let me know if you need further assistance on this matter.

TML:jdr
98-184.jdr

Enclosure

3/23/98

adopted NO/OBJ

AMENDMENT I

OFFERED INTO HOUSE FINANCE
TO: HB 390

BY REPRESENTATIVE KELLY

Page 4, Section 7 add to judgement for divorce in charter marriage:

1. Spouse has physically abused the petitioning spouse;

2. the other spouse has physically or sexually abused a child of the marriage or a child of one of the spouses;

3. the other spouse has treated the petitioning spouse cruelly in a manner that impairs the health or endangers the life of the petitioning spouse;

work draft
coming
3/24/98

Kelly

Sponsor Statement – House Bill 390

"An Act Relating to Marriage; and Amending Rules 54 and 56, Alaska Rules of Civil Procedure."

HB 390 creates a new option for persons seeking a marriage license from the state. Couples can receive a license for a "testament marriage," which is already provided for under existing statute, or they can apply to receive a license for "charter marriage," sometimes referred to as "covenant marriage."

The two options offer each partner significantly different rights and responsibilities. A charter marriage is a union more difficult to enter into, and also more difficult to dissolve. Couples seeking a charter marriage must receive premarital counseling and sign a declaration of intent stating an understanding that their marriage will be a lifelong relationship. The declaration also includes a statement that each partner has disclosed all facts that may adversely affect the intended mate's decision to enter into a charter marriage. The couple commits to seeking counseling in the event of marital difficulties.

In contrast to the existing testament marriage law, a spouse in a charter marriage may obtain a judgement of divorce only under certain conditions: adultery committed by the other spouse; felony conviction by the other spouse resulting in a sentence of three or more years incarceration; physical abuse of the petitioning spouse; sexual abuse of a child of the marriage or a child of one of the spouses; cruel treatment which endangers the health or life of the petitioning spouse; abandonment lasting at least one year; or if the two spouses have been living apart for more than a year following a legal separation (18 months if the couple has a minor child). Certain other grounds for divorce allowed under existing law, such as "incompatibility of temperament," are insufficient for granting a divorce in a charter marriage.

Spouses in a charter marriage enjoy rights and bear responsibilities not recognized by the existing testament marriage law. Most couples believe marriage is much more than a business partnership, but under existing no-fault divorce law the marriage contract is treated as much less than a business partnership. Charter marriage provides couples the option of entering into a marriage contract that is *at least* as binding as a business contract.

Establishing two types of marriage contracts under state law will provoke useful discussions among engaged couples, since every couple will have to decide which option is best for them. If couples make more educated decisions about marriage, it will likely result in fewer failed marriages and fewer broken families. Alaska's divorce rate is higher than the national average, with 5.1 divorces per year for every 1,000 people, compared to the national rate of 4.1 per 1,000 (statistics from 1995).

Many social problems the Legislature has struggled to address in recent years have been linked to broken marriages and families, including domestic violence, teenage pregnancy, drug and alcohol abuse, and increased juvenile crime. To the extent charter marriage law succeeds in keeping some marriages intact, or in preventing some marriages from occurring in the first place, it will do more to mitigate these social pathologies than any government program could ever hope to accomplish.

Sectional Analysis - House Bill 390

"An Act relating to marriage; and amending Rules 54 and 56, Alaska Rules of Civil Procedure."

Section 1: Defines charter marriage:
A charter marriage requires a couple to receive counseling before marriage, and in times of conflict prior to seeking a divorce. A couple expressly designates their union a charter marriage on the official records and license granted by the state.

Section 2: Illustrates the application process for charter marriage.

Section 3: Charter marriage requires premarital counseling from a marital counselor or priest, minister, rabbi or similar clergyman of any religious sect.

Section 4: Applies to marriage licenses issued. Indicates that parties have complied with charter marriage requirements. If they do not comply, license shall indicate the couples have entered into a testament marriage.

Section 5: Marriage certificate designates parties have entered into charter marriage.

Section 6: Provides an exception to existing divorce laws accommodating the new charter marriage.

Section 7: Establishes divorce options for charter marriage. A spouse in charter marriage must prove:

(1) adultery
(2) conviction of a felony that is a crime against persons
(3) abandonment
(4) separation for one year without reconciliation
(5) physical abuse of petitioning spouse
(6) sexual abuse of a child of the marriage or a child of one of the spouses
(7) cruel treatment which endangers the health or life of the other spouse

Section 8: Technical reference to separation of bed and board.

Section 9: Technical reference to section 6.

Section 10: Amendment to include charter marriage.

Section 11-12: Refers to existing dissolution of testament marriage.

Section 13: Couples of charter marriage may not petition for dissolution.

Section 14: Explains "separation of bed and board." One divorce option is for a couple to request a court acknowledged separation for 1 year, but they must have received counseling within 6 months prior to filing for separation. To obtain a separation a spouse must also prove the other spouse has:

(A) committed adultery
(B) been convicted a felony that is a crime against persons
(C) abandoned household for 1 year and refuses to return
(D) physically abused petitioning spouse
(E) physically or sexually abused a child of the marriage or a child of one of the spouses
(F) been intemperate in consumption of alcohol or drugs
(G) treated spouse cruelly in a manner that endangers their health or life
(H) inflicted personal indignities rendering life burdensome

Section 15: Amends Court Rules 54 and 56.

Section 16: Effective date applies to charter marriages after this date.

Last updated February 24, 1998

COPY

Bishop of Fairbanks

1316 Peger Road • Fairbanks, Alaska 99709
(907) 474-0753

December 1, 1997

Most Reverend Alfred C. Hughes, S.T.D.
Bishop of Baton Rouge
P.O. Box 2028
Baton Rouge, LA 70821-2028

Dear Bishop Hughes,

Recently, a very fine Catholic politician in Alaska, Representative Pete Kelly, came to me with a bill he is trying to introduce in Alaska, which seems to parallel recent legislature in Louisiana.

Personally, I am convinced that we need to do all we can to restore marriage to its proper role and dignity. Pete asked me if I could get any reflections or information from a Louisiana bishop regarding the recent Louisiana legislation.

Al, I know that as most bishops you are swamped with correspondence and requests. However, if you have anything already printed, either your own reflections or those of others whom you respect, I would appreciate receiving a copy.

As I told Pete, we are not trying to introduce some new concept to marriage, but mainly to restore marriage to its rightful place and dignity in society.

Any help you can give us will be deeply appreciated. I already have the article printed in the November 13th edition of Origins. Very helpful. Al, may the dear Lord bless you with a very holy and fruitful Advent Season. Take care, and God bless!

Your brother in Christ,

Michael J. Kaniecki, S.J.
Bishop of Fairbanks

DIOCESE OF BATON ROUGE
BISHOP'S OFFICE
P.O. BOX 2028
BATON ROUGE, LOUISIANA 70821-2028
504-387-0561 FAX 504-336-3768

December 12, 1997

COPY

The Most Reverend Michael J. Kaniecki, S.J.
Bishop of Fairbanks
1316 Peger Road
Fairbanks, AK 99709

Dear Bishop Kaniecki:

I write to you in response to your letter of December 1, 1997 in which you inquire about the Covenant Marriage Legislation in Louisiana.

First of all, the Covenant Marriage Act in Louisiana was an initiative of the evangelical churches. Unfortunately there was no consultation with the mainline Christian churches or the Catholic Church. Had there been, some of the difficulties which emerged as a result of the legislation might have been avoided.

Attached please find a copy of the Covenant Marriage Act leaflet and the statement made conjointly by the Catholic Bishops of Louisiana with the pastoral guidance offered to those who work with the preparation of couples for marriage in our parishes. As you can see, the principal difficulty has been that the evangelical concept of covenant as reflected in the legislation and the Catholic understanding of covenant are not identical. The evangelicals allow for divorce and remarriage for serious reasons. Moreover, the legislation requires that the person preparing the couple for marriage that wants to use a covenant marriage license has to offer among other things, instruction in divorce. Both the instructor and the couple must sign affidavits indicating that this education has been given and received.

It seems to me that the principal difficulties could have been avoided if the required instruction for issuing the Covenant Marriage license were to be done by the state at the time of the issuance of the license. This would allow for the churches to remain true to their usual marriage preparation with full presentation of the Catholic Church's understanding of permanence, fidelity and procreativity in marriage.

I hope that this is helpful to you. If you wish to pursue anything further, please feel free to call me. May God be with you in your own pastoral efforts.

Blessed Christmas!

Fraternally in the Lord,

Al Hughes

Most Reverend Alfred C. Hughes
Bishop of Baton Rouge

ACH/dh

Enclosures

COPY

Bishop of Fairbanks

1316 Peger Road • Fairbanks, Alaska 99709

(907) 474-0753

January 2, 1998

Most Reverend Alfred C. Hughes
Bishop of Baton Rouge
Box 2028
Baton Rouge, LA 70821-2028

Dear Bishop Al,

Thanks so much for your letter of December 12th, and for the added information regarding the Covenant Marriage Act. There are some helpful items in there and hopefully, we can avoid a few difficulties.

Al, I trust your Christmas was a Joyous one, and may the dear Lord bless you with a very Peaceful and Hope-filled 1998!

Your brother in Christ,

Michael J. Kaniecki, S.J.
Bishop of Fairbanks

Alaska State Legislature

REPRESENTATIVE
PETER KELLY
Mailing Address:
119 N. Cushman, Suite 203
Fairbanks, Alaska 99701
(907) 456-8161

While in Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-2327

House District 3

House Of Representatives

February 12, 1998

Caren Robinson
211 4th Street #108
Juneau, AK 99801

Dear Caren:

Thanks for your input on HB 390. You are correct that physical and sexual violence and/or abuse should also be grounds for divorce. Of course, these are generally felonies. The point you are making, and I agree with, is that we may not want to wait for the criminal justice system to complete a conviction—or have a prosecutor plea down to a misdemeanor. I have amended our proposed bill to reflect this assertion.

Please let me know if you have any other thoughts on this bill. I value your opinion.

Sincerely,

Pete

Representative Pete Kelly

NATIONAL ASSOCIATION OF SOCIAL WORKERS
ALASKA CHAPTER

318 4th Street, Juneau AK 99801
586-4438 Fax: 586-4439
naswak@alaska.net

PK

February 24, 1998

Representative Pete Kelly
State Capitol
Juneau AK

Re: HB 390

Dear Representative Kelly:

I'm writing in reference to HB 390, "Charter Marriages." In Section 3 of the bill, page 3 line 9, you include a list of religious and professional persons from which couples may receive counseling before entering into a Charter Marriage. The list appears to be exclusive, and does not include Clinical Social Workers. We request that Clinical Social Workers be added to the list.

Clinical Social Workers are licensed by the state of Alaska as mental health professionals. Research reveals that professional social workers provide 50% of the mental health services in the united states, and usually at a lower cost than other professionals. Please do not exclude almost 300 mental health professionals from providing this important service.

Please contact me personally if you have any questions. Thanks for your attention to this matter.

Sincerely,

Angela M. Salerno

Angela M. Salerno, Executive Director
NASW Alaska Chapter

Fairbanks Daily News-Miner, Wednesday, March 4,1998

Stronger marriages needed

Legislature should offer the option

By DEBBIE JOSLIN

Guest Opinion

The '60s brought us the concept of "free love." The '70s brought us "no fault" divorce and told us how resilient kids are in recovering from divorce. Now in the '90s we are finding out that we bought into a lie.

■ Since "no-fault" divorce was first introduced in 1970, the national divorce rate has risen 279 percent, resulting in 352 percent more kids living with a divorced parent. The majority of those children are living with their mothers. (Statistical Abstract of the U.S., quoted in Focus on the Family magazine, January 1995 edition.)

■ The national statistics on children from broken homes are staggering. Fatherless daughters are 111 percent more likely to have children as teenagers, 164 percent more likely to given birth to an illegitimate child and 92 percent more likely to fail in their own marriages. Fatherless sons are 300 percent more likely to be incarcerated in state juvenile facilities. Seventy percent of all young men incarcerated in the United States come from fatherless homes. Fatherless children are twice as likely to drop out of schools and are failing school not because they are intellectually or physically impaired but because they are emotionally incapacitated. (Statistics from "The Five Key Habits of Smart Dads" by Paul Lewis, quoting from Barbara Whitehead in the April 1993 Atlantic Monthly; Myron Magnet in Fortune magazine, Aug. 10, 1992, and; Nancy Gibbs in Time, June 28, 1993.)

■ According to the National Center of Health Statistics, fatherless children are from 100 to 200 percent more likely to have emotional and behavioral probelsm. The most reliable predictor of crime is neither poverty nor race but growing up fatherless.

We need to turn this situation around and quick! The breakdown of the family is causing the breakdown of our society and our country.

In an attempt to provide a solution to the disintegration of the family, the Alaska Legislature has been introduced to the concept of charter marriage in HB 390 and its companion bill SB 318. With this legislation, couples contemplating marriage would have a choice between the existing "no fault" (testament) marriage and the new charter marriage. Those choosing a charter marriage will be making a higher level of commitment that in the "no fault" marriage.

There are some similarities between the proposed charter marriage and the marriages couples entered into 30 years ago, with some notable differences. Premarital counseling is a requirement of charter marriage contracts. In a charter marriage, the engaged couple must execute a "declaration of intent" to enter into a charter marriage and agree that the marriage will be a lifelong relationship. The must obtain premarital counseling emphasizing the nature, purposes and responsibilities of marriage. That in itself serves to give the marriage a much better start. Who hasn't seen a couple get married who seemed doomed from the start and thought it too bad they did not get counseling before entering into an ill-advised marriage? The fact that both parties must agree on this form of marriage is a plus, as it helps assure that they both have the same level of commitment to the relationship. I would certainly think twice if my intended were not willing to make the same level of commitment to the marriage contract.

You may ask what significant effect premarital counseling will have after the romance wears out. An answer to that question can be found in several cities in the Lower 48 where the clergy have banded together a[illegible] required premarital counseling before performing marriage ceremonies. These cities have shown a marked decrease in the number of divorces.

Just as it is harder to enter a charter marriage, it is harder to get out of one. Not impossible, just harder. Isn't that how it should be? If you truly meant it when you said you intended for this to be a lifelong relationship, then you wouldn't want it ended unless that was the only option left. To obtain a legal separation, they must show proof of having had personal counseling within the six months preceding the date of filing. Divorces are granted only after a finding of fault by the other spouse, such as adultery, conviction of a felony, abandonment for one year, physical abuse of the spouse, physical or sexual abuse of a child in the marriage, being habitually intemperate in the consumption of alcohol or in the use of drugs, or inflicting upon the spouse personal indignities rendering life burdensome. Divorce for other grounds, such as incompatibility, would only be granted after a significant waiting period, as well as additional counseling. The net result of this legislation will be that couples who enter into a charter marriage had better think it through clearly and mean what they say when they say "I do." The bones of matrimony will be stronger and harder to break. This is good news for families and especially for children in families.

It has been said that we cannot legislate morality. However, we have done a great job of legislating immorality for the last 25 years. "No fault" marriage is a prime example. The idea of "choice" has been given such high ranking in our society that it seems this is a bill that should please everyone. The state is not mandating either one but is allowing us to choose. Our legislators deserve a big thank you for addressing one of the biggest problems in our state.

Debbie Joslin is chairwoman of the District 35 Republican Party of Alaska. She lives in Delta Junction with her husband, Steven, and their three children. She notes that her father has married five times and divorced four; her mother has married and divorced three times.

Fairbanks Daily News-Miner, Saturday, March 7,1998

Charter option

Feb. 28, 1998

To the editor:

School board members usually write in support of increased funding, better programs and safety. Those are important matters that can marginally improve education for students. As important as schools are to young people, they are just a portion of a child's life. It is the family that gives a child aspirations, that provides a comfortable and secure learning environment, and the confidence to strive in a world that can be uncompromising.

For me, the most unpleasant part of being on the school board is the responsibility of discipline hearings. A common thread among students having problems is that their family lives are in a state of upheaval. When families fall apart, education suffers.

Years ago many of our churches, including mine, began to require premarital counseling. Unfortunately, in this post-Christian age, that is only a Band-Aid. House Bill 390 offers, as an option, charter marriages to challenge newlyweds to commit to one another in a more elaborate fashion.

This bill would not eliminate the existing form of civil marriage. In all marriages participants face difficulties. Tensions and misunderstandings conspire to keep all marriages troublesome to some degree. The charter marriage bill contains some tried and true means to keep the "bridal train" on track. For instance, couples entering a charter marriage would:

1. seek premarital counseling;

2. sign a declaration that marriage is a lifelong relationship and stating that the have shared anything that will adversely affect a decision to marry, and;

3. sign a declaration that they will seek counseling if they develop marital problems.

Dissolving a family through divorce would be more difficult in a charter marriage. It would take time or substantial reason to divorce. That time may be all that is needed to allow tempers to calm and the love that brings a couple together to reassert itself.

A child's learning is only one of the victims of fractured families. Domestic violence, teen pregnancy, drug and alcohol abuse, and crime are linked to broken marriages. By offering the option of a charter marriage, Alaska will take steps to build stronger marriages and a better society.

Bob Coghill
School Board Member
Fairbanks

Marriage bill for serious couples

By MARK SABBATINI

THE JUNEAU EMPIRE

A bill allowing people to opt for "charter marriages" requiring pre-marital counseling and limiting when divorce can occur has been introduced by a Fairbanks legislator.

REP. PETE KELLY

House Bill 390 is similar to a law enacted last year in Louisiana allowing people to choose between conventional and "higher tier" marriages, said Rep. Pete Kelly, a Republican. He said the alternative measure will force couples to think more carefully about the commitment they are making and hopefully lead to fewer divorces.

"If a couple comes to city hall to get their marriage license this w'' force them into a meaningful dialogue . ht off the bat: 'What kind of marriage . you want?' " he said today. "If they can't agree on that maybe they won't get married in the first place."

Couples wanting a charter marriage must seek counseling and sign an agreement stating they understand the marriage is a lifelong commitment, according to the bill. Each person must also disclose "all facts that may adversely affect the intended mate's decision to enter into the charter marriage."

Divorce from a charter marriage is allowed only if a spouse commits adultery, has been convicted of a felony and is serving three or more years in prison, abandons the house for more than a year and refuses to return, or has been living separately for a year. If the couple has children under 18, the couple must live separately for at least 18 months before divorcing.

Separation is permitted only if the couple has obtained at least six months of counseling, or for circumstances such as adultery, assault, substance abuse or

Please turn to Marriage, Page 8

Marriage...

Continued from Page 1

inflicting "indignities rendering life burdensome."

Couples married in traditional ceremonies can renew their vows using the charter provisions.

Royce Christmas, pastor of Glacier Valley Baptist Church, said he has not seen Kelly's bill, but supports the concept. Christmas said he requires couples to go through at least two counseling sessions, and prefers more, before he performs a marriage for them.

"It makes them sit down and look at the cold hard facts of what this relationship is going to require at the outset," he said. "It blows the rainbow of romance aside for a moment maybe and puts reality there."

He said requiring counseling before a divorce probably doesn't hurt anything, but he doesn't think it preserves troubled marriages in most cases.

The restrictions on divorce troubles some advocates for women, who fear wives might have difficulty escaping abusive husbands.

"One of our fears is, 'Would this be used in violent relationships?' " said Caren Robinson, a former Juneau lawmaker and spokeswoman for the Alaska Women's Lobby.

Alaska had five divorces per 1,000 people in 1995, compared to 4.4 per 1,000 nationally. The national rate in 1996 was 4.3 per 1,000, equating to a 2 percent drop and representing the lowest rate in more than 20 years.

Louisiana's Covenant Marriage Act took effect last Aug. 15, said Tracy Lemoine, an assistant to Rep. Tony Perkins, a Republican lawmaker who introduced the bill there.

It got off to a slow start. Only 26 covenant licenses were sold in the month after the law took effect. Louisiana issues about 3,000 marriage licenses in a typical summer month.

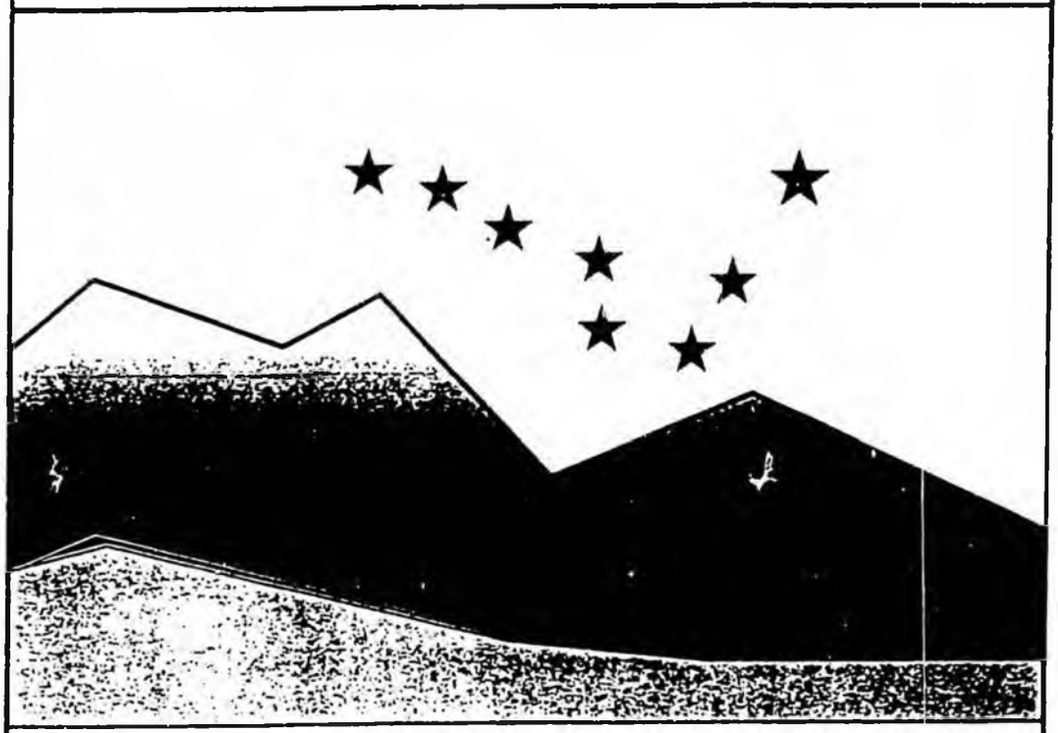
Lemoine said the state's vital statistics office is lagging behind on tracking who has taken advantage of the new law. She said she expects the number of couples in charter marriages to skyrocket this weekend when more than 200 churches participate in a "covenant weekend" where couples can renew their vows under the new law.

•••••

The Associated Press contributed to this report.

ALASKA

BUREAU OF VITAL STATISTICS



1995 ANNUAL REPORT

TONY KNOWLES
Governor

STATE OF ALASKA

KAREN PERDUE
Commissioner

DEPT. OF HEALTH & SOCIAL SERVICES

MARRIAGE AND DIVORCE

5,514 MARRIAGES
3,095 DIVORCES

MARRIAGES

There were 5,514 marriages performed in Alaska in 1995, involving 4,990 Alaska resident brides and 4,968 Alaska resident grooms. This is a decrease of 0.8% from the 5,557 marriages which occurred in 1994.[1] The crude marriage rate in 1995 was 9.1 marriages per 1,000 residents, down from 9.2 marriages per 1,000 in 1994.

Marriage rates vary widely between census areas in Alaska. For instance, the lowest rate of 2.2 marriages per 1,000 residents was in the Aleutians East census area. The highest rate of 12.7 marriages per 1,000 residents was in the Ketchikan Gateway Borough census area.

The average age for brides was 29.9 and the average age for grooms was 32.5. It was the first marriage for 55.7 percent of brides and 59.0 percent of grooms.

June, July and August were the months with the most marriages with 682, 711, and 685 marriages respectively. January had the fewest marriages with only 303.

There were 378 marriages in which neither the bride nor the groom was a resident of Alaska, a 9.2 percent increase over the 346 non-resident marriages in 1994. The Anchorage census area had the greatest number of non-resident marriages with 114; however, Juneau had the second largest number of non-resident marriages with 65, 19% of all marriages occurring in Juneau.

1 Crondahl, J., Mitchell, P., Zenk, A.E., Anderson, C., Walden, S. and Juan, I. Department of Health and Social Services, Division of Public Health. *Alaska Bureau of Vital Statistics 1994 Annual Report*. Juneau, Alaska. June 1996, p. 67.

TABLE 4.1A MARRIAGES AND CRUDE MARRIAGE RATES BY CENSUS AREA OF OCCURRENCE, ALASKA, 1995

CENSUS AREA	OCCURRENCES		RESIDENT GROOMS		RESIDENT BRIDES	
	MARRIAGES	CRUDE RATE	MARRIAGES	SEX-SPECIFIC RATE	MARRIAGES	SEX-SPECIFIC RATE
ALEUTIANS EAST	5	2.2	8	6.6	8	7.9
ALEUTIANS WEST	39	6.5	39	11.1	38	15.6
ANCHORAGE BOROUGH	2,301	9.1	2,155	16.4	2,192	17.9
ANGOON-HOONAH-SKAGWAY	41	11.0	25	12.6	29	16.6
BETHEL	89	5.8	92	11.5	96	13.1
BRISTOL BAY BOROUGH	11	9.1	12	18.5	11	19.8
DENALI BOROUGH	19	10.6	14	14.5	13	15.7
DILLINGHAM	27	6.2	30	13.1	31	14.9
FAIRBANKS NORTH STAR BOROUGH	854	10.4	757	17.5	760	19.7
HAINES BOROUGH	22	9.6	16	13.6	14	12.5
JUNEAU BOROUGH	340	11.8	269	18.3	270	19.2
KENAI PENINSULA BOROUGH	491	10.7	401	16.7	387	17.5
KETCHIKAN GATEWAY BOROUGH	187	12.7	155	20.0	152	21.6
KODIAK ISLAND BOROUGH	114	7.8	111	13.8	108	16.3
LAKE AND PENINSULA	6	3.3	8	8.3	6	7.0
MATANUSKA-SUSITNA BOROUGH	461	9.4	388	15.2	393	16.7
NOME	50	5.6	53	11.2	52	12.5
NORTH SLOPE BOROUGH	34	4.9	41	11.3	40	12.1
NORTHWEST ARCTIC BOROUGH	33	5.0	32	9.3	33	10.5
PRINCE OF WALES-OUTER KETCHIKAN	45	6.7	50	13.4	49	16.2
SITKA BOROUGH	85	9.6	68	14.9	66	15.3
SOUTHEAST FAIRBANKS	41	6.3	38	11.0	33	10.9
VALDEZ-CORDOVA	86	8.2	72	12.9	78	16.0
WADE HAMPTON	23	3.5	27	7.8	27	8.5
WRANGELL-PETERSBURG	67	9.3	61	15.9	61	18.1
YAKUTAT	3	3.9	2	4.8	2	5.7
YUKON-KOYUKUK	40	6.3	44	12.6	41	14.3
TOTAL	5,514	9.1	4,968	15.8	4,990	17.3

MARRIAGE ÷ TOTAL POPULATION x 1000 = CRUDE RATE

TABLE 4.1B MARRIAGES BY NATIVE REGIONAL CORPORATION OF OCCURRENCE, GROOM'S RESIDENCE, AND BRIDE'S RESIDENCE, ALASKA, 1995

NATIVE REGIONAL CORPORATION	OCCURRENCES	RESIDENT GROOMS	RESIDENT BRIDES
AHTNA INC.	21	14	16
ALEUT CORP.	44	47	46
ARCTIC SLOPE CORP.	34	41	40
BERING STRAITS CORP.	50	53	52
BRISTOL BAY CORP.	42	47	46
CALISTA CORP.	112	119	123
CHUGACH NATIVES INC.	124	94	95
COOK INLET REG CORP.	3,197	2,911	2,941
DOYON LTD.	953	853	847
KONIAG INC.	114	111	108
NANA REGIONAL CORP.	33	32	33
SEALASKA CORP.	790	646	643
TOTAL	5,514	4,968	4,990

TABLE 4.2 MARRIAGES BY CENSUS AREA OF BRIDE'S RESIDENCE, AND BY CENSUS AREA OF GROOM'S RESIDENCE, ALASKA, 1995

BRIDE'S RESIDENCE	GROOM'S RESIDENCE														
	ALE	ALW	ANC	AHS	BET	BBB	DEN	DIL	FBK	HNS	JUN	KPB	KET	KOD	LKP
ALEUTN EAST	8														
ALEUTN WEST		37													
ANCHORAGE		1	2,058						5		4	16	1	3	1
ANG-HNH-SKG				25							1				
BETHEL			5		88	1		1							
BRISTOL BAY						10			1						
DENALI							10								
DILLINGHAM					1			28							1
FAIRBANKS			1						711						
HAINES										14					
JUNEAU			4								256		1		
KENAI PEN			4				1		2			371			
KETCHIKAN													149		
KODIAK			2									1		101	
LAKE-PENIN															6
MAT-SU			19									5			
NOME			1		1										
NORTH SLOPE			2												
NW ARCTIC							1								
PRINCE-WALES															
SITKA											1		1		
SE FAIRBANKS															
VALDEZ-CORDV			4								1			1	
WADE HAMPTON															
WRANGELL-PBG			1									1			
YAKUTAT															
YUKON-KOY					1										
OUT OF STATE		1	54		1	1	2	1	38	2	6	7	3	6	
TOTAL	8	39	2,155	25	92	12	14	30	757	16	269	401	155	111	8

Continued →

TABLE 4.2 CONTINUED

BRIDE'S RESIDENCE	GROOM'S RESIDENCE													TOTAL
	MSB	NOM	NSB	NAB	POW	SIT	SEF	VAL	WAH	WRP	YAK	YUK	OOS	
ALEUTN EAST														8
ALEUTN WEST													1	38
ANCHORAGE	18	1	1	1			2	1		1			78	2,192
ANG-HNH-SKG										1			2	29
BETHEL									1					96
BRISTOL BAY														11
DENALI	1						1						1	13
DILLINGHAM													1	31
FAIRBANKS						1	1					3	43	760
HAINES														14
JUNEAU						1							8	270
KENAI PEN	2											1	6	387
KETCHIKAN													3	152
KODIAK													4	108
LAKE-PENIN														6
MAT-SU	359												10	393
NOME		48											2	52
NORTH SLOPE			37										1	40
NW ARCTIC		1	1	30										33
PRINCE-WALES					47								2	49
SITKA						63							1	66
SE FAIRBANKS							31	1					1	33
VALDEZ-CORDV					1			70					1	78
WADE HAMPTON									26				1	27
WRANGELL-PBG										57			2	61
YAKUTAT											2			2
YUKON-KOY												40		41
OUT OF STATE	8	3	2	1	2	3	3	1		2			378	524
TOTAL	388	53	41	32	50	68	38	72	27	61	2	44	546	5,514

TABLE 4.3 MARRIAGES BY AGE OF GROOM AND AGE OF BRIDE, ALASKA, 1995

AGE OF BRIDE	AGE OF GROOM									TOTAL
	15-19	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55+	
15-19	152	323	68	20		3	1			571
20-24	56	733	452	146	42	12	7	4	1	1,453
25-29	3	157	417	312	136	49	31	7	1	1,113
30-34	2	34	141	273	194	107	41	8	11	811
35-39		10	55	115	180	157	70	32	13	633
40-44		4	11	52	80	118	88	40	25	418
45-49			4	18	36	41	79	58	41	277
50-54			1	4	9	16	28	35	48	141
55+							7	8	82	97
TOTAL	213	1,261	1,149	941	681	503	352	192	222	5,514

DIVORCES

There are three administrative methods for terminating a marriage in Alaska:

- **Divorce** is an adversarial process in which the terms of the decree are decided by the courts based upon evidence, testimony, and in accordance with Alaska statutes. These terms include disposition of property, living arrangements, and custody and support for any minor children involved. In 1995, there were 1,004 divorces granted in Alaska. This is a 2.9 percent decrease from 1994.

- A **dissolution** of marriage is a cooperative agreement between the husband and wife in which both parties agree to the terms for distribution of property, living arrangements, and support and custody of minor children. The agreement is reviewed by the court which can amend it, if it determines the terms are not equitable. In 1995, there were 2,079 dissolutions of marriage in Alaska. This is a 7.8 percent decrease from 1994.

- An **annulment** is a judicial pronouncement declaring a marriage never existed. In 1995, there were 12 annulments granted in Alaska. This is a 42.9 percent decrease from 1994.

When not otherwise stated, the term *divorce* refers to all three methods collectively.

In 1995, the total of 3,095 divorces, dissolutions, and annulments resulted in a crude divorce rate of 5.1 divorces per 1,000 population. This is a 7.3 percent decrease from the crude divorce rate of 5.5 in 1994.[2]

TABLE 4.4 DIVORCES, DISSOLUTIONS AND ANNULMENTS BY JUDICIAL DISTRICT, ALASKA, 1995

JUDICIAL DISTRICT OF DECREE	DECREE TYPE			TOTAL
	DIVORCE	DISSOLUTION	ANNULMENT	
01-FIRST	133	303	1	437
02-SECOND	11	21		32
03-THIRD	691	1,337	9	2,037
04-FOURTH	169	418	2	589
TOTAL	1,004	2,079	12	3,095

2 Crondahl, J., Mitchell, P., Zenk, A.E., Anderson, C., Walden, S. and Juan, I. Department of Health and Social Services, Division of Public Health. *Alaska Bureau of Vital Statistics 1994 Annual Report*. Juneau, Alaska, June 1996, p. 79

TABLE 4.5 DIVORCES AND DIVORCE RATES FOR WOMEN AND MEN BY CENSUS AREA OF RESIDENCE, ALASKA, 1995

CENSUS AREA	WOMEN		MEN	
	NUMBER	RATE	NUMBER	RATE
ALEUTIANS EAST	5	4.9	6	4.9
ALEUTIANS WEST	10	4.1	15	4.3
ANCHORAGE BOROUGH	1,215	9.9	1,113	8.5
ANGOON-HOONAH-SKAGWAY	12	6.9	17	8.5
BETHEL	22	3.0	22	2.8
BRISTOL BAY BOROUGH			2	3.1
DENALI BOROUGH	4	4.8	3	3.1
DILLINGHAM	7	3.4	11	4.8
FAIRBANKS NORTH STAR BOROUGH	446	11.5	416	9.6
HAINES BOROUGH	12	10.7	5	4.2
JUNEAU BOROUGH	173	12.3	165	11.3
KENAI PENINSULA BOROUGH	222	10.0	220	9.2
KETCHIKAN GATEWAY BOROUGH	93	13.2	75	9.7
KODIAK ISLAND BOROUGH	56	8.5	62	7.7
LAKE AND PENINSULA	2	2.3	3	3.1
MATANUSKA-SUSITNA BOROUGH	214	9.1	212	8.3
NOME	14	3.4	18	3.8
NORTH SLOPE BOROUGH	6	1.8	11	3.0
NORTHWEST ARCTIC BOROUGH	10	3.2	9	2.6
PRINCE OF WALES-OUTER KETCHIKAN	30	9.9	27	7.2
SITKA BOROUGH	44	10.2	41	9.0
SOUTHEAST FAIRBANKS	16	5.3	18	5.2
VALDEZ-CORDOVA	33	6.8	37	6.6
WADE HAMPTON	5	1.6	6	1.7
WRANGELL-PETERSBURG	39	11.6	40	10.4
YAKUTAT				
YUKON-KOYUKUK	10	3.5	9	2.6
CENSUS AREA UNKNOWN	11		20	
TOTAL	2,711	9.4	2,583	8.2

TABLE 4.6 DIVORCES INVOLVING CHILDREN UNDER THE AGE OF 18 YEARS BY JUDICIAL DISTRICT, ALASKA, 1995

JUDICIAL DISTRICT	CHILDREN UNDER 18			
	NO		YES	
	DIVORCES	PERCENT	DIVORCES	PERCENT
FIRST	209	47.8	228	52.2
SECOND	12	37.5	20	62.5
THIRD	976	47.9	1,061	52.1
FOURTH	297	50.4	292	49.6
TOTAL	1,494	48.3	1,601	51.7

03/23/98 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150
13:46:22 PARTICIPANT LIST (TESTIFIERS ONLY) BY:JNU
TCN:80524 SCHEDULED FOR:03/23/98 13:30 TO 16:00 FOR:DJT
PUBLIC HEARING HOUSE FINANCE

LOCATION:DELTA JCT.

HB 390	1	MRS.	DEBRA	JOSLIN DISTRICT Chair #35	TESTIFY
HB 390	2	MRS.	MARLA	WILLIS	TESTIFY

STATE of ALASKA

Delta Junction Legislative Information Office

P.O. Box 1189
Room 210, Jarvis Office Center
Delta Junction, AK 99737
(907) 895-4236 Fax: (907) 895-5017

March 23, 1998

TO: House Finance

Please accept the enclosed originals of written testimony for the House Finance Committee hearing that was scheduled on 3/23/98.

Copies of this testimony were transmitted by fax on 3/23/98.

Thank you,

Tammy R. Hall
Information Assistant

Enclosures: 1

Stronger marriages needed

Legislature should offer the option

Fbks News Miner 3-4-98

By DEBBIE JOSLIN

Guest Opinion

The '60s brought us the concept of "free love." The '70s brought us "no fault" divorce and told us how resilient kids are in recovering from divorce. Now in the '90s we are finding out that we bought into a lie.

■ Since "no-fault" divorce was first introduced in 1970, the national divorce rate has risen 279 percent, resulting in 352 percent more kids living with a divorced parent. The majority of those children are living with their mothers. (Statistical Abstract of the U.S., quoted in Focus on the Family magazine, January 1995 edition.)

■ The national statistics on children from broken homes are staggering. Fatherless daughters are 111 percent more likely to have children as teenagers, 164 percent more likely to given birth to an illegitimate child and 92 percent more likely to fail in their own marriages. Fatherless sons are 300 percent more likely to be incarcerated in state juvenile facilities. Seventy percent of all young men incarcerated in the United States come from fatherless homes. Fatherless children are twice as likely to drop out of schools and are failing school not because they are intellectually or physically impaired but because they are emotionally incapacitated. (Statistics from "The Five Key Habits of Smart Dads" by Paul Lewis, quoting from Barbara Whitehead in the April 1993 Atlantic Monthly; Myron Magnet in Fortune magazine, Aug. 10, 1992, and; Nancy Gibbs in Time, June 28, 1993.)

■ According to the National Center of Health Statistics, fatherless children are from 100 to 200 percent more likely to have emotional and behavioral probelsm. The most reliable predictor of crime is neither poverty nor race but growing up fatherless.

We need to turn this situation around and quick! The breakdown of the family is causing the breakdown of our society and our country

In an attempt to provide a solution to the disintegration of the family, the Alaska Legislature has been introduced to the concept of charter marriage in HB 390 and its companion bill SB 318. With this legislation, couples contemplating marriage would have a choice between the existing "no fault" (testament) marriage and the new charter marriage. Those choosing a charter marriage will be making a higher level of commitment that in the "no fault" marriage.

There are some similarities between the proposed charter marriage and the marriages couples entered into 30 years ago, with some notable differences. Premarital counseling is a requirement of charter marriage contracts. In a charter marriage, the engaged couple must execute a "declaration of intent" to enter into a charter marriage and agree that the marriage will be a lifelong relationship. The must obtain premarital counseling emphasizing the nature, purposes and responsibilities of marriage. That in itself serves to give the marriage a much better start. Who hasn't seen a couple get married who seemed doomed from the start and thought it too bad they did not get counseling before entering into an ill-advised marriage? The fact that both parties must agree on this form of marriage is a plus, as it helps assure that they both have the same level of commitment to the relationship. I would certainly think twice if my intended were not willing to make the same level of commitment to the marriage contract.

You may ask what significant effect premarital counseling will have after the romance wears out. An answer to that question can be found in several cities in the Lower 48 where the clergy have banded together and required premarital counseling before performing marriage ceremonies. These cities have shown a marked decrease in the number of divorces.

Just as it is harder to enter a charter marriage, it is harder to get out of one. Not impossible, just harder. Isn't that how it should be? If you truly meant it when you said you intended for this to be a lifelong relationship, then you wouldn't want it ended unless that was the only option left. To obtain a legal separation, they must show proof of having had personal counseling within the six months preceding the date of filing. Divorces are granted only after a finding of fault by the other spouse, such as adultery, conviction of a felony, abandonment for one year, physical abuse of the spouse, physical or sexual abuse of a child in the marriage, being habitually intemperate in the consumption of alcohol or in the use of drugs, or inflicting upon the spouse personal indignities rendering life burdensome. Divorce for other grounds, such as incompatibility, would only be granted after a significant waiting period, as well as additional counseling. The net result of this legislation will be that couples who enter into a charter marriage had better think it through clearly and mean what they say when they say "I do." The bones of matrimony will be stronger and harder to break. This is good news for families and especially for children in families.

It has been said that we cannot legislate morality. However, we have done a great job of legislating immorality for the last 25 years. "No fault" marriage is a prime example. The idea of "choice" has been given such high ranking in our society that it seems this is a bill that should please everyone. The state is not mandating either one but is allowing us to choose. Our legislators deserve a big thank you for addressing one of the biggest problems in our state.

Debbie Joslin is chairwoman of the District 35 Republican Party of Alaska. She lives in Delta Junction with her husband, Steven, and their three children. She notes that her father has married five times and divorced four; her mother has married and divorced three times.

Debbie Joslin
PO Box 377
Delta Jct, AK 99737
(907) 895-4565