

ALASKA LEGISLATURE COMMITTEE FILES 1981-1982 86/2

1336 HESS (HB 210, #1) 136

1 at least 30 days before the person agrees to spend money for the pro-  
2 posed activity or contracts for the proposed activity.

3 (b) The department shall grant an exemption if the application is  
4 made as provided in (a) of this section and the exemption is requested

5 (1) to acquire an existing health care facility if the  
6 services or bed capacity of the facility are not changed;

7 (2) to acquire major medical equipment which is <sup>not</sup> owned by or  
8 located in a health care facility and is not used to provide services  
9 for inpatients of a hospital;

10 (3) to provide inpatient institutional health services by

11 (A) a health maintenance organization if

12 (i) the organization has, in the service area of  
13 the organization, an enrollment of at least 50,000 indivi-  
14 duals,

15 (ii) the facility in which the service is provided  
16 is geographically located so that the service is reasonably  
17 accessible to the individuals enrolled with the organization,  
18 and

19 (iii) at least 75 percent of the patients who can  
20 reasonably be expected to receive the health service are  
21 individuals enrolled with the organization;

22 (B) a health care facility if

23 (i) the health care facility primarily provides  
24 inpatient services,

25 (ii) the facility is controlled by a health main-  
26 tenance organization meeting the enrollment requirements set  
27 out in (A) of this paragraph, and

28 (iii) the location and expected use of the facility  
29 meet the requirements set out in (A) of this paragraph;

1 (C) a health care facility, or part of it, if

2 (i) the facility is leased by a health maintenance  
3 organization meeting the enrollment requirements set out in  
4 (A) of this paragraph,

5 (ii) at least 15 years remain in the term of the  
6 lease, and

7 (iii) the location and expected use of the facility  
8 meet the requirements set out in (A) of this paragraph.

9 (c) If a proposed health care facility, or part of it, does not  
10 provide institutional health services by the date it files an applica-  
11 tion for exemption for the facility, the facility shall meet the re-  
12 quirements of (b)(3) of this section at the time the facility first  
13 provides the service. The department shall approve the application for  
14 exemption if it is determined that the applicable requirements of  
15 (b)(3) of this section are met.

16 (d) An exemption granted under (b)(3) of this section does not,  
17 with respect to a health care facility or medical equipment involved in  
18 the exemption, apply to:

19 (1) a sale or lease by the recipient of the exemption after  
20 the exemption is granted;

21 (2) the acquisition of a controlling interest in the facili-  
22 ty or equipment after the exemption is granted;

23 (3) the use by any person other than the lessee of leased  
24 facilities described in (b)(3)(C) of this section after the exemption  
25 is granted.

26 \* Sec. 5. AS 18.07.041 is amended to read:

27 Sec. 18.07.041. STANDARD OF REVIEW FOR APPLICATIONS FOR CERTIFI-  
28 CATES OF NEED. The department [OFFICE] shall grant a sponsor a certi-  
29 ficate of need or modify a certificate of need if the availability and

1 quality of existing health care resources or the accessibility to those  
2 resources is less than the current or projected requirement for health  
3 services required to maintain the good health of Alaska citizens.

4 \* Sec. 6. AS 18.07.061 is amended to read:

5 Sec. 18.07.061. MODIFICATION AND TERMINATION OF ACTIVITIES. The  
6 certificate holder shall apply to the department [OFFICE] for a modifi-  
7 cation of the certificate of need before terminating part of the ac-  
8 tivities authorized by the terms of issuance, but the certificate  
9 holder is not required to obtain the acquiescence of the department  
10 [OFFICE] before terminating all the activities authorized by the cer-  
11 tificate of need. If a certificate holder terminates all of the ac-  
12 tivities authorized by a certificate of need, the certificate holder is  
13 required to notify the department [OFFICE] 60 days before termination  
14 and to surrender the certificate of need to the department [OFFICE]  
15 within 30 days of termination.

16 \* Sec. 7. AS 18.07.071 is amended to read;

17 Sec. 18.07.071. EMERGENCY AND TEMPORARY [TEMPORARY AND EMERGENCY]  
18 CERTIFICATES OF NEED. (a) The department [OFFICE] shall grant a  
19 sponsor an emergency certificate of need for the construction of a  
20 health care facility, health maintenance organization, rehabilitation  
21 facility, or ambulatory care facility if the facility or service:  
22 (1) is needed and consistent with the state health plan;  
23 (2) is required to eliminate or prevent immediate safety  
24 hazards as defined by federal, state or local fire, building or life  
25 safety codes or regulations, or  
26 (3) is required to comply with state licensure standards or  
27 with accreditation standards necessary for the receipt of reimbursement  
28 under Title XVIII of the Social Security Act (42 USC 1395) or payments  
29 under the state plan for medical assistance approved under Title XIX of

1 the Social Security Act (42 USC 1396) [FOR WHICH A CERTIFICATE IS  
2 REQUIRED UNDER AS 18.07.041 IF THE SPONSOR SHOWS, BY AFFIDAVIT OR  
3 FORMAL HEARING, THAT THE ACT OF CONSTRUCTION CONSISTS OF EFFECTING  
4 EMERGENCY REPAIRS].

5 (b) The department [OFFICE] may grant a sponsor a temporary  
6 certificate of need for the temporary operation of a category of health  
7 service, if the sponsor shows by affidavit or formal hearing

8 (1) the necessity for early, immediate, or temporary relief,  
9 and

10 (2) adverse effect to the public interest by reason of delay  
11 occasioned by compliance with the requirements of AS 18.07.041 and  
12 application procedures prescribed by regulations under this chapter.

13 (c) The state agency shall review each affidavit requesting an  
14 emergency or temporary certificate of need under the criteria set out  
15 in (a) of this section.

16 (d) A temporary certificate of need granted under (a) [AND (b)]  
17 of this section confers no vested rights on behalf of the applicant.  
18 The department [OFFICE] shall impose those special limitations and  
19 restrictions concerning duration and right of extension which the  
20 department [OFFICE] considers appropriate. [NO TEMPORARY CERTIFICATE  
21 MAY BE GRANTED FOR A PERIOD LONGER THAN NECESSARY FOR THE SPONSOR TO  
22 OBTAIN REVIEW OF THE ACTION CERTIFIED BY THE TEMPORARY CERTIFICATE  
23 UNDER AS 18.07.051. APPLICATION FOR A CERTIFICATE OF NEED UNDER AS  
24 18.07.041 MUST COMMENCE WITHIN 60 DAYS OF THE DATE OF ISSUANCE OF THE  
25 TEMPORARY CERTIFICATE.]

26 \* Sec. 8. AS 18.07.081(a) is amended to read:

27 (a) The department [OFFICE], a member of the public who is sub-  
28 stantially and adversely affected by activities authorized by the  
29 certificate of need, or another applicant for a certificate of need

1 for a similar service within the same health service area may initiate  
2 a hearing to obtain modification, suspension or revocation of an  
3 existing certificate of need by filing an accusation with the commis-  
4 sioner as prescribed under AS 44.62.360. No revocation, modification,  
5 or suspension of an outstanding certificate of need may be undertaken  
6 unless it is in accordance with AS 44.62.330 -- 44.62.630.

7 \* Sec. 9. AS 18.07.081(c) is amended to read:

8 (c) A certificate of need shall be suspended if an accusation is  
9 filed before the commencement of activities authorized under AS 18.07.-  
10 041 which charges that factors upon which the certificate of need was  
11 issued have changed, or new factors have been discovered which signifi-  
12 cantly alter the need for the activity authorized. A suspension of a  
13 certificate of need may not exceed 60 days. At the end of this period  
14 or sooner, the department [OFFICE] shall revoke or reinstate the certi-  
15 ficate of need.

16 \* Sec. 10. AS 18.07.101 is amended to read:

17 Sec. 18.07.101. REGULATIONS. (a) The commissioner shall adopt,  
18 in accordance with the Administrative Procedure Act (AS 44.62), regula-  
19 tions which establish procedures and criteria under which sponsors may  
20 make application for certificates of need required by this chapter and  
21 which govern the review of those applications by the department and  
22 health systems agencies [OFFICE], establish requirements for a uniform  
23 statewide system of reporting financial and other operating data, and  
24 otherwise carry out the purposes of this chapter.

25 (b) The commissioner may not adopt regulations which

26 (1) establish criteria for the review of applications for  
27 emergency certificates other than those stated in AS 18.07.071; and

28 (2) establish criteria for the review of applications sub-  
29 mitted by a health maintenance organization or a health care facility

1 other than those necessary to determine:

2 (A) the needs of existing or future members, and

3 (B) the ability of the organization to provide, through  
4 services or facilities available to the organization, reasonable  
5 and inexpensive institutional health services consistent with the  
6 basic method of operation of the organization and the ability of  
7 the organization to provide the services on a long-term basis  
8 through physicians and other health professionals associated with  
9 the organization.

10 (c) The commissioner shall adopt regulations which establish cri-  
11 teria for the review of an application submitted by an osteopathic or  
12 allopathic facility which include a determination of the need for and  
13 availability of facilities for osteopathic or allopathic physicians,  
14 their patients and the effect of the facility on training programs for  
15 doctors of osteopathy and medicine.

16 \* Sec. 11. AS 18.07.111(5) is amended to read:

17 (5) "council" means the Statewide Health Coordinating Council  
18 organized and operated in accordance with sec. 1524, P.L. 93-641, as  
19 amended by P.L. 96-79;

20 \* Sec. 12. AS 18.07.111(9) is amended to read:

21 (9) "health systems agency" means an entity organized and  
22 operated in accordance with sec. 1521(b), P.L. 93-641, as amended by  
23 P.L. 96-79, engaging in health planning and development functions in a  
24 specified health service area of the state;

25 \* Sec. 13. AS 18.07.111 is amended by adding new paragraphs to read:

26 (12) "major medical equipment"

27 (A) means medical equipment which is used to provide  
28 medical and other health services and which costs more than  
29 \$150,000, and

1 (B) does not include medical equipment acquired by or  
2 on behalf of a clinical laboratory which

3 (i) is not in or part of a physician's office or a  
4 hospital; and

5 (ii) meets the requirements of 42 USC 1395;

6 (13) "health maintenance organization" means a health main-  
7 tenance organization as defined in regulations adopted by the secretary  
8 of the United States Department of Health and Human Services under the  
9 Public Health Service Act (P.L. 93-641), as amended by P.L. 96-79; <sup>and PL</sup>  
10 <sup>97-35</sup>

11 (14) "rehabilitation facility" means an inpatient facility  
12 which is operated primarily to assist in the rehabilitation of disabled  
13 persons through an integrated program of medical and other health  
14 services which are provided under competent professional supervision.

15 \* Sec. 14. AS 18.07.111(10) and (11) are repealed.  
16  
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alaska  
state  
hospital  
association

319 Seward St., Juneau, Alaska 99801 • (907) 586-1790  
REPRESENTING ACUTE, LONG TERM AND OUTPATIENT FACILITIES

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Sitka

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Association  
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Central Peninsula Hospital  
Seldovia

President  
Dennis L. DeWitt  
Juneau

February 24, 1982

The Honorable Michael F. Beirne  
Alaska State House of Representatives  
Pouch V, State Capitol Building  
Juneau, Alaska 99811

Dear Representative Beirne:

The HESS Committee will soon be considering legislation to alter the state's Certificate of Need law. We believe that its value is nonexistent in Alaska and therefore ought to be repealed outright. However, none of the legislation currently proposes that action.

I have enclosed correspondence indicating the initiation of a Certificate of Need application for an incinerator at Providence Hospital in Anchorage. Clearly, it demonstrates the need for at least a substantial change in the types of activities considered by the Certificate of Need regulators. We believe that raising the dollar threshold from the current \$150,000 to \$1.5 - \$2 million would focus the regulation activities in a more reasonable area of activity.

Sincerely,

  
Dennis L. DeWitt  
President

DLD:bf  
Enclosure

# PROVIDENCE HOSPITAL

3200 PROVIDENCE DRIVE - POUCH 6604  
ANCHORAGE, ALASKA 99502  
PHONE: (907) 276-4511



SERVING IN THE WEST SINCE 1856

January 26, 1982

Mr. Randolph Berry  
CON Coordinator  
Department of Health & Social Services  
Pouch H-01A  
Juneau, AK 99811

Dear Mr. Berry:

Providence Hospital hereby notifies you of our intent to apply for a Certificate of Need to replace and upgrade the current incinerator. The machine we are planning to purchase is A39 Incinerator manufactured by Compro Division of Sunbeam Equipment Corporation. The estimated cost of the machine is \$178,000, including shipping and installation.

We recognize that the thresholds for CON may change significantly by action of the current State Legislature. However, we must place the order for the incinerator by April and be ready to receive the machine by mid-July in order to have it installed, operational and tested by winter. Therefore, we cannot afford to wait if we do have to proceed with the CON preparation.

There are several significant reasons why we must replace and upgrade the incinerator.

- The current incinerator was installed in 1963, shortly after the Services Building was complete. It has been rebuilt two times and is absolutely beyond further repair.
- The use of the current incinerator is restricted; if it were fired at full capacity, it would not meet EPA pollution codes.
- The current incinerator does not have sufficient capacity (e.g. heating capability) to burn all the specialty waste produced by a hospital, in particular, human tissue, syringes, surgical specimens, human limbs and any glass specimen and sample containers. According to State of Alaska regulation, hospitals are required to burn placentas. The current incinerator is not capable of burning placentas. The new incinerator would have that capacity.

Mr. Randolph Berry  
Page Two  
January 22, 1982

In addition to the need to replace and upgrade the current incinerator, the new machine will be very energy efficient. We will be able to recover up to 60 pounds of steam heat which will supplement up to 25% of the steam load for the South Tower in the winter and will be able to provide the entire steam heat needs of the South Tower during the summer months.

The proposed incinerator is cost effective. It is projected that the incinerator will pay for itself within six years by savings on the steam heat and current disposal costs for waste. The incinerator is not patient related. There will be no additional operational costs due to the purchase of the machine. We will purchase the machine with cash, and there will be no impact on daily patient charges.

We would like to ask you for a determination of a need for a Certificate of Need and guidance on the process and timing.

Sincerely,

  
Al M. Camosso  
Administrator

cc: Susan Callan  
Mary Walters

ANALYSIS FOR HB 195

Relates to comprehensive health planning. Amends sections of AS 18.07 (Comprehensive Health Planning) to comply with amendments to the Public Health Service Act, P.L. 96-70. Amendments relate to certificates of need for the acquisition of major medical equipment and acquisition of an existing Health care facility. Adds new section relating to exemptions from the requirement for a certificate of need for acquisitions of equipment or facility or to provide inpatient institutional health services by health maintenance organizations of a health care facility if certain requirements are met. Amendments made relating to emergency and temporary certificates of need for health maintenance organizations, rehabilitation facilities or ambulatory care facilities. States that the commissioner may not adopt regulations which establish criteria for review of certificates other than those outlined, may not establish criteria for review of applications submitted by health maintenance organizations to provide reasonable and inexpensive services. Commissioner to adopt regulations establishing criteria for review of an application submitted by an osteopathic or allopathic facility. Repeals definitions relating to the Comprehensive Health Planning section (18.07) 111(10), "'office means the office of planning and research in the Department of Health and Social Services.'" "(11)'secretary' means the secretary of the United States Department of Health, Education and Welfare." Does not provide for an effective date.

3/3/52  
MS 195

see with  
- object in its current form

- 1 in Threshold

Stem Anderson - All. Sharp

15% designation

-

250	SVC.
400	group.
600	cap. cont.

Lindsay + Williams

Position paper.

Threshold

Will keep & value in 82?  
Danger of adopt. paper?

MS 195 ?

Can - Note 8

HB

202

FROM THE OFFICES OF STATE REPRESENTATIVE JOHN A. BEGALA (D-62ND OHIO HOUSE DISTRICT-KENT, OHIO) AND STATE REPRESENTATIVE JAMES S. ZEHNER (D-63RD OHIO HOUSE DISTRICT-YELLOW SPRINGS, OHIO)

State Representative John A. Begala (D-62nd Ohio House District-Kent, Ohio) and State Representative James S. Zehner (D-63rd Ohio House District-Yellow Springs, Ohio) today introduced legislation to reorganize the method by which public university trustees are selected in Ohio. House Bill No. 122 is virtually the same as bills introduced by Representative Begala in the last two General Assemblies; one of which had fifty-six House cosponsors, enough to pass it on the floor.

Begala said the bill's chances of passage have been "greatly improved" by the recommendations of a recently published report of the National Association of Governing Boards of Universities and Colleges. "Their recommendations for reforms are the same in nearly every way as the bill that we have had before the legislature. Since it comes from the National Association of Trustees itself, I think many of the preconceived biases against reform will wither. Their report constitutes an endorsement of what we have been proposing for several years."

The main thrust of the bill is to establish a Trustee Nominating Council appointed by the Governor, President of the Senate and Speaker of the House of Representatives. This council, a majority of which would be neither students nor faculty, would be responsible for screening qualified persons and preparing lists of nominees from which the Governor would be required to make his appointments. In addition, the bill would add one student and one faculty member to each board and contains strong provisions against conflicts of interest by them or other trustees.

The bill is aimed at "assuring both quality and diversity in appointing trustees," Begala said. In a 1978 survey of Ohio trustees conducted by Begala, he found that "the appointments are, almost without exception, biased in favor of businessmen and professionals and often political plums, regardless of whether a Democrat or a Republican made the appointments." The survey showed that while sixty-nine percent were from business and the professions, only seven

percent were educators and twenty-three percent from all other walks of life. "This bias effects the overall operation and direction of higher education, without question, and is at least a factor in the continuing decline of the liberal arts and the acceleration of the movement towards specialization in our colleges. For free inquiry and thought to thrive, as it should on our campuses, it is important that the decision making bodies be more diverse themselves. That together with the value of such diversity in a democratic society, is one of the major purposes of the bill," Begala said.

In addition the survey found that forty-four of Ohio's trustees had contributed over \$100 to the campaign of the appointing Governor, managed a newspaper that endorsed the appointing Governor, or had been an official in the political party of the appointing Governor. "When at least forty percent of the appointees are being rewarded with their appointment for political favors or support, there is something wrong. And our survey really only scratched the surface of political support. In any case, that should not be criterion at all in making appointments to these positions," Begala said.

The National Commission of the Association of Governing Boards that prepared the report, was chaired by Robert W. Scott, former Governor of North Carolina, and included Robert D. Ray, Governor of Iowa, Willard Wirtz, former U.S. Secretary of Labor and Vernon Aldan, Chairman of the Massachusetts Business Development Council.

Zehner, who was recently appointed Chairman of the House Higher Education Subcommittee, said he will be sure that all interested parties have an opportunity to present their views on the bill. "This is a controversial proposal, one which should be fully reviewed in committee," Zehner said. "There are many intelligent people who can help us refine the proposal and I hope they will come forth." A thorough review and consideration of "strengthening amendments," Zehner said, should take "a couple of months." He said he hopes to have it ready for the full House Education Committee early this spring.

5/81  
IN THE SENATE

BY

SENATE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWELFTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act establishing a scholarship grant program and providing for an effective date."

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

\*Section 1. A.S. 14.40 is amended by adding a new section to read:

ARTICLE 14. SCHOLARSHIP GRANT PROGRAM.

Section 14.40.961 DECLARATION OF PURPOSE. The Legislature has found and hereby declares that the encouragement of the maximum educational development of residents of Alaska serves a valid public purpose. This State can only achieve its full economic and social potential if every individual has an opportunity to contribute to the full extent of his capabilities and only when financial barriers to his economic, social and educational goals are removed. It is the purpose of Sections 14.40.961 through 14.40.966 to establish a scholarship grant program to reduce the financial burden on students attending public or private institutions of higher learning of their choice within this state.


11-10-81

ASCS  
Comm.

Att. Cliff  
Att. Kelly King

\*Section 2. A.S. 14.40 is amended by adding a new section to read:

Section 14.40.962 SCHOLARSHIP GRANT.



An applicant meeting the eligibility requirements set forth in 14.40.963 shall be entitled to a scholarship grant in any one school year in an amount equal to the lesser of the following:

1. The applicant's actual tuition costs, or
2. \$1,900.00.

\*Section 3. A.S. 14.40 is amended by adding a new section to read:

Section 14.40.963. ELIGIBILITY FOR SCHOLARSHIP GRANT.

The executive Secretary of the committee shall award a scholarship grant to any applicant who meets the following qualifications:

1. Is a resident of Alaska.
2. Is enrolled as a full-time or part-time student in an associate, baccalaureate, or graduate degree program at a post-secondary educational institution based in this State, public or private, accredited by the regional accreditation agency for Alaska, and
3. Is not enrolled in a course of study leading to a degree in theology, divinity, or religious education.

\*Section 4. A.S. 14.40 is amended by adding a new section to read:

Section 14.40.964. DISCRIMINATION PROHIBITED.

The scholarship grant program shall be carried out

without regard to race, creed, sex, color, ancestry, national origin or a membership in fraternal or political organizations of the student applying for the grant.

\*Section 5. A.S. 14.40 is amended by adding a new section to read:

Section 14.40.965. CONDITIONS OF GRANT.

(a) All applications for a scholarship grant must be submitted to the executive secretary of the committee. The application deadline for a school year shall be determined by the executive secretary. The executive secretary may award a scholarship grant only after receiving satisfactory proof of enrollment in a full-time or part-time course of study in an associate, baccalaureate, or graduate degree program at a post-secondary educational institution based in the State.

(b) The executive secretary of the committee shall administer all scholarship grants, subject to review by the committee and in accordance with the regulations prescribed by the committee. All grants shall be issued directly to the student and paid solely to the order of the eligible student.

(c) Proceeds from the scholarship grant may only be used for books and school supplies, tuition and required fees, and room and board.

(d) To maintain the scholarship grant, the student must continue to be enrolled as a full or part-time student in good standing.

(e) Scholarship grants may not be awarded to a student for more than six (6) years.

\*Section 6. A.S. 14.40 is amended by adding a new section to read:

Section 14.40.966. CHALLENGE TO CONSTITUTIONALITY OF GRANT PROGRAM.

If the constitutionality of the scholarship grant program is challenged, the program shall continue to be administered until such time as the Supreme Court of Alaska has rendered a final judgment declaring the scholarship grant program unconstitutional.

\*Section 7. This act takes effect July 1, 1981.

Should be  
↓  
Wo

~~VER~~ IST MEIN WASSER?

Sorry -

Too late

we'll quit now. I always  
remember just  
to push coffee

# UAA - Tuition

## Undergraduate

25.00 per credit up  
to a maximum of \$205.00

## Graduate

40.00 per credit up to  
a maximum of \$320.00

12-1-81

## APU Tuition

Part time

\$ 75.00 per credit  
Below 12 credits

Full time

\$ 2400.00 per year

---

Graduate \$100.00 per credit  
at full-time rate



Official Business

# Alaska State Legislature

## House of Representatives

Committee on

*Health, Education & Social Services*

Pouch V  
State Capitol  
Juneau, Alaska 99811

December 1, 1981

TO: All Members, House H.E.S.S. Committee

FROM: Jens Zehbe, Committee Aide

REGARDING: Summary of SSHB 202, an Act changing the term of office for the members of the Board of Regents of the University of Alaska

This bill by Representative Buchholdt, would change the term of office for all members of the Board of Regents from the present eight year term to a four year term. All appointments made before the effective date of this act would continue until their present eight year terms expired.

11/9/81

$$\frac{\# \text{ students}}{\text{FTE}} \Bigg/ \frac{\text{Total Budget}}{\text{Total Budget}} = \text{\$/student} \text{ wq}$$

$$\frac{\# \text{ unit units}}{\text{unit units}} \Bigg/ \frac{\text{Total budget}}{\text{Total budget}} =$$

$$\frac{\# \text{ unit units}}{\text{unit units}} \Bigg/ \frac{\text{Total operation budget}}{\text{Coll. only}} = \text{Cost/unit, hr.} \\ \$765.-$$

$$\frac{\# \text{ unit units}}{\text{unit units}} \Bigg/ \frac{\text{sum of AK}}{\text{sum of AK}} =$$

NOT done yet

- Boston exp + U of A books exp:  
 40,000 students in U of A system  
 This is head count.

but FTE is 4800!

"Op" budget about 130 M (NOT capital)  
 Total op + C cap. budget is about 230 M

$$\frac{5000}{130} = 26 \text{ g/FTE}$$

$$\frac{5000}{230} = 46 \text{ g/FTE}$$

College?

11-9-81

1975 - 991 students graduated of UofA  
with degrees,  
38 m budget  
1980 - 1078 graduated

(A) - 5 yrs - 38 new grad / yr.  
but budget went f 38m to 232m

192 Capital } 83 budget  
148 oper. }

1981 budget

36 m to finance for UofA capital

TVOE - 24 m

Dec 9. Student meeting @ UofA - Have HESS  
ideas:

### Student Loans

1. G.P. req., e.g.
2. Credit for min, e.g. 12
3. 2 yr. OK us. -- required now.
4. Require proof of OK contribution N.S.  
(I doubt this will work)

MARTIN has list of upgraded  
Fronckwitz gen. agrees

(B)

12-1-81 1.00

Board of Regents - HESS

Jay BARTON, Pres

Jeff Cook - Regent (only Regent present at 12:00)

Ester - ~~Sto~~

Roger - "

David Outcalt, act. Chancellor of U of A (cont. 115)

Rep. Smith cont. 115

[4 Regents / one]

Rep. MARTIN

\$104 / degree for out of state

\$1300 / " " in state

Rosmumom  
Hurlong  
Sen Kato  
John Shind

1983-1980

69% taking degree credit courses

31% NOT " " " " !!!  
000

one - 87% degree cr. courses

[Barton] - "demand exceeds supply in 785 + one!"

Smith - need to use our telecommunication.

Cook - write up proposed chgs. + rec. To get on Record!  
Then if LEG. accepts it. But at least on Record.

Computer System of Educ. - orig. Plato system.

MARTIN @ - Fix Dept. & certain schools.

Building program

12-1-81

Bills

Term of 8 → 4

# of Bil 11 → 9

GRANT PROGRAM concept :

Boston - Penn. has good one

Good idea.

W of a ↑ ITS Twitter too! wow!

DePerry - Tighter requirements

10 days will get overtime to us.

- Outreach - students tend to stay where went to school!

neg. impact on State higher than we realize.

Jim PARSONS

Ch. U of GA adv. com  
Long figure com

U. will be overloaded next yr.

Research - needed.

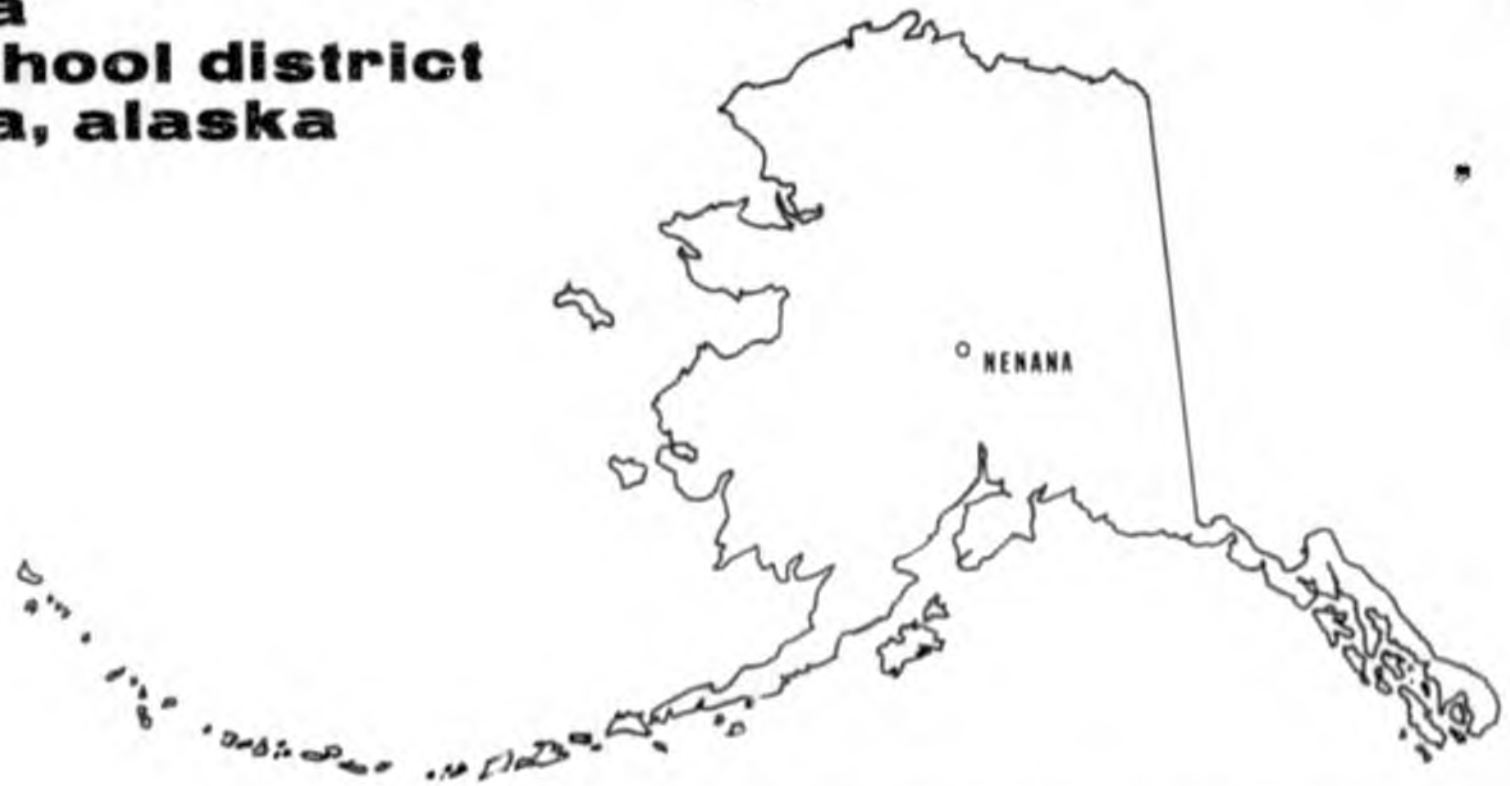
Student Housing

H B

208

# **nenana high school addition proposal**

**nenana  
city school district  
nenana, alaska**



**C. LEM. KENNEDY and ASSOCIATES:  
enviromdesign**

**PRELIMINARY DESIGN REPORT**  
for the  
**PROPOSED NENANA HIGH SCHOOL ADDITION**

**Prepared by:**

**C. LeM. Kennedy & Associates: Envirodesign  
SR 10206  
Fairbanks, Alaska 99701  
(907) 479-3715**

**For:**

**Wayne E. Taylor  
Superintendent  
Nenana City School District  
Nenana, Alaska 99760**

**PRELIMINARY DESIGN REPORT**

**for the PROPOSED HIGH SCHOOL ADDITION**

**prepared by C. LeM. KENNEDY & ASSOCIATES: ENVIRONDESIGN**

**for the NENANA CITY SCHOOL DISTRICT**

**The preparers of this Report wish to acknowledge the assistance of the following people:**

**Teaching Staff of Nenana Public Schools**

**Wayne Taylor, Superintendent of Schools, Nenana Public Schools**

**Jean Kailish, Principal, Nenana Public Schools**

**Jim Elliot, Facilities Coordinator, Department of Education, Anchorage**

**Margaret Clark, Teacher, West Valley High School, Fairbanks**

**David King, Director, Facilities Planning & Development, Irvine Unified Schools, California**

**Diane Duvall, School Systems Researcher**

The Honorable Jay Hammond, Governor  
Members of the Alaska State Senate and House of Representatives  
Interested Citizens

January 5, 1981

To Whom It May Concern:

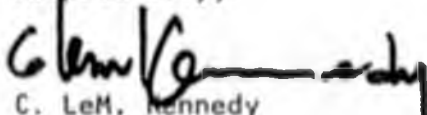
The purpose of this presentation is to provide you with the necessary information to allow you to make an informed decision regarding the funding of the proposed High School Addition for the City of Nenana, Alaska.

Nenana has two schools at present, the Gemini Elementary School, and located across a major thoroughfare, the Nenana Junior/Senior High School. The present plan proposes an addition to the junior/senior high school which would house the high school students, with the elementary and junior high students occupying the existing, renovated, Nenana School. The plan is felt necessary because the existing Gemini School is old, poorly insulated, decaying, in need of expensive repairs, too small for the student population at present, let alone anticipated student enrollments, and because its location makes its use both dangerous and expensive. The students at the Gemini School now walk to the Nenana School for buses, music presentations and multi-purpose activities. Whilst the Nenana School students are making do with their existing school and several temporary buildings scattered on their school site as the result of local carpentry shop construction, the school is in need of considerable upgrading and not large enough to meet upcoming demands. The walking from one building to another is inefficient, sometimes dangerous for the younger students and not an adequate solution for the upcoming, enlarging student population.

The Proposed Addition would provide upgraded facilities with more space for the elementary and junior high students, and a well-planned facility would house the high school students. It would satisfy all current codes and safety considerations. The plan is sensibly organized to segregate the younger children from the older whilst making access to desired areas such as music room and library easy for all. The organization of spaces allows for a large community area in the music room and library which could be used at night for gatherings with the remainder of the building sealed as desired. The Addition will be energy efficient, with future solar installations planned into the design. The Addition would be sited to allow maximum sunlight into the existing school building so that as many students as possible would be able to enjoy our precious sunlight hours.

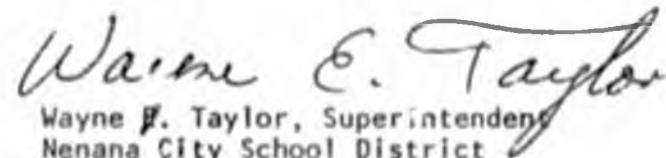
The Proposed Addition is the result of careful consideration and consultation with the Faculty, Staff, School Board and interested parties in Nenana. The time for anticipating the problem and coming to a good solution is at hand and we trust you will give this presentation your best consideration.

Respectfully,



C. LeM. Kennedy

C. LeM. Kennedy & Associates: Envirodesign



Wayne E. Taylor, Superintendent  
Nenana City School District

## INTRODUCTION

Nenana has run its own school system since 1917. Nenana is very proud of the fact that it has a quality educational system that has survived as a small city district and has not been part of the old State-Operated School or Bureau of Indian Affairs Systems.

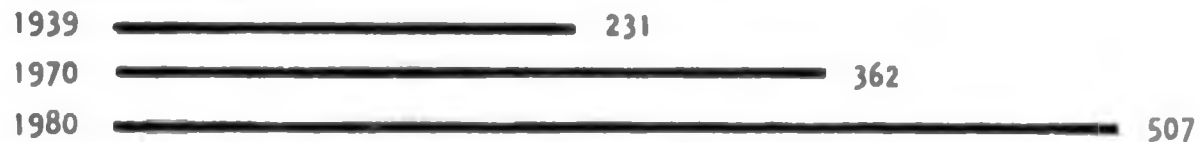
Our present Nenana School is inadequate for our current population. It was constructed in 1955, and enlarged in 1966, 1969, 1970, 1975, and 1977. The last two buildings were built by our Carpentry Class in order to get more room. The product of this multi-phase construction system is small buildings scattered over a large area which is inefficient by design both in energy and educationally. Our elementary, Gemini School, located at another site, was built in a similar add-on construction style beginning in 1962, and is poorly insulated with evidence of some decay.

Our future in Nenana is economically bright with anticipated growth in population due to the State-sponsored Agricultural Program, Oil and Gas Development, Timber Industry and development of the Alaska Railroad System through Nenana. We are faced with insufficient space and poor-quality facilities to meet current and projected demand, thus the need for this presentation of a Master Plan/Addition to the School System to upgrade our facilities educationally, architecturally and using modern methods of energy conservation.

## POPULATION STATISTICS

Nenana's population has grown significantly historically (See Graph 1).

### Nenana Population



Graph 1

The attendance area of the Nenana City School District includes the City of Nenana plus the population living from Mile 287 Parks Highway (Clear Air Force Base) to approximately Mile 325 Parks Highway (Fairbanks North Star Borough). Forty-two percent (42%) of the students live outside the city limits of Nenana and are bused to school. At present the racial balance of Nenana is approximately forty percent (40%) Athabascan, Indian and Eskimo.

#### ECONOMIC BASE

Nenana has an unusually varied economic base for a small town in Interior Alaska. A survey of employment by the Alaska State Housing Authority indicated there were 102 permanent jobs and 143 seasonal jobs available in Nenana and its surrounding area. Logging, transportation and construction account for the majority of seasonal work, with various government agencies providing much of the permanent jobs, including the following: Nenana City School System, City Offices, Alaska Railroad, State of Alaska Highway Department and Toghoththele Native Corporation. A number of employers at the Clear Missile Detection Site live in the vicinity. Within the City, trade and service provide many of the permanent jobs.

A Comprehensive Plan is being drawn up to provide community and area residents with a policy document to guide decisions regarding the future development of the Nenana area. Four prospective areas of growth are:

1. Agricultural Project
2. Gas and Oil Leasing
3. Timber Industry
4. Alaska Railroad

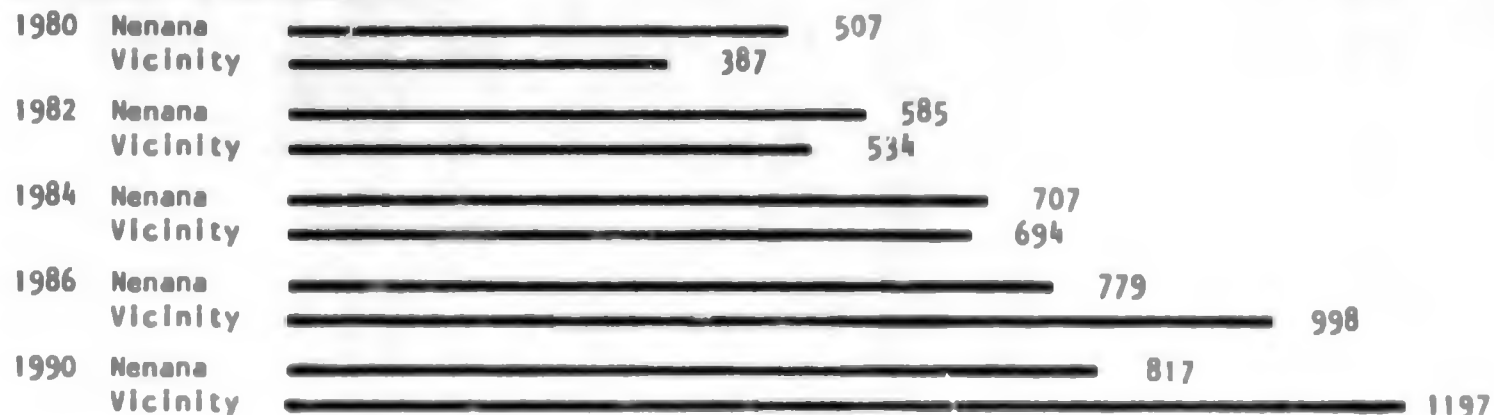
The State of Alaska has appropriated \$500,000 to hire consultants and start the first phase of an Agricultural Project which will clear 46,000 acres of land in 1981 to create producing farms by the summer 1982-83. This is a substantial beginning with considerable room for expansion over the 750,000 acres of agricultural-grade soils in the Nenana area.

GSI is doing seismic studies west of Nenana with drilling beginning in 1984 and gas sales west of Nenana will be let in 1983. Another industry which is expanding is the timber industry that is owned by the Toghthele Native Corporation, currently having contracts with the Japanese for the next five years and plans for upgrading of their services to produce finished products. Also important to Nenana is the Alaska Railroad which is seriously considering extending their line from Nenana north. All these indicators predict an expanding future for Nenana.

#### PREDICTED POPULATION FIGURES

Current population figures for Nenana and vicinity paint a picture of consistent, expanding growth which has been projected in Graph 2, below, to show the demands for educational facilities in the region.

##### Nenana Predicted Population



Graph 2

## GOALS OF THE EDUCATIONAL PROGRAM

The goals of the Menana High School are concomitant with those established by the Menana School District. These goals are:

To learn to think critically and act effectively through mastery of skills, knowledge, and appreciation embodied within the major achievements of human history.

To develop and to cherish to one's own cultural and historical background and gain knowledge and understanding of the culture and history of other peoples.

To develop intellectually, emotionally, morally and socially so that students can savor the joys of everyday living and approach and resolve successfully the problems of life.

To provide each student with the opportunity to develop and maintain a healthy body.

To acquire the basic preparation for various vocations and professions in society.

To develop intellectual curiosity and creativity so that students may adapt successfully to the demands of a changing world.

To provide a positive climate within which a quality instructional program may flourish.

#### AREA PLAN

Nenana is a small, First Class City located in Central Alaska on the southern bank of the Tanana River at the confluence of the Tanana and Nenana Rivers. It is located at Milepost 304 on the Parks Highway, sixty miles from Fairbanks by highway. The Alaska Railroad passes through Nenana and serious consideration is being given to a plan to extend the line north to the Brooks Range from Nenana. Incorporated in 1921, Nenana has long been at the hub of river supply systems to Central Alaska and beyond.



## SITE PLAN

The 2.86 acre site for Nenana High, Junior High and Elementary School is bounded on the north by the future main transit corridor, Second Street; on the west by "C" Street which provides vehicular access to the proposed High School Wing; on the south by Third Street, which has a high embankment; and on the east by the newly-placed public (H.U.D.) housing on "D" Street.

New buildings and parking will be located on the southwest and northeast of the site. Playfields will be located on the west of "C" Street, currently a public park.

New access for automobiles will be from "C" Street, at the southwest corner of the site, and from Second Street on the north. Therefore, parking and services will be concentrated along the western and northern parts of the property. This will lessen the impact on the surrounding housing areas by not using Third and "D" Streets.

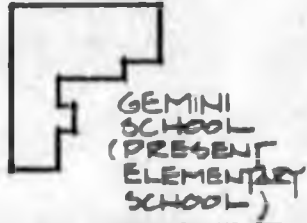
Buses will continue to drop students at the North Entrance. The Auto Shop is separated from the other buildings, and this will allow provision of a visually-protected outdoor storage area and more easily separated access.

# SITE PLAN

1" = 100'



BLOCK 9



BLOCK 8

SECOND AVE.

'B' STREET

BLOCK 16

'C' STREET

HENANA SCHOOL  
(EXISTING)

AUTO  
REPAIR

BLOCK 17

MULTI-  
PURPOSE  
BUILDING  
(EXISTING)

BUS  
BARN

PROPOSED HIGH  
SCHOOL ADDITION

'D' STREET

THIRD AVE.

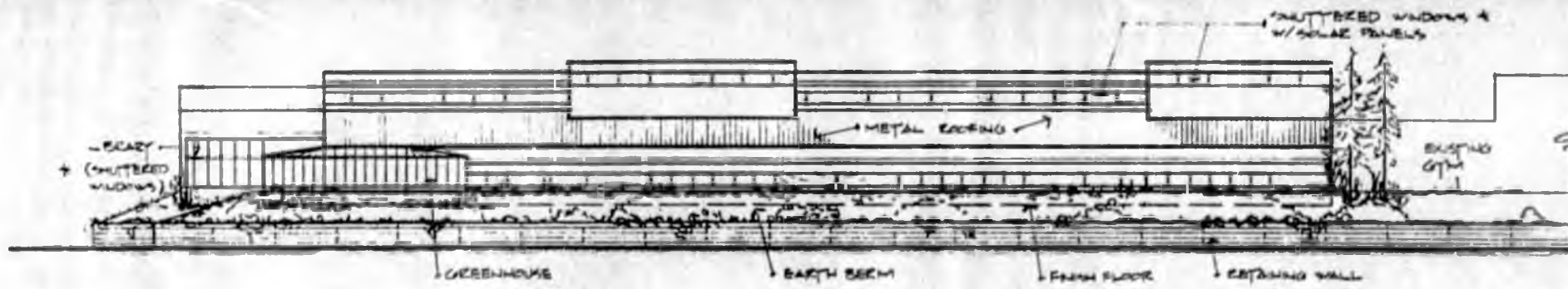
## ELEVATIONS

The design intent is to create a richly varied scene of wood walls and metal ribbed roofs combined with garden courts requiring little maintenance. Although variety is seen in the individual components of the room forms, the overall effect should be harmonious, because of the consistent forms, roof lines, heights, materials and landscaping.

The glazing of windows is, as far as dictated by site and functional constraints, located on the south and this provides the cheeriest aspect for the students, whilst providing the best and most efficient energy-related location.

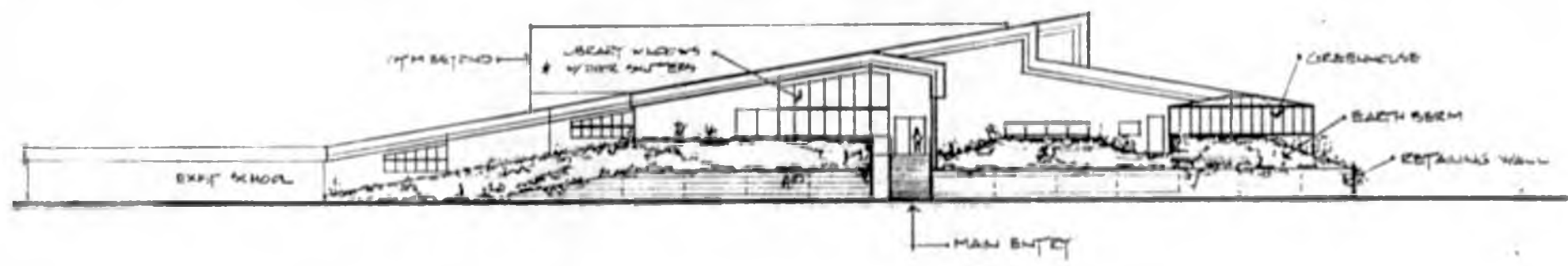
The roof slopes are such as to shed water and snow to the south and north and simultaneously admit shuttered light/heat to the corridor. They also will allow air ventilation and exhaust by natural means as air enters low, at the classroom level and can be exhausted at the clerestory level.

We have attempted to provide a good balance between constraint and variety.



SOUTH ELEVATION

1/16" = 1'-0"



WEST ELEVATION

1/16" = 1'-0"



PROPOSED  
 NENAUA HIGH SCHOOL  
 NENAUA, ALASKA

C. LEMARCHAND KENNEDY AND ASSOCIATES:  
**environdesign**

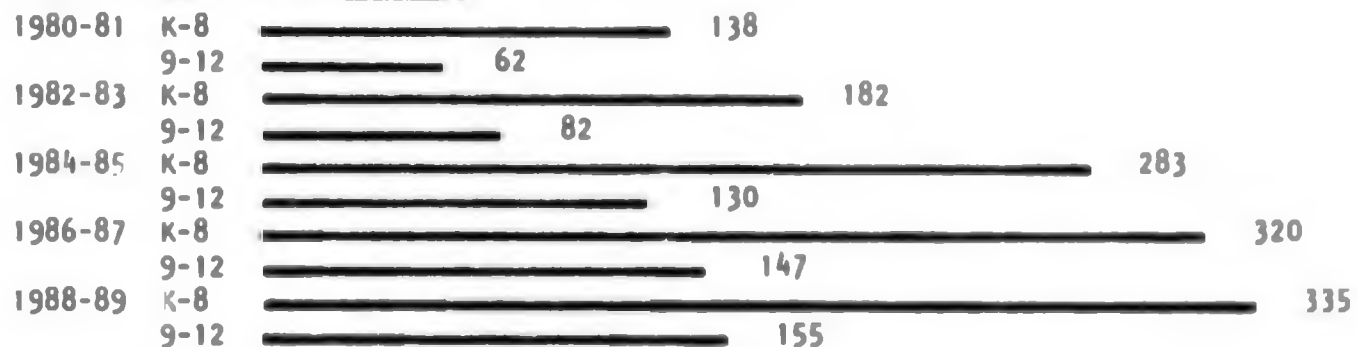
ARCHITECTURE, PLANNING, ENERGY MANAGEMENT  
 SR 10208, FAIRBANKS, ALASKA, 99701 10071 478 375

## THE CONCEPT

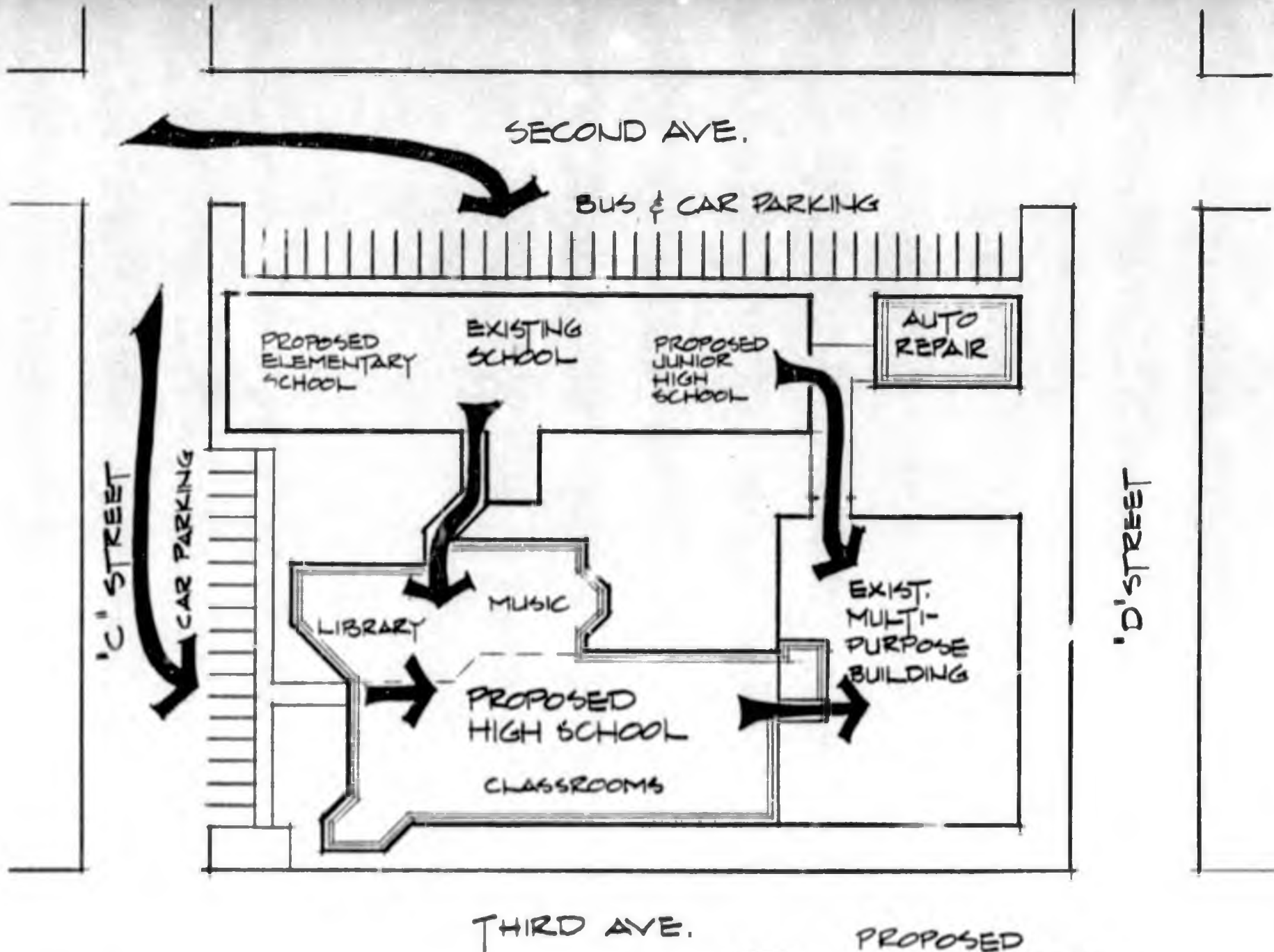
At present elementary school students attend Gemini School, a facility in need of upgrading or replacement. Junior and high school students go to Nenana School. It is the presentation of this plan to build an addition to Nenana School to serve the community's ninth, tenth, eleventh and twelfth grades. The existing structure would be planned to suit the needs of the elementary students in one 'wing' and the junior high students in another 'wing' with the high school students, library, media center and administration functions in the new addition. The planning of the facility would provide high-quality educational facilities for all students with segregation by design to preclude unnecessary mixing of young students with the much older students.

Current population levels and projected increases are summarized in Graph 3, below. As current area population increases, so grows the student population. Current population estimates and projections show a fast rate of growth through 1985 with a levelling off and a slow rate of growth in the late 1980's. By the late 1980's the area population as well as the student population should stabilize and reflect a slow, moderate growth rate. At present the City of Nenana and Nenana School District Capital Improvement Analysis has established that the future high school should have a capacity of 150 students which will then accommodate the projected growth rate for the community. To meet these needs it is imperative that this project be commenced immediately.

### Student Projection Forecas



Graph 3



PROPOSED  
**STUDENT**  
**FLOW DIAGRAM**



## FLOOR PLAN

The plan is a modified spine concept, aligned with the existing multi-purpose Gymnasium, Home Economics and Woodworking Shop. This allows maximum southern exposure to the most rooms, easy extension of existing heat from the multi-purpose Mechanical Room, elimination of the east wall, easy access to the Multi-Purpose Building.

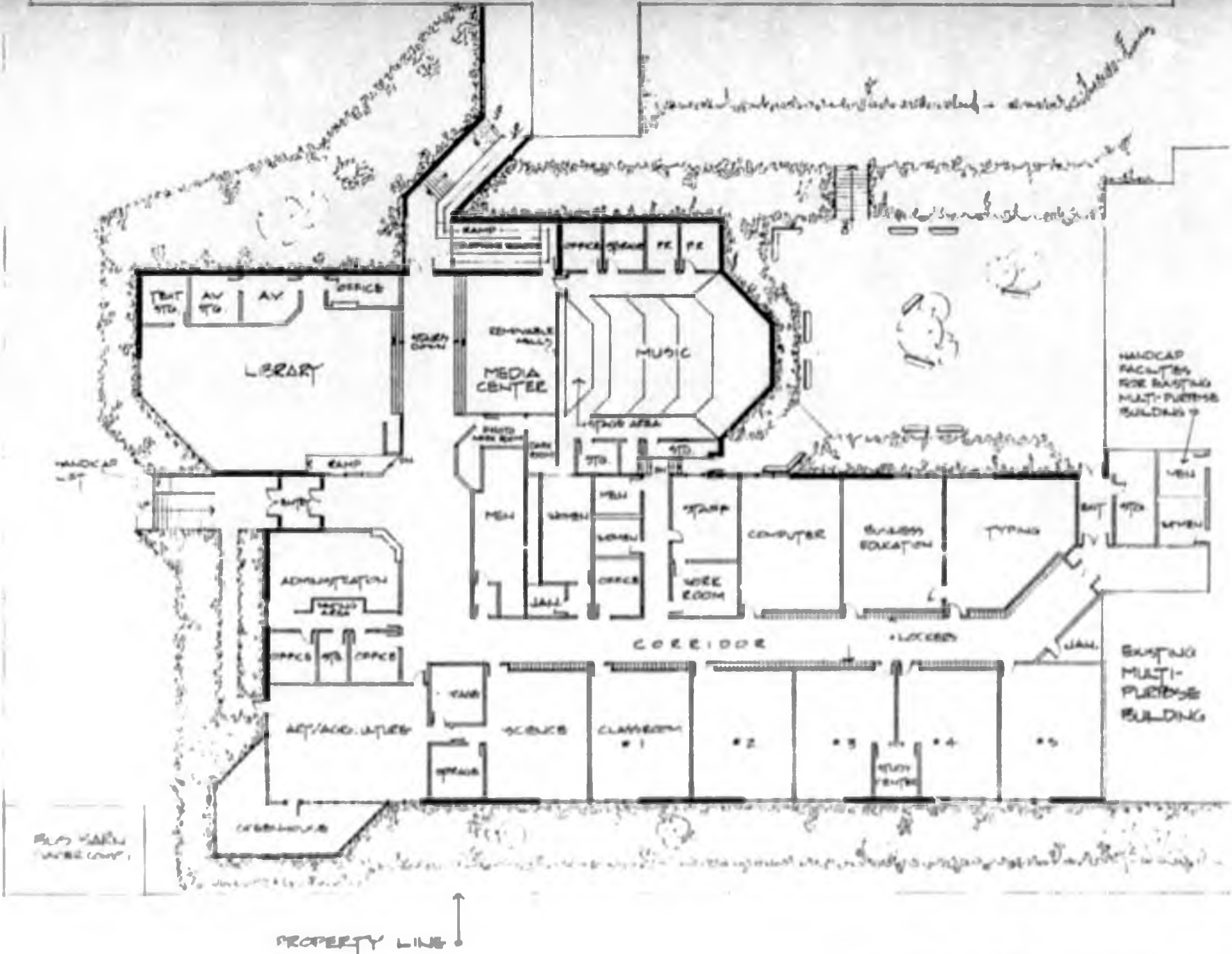
Those rooms not requiring direct southern exposure are located to the north. The Library also falls into this category, but is located to allow easy access from the other school grades, and also to gain western/southern exposure. The Music Room is available to other school grades (elementary, junior high) without direct involvement in the high school classroom areas. The toilets are centrally located. The plan allows for partitioning the building so as to prevent or permit controlled access to any or all parts at any time of day or night. Each has its own autonomous circulation, toilets, exiting, etc. Thus part or all of the High School may be used for night classes, or for community gatherings, without disturbing any other section of the school.

The Media Center and Music Room may be opened up to provide an audience area behind a conductor (typical orchestral system) and could also be utilized for limited stage productions. If the Library contained moveable units, then it, too, could provide more seating area for an enlarged audience. The Staff Room is centrally located in the classroom wing to provide a stabilizing influence. It can also function with the Workroom as ancillary dressing rooms for the Music Room when used as a theater.

The Administration Area, Principal's Office and Counselor's Office are located so as to provide easy access to the Entry, visitors and students. The Agriculture/Art Room shares storage space with the Science Room. Because of its occupant load, the former requires a second exit, and this is provided to grade at the West.

EXISTING SCHOOL

E C STREET



REVISED  
**LENANA HIGH SCHOOL**  
 LENANA, ALASKA  
 1/6 - 01

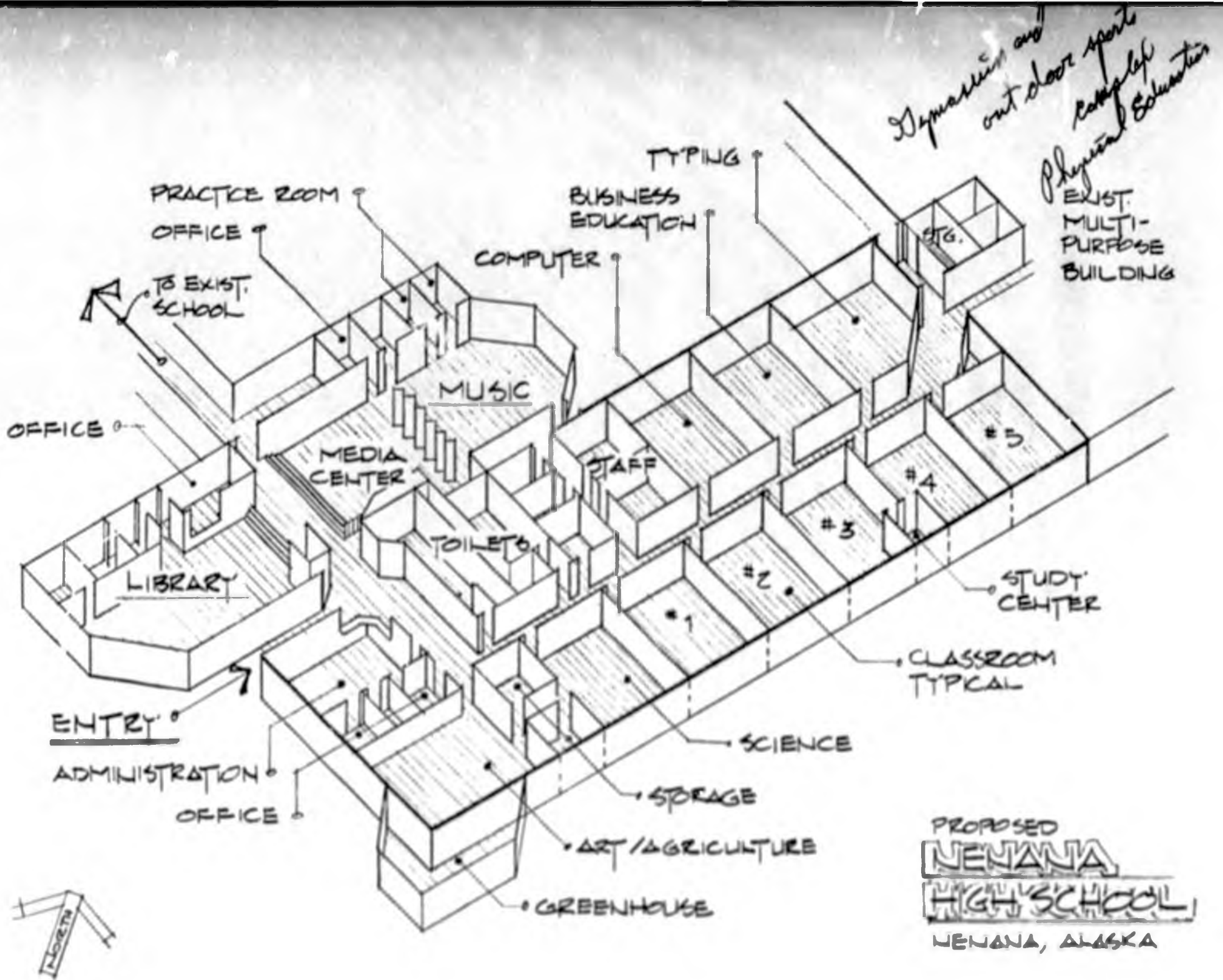


C. LEMARCHAND KENNEDY AND ASSOCIATES:  
**enviromdesign**

ARCHITECTURE, PLANNING, ENERGY MANAGEMENT  
 69 10206, FAIRBANKS, ALASKA, 99701 10071 470 376

### ISOMETRIC PROJECTION

In this Isometric "perspective" drawing, the roof is removed to enable a view down into the building. The Library, Media Center and Music Room floors are lowered slightly to give greater volumes of space and airiness to these larger rooms. These rooms are closest to the existing school where the elementary and junior high students will have their classes. The proximity of Library, Media Center and Music Room are such that the younger students will not have to cross the paths of older high school students to visit these much-used rooms. The walls between these rooms will be movable to make one large space at times of various performances. The Administration Areas, Staff Rooms and Toilets are located in the central core area, obvious to students, and thus quietly reinforcing supervision to the students. As many rooms as possible are south-facing. The rooms north of the corridor will gain sunlight from clerestory windows above the corridor.



PROPOSED  
**NENANA**  
**HIGH SCHOOL**  
 NENANA, ALASKA

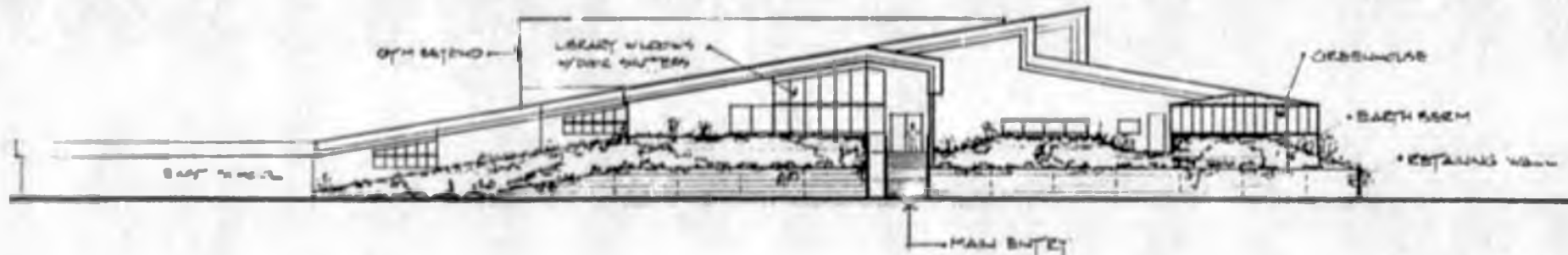
## ELEVATION AND CROSS SECTION

The High School is raised on a gravel mound to the same height as the Multi-Purpose Building as required by flood-level considerations. Ramps lead to the older K-8 school for easy handicapped access. All access ramps are covered and may be enclosed as budget and desires allow.

A main consideration of this facility is the attempt to use the most modern techniques available to insure energy conservation through its lifetime. The design provides a minimum of surface area with maximum usable space, with all walls insulated heartily, looking to higher energy costs in future as a continuing reality. Exterior glazing is provided as required by codes, minimized for heat loss determinations and used wisely on southern-facing walls or where visually desirable. Insulated shutter systems are standard equipment to be used to save energy costs. The simple roof shapes are economical, easily maintained and house the mechanical spaces. Mechanical systems will utilize the latest energy conservation systems, such as heat exchange system and active solar panels to augment the boiler system.

The angle of the High School roof pitch is designed to allow maximum solar gain on the southern exposure of the existing K-8 classrooms, with sunlight passing over the low roofline into the classrooms beyond. At the same time, the building is designed to use natural solar heat and light to the greatest extent possible, and to provide convective cooling without mechanical assistance.

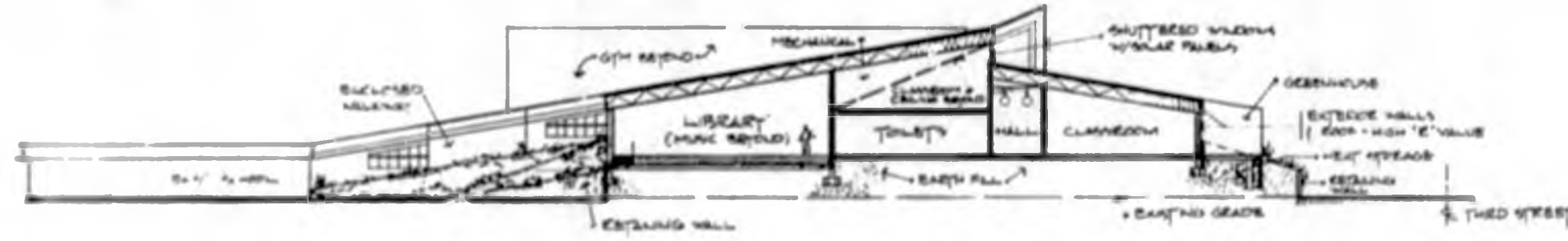
The ceiling insulation will be a minimum of 30" thick (value R95±), using the already-available space in the ceiling framing. The walls, minimum of 12" thick (value R40±), and the floors and/or perimeter walls, will be warmed by at least R30 resistance to heat flow, to provide comfortable and efficient spaces.



WEST ELEVATION



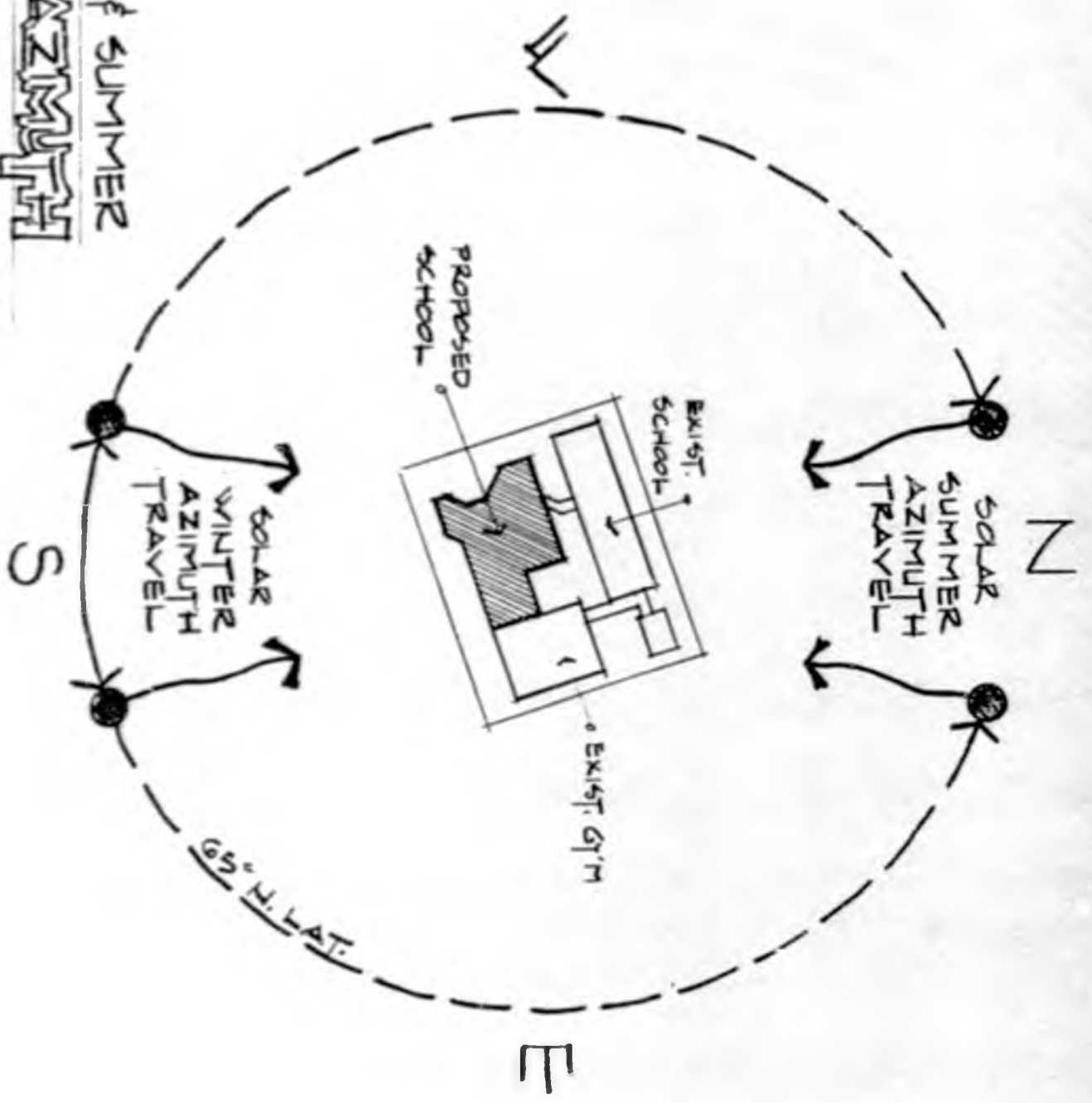
1/16" = 1'-0"



BUILDING SECTION

1977-80  
 NENADA HIGH SCHOOL  
 NENADA, ALASKA

C. LEMARCHAND KENNEDY AND ASSOCIATES;  
**enviromdesign**  
 ARCHITECTURE, PLANNING, ENERGY MANAGEMENT  
 10208 FAIRBANKS, ALASKA, 99718 (907) 478 378



WINTER & SUMMER

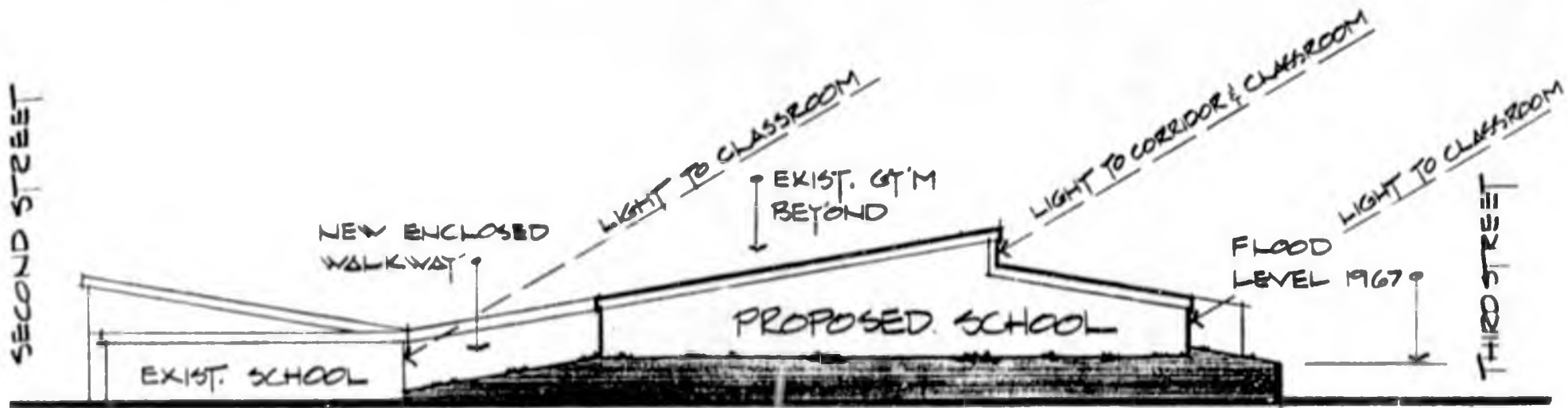
SOLAR AZIMUTH

TRAVEL COMPARISON

(DISTANCE SUN TRAVELS ABOVE HORIZON)

## BUILDING DESIGN CRITERIA

- WIND: MIN. 30 MPH.; SNOW: MIN. 30 P.S.F.
- A.B.S. MIN.  $-66^{\circ}\text{F}$ ; A.B.S. MAX.  $98^{\circ}\text{F}$ .
- \* HRS. DAYLIGHT:  $3\frac{1}{2}$  HRS. TO  $20\frac{1}{2}$  HRS.
- HEATING DEGREE DAYS /YR. IN HENANA  $14,500 \pm$
- THAWING INDEX /YR. (\* DEGREE DAYS ABOVE FREEZING) 3,000
- FREEZING INDEX /YR. (\* DEGREE DAYS BELOW FREEZING) 5,000



SITE SECTION

NORTH TO SOUTH

#### PROGRAM OF SPACE REQUIREMENTS

Following State of Alaska space allocation standards, 150 High School students will require a new gross building area of 22,500 to 24,000 square feet, for this construction for Nenana High/Junior High/Elementary School and Community-Use Center.

Based on the educational program anticipated, the square footage has been allocated to various identifiable areas. This analysis serves as a guide for the Architectural and Educational programming during building design. However, the program of space requirements should not limit or inhibit the teachers and students as to how the spaces are actually used.

Although this program indicates assignment of all available space to specific classrooms, laboratories, studios, etc., the nature of the building will allow other space arrangements to accommodate unknown future educational programs as they evolve.

SPACE REQUIREMENTS FOR NENANA HIGH SCHOOL

Space	# of Spaces	Area/Space	Subtotal Area	Total Area	Remarks
<b>CREATIVE ARTS</b>					
Music Classroom	1	1980	1980		Useable for other functions & accessible to all.
Office	1	100	100		
Practice Rooms	2	80	160		
Storage	3	100	185		
		53			
		32			
Media Center	1	768	768		Adjacent to L.R.C. to enable use of both as one large space for Concerts, plays, etc.
Photography Darkroom	1	144	144		
Photography Workroom	1	150	150		
				3487	
<b>LEARNING RESOURCE CENTER</b>					
Seating Stacks, Circulation	1	1806	1806		
Textbook Storage	1	150	150		
Audio Visual (students)	1	200	200		
Audio Visual (storage)	1	200	200		
Office/Workroom	1	144	144		
				2500	
<b>HUMANITIES</b>					
Room #1 Mathematics	1	768	768		
Room #2 English	1	768	768		
Room #3 Social Studies	1	708	708		
Room #4 Foreign Language	1	708	708		
Study Center	1	120	120		Part of room #3 & #4
				3072	

SPACE REQUIREMENTS FOR NEMANA HIGH SCHOOL

<u>Space</u>	<u># of Spaces</u>	<u>Area/ Space</u>	<u>Subtotal Area</u>	<u>Total Area</u>	<u>Remarks</u>
<b>SCIENCE</b>					
Chemistry, Biology, Physics, Earth Sciences	1	768	768		Combination lecture/ Lab for Chemistry, Biology, Physics, & Earth-sciences
Storage	1	168	168	936	
<b>BUSINESS</b>					
Typing	1	896	896		
Business Education	1	768	768		
Computer	1	768	768	2432	
<b>SPECIALIZED</b>					
Agriculture / Art Classroom	1	936	936		"Wet" space. Shared w/ art room.
Greenhouse	1	480	480		
Storage	1	194	194		
Room #5 Special Education Class	1	768	768	2378	
<b>TECHNICAL EDUCATION</b>					
Auto Shop	1	2000	2000		
Welding Stations	6	50	300		
Toilets	2	80	160		
Storage	1	180	180	2640	

SPACE REQUIREMENTS FOR NENANA HIGH SCHOOL

Space	# of Spaces	Area/Space	Subtotal Area	Total Area	Remarks
<b>ADMINISTRATION</b>					
Principal	1	144	144		Counselor's Office has separate exit from Hall, Principal exits through Waiting Room.
Secretarial	1	540	540		
Waiting Area	1	120	120		
Counselor's Office	1	144	144		
Community Education Office	1	144	144		
Storage, Files	1	80	80		
				1172	
<b>TEACHERS AREA</b>					
Staff Room	1	256	256		
Workroom	1	256	256		
Toilets	2	96	192		
				704	
<b>MISCELLANEOUS SUPPORT SPACES</b>					
Toilets	2	364	728		
Circulation		2860	2860		
Custodial	1	196	196		
Lockers (space)		225	225		
Pipe Chase	1	188	188		
Mechanical	1	600	600		
Maintenance/Storage	1	130	130		
				4927	

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TOTAL HIGH SCHOOL AREA . . . . .	24,248 sq. ft.
Enclosed Walkways to Existing School . . . . .	1,056
Enclosed Walkways to New Auto Shop from Multi-Purpose Building . . . . .	1,368
New Handicapped Toilets for Multi-Purpose Access . . . . .	960
<b>TOTAL AREA . . . . .</b>	<b>27,632 sq. ft.</b>

#### BUILDING METHODS AND COSTS

The new building will sit atop a large gravel mound at the same level as the newest building presently on the site, the 1973 Multi-Purpose Building. This will keep it above Tanana River flood level. Gravel is available close by and a very large quantity will be required.

The construction will be slab-on-grade floors, thick wood-frame, heavily insulated walls, using gypsum board and plywood siding, roof trusses with metal roofing.

To provide energy conservation and solar utility--light, ventilation and heat available free--all glass will be shuttered and active solar panels may be included along with an Alternate to heat a rock/gravel storage area below the whole building. With this Alternate, hot air ducting would pass below the floor in a crawl space, thereby heating the entire building.

A study is being conducted to determine if the existing heating system for the Multi-Purpose Building can be utilized in this building which may reduce the size of the new heating plant required.

Finally, enclosed ramps are integrated into the design to enable proper winter and summer functioning of the four elements of the school. The methods of construction and materials associated with this project are economical, with a good cost/value ratio, and are commonly used in the area.

PROJECT DATA AND PROGRESS SUMMARY

DATE: January 7, 1981  
 PROJECT: Nenana High School Addition  
 ARCHITECT: C. LeM. Kennedy & Associates:  
Envirodesign

SCHEDULE

YEAR	1980				1981				1982				1983			
	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
PLANNING		XXX	XXXX	XXXXXX	XX											
DESIGN				XXXXXX	XXXXXX	XXXXXX	XXXXXX	XXXXXX								
PLAN CHECK									XXX							
BID PERIOD										XXX						
CONSTRUCTION											XXXXXX	XXXXXX	XXXXXX	XXXXXX	XXX	

FUNDING

PROJECT DESCRIPTION

	<u>ORIG. ESTIMATE</u>	<u>REVISED ESTS.</u>
DATE	<u>1/5/1981</u>	
Site Acquisition	Owned	
Design	290,000	
Construction	3,948,000	
Site Work	308,000	
Equipment	400,000	
Art	20,000	
Utilities	25,000	
State Administration	<u>145,000</u>	
<b>TOTAL</b>	<b>\$5,136,000</b>	

LOCATION: Nenana, Alaska

SITE ACREAGE: 2.86 acres

BUILDING AREA: 27632 sq.ft.

CAPACITY - STUDENTS: 150

GENERAL:

H B

210

1/3

COMMITTEE REPORT

HOUSE

FURTHER: JUDICIARY

2/23/81

(5)

Date: \_\_\_\_\_

Mr. Speaker:

The Committee on HEALTH, EDUCATION & SOCIAL SERVICES has had HB 210

"An Act relating to child custody."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for HB 210  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

Terry Martin  
\_\_\_\_\_  
Paula Brown  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

D. Smith No Rec  
J. Malone - Do Pass  
with amendments  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Paula Brown  
\_\_\_\_\_  
**CHAIRMAN**

"An Act relating to child custody."

House Bill No. 210 proposes changes to the existing child custody statutes by providing for shared custody. Current statute provides for awarding custody on the basis of the best interest of the child, and states that neither parent is entitled to preference in awarding custody.

Proponents of this Bill argue that despite the fact that the current statute does not give preference to either parent, judges and attorneys continue to give preference to mothers both in the actual awarding of custody by judges, and in advice given to the divorcing parties by attorneys prior to a court appearance. Some consequences of the present imbalance in the current situation include child stealing, the refusal of one parent to allow the child to have contact with the other parent, and, in some cases, being held hostage by one parent, the refusal of the other parent to then provide support when so ordered, not to mention the emotional anguish the child experiences.

It is claimed that if shared custody were presumed to be in the best interest of the child, not only would judges be required to consider shared custody, but attorneys, and the divorcing parties themselves, would be required to consider ways of implementing shared custody prior to the court hearing.

The first question in considering this Bill is whether the concept of shared custody is good social policy; that is, is it in the best interest of the child? A review of the literature in the last 20 years indicates the importance of both parents to a child's development, and shows the profound trauma divorce has on all parties involved, but perhaps most disastrously on children. One study reports that children of divorce are referred for out-patient psychiatric evaluation at nearly twice the occurrence in the general population. There is general agreement in the field of social work and family therapy that children need continuity in their relations, and that a child will suffer less from a divorce if he can continue to have a relationship with each parent. As one author said, "Divorce does not end relationships in post-divorce families, it changes them...joint custody is a concept that provides a better opportunity for the children to maintain a close relationship with each parent and, thus, gain the benefit of two separate but interdependent homes."

What is shared custody, and what does it take for it to be successful? Custody means having possession, power, authority, and responsibility for a person. Shared, or joint, custody maintains both parents' legal responsibility for the child's upbringing, sharing as equally as possible the authority and responsibility for the decisions that significantly affect the life of their child. It may or may not include shared physical custody, and it can take many different forms or arrangements, since it requires the parents to negotiate an agreement as to the care of the child.

In order for shared custody to be successful, many writers agree that the following conditions must be present:

1. Former spouses, despite their continuing differences, must be able to communicate about parenting and must be able to negotiate agreements about the child's health, education, and welfare. (Both experience and studies have shown this is possible.)

- 2. Geographical proximity, or logistical ways of sharing parenting must be arranged.
- 3. The children must be agreeable to shared parenting.
- 4. No other major contraindications must be present. Examples of valid contraindications include, but are not limited to, physical or sexual abuse or assault of the child or of one former spouse by the other, unless there is evidence of rehabilitation.

While the Department strongly supports the concept of shared custody, there are a few problems with this Bill, as drafted:

- 1. Page 2, Lines 2-23: There is a list of considerations for the court to use in determining the best interests of the child. The Department questions if this is an all-inclusive list, or is there leeway for a judge to consider some other factors, if found to be relevant in a particular case?
- 2. Page 3, Lines 7-10: Because shared custody requires that an agreement be reached between the parents, there should only be a presumption of shared custody if the parents agree. However, a court should also have the authority to order shared custody when the judge decides that it is in the best interests of the child after hearing testimony from parents who are not requesting it. Therefore, the Department would recommend inserting "and the parties agree" on Line 8 after the word "state."
- 3. The Department recommends the deletion of Section 25.20.130, "Preferences on Award," Lines 3-23. The Department disagrees with the premise that this order of preference would necessarily be in the best interest of the child.
- 4. The Department would recommend that the definition of shared custody be limited to legal custody, and not necessarily include physical custody. This is in the belief that, wherever possible, shared physical custody, as well as legal custody, is beneficial but recognizes that shared physical custody is not always possible.

RECOMMENDED BY: J.R. Pugh  
John R. Pugh, Director  
Division of Family and  
Youth Services

DATE: 1/26/82

APPROVED BY: H.D. Beirne  
Helen D. Beirne  
Commissioner

DATE: 1/29/82

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HOUSE BILL NO. 210  
Title "An Act relating to child custody."  
Requested by Rogers and Gardiner Date \_\_\_\_\_

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services  
Program Category Affected Social Services  
BRU, Program, Or Subprogram(s) Affected Juvenile Custody  
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER (Specify Source)	-0-	-0-	-0-	-0-	-0-	-0-
	-0-	-0-	-0-	-0-	-0-	-0-
	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS

FULL TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-
	-0-	-0-	-0-	-0-	-0-	-0-

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

House Bill No. 210 has no fiscal impact on the Department of Health and Social Services.

IV. DATE 4/25/83 PREPARED BY John R. Pugh, Director  
AGENCY Division of Family and Youth Services  
PHONE 465-3170  
Original: Legislative Finance  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)  
39-001 (Rev. 12/81)

JCC

"An Act relating to child custody."

The Department of Health and Social Services supports House Bill 210, relating to child custody awards between divorcing parents. House Bill 210 enumerates an extensive list of factors to be considered in determining the best interests of the child, and allows for shared custody and for pre-trial mediation in child custody disputes. Furthermore, the Bill gives first preference in awarding custody to shared custody between the parents, and secondarily, to the parent determined by the court to be more likely to allow the child to have frequent and continuing contact with the parent not granted custody. Two other options are listed if neither parent is able to provide care and guidance to a child.

The notion of shared custody is a much better option for children - and their parents - than the sole custody arrangement prevalent today. Both parents are vitally important to a child's well-being and if the parents are able to work out a shared approach to the upbringing of a child, they should be highly encouraged to do so.

It is important, from a social policy perspective, for this Bill to make shared custody the preferred option in awarding custody. Our society's notions about child custody are still rooted in the belief that when a marriage breaks up, one person takes over the primary parenting role, and that person is the mother. Fathers are generally not considered by judges, or by their attorneys, as being able to assume the parenting role, even when they want to have custody and request it. Not only is this attitude harmful to the fathers who are thus deprived of a real relationship with their children, but the children are seriously deprived of a realistic relationship with their fathers. (Fathers either fade out a child's life or else parent and child see each other in artificial situations for very brief periods of time). Mothers, also, lose in these situations because they then have a full-time responsibility which can become a heavy burden indeed.

A few statistics will underscore the significance of this proposed legislation. Between 1966 and 1976, the role of divorce in the U.S. increased by 113%. Whereas in 1966 one divorce was granted for every four marriages performed, by 1976 the ratio had changed to one divorce for every two marriages. Approximately 65% of all divorces and annulments in the U.S. occur in families with children under 18 years of age. Yet the number of households headed by males is increasing. In 1974, according to the Census Bureau, there were nearly 1.5 million families headed by single fathers.

RECOMMENDED BY:

*J. R. Pugh*  
John R. Pugh, Director  
Division of Family and  
Youth Services

DATE:

3/14/81

APPROVED BY:

*Helen O. Beirne*  
Helen O. Beirne  
Commissioner

DATE:

3-12-81

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HOUSE BILL NO. 210  
 Title "An Act relating to child custody."  
 Requested by Rogers and Gardiner Date 2/23/81

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services  
 Program Category Affected Social Services  
 BRU, Program, or Subprograms Affected Juvenile Custody  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)  
EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER (Specify Fund Source)	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS

FULL TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

House Bill No. 210 has no fiscal impact on the Department of Health and Social Services.

IV. DATE 2/10/81 PREPARED BY John R. Pugh, Director  
 AGENCY Division of Family and Youth Services  
 PHONE 465-3170  
 Original Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (if not Legislator Name) Miss Gardner M&B Approval Miss Gardner Date 2/10/81



Official Business

# Alaska State Legislature

## House of Representatives

Committee on

Health, Education & Social Services

Pouch V  
State Capitol  
Juneau, Alaska 99811

### SECTIONAL ANALYSIS

HOUSE BILL 210: An Act relating to child custody.

#### Section 1 PURPOSE

Bill seeks to assure children "frequent and continuing contact with both parents after the parents have separated...". Amends child custody laws in A.S. 9.55.205 and 25.20.060. Intent is to grant to both parents equal opportunity to guide and nurture the children of the marriage. In addition, out-of-court child care agreements are encouraged.

Section 2 Amends present section of A.S. 9.55.205 specifying that the court shall determine custody in accordance with the best interest of the child under A.S. 25.20.060-25.20.180 (new sections added by the bill-to follow below). Adds that the court shall consider the child's preference if the child is of sufficient capacity to form a preference. The court shall consider the "desirability of offering the child a variety of life experience". Also, the court may not consider lifestyle, income, marital status, social or cultural environment of either parent unless detriment of such factor towards the child can be shown.

Section 3 Custody of the Child. Bill expands on existing section relating to child custody (AS 25.20.060) by adding several new sections to AS 25.20 relating to custody disputes and awards. New sections added are set out in the following section.

#### Section 4

--Sec. 25.20.070 "Shared Custody". When a question involving custody is before the court, there is a rebuttable presumption that shared custody is in the best interest of the child.

--Sec. 25.20.080 "Mediation". Allows court considering child custody case to request the parties to participate in pre-trial mediation.

--Sec. 25.20.100 "Award of Custody". Outlines conditions for award of shared custody (by application and agreement). Also provides that court shall enter reason for denying shared custody when it declines such.

--Sec. 25.20.100 "Modification or Termination of Custody". Court may modify or terminate custody award if in child's best interest.



Official Business

# Alaska State Legislature

## House of Representatives

Committee on

Health, Education & Social Services

Pouch V  
State Capitol  
Juneau, Alaska 99811

### SECTIONAL ANALYSIS (cont'd) HB 210

--Sec. 25.20.110 "Preference of the Child" If the child is of sufficient age and capacity to form an intelligent preference, such preference shall be considered by the court.

--Sec. 25.20.120 "Factors for Consideration by the Court". Outlines factors to be considered by the court in an award of shared custody.

--Sec. 25.20.130 "Preferences on Award". Sets forth the order of preference by which custody should be awarded "according to the best interests of the child".

--Sec. 25.20.140 "Temporary Custody". Unless harm is shown, child shall have equal access to both parents while custody is determined.

--Sec. 25.20.150 "Award of Custody to Nonparent". No custody shall be awarded to a nonparent unless it is demonstrated that award of custody to a parent is detrimental to the best interests of the child.

--Sec. 25.20.160 "Pleadings" An allegation that custody award to the parent would be detrimental may only appear in the pleadings by a general allegation to that effect.

--Sec. 25.20.170 "Access to Records of the Child" A parent not granted custody may have access to medical, school, and other records of the child.

--Sec. 25.20.180 "Definition" Shared Custody is defined as "an award of custody of the child to both parents and includes an award of physical custody which assures the child of frequent and continuing contact with each parent".

Have you made a deliberate decision for sole custody, to the exclusion of joint custody?

## CONSEQUENCES OF SOLE CUSTODY

Possible legacy in view of:

1. Availability of joint custody.
2. Alternate but excluded parent proposing joint custody.
3. Awareness by children of joint custody.

Sole custody contributes to

Uneasiness among young children,  
Skepticism among older children,  
Reanalysis as adults about a sole custody childhood.

For the parent imposing a decision for sole custody, the following is worth considering:

Recognition and reactions (by the child):

ARTIFICIAL RESTRAINTS	Artificially kept away from the non-custodial parent's residence for any meaningful residence or period of time.
COMPARISONS	Comparative situation, in relation to that of families or lifestyle of peers.
IDEALIZED	Tends to make an ideal, or saint, of the ostracized parent and stimulates sympathetic consideration for the noncustodial parent.
'CRAZY-MAKING'	'Crazy-making' insofar as 'words of sweetness' not being compatible with an ostracization and isolation of the non-custodial parent. - Words and actions don't correlate; leads to skepticism about such a parent.
RESENTMENT	Arbitrariness or rigidity tend to characterize the covetous custodial parent. Adolescent revolt is heightened. Natural inclinations of independence and teen-age revolt are stimulated by the existence of an obvious reason to resent the covetous sole custodian.
IDENTITY-SEARCH	Lifelong search for identity, speculation about the missing portion of ones parental self.
PROMISCUITY & LONGING	Promiscuity and sexual activity is comparatively higher and earlier among children of non-nuclear families, and presumably among those with a close, consistent, and unobstructed contact with the alternate parent.
VISITATION RESENTMENT	Scheduled visitation leads to resentment. Disdain for a control agreement conceived by one parent for imposition upon the other without consideration of the child's independent preferences.

**BLAME**

Feelings of loss and abandonment shifted to blame of the custodial parent for having induced or contributed to the problem.

**DISTURBANCE**

Disturbed relations with others, particularly in close relations with the opposite sex, which may lead to a need for professional analysis later-on that justifies a resentment of the sole custodian.

**LAW & JUSTICE  
DISDAIN**

Forces or induces the sole custodian parent to place the responsibility, or blame, or wisdom of the decision on the judge or court....thereby inducing skepticism in the child about the equitability or justice of the court system.

**MANIPULATION  
OF POWER**

Among self-willed children growing to adulthood, serves as a demonstration that manipulation of the court system can be used to enhance or impose power, to the disadvantage of otherwise blameless or naive people.

**REJUSTIFICATION**

Requires a continual rejustification, by the sole custodian to the child about the unworthiness of the excluded parent to participate in joint custody. If the justifications given are not borne-out by the conduct of the excluded parent, increased skepticism of the custodial parent may result.

**DEPENDENCY**

Induces a fawning, catering, 'feeding' and 'spoiling' by the sole custodian of the child in order to cultivate the child's dependency on that custodian.

**UNWARRENTED  
EXPECTATIONS**

Could lead to such a unilateral or selfish adulthood that reminders will be forthcoming about the failings of the sole custodian parent and the influences that spawned unwarranted expectation in adulthood.

**RAGE**

Cultivates rage which, because of the powerlessness of childhood, is constrained until adulthood triggers or unleashes a hidden recognition of the rage. Resentment of a controlling sole custodian is expressed against someone else who 'reminds' the former child of childhood rage-resentments.

### Reactions by children to sole parent custody:

1. Feelings of loss and abandonment.
2. Attachment and separation anxiety.
3. Loyalty conflicts, particularly among latency-age children (from 5 to puberty).
4. Strained interactions with custodial and non-custodial parents.
5. Disturbance in children's play and social relations.
6. Disturbance in cognitive performance and changes in IQ.
7. Confusion in sex role identification.

### Problems for the individual parent in sole custody situations

1. Loss of familiar activities and habit systems.
2. Loss and separation anxiety.
3. Role loss, particularly among non-custodial parents.
4. Decline in ability to parent.
5. Physical symptoms related to separation and loss of parental role.
6. Practical problems, such as economic instability.
7. Lowered self-concept.  
Fathers: Greater initial changes, rootlessness.  
Mothers: Feeling physically unattractive.
8. Declining feelings of competence.
9. Loneliness.

ARTICLES  
SUPPORTING  
JOINT CUSTODY

Compliments of  
Mark Lewis  
Box 136  
Hyder, Alaska 99509

QUOTATIONS FROM PROFESSIONAL ARTICLES  
SUPPORTING JOINT CUSTODY

◁ "Divorce proceedings and child custody cases should no longer follow an adversary model, but one of arbitration and mediation. > Joint custody provides a reasonable approximation to the natural marital situation."

Richard A. Gardner of the Columbia University, College of Physicians and Surgeons wrote in the Journal of the American Academy of Psychoanalysis, April 1978.

"Our other major finding about how important it is for a child to keep a relationship with both original parents points to the need for a concept of greater shared parental responsibility after divorce. In this condition each parent continues to be responsible for, and genuinely concerned about the well being of his or her children and allows the other parent the option as well."

Alice Arbanel, who studied Shared Parenting after separation and divorce and published her findings in The American Journal of Orthopsychiatry, 1979.

"While none of the families has found joint custody to be trouble free and most are involved in continuously questioning its effects, there is no doubt that joint custody is working for them all. In most incidences the children are thriving not merely adjusting and the parents themselves are working out new and they believe, productive lifestyles."

Mel Roman, Albert Einstein College of Medicine, has studied 40 families who are presently practicing joint custody and concludes in "The Case for Joint Custody."

"Another belief about joint custody is that children end up being pawns in parental battles, and that this produces a situation of divided loyalties. Quite the contrary, children often seem "used" in a sole custody arrangement because of the inherently unequal distribution of power between parents. In joint custody arrangements, however, parental power and decision making are equally divided, so there is less need to use children to barter for more."

We tend to approach families of divorce as though they truly consist of only "one parent" as though the non-custodial parent has ceased to exist. Yet research is abundantly clear that, with few exceptions, the trauma of divorce can be minimized by the child's continuous open and easy access to both parents. We therefore have a responsibility to do

what we can to support the involvement of the non-custodial parent, both for the sake of that parent and for the benefits that accrue to the child... Rather than support the imposition of legal visitation restrictions, we should do everything in our power to maximize contact between the child and both parents. One clear way of doing that is through joint custody arrangements."

Judith Brown Greif, Division of Child-Adolescent Psychiatry, Albert Einstein College of Medicine studied 40 middle class divorced fathers. She concludes in The American Journal of Orthopsychiatry, 1979

"The professionals agree and point to these trends in therapy -- Joint Custody is in line with trend in courts to award custody to the best prepared parent. It involves continued co-parenting and extremely relaxed visitation rules and demands a strong commitment in time and energy by both parents. The known results, thus far, are successful."

Article in Business Week, April 2, 1979

"Parents do not divorce their children, they divorce each other."

Dr. Lee Salk, who we all know.

"Many people object that parents who cannot agree during marriage certainly cannot be expected to reach agreement on child related matters after divorce. Indeed, some infuriated or disturbed parents will never chart a rational course with regard to their children. Yet, it seems clear that our society must encourage fathers and mothers to accept the importance of continuity in parent-child relationships after divorce."

Judith Wallerstein and Joan Kelly, who studied 60 families in the Children of Divorce Project and published their findings in Psychology Today, January 1980.

"Hence, joint custody under proper circumstances, may be the closest remedy to the shattered ideal and offers viable options in normally dichotomized custody dispositions. Moreover, parents relegated to seeing their children only intermittently experience feelings of deep loss and often react by limiting involvement with their children. Decidedly, conventional single parent custody arrangements not only debilitate sustained involvement with both parents but tend to create de facto ex-parents and emotionally deprived children"

People ex. rel Watt v. Watt, 77 Misc. 2nd 178 (1976); Annot. 70 ALR 3rd 269 (Guardian ad litem report.

"From the results of the survey it is concluded that father absence negatively affected the arithmetic achievement of elementary school children."

Beatrice Thompson, Ph.D. studied 105 3rd - 5th grade children in western South Carolina, divided into two equal groups -- father absent and father present to see if there was any difference in arithmetic achievement. A summary in Dissertations Abstract International, June 1979.

"It was little comfort to these children that they saw their father on occasional visits. The typical visiting pattern of two weekends a month, established by custom and the court, was clearly not sufficient to fulfill the expectations of the seven and eight year old boys. Such a pattern was experienced by most as depriving and as inadequate to nourish and make gratifying the relationship."

Judith Wallerstein and Joan Kelly, mentioned before, also studied, "The Effects of Parental Divorce: Experiences of the Child in Early Latency". Published The American Journal of Orthopsychiatry, January 1976.

"Exclusive custody either intensifies the conflict and ill will so common between divorced or divorcing parents or leads to one parent effectively "dropping out". Dropping out may help clear the court calendar but it also clears one parent out of a child's life. Rather than forcing or encouraging one parent to give up responsibility and care of the child, current research indicates that if our primary concern truly is the best interests of children we should be doing quite the opposite."

Dr. Diane Trombetta and Betsy Labbos, LL.D., in an article for the Los Angeles Daily Journal Report.

The above represents conclusions from only a very few studies and articles supporting joint custody which have appeared in the past five years. A bibliography of 130 recent professional articles and books supporting joint custody will be made available upon your request. As Mom's House-Dad's House is able to dig out more references they will be made available to you.

**THE EVIDENCE IS CLEAR: WE MUST REMOVE CHILD CUSTODY FROM A WIN/LOSE ALL/ NOTHING PRESUMPTION TO A PRESUMPTION OF CONSENSUS, EQUALITY AND THE PROTECTION OF PARENT-CHILD BONDS.**

Compliments of

Mark Lewis  
Box 136  
Hyder, Alaska 99509

# Evaluating the 'success' of joint custody decrees

## Repeat court appearances as an indicator of custody stability

One measure of relative success is the frequency of return to court for relitigation of joint custody as compared with sole parent custody.

From:  
James A. Cook  
10606 Wilkins Ave.  
Los Angeles, Calif.  
90024

November 14, 1980

## Two years of custody decrees evaluated in California analysis

On November 7, 1980, Commissioner John R. Alexander of the West District (Santa Monica) of the Los Angeles County Superior Court summarized the rates of controversy in joint and sole parent custody cases from the Fall of 1978 through September 30, 1980. In the next few months Commissioner Alexander will have completed a more extensive commentary on his statistical review. Meanwhile, this advance 'look' at his preliminary findings will be of special interest to the critics and supporters of joint custody.

Statistics were gleaned from case files and index cards compiled by Commissioner Alexander and fellow jurists in the Santa Monica family law court.

## Joint custody awards compared with sole custody decrees

From Fall 1978 to September 30, 1980, 414 custody cases occurred in this court, of which 67% (277 cases) were sole custody awards and 33% (137 cases) were joint custody awards.

## Joint custody relitigation one-half as frequent as sole custody

Of those cases, only 16% of the joint custody awards resulted in repeat courtroom appearances (22 of the 137 cases.) However, 31% of the sole custody awards resulted in courtroom reappearances (86 of the 277 cases.)

## Results when one parent doesn't agree to joint custody

The gratifyingly high rate of 'stability' within cases where joint custody was decreed regardless of opposition to joint custody by one of the parents is illuminating.

17 decrees of joint custody were awarded although parents objected (in 14 of which there was opposition to joint custody by one parent and in 3 of which there were 'defaults' by one parent.)

71% of those cases (12) resulted in no later flareups or courtroom controversy despite the initial objection by one parent to joint custody. 5 (of the 17) resulted in later controversy, 2 of which were settled by agreement, 2 were settled after contested hearing, and 1 is still pending, a notice of appeal having been filed August 26, 1980.

are more stable than arbitrary sole parent custody decrees

Obviously, a preference is for both parents to agree to joint custody,

But, even when both parents don't agree to joint custody there are fewer flareups in unconsented joint custody than in exclusive sole custody decrees. (29% are compared with 31%).

In short, a decree of joint custody even when one parent disagrees appears to be more stabilizing than the arbitrary and decisive decree of sole parent exclusive custody.

-----  
Statistics as offered by Commissioner Alexander:

RATES OF CONTROVERSY IN JOINT AND EXCLUSIVE CUSTODY CASES.

Results of study conducted by John R. Alexander, Commissioner, Los Angeles County Superior Court, West (Santa Monica) District, Fall '78-Sept 30, '80.

Table 1 : Summary of Results

1. Total nr of cases studied	414
2. Exclusive custody awards, Total nr:	277
3. Controversies over custody or visitation arising from the 277 exclusive custody awards:	86
4. Coefficient of controversy (86/277)	0.3105
5. Joint custody awards, Total Nr:	137
6. Controversies arising from 137 joint custody awards:	22
7. Coefficient of controversy (22/137)	0.1606

Table 2 : Unconsented joint custody awards follow-up

1. Joint custody awards made after,	
a) Default by one parent	3
b) Opposition by one parent	14
c) Total:	<u>17</u>
2. Cases with no later flareups of controversy	12
3. Ratio of stability (12/17)	0.7059
4. Flareups of later controversy	
a) Settled by agreement	2
b) Settled only after contested hearing	2
c) Still pending (notice of appeal filed, Aug. 26, 1980)	1
d) Total	<u>5</u>
5. Coefficient of controversy (5/17)	0.2941

(Compare with Table 1, line 4: Coefficient in all exclusive custody cases: 0.3105)

Considering number of cases studied, results are believed accurate within 1% plus or minus.

MSG 81-00009728 PRTY 1 03/25/81 14:15:38 ORIG: LF00 IN= 0008 OUT= 0059  
FROM: ANNIE IN FAIRBANKS TO: JUNEAU INFO.  
TARGET: LJH2 SUBJ: POM PAGE 0001

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TO: REP. CLOCKSIN, CHAIRMAN HOUSE HESS AND REPS. CATO, DUNCAN, DEIRNE,  
MARTIN AND REP. ROGERS(FOR COMMITTEE MEETING ON 3/26/81)

REF: H. B. 210

MESSAGE: I SUPPORT HOUSE BILL 210. THE SHARED CUSTODY AND VISITATION  
PROVISIONS ARE CERTAINLY NEEDED.

FROM THE FOLLOWING PEOPLE:

KATHY WORSHAM, 1230 BUNNELL ST., 99701 PH 452-3751  
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March 19, 1981

Representative Don Clocksin  
Alaska State Legislature  
Health, Education & Social  
Services Committee  
Pouch V  
Juneau, Alaska 99811

Re: House Bill No. 210

Dear Don:

I have had an opportunity to read and review House Bill No. 210, introduced by Representatives Rogers and Gardiner on February 23, 1981. I have in the past and am currently representing individuals who are strong, stable, and well respected members of the community who, through personal misfortune, are in the process of divorcing a spouse. A very strong concern of each and every client has been the preservation of their relationship with minor children. In particular, I am presently involved in a situation concerning an Alaska Native and a non-Native, with custody of an adopted Native child at issue. I have advised my client of the unwritten predisposition of courts in this state toward maternal custody, and of the courts' general reluctance to approve shared custody arrangements, but have nonetheless been requested to work out a shared custody arrangement. I am willing to encourage shared custody in this situation. I believe that, in a good number of circumstances, shared custody of minor children is far and away in the best interests of the child. This is particularly true where such an arrangement is mandated by the Legislature, and neither party is under the misconception that a court will award an arrangement differently. This type of an arrangement, in my view, would force the parties to realize that they must deal with each other on a continuing basis until their child is of sufficient age to leave the home. As a result of my experience, I strongly urge adoption of House Bill 210, or a bill similar in substance, during this present legislative session.

Sincerely,

*Patrick M. Anderson*  
Patrick M. Anderson

PMA/clb