

HB

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HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: February 11, 1998

FURTHER REFERRALS:

Finance

Date of Committee Action: 2/27/98

The JUDICIARY Committee considered:

HB 390

HOUSE BILL NO. 390

COVENANT 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 CS HB 390 (JUD) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Data)

fiscal note(s) Hatl & SS

fiscal note(s) _____

zero fiscal note(s) _____

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Carl W. [Signature]</i>			✓	
<i>[Signature]</i>			✓	
<i>[Signature]</i>			✓	
<i>Charmette James</i>	✓			
<i>Tom Biele</i>			✓	
<i>[Signature]</i>		✓		

CHAIR'S SIGNATURE

[Signature]

CS FOR HOUSE BILL NO. 390(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY 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;

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

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

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

7 (4) the notarized signatures of both parties.

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

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

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

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

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

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

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

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

24 (2) adultery;

25 (3) conviction of a felony;

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

27 (5) either

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

30 (B) personal indignities rendering life burdensome; or

31 (C) incompatibility of temperament;

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

3 (7) [REPEALED

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

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

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

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

13 (1) the other spouse has committed adultery;

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

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

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

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

25 **Sec. 25.24.110. Separate domicile or residence.** In an action for divorce or
26 separation from bed and board, a spouse may acquire a separate residence or
27 domicile from that of the other spouse without reference among other factors to
28 misconduct or consent of the other spouse.

29 * Sec. 9. AS 25.24.130 is amended to read:

30 **Sec. 25.24.130. Defenses to other divorce grounds.** When the divorce action
31 is for any of the grounds provided in AS 25.24.050(a)(4) - (6) or (b)(3)

1 [AS 25.24.050(4) - (6)], the defense of procurement or that the defendant has been
 2 expressly forgiven may be made. When the divorce action is for the ground provided
 3 in AS 25.24.050(a)(3) or (b)(2) [AS 25.24.050(3)], the defense of procurement or that
 4 the defendant has been expressly forgiven or that the action was not brought within
 5 two years after conviction may be made.

6 * **Sec. 10.** AS 25.24.150(a) is amended to read:

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

15 * **Sec. 11.** AS 25.24.200(a) is amended to read:

16 (a) Except as provided in (f) of this section, a [A] husband and wife together
 17 may petition the superior court for the dissolution of their marriage under
 18 AS 25.24.200 - 25.24.260 if the following conditions exist at the time of filing the
 19 petition:

20 (1) incompatibility of temperament has caused the irremediable
 21 breakdown of the marriage;

22 (2) if there are unmarried children of the marriage under the age of 19
 23 or the wife is pregnant, and the spouses have agreed on which spouse or third party
 24 is to be awarded custody of each minor child of the marriage and the extent of
 25 visitation, including visitation by grandparents and other persons if in the child's best
 26 interests, and support to be provided on the children's behalf, whether the payments
 27 are to be made through the child support enforcement agency and the tax consequences
 28 of that agreement;

29 (3) the spouses have agreed as to the distribution of all jointly owned
 30 real and personal property, including retirement benefits, and the payment of spousal
 31 maintenance, if any, and the tax consequences resulting from these payments; the

1 agreement must be fair and just and take into consideration the factors listed in
 2 AS 25.24.160(a)(2) and (4) so that the economic effect of dissolution is fairly
 3 allocated; and

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

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

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

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

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

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

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

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

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

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

26 **Sec. 25.24.270. Separation from bed and board.** (a) A spouse to a charter
 27 marriage may obtain a judgment of separation from bed and board only on proof of
 28 having obtained personal counseling within the six months preceding the date of filing
 29 the petition for separation of bed and board and proof that

30 (1) the spouses have been living separately and continuously apart
 31 without reconciliation for one year; or

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(2) the other spouse has

(A) committed adultery;

(B) been convicted of a felony under AS 11.41 or convicted of an offense under a law in another jurisdiction with elements substantially similar to a felony under AS 11.41;

(C) abandoned the matrimonial domicile for one year and consistently refuses to return;

(D) physically abused the petitioning spouse;

(E) physically or sexually abused a child of the marriage or a child of one of the spouses;

(F) been habitually intemperate in the consumption of alcohol or in the use of drugs;

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

(H) inflicted on the petitioning spouse personal indignities rendering life burdensome.

(b) During the pendency of an action for separation from bed and board under this section, the court may, upon application and in appropriate circumstances, issue orders that are authorized under AS 25.24.140 during the pendency of divorce proceedings.

(c) The court may not make a judgment on the pleadings, except for a default judgment, or grant a summary judgment in an action for separation from bed and board under this section.

Sec. 25.24.275. Effect of decree. A decree of separation from bed and board issued under AS 25.24.270

(1) does not dissolve the bond of matrimony; the separated husband and wife are not at liberty to marry again;

(2) puts an end to the parties' conjugal cohabitation and to the common concerns that existed between them;

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

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

1 the effect of amending Rules 54 and 56, Alaska Rules of Civil Procedure, by prohibiting a
2 court from making a judgment on the pleadings, except for a default judgment, or granting
3 a summary judgment in an action for separation from bed and board in a charter marriage.

4 * Sec. 16. AS 25.05.111(d), enacted by sec. 4 of this Act, applies to marriage licenses
5 issued on or after the effective date of this Act.

A M E N D M E N T

#1

IN THE HOUSE

By Representative James

TO: CSHB 390 - Version "Q"

3-Y
2-N

Page 2, Lines 1-15,

Delete all material and all additional references

Passes

AMENDMENT

#2

OFFERED IN THE HOUSE BY REPRESENTATIVE JAMES

TO: HB 390

Passes

Page 3, line 13:

After *associate* insert:

“licensed clinical social worker”

0-LS1062\Q
Lauterbach
2/26/98

CS FOR HOUSE BILL NO. 390(JUD)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY 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) 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 (b) A couple that is already lawfully married under a contract entered into in
2 this state that is not a charter marriage may execute a declaration of intent to designate
3 their marriage as a charter marriage to be governed by the laws of this state relating
4 to charter marriages. The declaration of intent must contain the contents required
5 under AS 25.05.096 and be presented to a licensing officer. The licensing officer shall
6 prepare two short-form certificates that include a notation of the declaration of intent
7 to designate a charter marriage and, after the parties have signed them, give one to
8 each of the parties to the marriage with an attached copy of the declaration. The
9 licensing officer shall also forward to the registrar each declaration of intent received
10 under this subsection. The registrar shall attach the declaration to the original marriage
11 certificate and make a notation on the original and any required copies that the
12 marriage has been converted to a charter marriage. A marriage for which a declaration
13 under this subsection has been presented to a licensing officer is considered a charter
14 marriage from the time that the parties sign the short-form certificates under this
15 subsection.

16 * Sec. 2. AS 25.05.091 is amended by adding a new subsection to read:

17 (c) If an application under (a) of this section is for a charter marriage, the
18 application must, in addition to the requirements of (a) and (b) of this section, include
19 a statement substantially similar to the following:

20 We, (Name of Intended Husband) and (Name of Intended Wife),
21 declare our intent to contract a charter marriage and, accordingly, have
22 executed a declaration of intent to contract a charter marriage that is
23 attached to this application.

24 * Sec. 3. AS 25.05 is amended by adding a new section to read:

25 **Sec. 25.05.096. Declaration of intent for charter marriage.** (a) The
26 declaration of intent to contract a charter marriage that is required under
27 AS 25.05.091(c) must include

28 (1) a recitation by each party that the party

29 (A) intends to enter into a charter marriage governed by the
30 laws of this state;

31 (B) understands and agrees that the marriage will be a lifelong

1 relationship;

2 (C) has received counseling emphasizing the nature, purposes,
3 and responsibilities of marriage;

4 (D) believes that the party's intended mate is a wise choice as
5 a mate for life;

6 (E) has disclosed to the intended mate all facts that may
7 adversely affect the intended mate's decision to enter into the charter marriage;
8 and

9 (F) is committed to seeking marital counseling to strengthen the
10 marital relationship if the parties have marital difficulties;

11 (2) an affirmation by the parties that both parties have received
12 counseling from a priest, minister, rabbi, clerk of the religious society of friends,
13 clergy member of a religious sect, psychologist, psychological associate, or marital and
14 family therapist that included

15 (A) a discussion of the seriousness of charter marriage;

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

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

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

22 (4) the notarized signatures of both parties.

23 (b) A declaration of intent to contract a charter marriage that is required under
24 AS 25.05.015(b) must include

25 (1) the items required under (a) of this section; and

26 (2) a recitation that the parties are currently married under a contract
27 entered into in this state.

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

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

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

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

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

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

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

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

13 (2) adultery;

14 (3) conviction of a felony;

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

16 (5) either

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

19 (B) personal indignities rendering life burdensome; or

20 (C) incompatibility of temperament;

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

23 (7) [REPEALED

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

28 (8) [(9)] addiction of either party, subsequent to the marriage, to the
29 habitual use of opium, morphine, cocaine, or a similar drug.

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

31 (b) A spouse to a charter marriage may obtain a judgment of divorce only

1 upon proof of one of the following:

2 (1) the other spouse has committed adultery;

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

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

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

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

14 **Sec. 25.24.110. Separate domicile or residence.** In an action for divorce or
15 separation from bed and board, a spouse may acquire a separate residence or
16 domicile from that of the other spouse without reference among other factors to
17 misconduct or consent of the other spouse.

18 * Sec. 9. AS 25.24.130 is amended to read:

19 **Sec. 25.24.130. Defenses to other divorce grounds.** When the divorce action
20 is for any of the grounds provided in AS 25.24.050(a)(4) - (6) or (b)(3)
21 [AS 25.24.050(4) - (6)], the defense of procurement or that the defendant has been
22 expressly forgiven may be made. When the divorce action is for the ground provided
23 in AS 25.24.050(a)(3) or (b)(2) [AS 25.24.050(3)], the defense of procurement or that
24 the defendant has been expressly forgiven or that the action was not brought within
25 two years after conviction may be made.

26 * Sec. 10. AS 25.24.150(a) is amended to read:

27 (a) In an action for divorce, separation from bed and board, or [FOR] legal
28 separation or for placement of a child when one or both parents have died, the court
29 may, if it has jurisdiction under AS 25.30.020 [,] and is an appropriate forum under
30 AS 25.30.050 and 25.30.060, during the pendency of the action [,] or at the final
31 hearing or at any time thereafter during the minority of a child of the marriage, make,

1 modify, or vacate an order for the custody of or visitation with the minor child that
2 may seem necessary or proper, including an order that provides for visitation by a
3 grandparent or other person if that is in the best interests of the child.

4 * Sec. 11. AS 25.24.200(a) is amended to read:

5 (a) Except as provided in (f) of this section, a [A] husband and wife together
6 may petition the superior court for the dissolution of their marriage under
7 AS 25.24.200 - 25.24.260 if the following conditions exist at the time of filing the
8 petition:

9 (1) incompatibility of temperament has caused the irremediable
10 breakdown of the marriage;

11 (2) if there are unmarried children of the marriage under the age of 19
12 or the wife is pregnant, and the spouses have agreed on which spouse or third party
13 is to be awarded custody of each minor child of the marriage and the extent of
14 visitation, including visitation by grandparents and other persons if in the child's best
15 interests, and support to be provided on the children's behalf, whether the payments
16 are to be made through the child support enforcement agency and the tax consequences
17 of that agreement;

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

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

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

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

31 (1) incompatibility of temperament, as evidenced by extended absence

1 or otherwise, has caused the irremediable breakdown of the marriage;

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

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

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

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

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

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

15 **Sec. 25.24.270. Separation from bed and board.** (a) A spouse to a charter
16 marriage may obtain a judgment of separation from bed and board only on proof of
17 having obtained personal counseling within the six months preceding the date of filing
18 the petition for separation of bed and board and proof that

19 (1) the spouses have been living separately and continuously apart
20 without reconciliation for one year; or

21 (2) the other spouse has

22 (A) committed adultery;

23 (B) been convicted of a felony under AS 11.41 or convicted of
24 an offense under a law in another jurisdiction with elements substantially
25 similar to a felony under AS 11.41;

26 (C) abandoned the matrimonial domicile for one year and
27 consistently refuses to return;

28 (D) physically abused the petitioning spouse;

29 (E) physically or sexually abused a child of the marriage or a
30 child of one of the spouses;

31 (F) been habitually intemperate in the consumption of alcohol

1 or in the use of drugs;

2 (G) treated the petitioning spouse cruelly in a manner that
3 impairs the health or endangers the life of the petitioning spouse; or

4 (H) inflicted on the petitioning spouse personal indignities
5 rendering life burdensome.

6 (b) During the pendency of an action for separation from bed and board under
7 this section, the court may, upon application and in appropriate circumstances, issue
8 orders that are authorized under AS 25.24.140 during the pendency of divorce
9 proceedings.

10 (c) The court may not make a judgment on the pleadings, except for a default
11 judgment, or grant a summary judgment in an action for separation from bed and
12 board under this section.

13 **Sec. 25.24.275. Effect of decree.** A decree of separation from bed and board
14 issued under AS 25.24.270

15 (1) does not dissolve the bond of matrimony; the separated husband and
16 wife are not at liberty to marry again;

17 (2) puts an end to the parties' conjugal cohabitation and to the common
18 concerns that existed between them;

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

20 * **Sec. 15. COURT RULE CHANGE.** AS 25.24.270(c), enacted by sec. 14 of this Act, has
21 the effect of amending Rules 54 and 56, Alaska Rules of Civil Procedure, by prohibiting a
22 court from making a judgment on the pleadings, except for a default judgment, or granting
23 a summary judgment in an action for separation from bed and board in a charter marriage.

24 * **Sec. 16.** AS 25.05.111(d), enacted by sec. 4 of this Act, applies to marriage licenses
25 issued on or after the effective date of this Act.

0-LS1062P
Lauterbach
2/13/98

CS FOR HOUSE BILL NO. 390()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - SECOND SESSION

BY

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) 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 (b) A couple that is already lawfully married under a contract that is not a
2 charter marriage may execute a declaration of intent to designate their marriage as a
3 charter marriage to be governed by the laws relating to charter marriages. The
4 declaration of intent must contain the contents required under AS 25.05.096 and be
5 presented to a licensing officer. The licensing officer shall prepare two short-form
6 certificates that include a notation of the declaration of intent to designate a charter
7 marriage and, after the parties have signed them, give one to each of the parties to the
8 marriage with an attached copy of the declaration. The licensing officer shall also
9 forward to the registrar each declaration of intent received under this subsection. The
10 registrar shall attach the declaration to the original marriage certificate and make a
11 notation on the original and any required copies that the marriage has been converted
12 to a charter marriage. A marriage for which a declaration under this subsection has
13 been presented to a licensing officer is considered a charter marriage from the time
14 that the parties sign the short-form certificates under this subsection.

15 * Sec. 2. AS 25.05.091 is amended by adding a new subsection to read:

16 (c) If an application under (a) of this section is for a charter marriage, the
17 application must, in addition to the requirements of (a) and (b) of this section, include
18 a statement substantially similar to the following:

19 We, (Name of Intended Husband) and (Name of Intended Wife),
20 declare our intent to contract a charter marriage and, accordingly, have
21 executed a declaration of intent to contract a charter marriage that is
22 attached to this application.

23 * Sec. 3. AS 25.05 is amended by adding a new section to read:

24 **Sec. 25.05.096. Declaration of intent for charter marriage.** The declaration
25 of intent to contract a charter marriage that is required under AS 25.05.091(c) must
26 include

- 27 (1) a recitation by each party that the party
28 (A) intends to enter into a charter marriage;
29 (B) understands and agrees that the marriage will be a lifelong
30 relationship;
31 (C) has received counseling emphasizing the nature, purposes,

1 and responsibilities of marriage;

2 (D) believes that the party's intended mate is a wise choice as
3 a mate for life;

4 (E) has disclosed to the intended mate all facts that may
5 adversely affect the intended mate's decision to enter into the charter marriage;
6 and

7 (F) is committed to seeking marital counseling to strengthen the
8 marital relationship if the parties have marital difficulties;

9 (2) an affirmation by the parties that both parties have received
10 counseling from a priest, minister, rabbi, clerk of the religious society of friends,
11 clergy member of a religious sect, psychologist, psychological associate, or marital and
12 family therapist that included

13 (A) a discussion of the seriousness of charter marriage;

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

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

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

20 (4) the notarized signatures of both parties.

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

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

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

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

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

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

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

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

6 (2) adultery;

7 (3) conviction of a felony;

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

9 (5) either

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

12 (B) personal indignities rendering life burdensome; or

13 (C) incompatibility of temperament;

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

16 (7) [REPEALED

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

21 (8) [(9)] addiction of either party, subsequent to the marriage, to the
22 habitual use of opium, morphine, cocaine, or a similar drug.

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

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

26 (1) the other spouse has committed adultery;

27 (2) the other spouse has been convicted of a felony under AS 11.41 or
28 convicted of an offense under a law in another jurisdiction with elements substantially
29 similar to a felony under AS 11.41;

30 (3) the other spouse has physically abused the petitioning spouse;

31 (4) the other spouse has physically or sexually abused a child of the

1 marriage or a child of one of the spouses;

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

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

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

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

13 **Sec. 25.24.110. Separate domicile or residence.** In an action for divorce or
14 separation from bed and board, a spouse may acquire a separate residence or
15 domicile from that of the other spouse without reference among other factors to
16 misconduct or consent of the other spouse.

17 * Sec. 9. AS 25.24.130 is amended to read:

18 **Sec. 25.24.130. Defenses to other divorce grounds.** When the divorce action
19 is for any of the grounds provided in AS 25.24.050(a)(4) - (6) or (b)(6)
20 [AS 25.24.050(4) - (6)], the defense of procurement or that the defendant has been
21 expressly forgiven may be made. When the divorce action is for the ground provided
22 in AS 25.24.050(a)(3) or (b)(2) [AS 25.24.050(3)], the defense of procurement or that
23 the defendant has been expressly forgiven or that the action was not brought within
24 two years after conviction may be made.

25 * Sec. 10. AS 25.24.150(a) is amended to read:

26 (a) In an action for divorce, separation from bed and board, or [FOR] legal
27 separation or for placement of a child when one or both parents have died, the court
28 may, if it has jurisdiction under AS 25.30.020 [,] and is an appropriate forum under
29 AS 25.30.050 and 25.30.060, during the pendency of the action [,] or at the final
30 hearing or at any time thereafter during the minority of a child of the marriage, make,
31 modify, or vacate an order for the custody of or visitation with the minor child that

1 may seem necessary or proper, including an order that provides for visitation by a
2 grandparent or other person if that is in the best interests of the child.

3 * Sec. 11. AS 25.24.200(a) is amended to read:

4 (a) Except as provided in (f) of this section, a [A] husband and wife together
5 may petition the superior court for the dissolution of their marriage under
6 AS 25.24.200 - 25.24.260 if the following conditions exist at the time of filing the
7 petition:

8 (1) incompatibility of temperament has caused the irremediable
9 breakdown of the marriage;

10 (2) if there are unmarried children of the marriage under the age of 19
11 or the wife is pregnant, and the spouses have agreed on which spouse or third party
12 is to be awarded custody of each minor child of the marriage and the extent of
13 visitation, including visitation by grandparents and other persons if in the child's best
14 interests, and support to be provided on the children's behalf, whether the payments
15 are to be made through the child support enforcement agency and the tax consequences
16 of that agreement;

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

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

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

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

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

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

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

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

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

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

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

14 **Sec. 25.24.270. Separation from bed and board.** (a) A spouse to a charter
15 marriage may obtain a judgment of separation from bed and board only on proof of
16 having obtained personal counseling within the six months preceding the date of filing
17 the petition for separation of bed and board and proof that

18 (1) the spouses have been living separately and continuously apart
19 without reconciliation for one year; or

20 (2) the other spouse has

21 (A) committed adultery;

22 (B) been convicted of a felony under AS 11.41 or convicted of
23 an offense under a law in another jurisdiction with elements substantially
24 similar to a felony under AS 11.41;

25 (C) abandoned the matrimonial domicile for one year and
26 consistently refuses to return;

27 (D) physically abused the petitioning spouse;

28 (E) physically or sexually abused a child of the marriage or a
29 child of one of the spouses;

30 (F) been habitually intemperate in the consumption of alcohol
31 or in the use of drugs;

1 (G) treated the petitioning spouse cruelly in a manner that
2 impairs the health or endangers the life of the petitioning spouse; or
3 ✓ (H) inflicted on the petitioning spouse personal indignities
4 rendering life burdensome.

5 (b) During the pendency of an action for separation from bed and board under
6 this section, the court may, upon application and in appropriate circumstances, issue
7 orders that are authorized under AS 25.24.140 during the pendency of divorce
8 proceedings.

9 (c) The court may not make a judgment on the pleadings, except for a default
10 judgment, or grant a summary judgment in an action for separation from bed and
11 board under this section.

12 **Sec. 25.24.275. Effect of decree.** A decree of separation from bed and board
13 issued under AS 25.24.270

14 (1) does not dissolve the bond of matrimony; the separated husband and
15 wife are not at liberty to marry again;

16 (2) puts an end to the parties' conjugal cohabitation and to the common
17 concerns that existed between them;

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

19 * **Sec. 15. COURT RULE CHANGE.** AS 25.24.270(c), enacted by sec. 14 of this Act, has
20 the effect of amending Rules 54 and 56, Alaska Rules of Civil Procedure, by prohibiting a
21 court from making a judgment on the pleadings, except for a default judgment, or granting
22 a summary judgment in an action for separation from bed and board in a charter marriage.

23 * **Sec. 16.** AS 25.05.111(d), enacted by sec. 4 of this Act, applies to marriage licenses
24 issued on or after the effective date of this Act.

Alaska State Legislature

REPRESENTATIVE
PETER KELLY

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House District 31

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,



Representative Pete Kelly

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 will force them into a meaningful dialogue right off the bat: 'What kind of marriage do 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

8 JUNEAU EMPIRE, THURSDAY, FEBRUARY 12, 1998

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 relation-

ships?'" 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.

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) been intemperate in consumption of alcohol or drugs
- (E) 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 23, 1998

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 a “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.

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

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.

MARRIAGE AND DIVORCE (continued) Alaska Bureau of Vital Statistics

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

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	AJS	BET	BBR	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	
KOTENAI															6
KUNIA															
KUSKOYUK															
MAI-SU			19									5			
NOME			1		1										
NORTH SLOPE			2												
NW ARCTIC							1								
PRINCE-WALES															
SITKA													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			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-	40-44	45-49	50-54	55+		
15-19	152	323	68	20	4	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	116	180	157	70	32	13		633
40-44			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	38		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.

Alaska Bureau of Vital Statistics (continued) MARRIAGE AND DIVORCE

- 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-I'ONAH-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

Alaska State Legislature

REPRESENTATIVE
PETER KELLY

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HOLLIS District 11

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,

A handwritten signature in black ink, appearing to read "Pete Kelly".

Representative Pete Kelly