

ALASKA LEGISLATURE COMMITTEE FILES 1981-1982 86/2

1337 HESS HB 210 (#1) 332



10606 Wilkins Avenue
Los Angeles, California 90024
(213) 475-5352
James A. Cook
President

A Nonprofit Association concerned with
the joint custody of children and related issues of divorce,
including research, information dissemination
and legal and counseling practices.

April 15, 1982

Representative Ramona Barnes
State Capitol
Pouch V
Juneau, Alaska, 99811

Dear Representative Barnes:

As a responsible legislative committee member, you may be particularly concerned with the timeliness and importance of the enclosed material.

The assurance of joint custody for the children of divorce, and the ability to secure frequent and continuing contact with both parents through a less litigious proceedings, is the intent of the enclosed model joint custody statute.

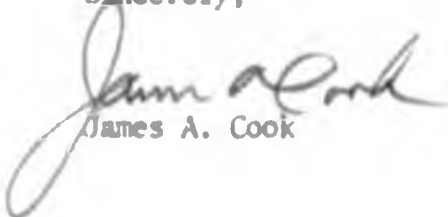
We urge you to introduce the enclosed proposal in your legislature.

The text is drawn primarily from two sources: (1) The existing California and Nevada statutes, which afford two of the Nation's largest bordering states with nearly identical child custody statutes. (2) Amendment improvements dictated by experience in implementation and need for guidance to the courts and that are now in the final stage of legislative consideration by California's "second house".

The decisive vote that the joint custody concept is attracting in state legislatures could reflect a perception of the public's readiness for a statute that makes joint custody a first preference, a "rebuttable presumption," and with the burden of proof that joint custody might not be in the best interests of a particular child upon the individual seeking to isolate a child in exclusive sole parent custody.

The enclosure is a recognizably humane and decent refuge for the children of divorce and for salvaging the conscientious parent's desire to be a responsible participant in the upbringing of their children, regardless of divorce. The proposal, as enclosed, does not seek to pass a value judgment on divorce, but is to protect one of the Nation's most valuable resources for stability despite the instability of divorce: the relationship between children and each parent.

Sincerely,



James A. Cook

Enclosures

Richard D. Beirne, Chairman



Alaska State Legislature

House of Representatives

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

MEMO

TO: House HESS Committee Members
FROM: Rep. Don Clocksin *[Signature]*
SUBJECT: Domestic Violence
DATE: January 27, 1982

I assume you have read the attached memo from Tam Cook to Rep. Beirne. Since I was a prime author of the Domestic Violence Act as a lobbyist, and sponsor of a bill to strengthen the Act this year, I have a particular interest in attempts to alter the Act.

I agree with the analysis by Ms. Cook.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 20, 1982

SUBJECT: Domestic violence
(Work Order Number 12-2282)

TO: Representative Michael F. Beirne
Chairman, House Health, Education
and Social Services Committee

FROM: Tamara Brandt Cook
Legislative Counsel

TBC

Here is a draft of the bill you requested dealing with domestic violence. You have also requested an analysis of the draft.

Sec. 1. AS 09.55.600 allows a person who is subjected to domestic violence to petition a court for injunctive relief restraining the commission of further violence. After a hearing, the court may issue any order necessary for the protection of the petitioner or of a minor child in the care of the petitioner. Specifically, the order can include various itemized provisions, and this section adds a new provision to the list: allowing the court to award visitation of the child. An order is effective for no longer than 45 days. A copy of the order is sent to local law enforcement agencies, and peace officers are required to use every reasonable means to enforce the order (AS 09.55.630).

Sec. 2. The definition of "domestic violence" is amended to include the crimes of endangering the welfare of a minor, criminal nonsupport, failure to permit visitation with a minor, and contributing to the delinquency of a minor. If one of these crimes is being committed in a family situation, the injunctive relief provided for in AS 09.55.600 is available.

Sec. 3. The crime of failure to permit visitation of a minor is violation under existing law with a maximum penalty of a \$300 fine. This section increases the maximum penalty

Representative Michael F. Beirne

Page 2

January 20, 1982

to a \$1,000 fine and a term of imprisonment of not more than 90 days by changing the classification of the offense to a class B misdemeanor.

I wish to alert the committee to the fact that I do have some concerns about this bill. Redefining "domestic violence" to include crimes, such as nonsupport and failure to permit visitation, that are not violent in nature seems to me a questionable practice. "Domestic violence" is now defined to include violent crimes, such as murder, assault, rape, kidnapping, that require immediate action in extending protection to the victims involved. In this type of situation an injunction serves an important function, but I question whether an injunction is appropriate to use in nonemergency situations. Since the order is only effective for 45 days, it will not do much for an ongoing problem involving failure to permit visitation.

In addition, including the crime of failure to permit visitation in the definition of "domestic violence" and then increasing the penalty for failure to permit visitation in a bill dealing primarily with domestic violence may not successfully avoid constitutional problems under Article II, sec. 13 providing in part, "Every bill shall be confined to one subject. . ." I would recommend that Sec. 3 of this draft be introduced as separate legislation, since it deals with a criminal penalty rather than with domestic violence as such.

TBC: csh

Enclosure

CONCERNING CHILD CUSTODY- A NEW LAW ENCOURAGES SHARED CUSTODY

For children of divorcing parents Alaska has a new custody law which we hope will be used by parents to help protect their children's birthright to continue to have two interested and loving parents after a divorce. The purpose of the new law is to assure children that they will continue to have a frequent, continuing and meaningful relationship with both of their parents after a divorce. It is also designed to encourage parents to forge their own post divorce parenting agreements and settle their conflicts over parenting outside the court setting, with the aid of counselors, ministers or mediators if necessary.

Child psychologists and counselors have found that in many cases the ideal post divorce situation for children is to have meaningful contact with both their parents and to end the conflict over post divorce parenting as quickly and kindly as possible. Children should never be used as a pawn in their parents' marital conflict: for their sake fight over the car. We now know that fathers, as well as mothers are equally important to the growth and development of their children and that artificially absenting a loving parent is destructive to their welfare. For example, it has been found that children relate much better to step parents when they maintain a close relationship with both of their natural parents. The children who fare worst after divorce, and continue to have serious emotional problems into adulthood are usually those children whose custodial parent demands or tricks a child into renouncing the natural love they have for the other parent. The old statutes which automatically awarded custody to one or the other parent even when both were fit were frequently abused and often resulted in children effectively losing their right to a meaningful relationship with one parent. The new statute reflects findings that often shared custody is in the best interests of the child.

The Law Assures Parents.....

The new law first assures both fit parents that they will continue to have a frequent, meaningful and continuing relationship with their children if they so wish. It assures both parents that they will continue to have access to school, medical and other records if they so wish. It presumes that loving parents will share custody in such a way as is most beneficial to their children. To protect children from a parent who may be unfit, this presumption is rebuttable in court, but it discourages your children to vent hostility towards your ex mate without just cause is discouraged.

What is shared custody.....

Each shared custody agreement should be made to suit the individual child or children. The times in which each parents enjoy physical custody need not be absolutely equal but should insure each parent of a meaningful contact with their child. If you are interested in sharing time equally there are nine or more variations ranging from 'two-days-two days' for infants and toddlers, to 'school year- summer vacation plus holidays' for older children whose parents may live far apart. There are as many ways to delegate time, responsibility and support as there are divorced families and you are urged to make a creative, satisfactory agreement. It must be remembered that sharing is the key principal.

What if you can't agree.....

You may go to court and have a judge decide for you. Either parent or both parents may ask for shared custody and the court now considers this the preference. If this request is refused the court must clearly states its reasons and such a decision may be appealed. A parent may also request sole custody if he or she feels it is in the best interests of the child.

The court will probably ask you to try and settle your differences over post-divorce parenting with the aid of professional mediators or counselors.* In most cases you should be able to settle your differences with the help of these professionals. If not, they may be asked to testify in court and great weight may be placed on their recommendations.

If you still cannot settle your differences you will face an expensive adversary litigation in court and the state will impose an agreement on you as they have done in the past. If you refuse to allow a continuing, meaningful and frequent contact with the other parent for no just cause, you may lose custody altogether. The court may not consider the conduct, marital status, income, social or cultural environment, or lifestyle of either parent unless it is shown that the factor has caused or may cause emotional or physical injury to the child. The Alaskan court is saying- don't use your children in your war, they have a right to a relationship with both parents if you are both fit.

What are the advantages of shared custody?.....

1. Allows children to maintain a meaningful relationship with both parents after divorce. Allows children to maintain important primary love bonds with both parents.
2. Lessens loyalty conflict (the commonly held view that loyalty conflict would increase with shared custody has been shown by research to be untrue. Loyalty conflict most often springs from absenting one parent).
3. Increases feelings of security, of being important and loved.
4. Feelings of security in knowing he/she has two homes, two responsible parents.

* It is not included in the bill but mediation clinics could be set up in the same way as the mental health clinic in Fairbanks where people pay on a sliding scale according to their income.

5. Gives child a more varied life experience as he/she is able to experience both parents in full (Documented studies show that the commonly held view that switching homes confuses a child is untrue. Studies show it is perceived by children as no more confusing than switching classrooms. Children perceive the switching as a positive factor and commonly feel sorry for single parent friends).
5. Increases feelings of independence, the obverse of the symbiotic relationship which often occurs in single parent families.
6. Better assures child of adequate sex role identification.
7. Lessens increased conflict due to recidivism in court appearances .
8. Increases likelihood that financial support will continue. Economic security.
9. Cognitive performance in school has been shown to be better in shared custody families than in absent parent families.
10. diffuses child stealing.
11. Greatly lessens children's painful feelings of grief and mourning (response analogous in children to the death of one parent) which is almost a standard reaction to today's custody procedure. Assures a child that a loved parent won't be forced to go away.
12. Increases respect of children for judicial system which no longer imposes a decree perceived by child as unfair.
13. Teaches children that sharing, and cooperation are more suitable emotions and actions than hostility and uncooperativeness.
14. Gives children the closest possible living experience to the nuclear family in spite of the parents divorce.

What books and articles may I read about sharing custody?... ..

BOOKS

Galper, Miriam. Co-Parenting: A Sourcebook for the Separated or Divorced Family. Philadelphia: Running Press, 1978

Roman, Mel, and William Haddad. The Disposable Parent. New York: Hold, Reinhardt and Winston, 1979.

Ricci, Isolina. Mom's House, Dad's House. 1960

Woolley, Persia. The Custody Handbook. New York: Summit Books, 1979

ARTICLES

- Abarbanel, Alice Ruth. Joint custody Families: A Case Study Approach. Ph.D. Dissertation, The California School of Professional Psychology, 1977
- Abarbanel, Alice Ruth. Joint Custody. What Are We Afraid Of? (Paper presented at annual meeting of American Orthopsychiatric Association, 1978)
- Grief, Judith. Fathers, Children and Joint Custody. Amer. J. Orthopsychiat. 49(2), April, 1979
- Hetherington, E. Mavis, Martha Cox and Roger Cox. THE Aftermath of Divorce. in Stevens, J.H. Jr. and Marilyn Matthews (eds.), Mother-child and Father-child Relations. Washington, DC 1977.
- Shinn, M. Father Absence and Children's Cognitive Development, Psychology Bull., 85: 295-324, 1978.
- Wallerstein, J. and J. Kelley: Children and Parents Eighteen Months after Parental Separation: Factors Related to Differential Outcome. NIMH Divorce Conference, 1978.
- Wallerstein, J. Children Who Cope in Spite of Divorce. 1 Family Advocate 2, Summer 1978.
- Wallerstein, Judith and Joan Kelley. The Effects of Parental Divorce: Experiences of the Child in Early Latency. Am. J. Orthopsychiat. 46: 20-32, January 1976
- Wallerstein, Judith and Joan Kelley. The Effects of Parental Divorce: Experiences of the Preschool Child. Journ. Amer. Acad. Child. Psychiat. 14: 600 , 1975
- Wallerstein, Judith and Joan Kelley. California's Children of Divorce- Five Years After the Break-up. Psychology Today January, 1980 67-76
- Trombetta, Diane and Betsy Lebbos. Co-Parenting: The Best Custody Solution. June 22, 1979 11-23 The Los Angeles Daily Journal Report

April 13, 1981

In Brief,

ALASKA INTRODUCES CUSTODY 'SHARING' LEGISLATION
 CONCEPTS WORTHY OF STUDY, EMULATION

Alaska House Bill No 210, introduced by Representative Brian Rogers of Fairbanks and Representative Terry Gardiner, former House Speaker of Ketchikan is based primarily on the initial California example but improves with many worthy priorities and concepts.

(A follower of our efforts writes, "If it passes then Alaska can take its place along side those other states who are actually giving some consideration to the best interests of the children.")

In abbreviated form, following are the major provisions, which have yet to be evaluated by the Alaska legislature.

LEGISLATIVE
 INTENT

"...it is generally desirable to assure a minor child frequent and continuing contact with both parents after the parents have separated..."

EQUALITY

"...it is the intent of the legislature that both parents have the opportunity to guide and nurture their child and to meet the needs of the child on an equal footing beyond the consideration of support or actual custody."

ENCOURAGE
 OUTSIDE
 COURT

"...it is in the best interests of a child to encourage parents to implement their own child care agreements outside of the court setting."

BEST
 INTERESTS

"In determining the best interests of the child the court shall consider

- (1) the physical, emotional, mental, religious, and social needs of the child;
- (2) the capability and desires of each parent to meet these needs;
- (3) the child's preference if...of sufficient age...
- (4) the love and affection existing between the child and each parent;
- (5) the length of time the child has lived in a stable... environment...
- (6) the desirability of offering the child a variety of life experiences;
- (7) the desire and ability of each parent to allow...relationship... (with) other parent."

NO NOS

"...the court may not consider the conduct, marital status, income, social or cultural environment, or life style of either parent unless...may cause...injury..."

RECORDS
ACCESS

"...parent...not...granted custody may have access to...records.."

DEFINITION

"...'shared custody' means an award of custody...to both parents and includes...physical custody which assures...contact with each parent."

Special note: Alaska proposal does not interject the mischievous subterfuge of merely joint legal custody, as compared with the genuine sharing of joint physical custody.

The Alaska proposal is good, BUT:

The Alaska proposal fails to imply that the court could decree shared custody and thereupon the parents must create a plan for sharing.

The "Seven items the court shall consider" may be ill advised within a statute. Why?:

We are generally hesitant about the questionable constitutionality of itemizations that imply qualifications to justify joint custody.

While worthy of consideration with a mediator and by each parent, as an integral part of the law considerations dealing with "home environment," "community," "proximity," "travel," etc, may be unconstitutional intrusions by the court into issues best left to the parents...especially since the law has no right to impose such qualifications upon conventionally married parents as a qualification for becoming and continuing as a parent.

Important: Also, this inclusion sets the stage, with itemization, of issues wherein an uncooperative parent could thwart and thereby defeat joint custody for the child and for the otherwise cooperative alternate parent by moving away, accessing the other's environment, objecting to travel, etc.

THE
JOINT
CUSTODY
ASSOCIATION



10606 Wilkins Avenue
Los Angeles California 90024
(213) 475-5352
James A. Cook
President.

A nonprofit Association concerned with
the joint custody of children and related issues of divorce
including research, information dissemination,
and legal and counseling practices.

Parents select their preferences

Convenient format for submission to parents:

1. Before court appearance so that decrees reflect preferences of parents,
- or
2. Following decree that joint custody will prevail and parents must thereupon submit a joint custody plan.

Joint physical custody time allocationNine variations available

(See "Initiating Joint Custody Planning" questionnaire for related issues)

Each parent: Select
& rank three choices

-
1. Freedom of movement between two homes. Timing decided by child, as long as net residence effect allocates an approximately equivalent period of time to each parent. (Appeals to older children as a solution.)
 2. 3½ days -- 3½ days
 - (a) Split weekend
 - (or, b) Complete weekend, but alternating between parents.
 - (c) Special vacation period accorded each parent, in addition.
 (Appeals to "fairness" appreciated by early grade school children.)
 3. 1 week -- 1 week
 - (a) Special vacation period accorded each parent, in addition.
 (Applicable to infants and junior & senior high years.)
 4. 2 weeks -- 2 weeks
 - (a) With 'overnights' at the alternate parents.
 - (b) Special vacation period accorded each parent, in addition.
 (Applicable to infants and junior & senior high years.)
 5. 1 month -- 1 month
 - (a) With at least one exchange weekend plus 'overnights.'
 (Applicable to junior & senior high years.)
 6. 2 or 3 months -- 2 or 3 months
 - (a) With exchange weekends plus 'overnights.'
 (Applicable to situations of moderate geographic distance.)

7. School year -- Entire summer vacation
 - (a) School year 'parent' offers every other weekend, plus exchange & alternating holidays, & 'overnights' during school year.
 - (b) Summer vacation 'parent' offers exchange of one weekend a month during summer.
(Fewer weekend exchanges accorded during summer because parent having child during school year including alternating weekends accumulates more days/time with child.)
(Applicable to college age, senior high school and geographically distant parents.)
8. Child remains in original home.
 - (a) Parents move in and out alternatively on schedule arranged by parents.
9. Workday week -- Weekends
 - (a) Modified to accommodate substantial vacation periods.
(If one parent is employed during the week and the other is not, a practical division of available time may encourage the #9 option although #9 tends to be the farthest removed from the spirit of joint custody and merely approximates the former custody/visitation arrangements decreed prior to the joint custody statute.)

Note: Residence within the same school district is not necessary to make joint custody operable. Availability of transportation is a consideration.

Furthermore, as an example, a California family having joint custody, wherein the parents live 180 miles apart, are implementing a joint custody arrangement whereby the child in upper grade school years alternates two weeks with one parent in one school and two weeks with the other parent in another school. The child has improved and accommodated academically and the statewide school curriculum is compatible. Originally one parent opposed joint custody, there was protracted conflict before joint custody was achieved, and the case has demonstrated that there need not necessarily be wholehearted and enthusiastic agreement to joint custody to make joint custody work.

Regardless of whether a child is from a conventional or a separated family, school children are already exposed to alternating teachers, alternating classrooms, yearly transfer to new grades, movement back and forth between home and school, and encounters with different friends in different classrooms. Therefore, the addition of a second home or school is not unlike that already experienced by children from nuclear families with access to grandparents, etc.



FAIRBANKS CHAPTER, P.O. BOX 82254, FAIRBANKS, ALASKA 997 03

Representative Mike Bierne
Chairman, HESS Committee
PO Box 4-1539
Anchorage, Alaska 99509

Re: House Bill 210 Joint Custody for Children

Dear Representative Bierne:

The Fairbanks Chapter of the National Organization for Women supports House Bill 210 because it is consistent with the statement that "equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex."

House Bill 210 is also consistent with the intent of current Alaska Statutes governing the granting of custody of minor children because it provides a positive framework so that after a marriage is terminated, the children can maintain "an open and loving frequent relationship with (both parents)" (Sec. 09.55.205, Judgment for Custody, paragraph 6).

In most states, including Alaska, a form of no-fault divorce exists, in which it is not necessary for one parent to decimate the other in the public record, which is to no one's advantage. Joint or shared custody for children is the companion to that process because it removes the stigma of sole custody and will tend to prevent bitter, acrimonious and hostile custody battles, which are to no one's best interest, least of all the children who are defenseless in a process that can have far reaching consequences to their future lives, if handled improperly.

The preference for joint custody is an important concept because it provides a positive basis for each parent to continue their parenting responsibility.

If a joint custody relationship is not desired after a marriage is terminated, the second step in the preference for award process, provides for granting sole custody in a traditional fashion "to the parent determined by the court to be most likely to allow the child to have frequent and continuing contact with the parent not granted custody."

House Bill 210 is consistent with the following statement by Ms. Karen DeCrow, Past President, National Organization for Women (1974-1977) on August 28, 1980:



FAIRBANKS CHAPTER, P.O. BOX 82254 FAIRBANKS, ALASKA 99708

"Joint custody is definitely the custody arrangement of the future.

The practice of nearly always awarding custody of children to the mother reflects negatively on women who aren't awarded custody; the public automatically thinks they are unfit to care for the children."

House Bill 210 is good legislation because it removes bias, is equal, and facilitates preservation of the child's needs for contact with both parents; it reduces use of the courtroom by one parent to destroy the other parent, to the detriment of the child's best interests.

We urge you and the committee to vote favorably on House Bill 210 so that more children in this state can be allowed to have an "open and loving frequent relationship" with both their parents after a marriage is terminated.

Sincerely yours,

Valerie M. Therrien
Vice-President

cc: Representative Terry Martin
Representative Bette Cato
Representative Sally Smith
Representative Hugh Malone
Senate Judiciary Committee
House Judiciary Committee
Senate HESS Committee



Official Business

Alaska State Legislature

House of Representatives

Committee on

Health, Education & Social Services

Pouch V
State Capitol
Juneau, Alaska 99811

November 3, 1981

Ms. Valerie M. Therrien
Vice-President
Fairbanks Chapter
National Organization for Women
P.O. Box 82254
Fairbanks, Alaska 99708

Dear Ms. Therrien:

Thank you for your letter in support of HB 210 -- Joint Custody for Children. The statement by Ms. DeCrow illuminated an angle of the problem which has not been sufficiently considered, I feel.

In case you were not aware, the House HESS Committee will conduct public hearings in Anchorage from 1 - 5 pm and 7 - 9 pm on November 20th (Friday) in regards to joint custody. You might encourage NOW members to testify. The teleconference system will allow Fairbanks residents to testify from 3:00 - 5:00 pm at the Fairbanks Legislative Information Office.

Thanks again for writing. We appreciate your input.

Sincerely,

A handwritten signature in cursive script that reads "Mike".

Mike Beirne
State Representative

MB/bw

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 an earlier among children of non-nuclear families, and presumably among those with a close, consistent, and unobstrucuted 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 being 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.



District Court

State of Alaska

FIRST JUDICIAL DISTRICT

P. O. BOX 869

WRANGELL, ALASKA

19929

ROBIN L. TAYLOR, Judge

May 3, 1979

Ms. Laura Miller and
Ms. Nancy Fischer

c/o:
Family Law Reform and
Justice Council of Alaska
Rudy Johnson, Coordinator
P.O. Box 4-1646
Anchorage, Alaska 99504

Dear Ms. Miller and Ms. Fischer:

I am a District Court Judge located in Wrangell, Alaska and have been on the bench for approximately 2½ years. Prior to my judicial duties I was actively involved in the private practice of law in Ketchikan, Alaska for 8½ years. During my years as a lawyer I dealt almost daily with divorce problems of one kind or another. Of all the problems faced in divorce work, none was so heart wrenching or had such tragic consequences as disputes over child custody.

In America we use 12 man juries and open the doors of our appellate process for a murderer who, if convicted, may receive a life sentence. In most states this means that with good behavior he will be out on the streets in 7½ years. Yet we daily allow judges, without the advice or assistance of juries, sentence innocent children to 18 years custody with one parent and blandly skip over the child's rights of access to the non-custodial parent with such non-enforceable clauses as "reasonable rights of visitation", etc.

Those children are often sentenced to a fate far worse than the murderer will receive and for a much longer term. The convict gets 3 meals a day, clothing and a roof over his head - to say nothing of medical, dental, optical and visitation. Only recently have we begun to appoint attorneys to represent the children in contested domestic matters. Only recently, and very slowly I might add, are the courts paying anything more than lip service to the term "best interest of the child".

The system usually works this way. Parents in mid-20's, and children under 5 years of age. Parents want divorce and each relies upon advice from friends, etc. If both husband and wife agree on the terms they file their own papers and the courts rubber stamp their ignorance of the law by granting the divorce because they have it all worked out. Only when they can't agree does the attorney get involved. Prior to this the husband has been told by his friends that he can't get the kids unless he can prove the wife unfit. The wife has been told that she would be a fool to give up the kids because of child support, tax deduction and society's suspicions of a divorced woman who "lost" her children.

The very phrases I've used above demonstrate the problem. The words always used by people discussing these matters are as follows: Wife=she lost her kids - the court took her children away from her - she had to give up her kids - etc. Husband=they just say "oh, he's divorced" and everyone assumes he didn't receive custody - if he did, the words are always spoken in exclamation or with the inuendo that his wife must have really been bad - why do you say that? "Well, they went to court and he got the kids!"

The typical situation I mentioned above usually results in the husband being told he can't get the kids. If he tries he will lose and it will cost him a fortune. Furthermore, he knows from what he has seen or heard happen to so many other divorced fathers that any semblance of father-child relationship will be shattered by the capricious whim of a vindictive ex-wife who will do anything possible to frustrate his exercise of those reasonable rights of visitation. I have personally seen each of the following occur and they are but a sample of the 8 1/2 years I spent working on domestic matters.

- 1) Wife leaves town with children or moves in with relatives to prevent father from seeing the kids for the one week per year he was allowed under the old decree. This is after the father has given one month's notice of the visit and flown over 1,000 miles to see them. Husband has paid child support faithfully and is current.
- 2) Wife destroys all letters to children, gifts, etc. She has an unlisted phone number. She refuses to disclose address of residence.
- 3) Children are sick so doctor and dental appointments, etc., are scheduled to make visitation impossible or impractical at best.
- 4) Wife refuses to send children to father even though ordered to by the court and the father has paid their round trip fare. She demands \$6,000.00 bond in cash before allowing visitation.

Knowing of these situations the young father who loves his children (and I haven't seen any evidence that indicates that the sex of the parent is in any way an indicator of parental love) bites the bullet and goes along with the advice of his friends and usually the advice and experience of his attorney which results in the same course

of conduct. He watches the ex-wife walk from the court room with a piece of paper that says he may only see his kids if his ex-wife lets him.

Mr. Rudy Johnson is a living example of the result that this system or ours creates. His case is only unique in two respects. First, he had the entire weight of a religious organization hiding his wife and children from him and providing his wife with unlimited financial support for legal assistance. It is also unique in that Mr. Johnson loved his children enough to take on the whole system and fight in the only way left to him - he broke the law. However, before he resorted to the extreme action of physically taking his children, he had spent years in litigation and a small fortune in attorney fees. The end result is that she has custody and he has specific enforceable visitation with his children. This is after 4 or 5 years of fighting the system, being hunted by the law as a child stealing parent and exceptional personal sacrifices on his part. I personally admire his stamina and dedication to be willing at this point to go on with the fight so that the future will hopefully provide better alternatives for other men and women than he was forced to face.

Don't misinterpret my comments as approval of his rash act of taking the children in violation of a standing court order. Nor should you be led by these remarks to believe that I'm critical of the five judges who had to render the difficult decisions posed by the Johnson case. They were only doing what they believed society and the law said should be done.

How many people like Rudy Johnson will have to throw their bodies into the machinery before the system changes? Though I don't know what the make-up of your conference or panel is, I would hope that there are several Rudy Johnsons sitting on that board. If they are not included and listened to, you will only perpetuate a dogma that daily wreaks havoc all across this nation.

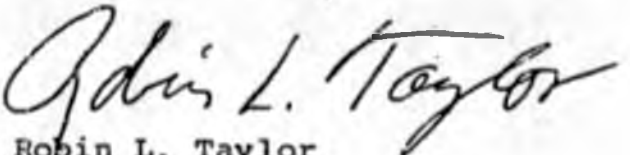
When you listen to Mr. Johnson - and I sincerely hope you will - please remember that he is not just speaking for himself. He is saying things that have and will happen to untold numbers of other people unless change occurs.

I don't see this conference as a mere sounding board for aggrieved non-custodial parents and their rights. Though these are important issues, they are not the crux of the problem. The real issue before you is "what are the rights of the child and how will those rights be protected?" In this year of the child I hope that the panel will concentrate on their rights to free access to both parents and to maintaining the parent-child relationship of the non-custodial parent.

Most divorced fathers see less of their children than does the summer camp counselor or their babysitter. The child has a right to better treatment than that and so does the non-custodial parent. Small wonder that the non-custodial parent refuses to pay child support or resorts to "child stealing". It's the only way left to strike back at a system that won't listen to them. Such conduct will continue until we all stop and listen.

I hope you will listen to Rudy Johnson. He's been there.

Sincerely yours,


Robin L. Taylor

TESTIMONY OF TAMI HAMMER BEFORE THE LEGISLATIVE TELECONFERENCE HEARINGS

April 22, 1981

I'm Tami Hammer and I'm 22 years old. I'm representing Equal Rights for Children of Divorce which is a coalition of Equal Rights for Fathers of Alaska.

But first I want to make it clear that no one is forcing me to do this. I volunteered to do it myself. I think that the Bill for joint custody should be passed. Children of divorce always get caught in the middle no matter what happens and we want to stop this by having joint custody.

Joint custody doesn't mean that each parent has 50-50 time with the child. But it means that each parent would be able to raise the child. For example, Religion is something that almost every parent argues about. But if one parent has permanent custody of the child then that parent has the only say so. But with joint custody both real parents can talk about it and decide together.

This house Bill can help not only my situation but a lot of others too. You don't know what it's like only being able to see one parent. But if this Bill passes we will be able to see both parents. The judges don't take the kids seriously when they say they want to live with a certain parent. The judges take it upon themselves to decide. Either that or the kids just say what the judges want to hear. The judges usually treat children like an award or a piece of property that they can give away like a prize to one parent.

Also if this Bill is passed, there will be less arguing from the parents side and less suffering from the kids. Most children in divorce cases are being pushed and pulled by both parents at times. It seems as though judges don't want to hear our point of view about things like divorce. Most judges think we're irresponsible and too young to know anything. We understand divorce and know it's hard for the parents.

One thing we don't understand is why fathers don't get custody as much as mothers do. Child support payments should not be considered as far as visitation goes because it makes me feel like one parent is having to buy me.

Thank you.

TESTIMONY OF AMBER WILLIAMS BEFORE THE LEGISLATIVE TELECONFERENCE HEARINGS

APRIL 22, 1981

I'm Amber Williams and I'm 13 years old representing the Coalition of Equal Rights for Children of Divorce. And I'm for the joint custody Bill. I feel that I have a right for seeing my parents equally and not have to be put in the middle because I don't like being put in the middle of my parent's problems.

I want this Bill so that I won't have to get caught in the middle of my parent's problems. I'm really for this Bill because I love both the same and I'd like to see them both equally just as a lot of other children out there would like. I'm talking for myself & a lot of other children. I know that a few children may disagree with this bill, but I feel that there are more children that would go for the Bill instead of against it.

I feel that the judges that are settling divorce cases can't have the right understanding of our best needs if the Bill isn't passed because sometimes like when we go to court we get really nervous and can't say what we want because one parent has told us one thing and the other parent has told us another. And if the Bill were passed, we wouldn't even have to go to court.

If HD-280 had been in effect before my parents had gotten divorced I feel that I wouldn't have had to go through so much time of suffering like I had. I also feel that there would be less arguing if HD-280 were passed because there would be more rights for each parent. And also I feel that we shouldn't be pushed and pulled around like a piece of property.

I think that parents should be encouraged to work with their own problems outside of the courtroom also because they should be able to cope with their own problems.

One thing I really think is very important is that the parent that doesn't have physical custody gets maximum visitation rights. And also I think that joint custody would help the parents to have the same privileges to medical and school records because each parent should have a right to know if their child is well or ill and to know how they are doing in school.

Now if I haven't got this across to everybody, joint custody means that both

Amber Williams -2-

parents have the right to be parents and are encouraged to the same no matter what happens or who they live with.

APRIL 22, 1981

I'm Laishe' Strebel. I am 25 years old. I am speaking for Equal Rights for Children of Divorce which is a Coalition of Equal Rights for Fathers of Alaska.

I feel that this bill should be passed because children should be allowed to experience and grow up with both parents. It took both parents to have a child and it should take both parents to raise and love the child. If this Bill is passed, children will be able to respect and love the people who gave that person his or her life. It isn't right for one parent to take the children and not allow the other parent to see them.

Children need to have an open relationship with ~~both~~ parents. It is hard for the children to grow up when just the mother or just the father is around because the child cannot identify to a parent when they are not there.

The difference between physical and joint custody as outlined in the Bill, provides that both parents are encouraged and have the right to be parents. You don't divorce your parents no matter what happens or who you live with they are still your parents.

Parents should settle their arguments outside of the courtroom because it breaks the child's emotional status. The courtroom only hurts the parents and the children.

The children shouldn't have to choose between ~~the~~ parent or the other because it puts pressure on the child. If he loves both parents he shouldn't be put to a test to prove how much he loves them.

Both parents should be allowed to see the child's school and medical records. When one parent has custody, then that parent is the only one who takes that child to the doctor or to school activities. The other parent should also be allowed to share that with the child.

Equal Rights for Children of Divorce

To all members of the Ak. Leg.

We come to you as a Coalition of children of divorce.

We think that joint custody between parents and children should be passed.

We feel that the children should be raised with both parents, and should be treated equally by both parents.

We feel that both parents have a say over what happens to the child. We also feel that children shouldn't always get the children. A child also has a right to know what he/she feels. Children should be present in court while during divorce cases.

But the children should never get caught in the middle of the parent fight. (abuse, and threat, etc...)

we totally support H.B. 210

- T.W) T.H. Jamie Hammer 13
- Laurie Stuebel 15
- Katrina Stuebel 14
- Celia Gonzalez 9
- Raul Gonzalez 16
- 13
- 8
- Danie Belquist 12
- Sonja Almquist 10

SECTIONAL ANALYSIS: CS HB 210 "An Act Relating to Child Custody"

CS HB 210 parallels HB 210 except for the following changes:

Sec. 3: Sec. 25.20.060 "Custody of the Child" (c) is added, stating that shared custody may be awarded if the court determines it is "in the best interest of the child".

Sec. 4

Sec. 25.20.070 (Major difference between HB 210 and its CS) "Denial of Shared Custody". Rather than granting shared custody legal rebuttable presumption status, the court must state on the record why he denied any request for shared custody.

Sec. 25.20.090 Section is deleted. Subparts (1), (2), and (3) are unnecessary. Procedure for awarding shared custody provided in CS Sec. 25.20.060. (b) is unnecessary because it is treated in CS 25.20.070. (c) is treated in CS 25.20.090. (d) is treated in 25.20.080.

CS Sec. 25.20.090 Gives the court power to modify visitation awards under this section as well as custody. Also, includes the requirements for the court to record reasons for modifying awards as well as custody.

CS Sec. 25.20.100

* Sec. 25.20.110 (HB 210) "Preference of the child" is meant to be CS Sec. 25.20.100. Leg. Council omitted this from their final draft.

CS Sec. 25.20.100 is identical to HB 25.20.120.

HB 210 25.20.130 "Preferences on Award" is deleted.

CS Sec. 25.20.120 is identical to HB 210 Sec. 25.20.140.

CS Sec. 25.20.130 "Confidentiality" replaces HB 210 Sec. 25.20.160 "Pleadings"

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE - FIRST SESSION
A BILL

For an Act entitled: "An Act relating to the enforcement of child support."

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

* Section 1. AS 25.25.010 (1), (6) and (11) are amended to read:

(1) "state" includes the State of Alaska and a state, territory or possession of the United States and the District of Columbia and foreign countries in which this or a substantially similar reciprocal law has been enacted;

(6) "duty of support" includes a duty of support imposed or imposable by law, or by a court order, decree or judgment, whether interlocutory or final, whether incidental to a proceeding for divorce, legal separation, separate maintenance or otherwise, and includes the duty to pay arrearages of support past due and unpaid; plus overdue payment fees and interest.

(11) "interest" means post judgment interest accrued on a judgment of arrears, and the rate shall be 10 percent or the rate established according to regulations adopted by the department whichever is higher.

* Section 2. AS 25.25.258 is amended by adding a new sub-section to read:

(d) Registration of a foreign support order does not subject the obligee to the general jurisdiction of the courts of this state unless the obligee is a resident of this state. The jurisdiction of the superior court over a non-resident obligee and the duty of the child support enforcement agency to represent any obligee are confined to those matters identified in (a) and (c) of this section, and collateral matters such as custody and visitation may not be addressed in proceedings under this chapter.

* Section 3. AS 47.23.020 (2)(A) and (C) are amended to read:

(A) Schedules for determining the amount an obligor is liable to contribute toward the support of a minor child (AN OBLIGEE) under this chapter and under Title IV-D, Social Security Act; and

(C) a uniform schedule of fees which may be charged to the obligor upon notice if the child support payments are 10 or more days overdue or if payment is made by a check backed by insufficient funds. Notice means at a minimum mailing by first class mail a copy of the document or documents to the last known address of the obligor available to the agency.

* Section 4. AS 47.23.045 is amended to read:

Section 47.23.045. AGENCY RIGHT TO INTERVENE (DETERMINATION OF SUPPORT OBLIGATIONS) The agency may appear in an action seeking an award of support in behalf of a child owed a duty of support, and may also appear in an action seeking modification of a support order, decree or judgment already entered. Action under this section may be undertaken upon application of an obligee, or at the agency's own discretion if the obligor is liable to the state under Sec. 120(a) or (b) of this chapter.

* Section 5. AS 47.23 is amended by adding new sections to read:

Sec. 47.23.048. STANDARDS OF PROOF FOR MODIFICATIONS. In any proceeding to modify the obligation to pay future support, a change of 20 percent or more in the consumer price index since the establishment or subsequent modification of judicial or administrative support order for future support payments shall be prima facie evidence of a change in circumstances.

Sec. 47.23.092. REDUCING ARREARS TO JUDGMENT. The agency may submit to the superior court, with notice to the obligor, a certified statement of arrears. Notice means at a minimum mailing by first class mail a copy of the document or documents to the last known address of the obligor available to the agency. The court shall treat the certified statement of arrears as a motion for judgment on the pleadings under the Civil Rules of Court. After due consideration, the court may enter judgment for the amount of support which is due and owing, including overdue payment fees.

* Section 6. AS 47.23.100 is amended to read:

Sec. 47.23.100. ALL PERSONS MAY USE THE AGENCY. The agency shall provide aid to any person due child support under the laws of this state upon application. If the obligee is indigent or otherwise unable to pay for these services, the agency shall act without charge to the obligee. The agency may impose fees for services provided under this chapter. If the agency decides to establish fees for services (IF THE AGENCY DETERMINES THAT THE OBLIGEE IS FINANCIALLY ABLE TO PAY) costs shall be assessed according to regulations adopted by the department and be paid into the fund established in Sec. 30 of this chapter.

* Section 7. AS 47.23.110(3) and (4) are amended to read:

(3) "duty of support" includes a duty of child support imposed or imposable by law, by a court order, decree or judgment, or by finding or decision rendered under this chapter whether interlocutory or final, whether incidental to a proceeding for divorce, legal separation, separate maintenance, or otherwise, and includes the duty to pay arrearages of support past due and unpaid, plus overdue payment fees and interest;

(4) "obligee" means the custodial parent or person who has physical custody and responsibility for the minor child to whom a duty of support is owed; (A PERSON TO WHOM A DUTY OF SUPPORT IS OWED;)

* Section 8. AS 47.23.110 is amended by adding new paragraphs to read:

(7) "consumer price index" means the All Urban Consumer Price Index (CPIU) as compiled by the United States Department of Labor, Bureau of Labor Statistics, for Anchorage, Alaska or, if the obligor and obligee live in the same judicial district the index for a municipality within a judicial district if the United States Department of Labor compiles an index.

(8) "interest" means post judgment interest accrued on a judgment of arrears, and the rate shall be 10 percent or the rate established according to regulations adopted by the department whichever is higher.

* Section 9. AS 47.23.130 is amended to read:

If the obligor is liable to the state under AS 47.23.120(a) or (b), the state is subrogated to the rights of the obligee to either bring an action seeking a support order or to proceed under AS 47.23.160 - 47.23.270 to establish and enforce a duty of support and further to enforce by execution, in accordance with AS 47.23.230 - 47.23.270 or otherwise, any support order already entered in favor of the obligee. The recovery of any amount for which the obligor is liable in excess of (, UP TO) the amount (FOR WHICH THE OBLIGOR IS LIABLE TO THE STATE UNDER AS 47.23.120 (a) AND (b)) of the total assistance granted under AS 47.25.310 - 47.25.420 shall be given to obligee.

* Section 10. AS 47.23.150 is amended by adding a new sub-section to read:

(c) refusal by the obligor to accept the notice shall be considered service as of the time of refusal.

* Section 11. AS 47.23.160 (b) is amended to read:

(b) The notice and finding of financial responsibility served under (a) of this section shall state (1) the sum or periodic payments for which the alleged obligor is found to be responsible, calculated by taking into consideration the need of the minor child, (THE ALLEGED OBLIGEE) the alleged obligor's liability to the state under Sec. 130 of this chapter, if any, and his duty of support under the law;

(2) the name of the alleged obligee and minor child; (HIS CUSTODIAN)

(3) that the alleged obligor may appear and show cause in a hearing held by the agency why the finding is incorrect, should not be finally ordered, and should be modified or rescinded, because (a) no duty of support is owed, or (B) the amount of support found to be owed is incorrect;

(4) that if the person served with the notice and finding of financial responsibility does not request a hearing within 30 days, the property of the person will be subject to execution in accordance with Sec. 230 - 270 of this chapter in the amounts stated in the finding without further notice or hearing.

* Section 12. AS 47.23.160 is amended by adding a new sub-section to read:

(c) Refusal by the obligor to accept the notice shall be considered service as of the time of refusal.

* Section 13. AS 47.23.170(e) and (f) are amended to read:

(e) The hearing officer shall consider the following in making his determination under (d) of this section:

(1) the needs of the minor child, (ALLEGED OBLIGEE) disregarding the income or assets (OF THE CUSTODIAN) of the alleged obligee;

(2) the amount of the alleged obligor's liability to the state under Sec. 125 of this chapter if any;

(3) the intent of the legislature that children be supported as much as possible by their natural parents;

(4) the ability of the alleged obligor to pay.

(f) If the alleged obligor requesting the hearing fails to appear at the hearing, the hearing officer shall enter a decision declaring the property of the alleged obligor subject to execution in accordance with section 230 - 270 of this chapter in the amounts stated in the notice and finding (FILING) of financial responsibility.

* Section 14. AS 47.23 is amended by adding a new section to read:

Sec. AS 47.23.182 RATIFICATION BY COURT OF ADMINISTRATIVE ORDERS. An administrative support order issued under Secs. 160(4), 170(f) and 180(a) of this chapter may be forwarded to the superior court. Unless a notice of appeal under AS 47.23.210 is filed within thirty (30) days of the administrative support order the court may enter an order confirming the administrative support order.

* Section 15. AS 47.23.190(a) and (c) are amended to read:

(a) Unless a support order has been entered, the obligor, or the obligee, (OR HIS CUSTODIAN) may petition the agency or its designee for a modification of the finding or decision of responsibility previously entered with regard to future periodic support payments.

(c) If a hearing is granted, the agency shall serve a notice of hearing together with a copy of the petition and affidavits submitted on the obligee (OR HIS CUSTODIAN) and the obligor personally or by registered, certified, or insured mail, return receipt requested for restricted delivery only to the person to whom the notice is directed or to the person authorized under federal regulations to receive his restricted delivery mail.

* Section 16. AS 47.23.250 is amended by changing sub-section designators as follows:

Present sub-sections F, G, H, & I shall be changed to sub-sections H, I, J, & K, respectively.

* Section 17. AS 47.23.250 is amended by adding new sub-sections to read:

(f) A person, political subdivision, or department of the state which regularly incurs additional indebtedness to the obligor shall continue to withhold and deliver money as it comes due and owing until the liability of the obligor under AS 47.23.150 has been satisfied.

(g) An order to withhold and deliver issued to the Department of Revenue will be effective within one (1) day after service and effective throughout that calendar year. It shall be sufficient to subject any tax refund or other disbursements due to be issued to the obligor in that year to the provisions of this section even though the tax refund or disbursement may be issued more than thirty (30) days after the order.

SECTIONAL ANALYSIS: CS HB 210 "An Act Relating to Child Custody"

CS HB 210 parallels HB 210 except for the following changes:

Sec. 3: Sec. 25.20.060 "Custody of the Child" (c) is added, stating that shared custody may be awarded if the court determines it is "in the best interest of the child".

Sec. 4

Sec. 25.20.070 (Major difference between HB 210 and its CS) "Denial of Shared Custody". Rather than granting shared custody legal rebuttable presumption status, the court must state on the record why he denied any request for shared custody.

Sec. 25.20.090 Section is deleted. Subparts (1), (2), and (3) are unnecessary. Procedure for awarding shared custody provided in CS Sec. 25.20.060. (b) is unnecessary because it is treated in CS 25.20.070. (c) is treated in CS 25.20.090. (d) is treated in 25.20.080.

CS Sec. 25.20.090 Gives the court power to modify visitation awards under this section as well as custody. Also, includes the requirements for the court to record reasons for modifying awards as well as custody.

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CS Sec. 25.20.130 "Confidentiality" replaces HB 210 Sec. 25.20.160 "Pleadings"

Introduced: 2/23/81
Referred: Health, Education &
Social Services and Judiciary

1 IN THE HOUSE

BY ROGERS AND GARDINER

2 HOUSE BILL NO. 210

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 *Make provisions for grand parents rights -*
6 For an Act entitled: "An Act ^{A BILL} relating to child custody."

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

8 * Section 1. LEGISLATIVE INTENT. (a) The legislature finds that it is
9 generally desirable to assure a minor child frequent and continuing contact
10 with both parents after the parents have separated or dissolved their mar-
11 riage and that it is in the public interest to encourage parents to share
12 the rights and responsibilities of child rearing. While actual physical
13 custody may not be practical or appropriate in all cases, it is the intent
14 of the legislature that both parents have the opportunity to guide and
15 nurture their child and to meet the needs of the child on an equal footing
16 beyond the considerations of support or actual custody.

17 (b) The legislature also finds that it is in the best interests of a
18 child to encourage parents to implement their own child care agreements
19 outside of the court setting.

20 * Sec. 2. AS 09.55.205 is repealed and reenacted to read:

21 Sec. 09.55.205. JUDGMENTS FOR CUSTODY. (a) In an action for
22 divorce or for legal separation the court may, if it has jurisdiction
23 under AS 25.30.020 and is an appropriate forum under AS 25.30.050 and
24 25.30.060, during the pendency of the action, at the final hearing, and
25 at any time thereafter during the minority of a child of the marriage,
26 make an order for the custody of or visitation with the minor child
27 which may seem necessary or proper and may at any time modify or vacate
28 the order.

29 *delete -*
30 (b) An appointment of a guardian ad litem for a child shall be

conflict current AS 15 - should be designated
31 HB 210

Need to insure "mediation system" in child custody program.

rule under AS 09.65.130.

(c) The court shall determine custody in accordance with the best interests of the child under AS 25.20.060 - 25.20.180. In determining the best interests of the child the court shall also consider

(1) the physical, emotional, mental, religious, and social needs of the child;

(2) the capability and desire of each parent to meet these needs;

Variety of life experiences

(3) the child's preference if the child is of sufficient age and capacity to form a preference;

(4) the love and affection existing between the child and each parent;

(5) the length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity;

(6) the desirability of offering the child a variety of life experiences;

and extended family, aunts - grandparent.

(7) the desire and ability of each parent to allow an open and loving relationship between the child and his other parent.

equal

(d) In making an award of custody under AS 25.20.060 - 25.20.180 and this section, the court may not ^{shall} consider the conduct, marital status, income, social or cultural environment, or life style of either parent unless it is shown that the factor has caused or may cause emotional or physical injury to the child.

• Sec. 3. AS 25.20.060 is amended to read:

Sec. 25.20.060. CUSTODY OF THE CHILD. If there is a dispute over child custody, either parent may petition the superior court for resolution of the matter under AS 25.20.060 - 25.20.180 (THIS SECTION UNLESS AN ACTION BETWEEN THE PARENTS IS PENDING UNDER AS 09.55). The court shall award custody on the basis of the best interests of the child.

1 In determining the best interests of the child, the court shall consider
2 all relevant factors including those factors enumerated in AS 09.55.-
3 205(c) [AS 09.55.205]. Neither parent, regardless of the question of
4 the child's legitimacy, is entitled to preference in the awarding of
5 custody.

6 * Sec. 4. AS 25.20 is amended by adding new sections to read: •

7 Sec. 25.20.070. SHARED CUSTODY. When a question involving the
8 custody of a child is before a court of the state, there is a rebut-
9 table ^{presumption!!! as the word letter?} presumption that shared custody is in the best interest of the
10 child.

11 Sec. 25.20.080. MEDIATION. The court considering a request for
12 custody of a child may request the parties to participate in pre-trial
13 mediation of the matters before the court.

14 Sec. 25.20.090. AWARD OF CUSTODY. (a) The court may award
15 shared custody

16 (1) on application of one or both parents;

17 (2) when the parents have agreed to an award of shared
18 custody; and

19 (3) on an agreement for shared custody in open court.

20 (b) If the court declines to enter an award of shared custody,
21 the court shall enter on the record its reason for denying the award.

22 (c) An award of the custody of a minor child may be modified to
23 an award of shared custody under AS 25. 0.060 - 25.20.180.

24 (d) The court may require the parents to submit to the court a
25 proposal for award of shared custody.

26 Sec. 25.20.100. MODIFICATION OR TERMINATION OF CUSTODY. An award
27 of custody may be modified or terminated if the court determines that
28 the best interests of the child require the modification or termination
29 of the award. If a parent opposes the modification or termination of

1 the award of custody, the court shall enter on the record its reason
2 for modifying or terminating the award.

3 Sec. 25.20.110. PREFERENCE OF THE CHILD. If the child is of
4 sufficient age and capacity to form an intelligent preference as to
5 custody, the court shall give due weight to the preference of the
6 child.

7 Sec. 25.20.120. FACTORS FOR CONSIDERATION BY COURT. In an award
8 of shared custody under AS 25.20.060 - 25.20.180, the court shall
9 consider

- 10 (1) the needs of the child;
- 11 (2) the stability of the home environment likely to be
12 offered by each parent;
- 13 (3) the quality and the continuity of the education of the
14 child;
- 15 (4) the advantages of maintaining the child in the same
16 community as compared with the potential advantages of a new community;
- 17 (5) the advantages of providing a varied life experience for
18 the child;
- 19 (6) the optimal time for the child to spend with each parent
20 considering
 - 21 (A) the actual time spent with each parent;
 - 22 (B) the proximity of each parent to the other and to
23 the school in which the child is enrolled;
 - 24 (C) the feasibility of travel between the parents;
 - 25 (D) special needs unique to the child that may be
26 better met by one parent than the other;
 - 27 (E) which parent is more likely to encourage frequent
28 and continuing contact with the other parent;
- 29 (7) the findings and recommendations of a neutral mediator

1 where mediation is recommended by the court;

2 (8) other factors the court considers pertinent.

3 Sec. 25.20.130. PREFERENCES ON AWARD. Custody should be awarded
4 in the following order of preference according to the best interests of
5 the child:

6 (1) to both parents in shared custody under AS 25.20.060 -
7 25.20.180;

8 (2) [to the parent determined by the court to be more likely
9 to allow the child to have frequent and continuing contact with the
10 parent not granted custody,] *delete here - this is on p. 244.7 -*
this person may be its weaker parent and less responsible.

11 (3) to neither parent but to a person or persons in whose
12 home the child has been living in a wholesome and stable environment;

13 (4) to a person determined by the court to be best able to
14 provide adequate and proper care and guidance for the child. *5 years at a time*
June 9, 1984

15 Sec. 25.20.140. TEMPORARY CUSTODY. Unless it is shown to be
16 detrimental to the welfare of the child, the child shall have, to the
17 greatest degree practical, equal access to both parents during the time
18 that the court considers an award of custody under AS 25.20.060 -
19 25.20.180. *Extended family should be given prior custody to*

20 Sec. 25.20.150. AWARD OF CUSTODY TO NONPARENT. The court may not
21 award custody to a person who is not a parent of the child unless the
22 court finds that an award of custody to a parent would be detrimental
23 to the best interests of the child. *As under current law -*

24 Sec. 25.20.160. PLEADINGS. An allegation that the award of
25 custody to a parent would be detrimental to the best interests of the
26 child may not appear in pleadings beyond a general allegation to that
27 effect.

28 Sec. 25.20.170. ACCESS TO RECORDS OF THE CHILD. A parent who is
29 not the parent granted custody under AS 25.20.060 - 25.20.180 may have

child's right to privacy may not be protected on availability of records. HB 219

1 access to the medical, dental, school, and other records of the child
2 notwithstanding any other provision of law.

3 Sec. 25.20.180. DEFINITION. In AS 25.20.060 - 25.20.180, "shared
4 custody" means an award of custody of the child to both parents and
5 includes an award of physical custody which assures the child of fre-
6 quent and continuing contact with each parent.

4. 22. 81

HR 210

From Steven

Randy Johnson - OK on low cl intro last yr.

- HR 210 - yes

- mand. mediation required - Calif, ^{in disputed custody} + very success 60-80%.

HRS-210

3/26/81

Child Custody - Shared Custody.

Brian Rogers - sponsor - yes

Grant Callow - OK Court System - no

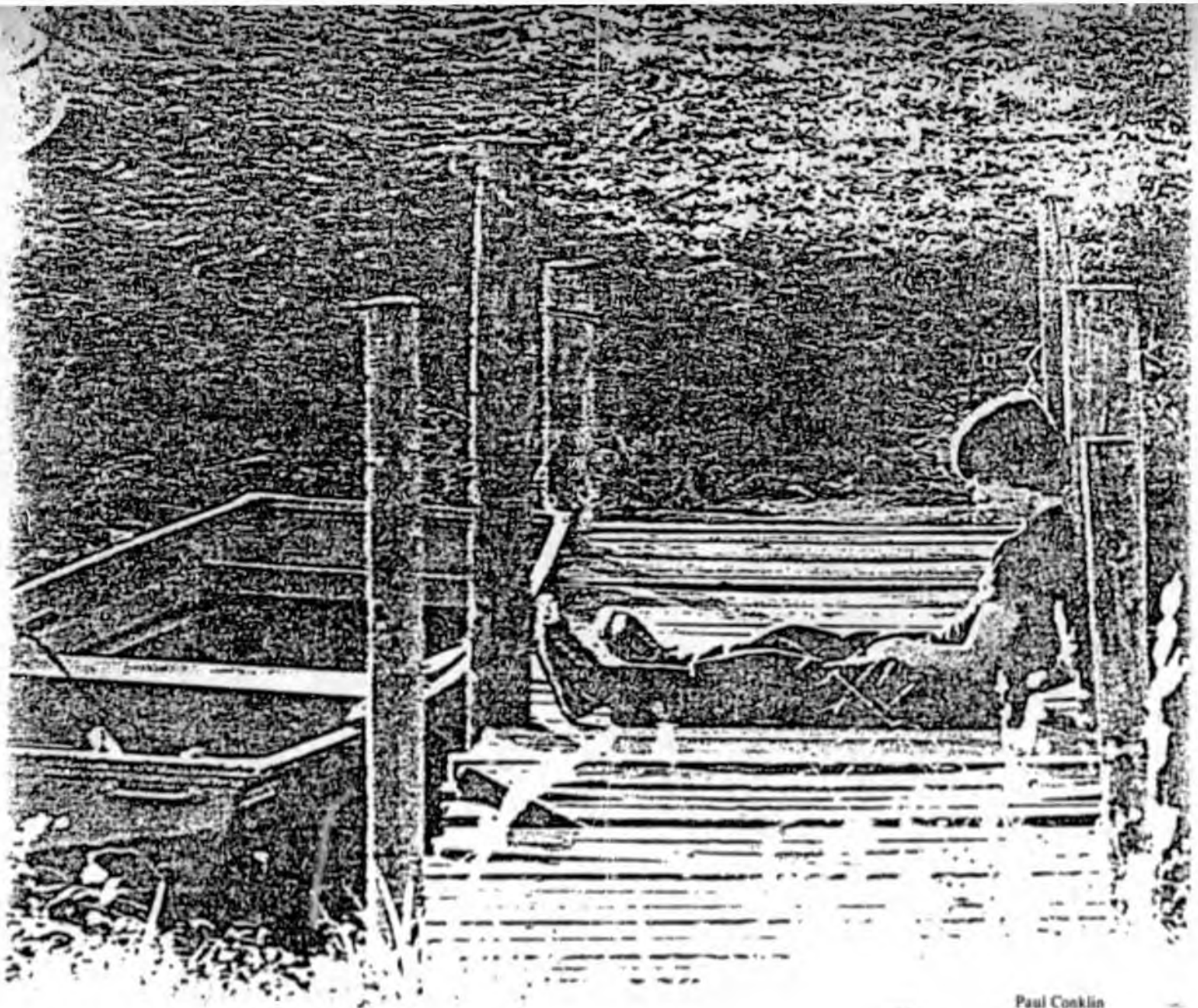
~~Mark~~
Mina Kerney - HISS test - yes

Chris Noah - private citizen - yes

Alexine Bergstrom - " " - yes

It did not work for her + it - although paper relationship etc. Trade & tangents / or other parent.

Next time you have complete disregard for the rules & interrupt a roll call vote by walking in - your seat will be moved to the hall.



Paul Conklin

Child Custody: Why Not Let the Parents Decide?

This seemingly impossible solution
is actually working through a novel experiment
on mediation

By Jessica Pearson

Mediation is a cooperative dispute resolution process in which a neutral third party tries to keep contesting parties talking until they reach a settlement of their differences. Rooted in African moots, socialist comrades' courts, psychotherapy, and labor mediation rather than Anglo-American jurisprudence,¹ mediation stresses honesty, informality, open and direct communication, expression of emotion, attention to the underlying causes of disputes, reinforcement of positive bonds, and avoidance of blame. Its central purpose is to "reorient the parties toward each other not by imposing rules on them, but by helping them to achieve a new and shared perception of their relationship, a perception that will direct their attention and dispositions toward one another."²

A mediator's first job is typically to obtain the parties' trust and confidence. The mediator also begins to acquire information about the causes of the dispute, the visible and invisible issues, the emotional forces at work, and the power variables that affect the parties. Along with this diagnostic activity, mediators must work to establish their impartiality and to facilitate communication between the parties. Next, the mediator must convince the parties that strict adherence to their original bargaining positions is unreasonable. Finally, the mediator must be able to suggest other options to the parties, press a party to change a position, or criticize one or both of the parties for intransigent behavior.

The use of mediation in child custody disputes can be justified on some very obvious grounds. One is the sheer up-

surge in family litigation. In 1979, there were nearly 1.2 million divorces affecting more than 2 million adults and 1.5 million children.³ Forty percent of all marriages end in divorce,⁴ and recent surveys show that custody litigation is on the rise. For example, in 1970 a survey of divorces in Minnesota concluded that custody contests occurred in 5 percent of cases involving children, but in 1978 another survey found that custody was disputed in 14 percent of divorces involving minor children.⁵ Not surprisingly, courts are being overwhelmed by the demands placed on them.

The judicial award of custody also has become more controversial. In recent years, most states have replaced maternal preference standards with discretionary sex neutral standards that stress the best interests of the child. These new standards, however, do not mean that custody decisions have changed substantially.

In a recent analysis of 120 contested custody cases adjudicated in Colorado prior and subsequent to the legislature's adoption of a sex neutral, best interest standard, I found that procedures and award patterns continued to substantially favor mothers. Both before and after the adoption of this new standard, most fathers who obtained custody did so either because their wives agreed to such arrangements or because they were unfit to parent. The tradition of court-awarded custody to the mother is so great that in a number of instances courts awarded custody even though the mother was shown to have serious emotional problems.⁶ Not surprisingly, fathers in several states have organized



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and brought lawsuits alleging sex discrimination in judicial custody awards.⁷

One problem is determining the criteria to be used in ascertaining the best interests of the child. According to a recent review, the legal, psychological, and counseling literature now includes more than 50 theoretical and speculative articles on custody decision making, containing some 299 standards that could be applied in these cases.⁸ Judges complain that they are asked to make predictions and measurements of character that are not susceptible to balance sheet resolutions or accurate methodologies. On the other hand, many people feel that judges act on their own biases and values in deciding the best interests of the child.⁹

Another argument for mediation is that the adversary system is simply inappropriate for the resolution of many marital disputes. Writers variously accuse it of increasing trauma, escalating conflict, obstructing communication, failing to provide for the negotiating and counseling needs of divorcing couples, and ignoring the underlying causes of grievances. Lawyers and judges are accused of being poorly trained to deal with the psychological aspects of divorce. Because lawyers replace rather than assist couples with negotiations, the agreements generated inspire little commitment and fail to enhance the conflict management skills of the parties. Finally, adjudication is faulted for being coercive, formal, costly, and time-consuming.¹⁰

According to several experts, court processes run counter to the best interests of children. The psychological literature tells us that divorce is significantly more damaging to children of all ages when it becomes a prolonged procedure fraught with bickering, and when children themselves become the focus of the divorce dispute. To the extent that mediation leads to greater parental adjustment, reduces levels of interparental conflict, and increases time that parents can devote to their children, children become better adjusted.¹¹

Perhaps the most persuasive reason for rethinking the current system for resolving custody disputes, however, is that the resolutions it inspires frequently fail to work. Noncompliance with visitation and child support agreements is at epidemic proportions. A recent study of 105 divorced families found that after two years

the court had to intervene once in 52 percent of the cases and had to intervene two to ten times in another 31 percent of the cases. Only 17 percent of the families were able to avoid additional court contests altogether.¹²

Not surprisingly, divorce mediation has gained tremendous popularity in the past several years. Courts and social service agencies in approximately 13 states have established mediation or conciliation counseling services, and many individuals have begun private mediation services. A number of practitioners have developed and published model approaches to divorce mediation,¹³ and this new area of practice has attracted much interest and attention in the social work and legal professions. For example, a Toronto survey found judges, lawyers, and counselors very certain that a mediation service was needed,¹⁴ and a 1980 poll of 88 domestic relations attorneys in Colorado revealed that 90 percent favored the mediation of contested custody and visitation issues. Finally, California recently enacted into law Senate Bill No. 961, a provision requiring mediation for all couples with children under 12 who have custody and visitation disputes.

THE DENVER PROJECT

The Denver Custody Mediation Project, a three-year experiment begun in March 1979 and sponsored by the Piton Foundation of Colorado and the Colorado Bar Association, fulfills two objectives.

One is to organize and administer a mediation service for divorcing couples in the Denver metropolitan area who disagree about custody and visitation arrangements for their children. Contesting families receive up to eight hours of free mediation services from lawyers and mental health professionals recruited by the project and trained in mediation techniques. Working individually and in male-female, lawyer-mental health professional teams, mediators first try to help couples understand and communicate about their disagreements and then assist them in drawing up mutually agreeable settlements that are incorporated into appropriate court documents.

The project obeys strict confidentiality guidelines. All disputants waive their right to refer to the mediation experience or mediation materials in any subsequent litigation between them. Nor do project mediators and staff relate any case information to court investigators, evaluators, or judges.

The second project goal is to evaluate rigorously the mediation process and its outcomes. In the Jefferson and Denver district courts, all suspected cases of contested custody and visitation are referred to the project by the setting clerks, referees, judges, and probation and social service department investigators.

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Mediation makes a difference in the kinds of custody arrangements that parents choose

Additional cases are referred by attorneys and disputants residing in Denver, Jefferson, and Arapahoe counties.

Cases referred to us are randomly assigned a mediation or control group status. Couples are contacted by letter and telephone and offered free mediation services. Control group couples are contacted and asked to be interviewed for research purposes only. Mediation couples are interviewed before and after mediation, while control group couples are interviewed before their pending court hearings. All couples are interviewed again, both after the court promulgates orders regarding custody or visitation actions and six to twelve months later.

With this information, we can reliably compare mediation outcomes with those obtained through the traditional adversarial process. Specifically, they are able to generate information on the types of disputes and disputants amenable to each mode of conflict resolution and on the types of mediation techniques associated with successful mediation outcomes. Finally, we are able to provide information on the short- and long-term effects that mediation and adversarial interventions have on divorce adjustments and on the relitigation of custody and visitation issues.

PRELIMINARY FINDINGS

Of the 436 potential custody and visitation cases that were referred to our project, we randomly assigned 310 to a mediation group and 126 to a control group. We have found that a sizable percentage of the cases were inappropriate for mediation and control group purposes. Cases are deemed inappropriate if parties decide to reconcile, if custody is not in dispute, if we are unable to contact one or more of the disputants, or if we discover that one or more disputants resides beyond a reasonable commuting distance. Using these criteria, about half of the cases we identified from all sources and assigned to mediation and control groups were rejected from further consideration.

Much to our surprise, we have also found that many eligible disputants reject the mediation offer we extend to them. But willingness to mediate seems to be on the rise. Between September 1979 and May 1980, acceptance rates ranged from 35 percent to 48 percent; since then 66.7 percent of the couples offered the chance to mediate have agreed to do so. Nevertheless, mediation continues to be alien to the general public and many individuals have reservations about it. Our best acceptance rates are found among cases referred to us by lawyers and disputants themselves. Typically, these cases involve disputants who have expressed an interest in mediating before a referral is made. Our lowest accep-

tance rates are found among cases referred to us by the courts (e.g., setting clerks, judges, and referees).

About 80 couples have mediated or are in the process of mediating. Of 61 who have completed mediation, five withdrew after the first sessions. In these instances, disputants decided that they did not want to mediate, or the mediators felt that the couple had severe abuse or psychological problems that warranted court investigation. Of the 51 couples who mediated for more than one session, 30 were able to come to an agreement and 26 were not—an agreement rate of 54 percent. The average number of mediation sessions per case was 4.2; the average number of hours devoted to each case was 5.6.

Most couples who reached a mediation agreement (75 percent) decided on a joint or shared custody arrangement. Although most of these agreements call for one parent to have primary residential care of the children (usually the mother), the agreements typically acknowledge that both parents are fit to parent and that they each will play a significant role in their child's upbringing. The nonresidential custodian also receives very generous visitation terms such as one week and one weekend per month, every weekend, or summer months and vacation. Twenty percent of the joint custody agreements call for the regular alternation of child care between parents on a weekly, monthly or yearly basis.

Mediation couples who did not reach agreements in mediation eventually came up with more conventional custody arrangements: 21 percent stipulated joint custody, 50 percent agreed to a mother-only award, and 29 percent settled on a father-only arrangement. Couples who exclusively utilized the adversarial system, on the other hand, arrived at even more conventional parenting arrangements. Only 14 percent of control couples and 8 percent of the couples who rejected the mediation offer opted for joint or shared custody arrangements. The proportions of mother-only awards for these groups were 71 percent and 56 percent, respectively, the proportions of father-only awards were 7 percent and 24 percent, respectively, and the proportions of split custody awards were 7 percent and 12 percent, respectively.

Most couples who failed to reach mediation agreements remained enthusiastic about the process. They blamed the failure to mediate on an uncooperative spouse rather than on the mediator or the process. Typically, such couples reported improved cooperation and communication. Moreover, they appeared to be able to settle their differences on their own, prior to their court hearing. While all the couples who reached

custody agreements during mediation stipulated them in court (except for two who took no further action), 75 percent of the couples who were unable to settle in mediation subsequently went on to stipulate about custody and visitation too. Only three relied on an investigation and judicial order, and one couple had their custody terms decided on by a judge without an investigation.

In contrast, the settlement rate among control group couples or couples who rejected the mediation offer, was a good deal lower. Although 50 percent of the control group couples and 44 percent of the couples who rejected mediation were able to stipulate a child custody agreement in court, the remaining control and reject couples (50 and 56 percent, respectively) relied on the court to decide their custody and visitation arrangements.

BENEFITS AND LIMITS OF MEDIATION

A number of conclusions can be drawn from all this:

1. While mediation continues to be alien to the general public, we are finding that it is becoming a more acceptable alternative. In recent months, we have begun to accept self-referrals and referrals by attorneys. We now encounter disputants before they become heavily committed to litigation. As a result, the proportion of couples who accept our mediation offer is on the rise.

2. Based on interviews with all individuals who reject our mediation offer, we find that willingness to mediate is tied to the demographic characteristics of disputants, their personal marriage and divorce experiences, and their evaluation of their chances of winning in court. Briefly, mediation is more attractive to better educated individuals with higher incomes and

A Sample Mediation Agreement

Randy and Susan hereby make the following agreement concerning custody and financial support of their daughter, Tracy.

1. The parties shall have joint legal custody of Tracy. Such joint legal custody shall include shared responsibility for all major decisions concerning the education, medical care, dental care, spiritual care and up-bringing, and all other matters concerning the general welfare of the child. The parties shall confer with each other on a regular basis in order to make every effort to establish a harmonious policy respecting the decisions concerning Tracy.

2. Although the parties shall have joint legal custody of Tracy, Susan is hereby designated the primary residential custodian of the child. It is, however, the intention of the parties that there shall be a more equal sharing of the physical custody of Tracy at such time as she reaches school age. At that time, at the request of either party, a child psychologist or other competent mental health professional shall be consulted to assist the parties in reaching agreement on custodial arrangements which will best meet Tracy's needs.

3. For so long as Susan is the primary residential custodian of Tracy, the parties shall alternate physical custody on the following four-week cycle:

Randy—5 pm Friday to 5 pm the following Friday.

Susan —5 pm Friday to 5 pm the following Friday.

Randy—5 pm Friday to 5 pm the following Sunday.

Susan —5 pm Sunday to 5 pm the following Friday.

Susan —5 pm Friday to 5 pm the following Friday.

Randy—5 pm Friday to 5 pm the following Friday.

REPEAT CYCLE

4. Physical custody of Tracy shall be alternated on major holidays as follows:

In 1980 and in even-numbered years thereafter, Randy shall have Tracy on New Year's Day, Easter, Labor Day and Christmas. Susan shall have Tracy on

Valentine's Day, July 4, Halloween and Thanksgiving. In odd-numbered years the above schedule shall be reversed between the parties. Susan shall be entitled to have Tracy on Mother's Day each year and Randy shall be entitled to have Tracy on Father's Day each year. In the event Susan is entitled to have Tracy on a holiday in accordance with the above schedule which falls on a day or weekend when Randy would otherwise be entitled to custody, the above holiday schedule shall control and Randy shall be entitled to have custody of Tracy for one day of the next work week or weekend (depending on whether the day Randy missed as a result of the holiday fell on a weekday or weekend) which would otherwise be Susan's time to have Tracy.

5. Each party shall give the other party at least one month's advance notice of any planned vacation trips away from the Denver metropolitan area. In the event that Susan takes a vacation trip with Tracy away from the Denver metropolitan area during a time where Randy otherwise would be entitled to have physical custody of Tracy as provided above, Randy's physical custody of Tracy shall be postponed for one week. If Randy desires to take a vacation trip away from the Denver metropolitan area he shall be entitled to take Tracy on such a trip each year for not more than two consecutive weeks. In such event, the above schedule for alternating physical custody of Tracy shall be adjusted accordingly.

6. Neither party shall remove Tracy from the State of Colorado for more than a two-week vacation period each year, unless otherwise agreed between the parties or ordered by the court. In addition, neither party shall move the residence of Tracy outside of a 60-mile radius of Denver, without the express written permission of the other party or an order of court.

7. With respect to all changes in physical custody of Tracy as provided above, Randy shall be responsible for picking up Tracy from Susan's residence at the

occupational rankings. This is consistent with research showing that early acceptors of new technology are the young, educated, and wealthy. While women who are ambivalent about ending a marriage are typically opposed to mediation, ambivalent men are eager for it. Many men choose to mediate because they evaluate their chances of winning in court as low. Women, in contrast, choose to mediate because it promises to be less remote and impersonal than the court system.

Given the prevailing values, experiences, and behaviors of men and women in our society, it probably makes sense that women are drawn to mediation because of its "cooperative" aspects, while men are attracted to it because they anticipate failure in the "competitive" dispute resolution system. Finally, disputants, especially women, tend to mediate if their lawyers encourage them to try. This underscores the

importance of the legal community to the success of any mediation effort.

3. Although mediation is somewhat more *attractive* to better educated and upper status individuals, social class factors don't appear to explain successful and unsuccessful mediation *comes*. While 36 percent of the individuals with college or graduate education reached mediation agreements, 43 percent of those with grade school or high school education were successful. Similarly, while 34 percent of professionals and managers were successful, 54 percent of service machine operators and laborers were successful.

4. Mediation inspires agreement making in direct and indirect ways. Fifty-five percent of our mediation couples came to an agreement in mediation. Nearly all of the remaining couples came to an agreement on their own, prior to their court hearing. This translates into a

beginning of the period of change of physical custody and Susan shall be responsible for picking Tracy up from Randy's residence at the end of each period of physical custody with Randy. Each party shall give the other a minimum of 48 hours notice if he or she will not pick up Tracy as provided by this agreement or any modification of this agreement the parties may from time to time make. In the event a party fails to give such 48 hours notice and the other party has made plans on the assumption that the other party will have physical custody of Tracy, the party failing to give such 48 hours notice shall be responsible for obtaining and paying for babysitting for Tracy for the period in question.

8. The above provisions concerning custody of Tracy may be modified from time to time as Susan and Randy may agree. However, no such modification shall be construed to be a permanent modification of this agreement unless expressly agreed in writing.

9. In the event Tracy becomes seriously injured or seriously ill, the party having physical custody of her at the time shall forthwith notify the other party, by telephone or telegram. As used herein, the term "seriously injured" or "seriously ill" is defined to mean confinement to a hospital for any period of time or confinement to bed, other than in a hospital, for more than three consecutive days.

10. For so long as the above arrangement continues with Susan being the primary residential custodian of Tracy, Randy shall pay to Susan as and for child support the sum of \$60 every other Friday, through the Registry of the Court. Said child support shall not be reduced or suspended during any period when Randy has physical custody of Tracy. Randy shall be entitled to claim Tracy as a dependency exemption for income tax purposes and Susan agrees that she will not also attempt to claim the exemption for Tracy.

11. Randy shall continue to carry medical insurance for the benefit of Tracy for as long as it is available

through his employment. In the event such medical insurance becomes no longer available through his employment, the cost of maintaining medical insurance for Tracy shall be shared equally by Susan and Randy. Any medical, dental (including orthodontia), optical, and prescription drug expenses which are not covered by any insurance available for Tracy's benefit shall be shared equally by the parties. Except in case of emergency, neither party shall incur any expense which may not be covered by insurance, without first consulting with and seeking the approval of the other party. Such approval shall not be unreasonably withheld.

12. This agreement shall be reevaluated, and if deemed necessary by either party, renegotiated, upon the happening of any one of the following events: (1) The remarriage of either party; (2) If either person begins residing with an unrelated member of the opposite sex; (3) If either party moves from their present residence; (4) The physical or mental disability of either party; (5) Any change in the circumstances of either party which could significantly affect the welfare of Tracy.

13. If the parties at any time disagree concerning any decision affecting Tracy, disagree in their interpretation of this agreement, or seek modification of this agreement, such dispute shall be first submitted to mediation for resolution. If the mediation is not successful, all unresolved disputes shall be submitted to binding arbitration by one arbitrator to be agreed upon between the parties. In the event the parties are unable to agree on an arbitrator, the arbitrator shall be appointed, at the request of either party, by the chief domestic relations judge of the Denver district court. Such arbitrator shall be an attorney with substantial experience in family law matters. Any costs or expenses for mediation or arbitration (not including attorneys' fees for the attorneys for the parties) shall be shared by the parties.

—J.P.

stipulation rate of 88 percent and far exceeds the 50 percent stipulation rate observed among control and reject couples who pursued their disputes entirely through the court system.

5. Mediation makes a difference in the kind of custody arrangements couples decide on. While mediation couples opt for joint custody arrangements, control group couples and couples who reject mediation arrive at more conventional mother-only awards.

6. Mediation may result in lower recidivism. Although our project is too young to have a reliable reading on custody relitigation among couples who mediate, the experiences of other mediation programs suggest that it will be lower than among those who adjudicate. For example, while 34.3 percent of traditional custody study families returned to the court from 1976 to 1978 in Dane County, Wisconsin, only 10.5 percent of mediation families returned.

7. Mediation is a cheaper way to resolve custody and visitation disputes. In Los Angeles, Hugh McIsaac estimates that during 1978 the conciliation court successfully resolved 747 cases at a projected net savings of \$175,044. While the conciliation court cost per hour is \$20.50 and the amount of time expended per case is approximately three hours, the cost of the trial court per day is \$725. He estimates that each resolved dispute saves the court one-half a court day.¹⁵

Based on data supplied by the state court administrator in Colorado, we estimate that it costs about \$881.68 per day to operate a trial court there. In a survey conducted with lawyers in the Denver metropolitan area, we learned that the average bench time required to resolve a contested custody case is 9.8 hours. This means that each custody resolution costs the state approximately \$1,080 in bench time, and each custody investigation costs the state approximately \$528. Not included are private attorney fees paid by disputants, as well as fees for private investigators, evaluations, and testimony by expert witnesses.

The average number of hours devoted to each case in the Custody Mediation Project, in contrast, is 5.4. Our mediators are paid \$25 per hour. Because our mediators mediate singly and in teams, this translates to a direct, average cost of \$135 to \$270 per case. Even if we assume an overhead of 100 percent for project administration, the cost of mediating falls far below the cost of litigating.

8. Whether mediation succeeds or fails, it is favorably rated by disputants. Most say it is more relaxed, open, understandable, and agreeable than court interventions. They would recommend the process to a friend with a similar dispute and feel it has helped them to communicate with and better understand an ex-spouse.

9. However, mediation is not the answer for everyone. Individuals with severe pathologies and disorders clearly have counseling and longer-term therapy needs that are not met in mediation. They need to be referred elsewhere for premediation treatment.

The Family Division of the Connecticut Superior Court has identified four situations as *not* appropriate

for mediation referral and believes that the interests of children are best served in these cases by a traditional court evaluation and judicial determination.

These situations are: (a) cases involving children who have been or are alleged to be physically abused or neglected; (b) most situations that involve multiple social agency and psychiatric contacts for the adults or children; (c) postjudgment cases involving long-standing, bitter conflict between the parties and a history of repeated court appearances; and (d) cases in which one or more of the adults has experienced serious psychological problems or has demonstrated erratic, violent, or severely antisocial modes of behavior.¹⁶

Still other couples may need more conventional divorce therapy to resolve lingering problems about the decision to divorce before they can begin to mediate effectively.

If these patterns persist, we may safely conclude that mediation is beneficial whether or not it results in a written agreement. Although not effective for everyone, the process is cheaper, it helps couples to communicate, it inspires them to stipulate, and it encourages them to opt for more coparenting than is the case among couples who process their disputes exclusively in the court system.

WHAT JUDGES CAN DO

Judges are critically important to the future of divorce mediation. They can help initiate mediation programs within their jurisdictions and press for statutory change to make mediation services available on a statewide basis. Although mediation programs may be funded in a variety of ways, one popular route is to raise filing fees for marriage licenses, divorce petitions, and modifications and to earmark these monies to pay for mediation services. If confidentiality is desired (and many programs are based on the belief that confidentiality is necessary for successful mediation outcomes), judges can develop methods for insuring the privacy of mediation proceedings, including quashing motions to subpoena mediators or information generated in the mediation process. Judges can help mediation programs gain public acceptance by urging couples to try it and by instructing attorneys to encourage their disputing clients to attempt it. Finally, judges can help by approving mediation, including joint custody agreements, and incorporating them into court orders and other actions relevant to the processing and conclusion of a particular dispute. ■

1. W. L. Felstiner and L. A. Williams, *Community Mediation in Dorchester, Massachusetts* (Los Angeles: Program for Dispute System Research, Social Science Research Institute, University of Southern California, mimeo).

2. Fuller, *Mediation—Its Forms and Functions*, 44 S. CAL. L. REV. 305 (1971).

3. Glick, *Children of Divorced Parents in Demographic Perspective*, J. SUR. ISSUES 170-82 (1979). See also, National Center for Health Statistics, *Births, Marriages, Divorces and Deaths for 1978*, MONTHLY VITAL STATISTICS REPORT (Hyattsville: United States Department of Health, Education and Welfare, 1980), DHEW Publications No. (PHS) 80-1120, Vol. 28, No. 12, March 14.

agreements, out-of-state travel, child support (which was reduced to \$30 a week), consultations on all major decisions affecting Tracy, and an agreement to try mediation if Randy and Susan have trouble with the agreement. They were pleased with the agreement and proud of the work they had done together.

A project lawyer attended the fifth mediation session to review the agreement drafted by Randy and Susan. He changed some wording, replaced the provision on out-of-state residence with moves beyond a 60-mile radius, added provisions on medical and life insurance and the use of binding arbitration if mediation fails. Randy and Susan asked all kinds of legal questions and departed feeling happy and satisfied.

In a postmediation interview, Randy and Susan praised the mediator and the mediation process. Susan said that the information she received cleared up her misgivings about joint custody. Both said they were communicating much better and described themselves as "friends." In an interview six months later, they continued to be satisfied with their agreement and both felt it had been reached in a fair manner. In addition to seeing Tracy at his own home, Randy often drops by and visits Tracy at Susan's house and is on good terms with Susan's new boyfriend. Randy and Susan have had minor disagreements about child support, but Randy says he understands that Susan has a low-paying job and needs help. Both feel that they would recommend mediation to their friends without hesitation.

Randy and Susan's success in mediation could be attributed to a number of factors. Perhaps the key one was their cooperative and committed attitude. The mediator writes:

Sue and Randy entered mediation with a basically nonhostile, cooperative attitude and came with very few unresolved old issues about the marriage and divorce. Despite some minor disagreements about child-rearing, each saw the other as a

capable parent and both were committed to doing what was best for Tracy. Both expressed some apprehension about mediation initially, feeling they had never communicated well and had communicated even less since their separation. However, they responded quickly to the support and structure of the mediation sessions and quickly began to risk the sharing of feelings and ideas.

The nature of the case and the number of issues in dispute are also relevant considerations. Except for a minor disagreement about child support, financial issues were not relevant. The timing of the mediation was also helpful. Both Randy and Susan felt that it would have been impossible for them to mediate before temporary orders and that they needed time to "cool off."

Finally, the mediator used a number of effective techniques. In the first session, she gave the couple an opportunity to experience success at mediation and work out Susan's Christmas vacation plans.

The mediator also allowed Randy to express his anger about Susan's court action and encouraged Susan and Randy to discuss and exchange "generous" statements about their concerns, including his fear that Susan would take Tracy out of state, and her concerns about his drinking habits. She also introduced the idea of joint custody and provided them with the book *Co-Parenting*. She had Randy and Susan each visualize a day with Tracy, an exercise that convinced Randy that he did not have the time to provide a home base for Tracy. She had the couple do a number of joint tasks to improve their cooperative skills, like mapping out Tracy's schedule during 1980. Finally, when Susan was silently upset about Randy's comments on Tracy's appearance, she brought this out into the open and used it as an opportunity to discuss the manner in which the couple handled minor disagreements about Tracy's care.

Pearson

(Continued from page 10)

4. Pearson, *Estimating the Proportion of American Marriages That End in Divorce*, 3 SOCIOLOGICAL METHODS AND RESEARCH 435-460 (1975).

5. P. Doyle and W. A. Caron, *Contested Custody Interventions: An Empirical Assessment*, in *Child Custody by Olson et al.* (1979) (an unpublished manuscript, Minneapolis, Minnesota).

6. J. Pearson, *The Impact of Legal Change on Child Custody Awards* (1980) (an unpublished manuscript, Denver, Colorado).

7. Mannheim, *Child Custody Adjudications: Judicial Functions in the Face of Indeterminacy*, 39 L. & CONTEMP. PROBS 226-93 (1975).

8. B. E. Robinson, *Where Are You Now Salomon, Now That We Need You? Criteria in Determining Child Custody*, in *Child Custody by Olson et al.* (1979) (an unpublished manuscript, Minneapolis, Minnesota).

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**STUDY OF
ANCHORAGE SUPERIOR COURT CHILD CUSTODY AWARDS
For Calendar Years 1979-1980**

Prepared By

**EQUAL RIGHTS FOR FATHERS OF ALASKA
"Alaskans For Childrens Rights"**

**3605 Arctic Blvd., #588
Anchorage, Alaska 99502
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STUDY OF
ANCHORAGE SUPERIOR COURT CHILD CUSTODY AWARDS

For The Calendar Years 1979-1980

I, THAD BUSHUE, do state that the data herein compiled, regarding the Anchorage Superior Court Child Custody Awards, was performed by me personally, through an extensive physical examination of each case. The original files were inspected and data taken to compile the preceding statistics herein presented.

Thad Bushue

THAD BUSHUE, CHAIRMAN
EXECUTIVE COMMITTEE,
BOARD OF DIRECTORS

Sept 4 81

DATE

Signed and sealed before me, a notary public in and for the State of Alaska, at Anchorage, this 4th day of September, 1981.

Rita S. Dickson
Rita S. Dickson, Notary Public
Anchorage, Alaska
My Commission Expires 11/21/83

<This study compiled by Equal Rights For Fathers of Alaska focuses on the contested divorce cases involving child custody under the jurisdiction of the Anchorage Superior Court System during the years 1979-80. The major findings of this study indicate a gross imbalance in the custody award rate to fathers versus mothers.>

The custody awards to fathers were further studied to determine influencing factors in these cases. This analization of the custody awards to fathers reveals significant contributing factors, such as, husband/wife agreements, wife abandonments, and/or wife's waiver of rights or failure to appear, considerably reduced the decision making effort of the court.

It was the court's decision to award custody to the fathers in 8 of 312 cases when these aforementioned factors were considered. This resulted in a custody award rate to fathers of 2.6% as opposed to the <11.4% actual custody awards to fathers.>

STUD. JF
ANCHORAGE SUPERIOR COURT CHILD CUSTODY AWARDS

For Calendar Years 1979-1980

	1979	1980	TOTAL
Total Divorces and Dissolutions	2280	2011	4291
Dissolutions	1229	1225	2454
Non-Contested Divorces	734	537	1271
Contested Divorce Cases	317	249	566
Contested Divorce Cases Involving Custody	199 OF 317	144 OF 249	343 OF 566
Litigants	398	288	686
Children	342	238	580
Total Individuals Affected	740	526	1266

STUD OF
ANCHORAGE SUPERIOR COURT CHILD CUSTODY AWARDS

For Calendar Years 1979-1980

LEGENDS

BY INDIVIDUAL JUDGE

- A CIVIL CASE NUMBER
- B NUMBER OF CHILDREN AFFECTED
- C NUMBER OF CHILDREN UNDER SIX YEARS OF AGE
- D NUMBER OF CHILDREN OVER SIX YEARS OF AGE
- E WIFE STARTED ACTION
- F HUSBAND STARTED ACTION
- G CUSTODY AWARDED TO WIFE
- H CUSTODY AWARDED TO HUSBAND
- I WIFE ABANDONED/DEFAULTED/WAIVERED RIGHTS
CUSTODY AWARDED TO HUSBAND
- J JOINT CUSTODY-WIFE (W)/HUSBAND (H)/EQUAL (E)
(PHYSICAL CUSTODY)
- K SPLIT CUSTODY DECISION

BY CALENDAR YEAR SUMMARY

- A NUMBER OF CASES
- B NUMBER OF CHILDREN AFFECTED
- C NUMBER OF CHILDREN UNDER SIX YEARS OF AGE
- D NUMBER OF CHILDREN OVER SIX YEARS OF AGE
- E WIFE STARTED ACTION
- F HUSBAND STARTED ACTION
- G CUSTODY AWARDED TO WIFE
- H CUSTODY AWARDED TO HUSBAND
- I WIFE ABANDONED/DEFAULTED/WAIVERED RIGHTS
CUSTODY AWARDED TO HUSBAND
- J JOINT CUSTODY-WIFE (W)/HUSBAND (H)/EQUAL (E)
(PHYSICAL CUSTODY)
- K SPLIT CUSTODY DECISION

STUDY OF
ANCHORAGE SUPERIOR COURT CHILD CUSTODY AWARDS

For Calendar Year 1979

JUDGE	A	B	C	D	E	F	G	H	I	J	K
Buckalew	7385	1	1	0	1	0	0	1	0	0	0
TOTAL	1	1	1	0	1	0	0	1	0	0	0

STUD. OF
ANCHORAGE SUPERIOR COURT CHILD CUSTODY AWARDS

For Calendar Year 1980

JUDGE	A	B	C	D	E	F	G	H	I	J	K
Buckalew	5113	2	2	0	1	0	1	0	0	0	0
	5827	1	1	0	1	0	1	0	0	0	0
TOTAL	2	3	3	0	2	0	2	0	0	0	0

STUDY OF
ANCHORAGE SUPERIOR COURT CHILD CUSTODY AWARDS

For Calendar Year 1979

JUDGE	A	B	C	D	E	F	G	H	I	J	K
Carlson	29	2	2	0	0	1	1	0	0	0	0
	36	2	0	2	1	0	1	0	0	0	0
	140	3	0	3	0	1	0	1	0	0	0
	141	2	2	0	1	0	1	0	0	0	0
	158	1	1	0	0	1	0	0	0	1/W	0
	165	1	1	0	0	1	1	0	0	0	0
	234	2	0	2	1	0	0	1	0	0	0
	259	1	1	0	1	0	1	0	0	0	0
	260	1	1	0	1	0	1	0	0	0	0
	264	2	0	2	1	0	1	0	0	0	0
	332	1	1	0	0	1	1	0	0	0	0
	390	3	0	3	0	1	1	0	0	0	0
	404	2	1	1	1	0	1	0	0	0	0
	440	2	0	2	1	0	1	0	0	0	0
	540	2	2	0	1	0	1	0	0	0	0
	578	1	1	0	1	0	1	0	0	0	0
	647	2	2	0	1	0	1	0	0	0	0
	696	1	0	1	1	0	1	0	0	0	0
	814	1	1	0	1	0	1	0	0	0	0
	828	1	1	0	1	0	1	0	0	0	0
	880	1	0	1	1	0	1	0	0	0	0
	970	2	1	1	0	1	1	0	0	0	0
	988	1	1	0	1	0	1	0	0	0	0
	1102	1	0	1	1	0	1	0	0	0	0
	1226	2	2	0	1	0	1	0	0	0	0
	1228	1	1	0	1	0	1	0	0	0	0
	1461	2	2	0	0	1	1	0	0	0	0
	1474	1	0	1	0	1	1	0	0	0	0
	1511	1	1	0	0	1	1	0	0	0	0
	1512	1	1	0	1	0	1	0	0	0	0
	1635	1	1	0	1	0	1	0	0	0	0
	1747	1	0	1	0	1	1	0	0	0	0
	1760	1	1	0	1	0	1	0	0	0	0
	1792	2	2	0	0	1	1	0	0	0	0
	1812	2	2	0	1	0	1	0	0	0	0
	1870	1	1	0	1	0	1	0	0	0	0
	1891	1	1	0	1	0	1	0	0	0	0

STUL JF
ANCHORAGE SUPERIOR COURT CHILD CUSTODY AWARDS

For Calendar Year 1979

JUDGE	A	B	C	D	E	F	G	H	I	J	K
Carlson	1910	2	0	2	1	0	1	0	0	0	0
(Continued)	1970	5	1	4	0	1	1	0	0	0	0
	2002	1	1	0	1	0	1	0	0	0	0
	2110	3	0	3	0	1	1	0	0	0	0
	2170	3	0	3	1	0	1	0	0	0	0
	2185	2	0	2	1	0	1	0	0	0	0
	2244	1	1	0	0	1	1	0	0	0	0
	2284	1	1	0	1	0	1	0	0	0	0
	2288	3	0	3	1	0	1	0	0	0	0
	2345	1	0	1	0	1	1	0	0	0	0
	2441	1	1	0	1	0	1	0	0	0	0
	2459	2	0	2	1	0	0	0	0	0	1
	2460	1	0	1	1	0	1	0	0	0	0
	2487	1	1	0	1	0	0	0	0	1/W	0
	2569	3	0	3	0	1	0	1	1	0	0
	2610	2	1	1	0	1	1	0	0	0	0
	2643	3	3	0	1	0	1	0	0	0	0
	2654	2	2	0	1	0	1	0	0	0	0
	2659	1	1	0	1	0	1	0	0	0	0
	2781	1	1	0	1	0	1	0	0	0	0
	2784	2	0	2	0	1	1	0	0	0	0
	2798	1	1	0	1	0	1	0	0	0	0
	2995	3	1	2	1	0	1	0	0	0	0
	3043	1	0	1	0	1	0	1	1	0	0
	3214	3	0	3	0	1	0	1	1	0	0
	3247	2	1	1	1	0	1	0	0	0	0
	3260	1	1	0	0	1	1	0	0	0	0
	3270	1	0	1	1	0	1	0	0	0	0
	3288	1	0	1	1	0	1	0	0	0	0
	3367	2	0	2	1	0	1	0	0	0	0
	3377	7	2	5	1	0	0	0	0	0	1/W
	3458	2	2	0	0	1	0	1	1	0	0
	3507	2	1	1	0	1	0	1	1	0	0
	3586	1	0	1	1	0	1	0	0	0	0
	3588	4	0	4	1	0	0	0	0	0	1
	3606	1	1	0	1	0	1	0	0	0	0

STUL OF
ANCHORAGE SUPERIOR COURT CHILD CUSTODY AWARDS

For Calendar Year 1979

JUDGE	A	B	C	D	E	F	G	H	I	J	K
Carlson	3626	1	0	1	1	0	1	0	0	0	0
(Continued)	3704	2	1	1	0	1	1	0	0	0	0
	3740	2	0	2	1	0	1	0	0	0	0
	3754	2	0	2	0	1	0	0	0	1/E	0
	3767	2	2	0	0	1	0	1	1	0	0
	3835	2	1	1	1	0	1	0	0	0	0
	3907	2	2	0	1	0	1	0	0	0	0
	3909	2	0	2	1	0	0	0	0	1/W	0
	3925	2	2	0	0	1	0	1	0	0	0
	4119	1	1	0	0	1	1	0	0	0	0
	4189	1	0	1	1	0	0	1	1	0	0
	4256	4	0	4	1	0	1	0	0	0	0
	4268	3	2	1	0	1	1	0	0	0	0
	4696	2	2	0	0	1	1	0	0	0	0
	4824	1	1	0	0	1	1	0	0	0	0
	5008	1	0	1	0	1	0	1	1	0	0
	5125	2	1	1	1	0	1	0	0	0	0
	5153	2	1	1	0	1	1	0	0	0	0
	5189	1	1	0	1	0	1	0	0	0	0
	5201	2	1	1	1	0	1	0	0	0	0
	5234	2	1	1	1	0	0	1	0	0	0
	5283	2	2	0	1	0	1	0	0	0	0
	5291	3	0	3	0	1	1	0	0	0	0
	5354	2	2	0	1	0	1	0	0	0	0
	5355	3	1	2	0	1	0	1	0	0	0
	5433	2	0	2	1	0	1	0	0	0	0
	5477	2	1	1	0	1	1	0	0	0	0
	5550	1	1	0	1	0	1	0	0	0	0
	5592	2	2	0	0	1	0	1	1	0	0
	5736	2	1	1	1	0	1	0	0	0	0
	5869	2	0	2	1	0	0	0	1	1/E	0
	5995	1	0	1	0	1	1	1	1	0	0
	6010	1	0	1	1	0	1	0	0	0	0
	6120	1	1	0	0	1	1	0	0	0	0
	6188	4	3	1	1	0	1	0	0	0	0
	6328	1	1	0	0	1	0	1	1	0	0
	6335	1	0	1	1	0	1	0	0	0	0

ST. . OF
ANCHORAGE SUPERIOR COURT CHILD CUSTODY AWARDS

For Calendar Year 1979

JUDGE	A	B	C	D	E	F	G	H	I	J	K
Carlson	6529	1	1	0	1	0	1	0	0	0	0
(Continued)	6574	1	0	1	1	0	0	1	1	0	0
	6724	3	0	3	1	0	1	0	0	0	0
	6860	1	1	0	1	0	1	0	0	0	0
	6889	1	1	0	1	0	1	0	0	0	0
	6902	1	0	1	1	0	1	0	0	0	0
	6954	2	0	2	1	0	1	0	0	0	0
	6983	2	0	2	1	0	1	0	0	0	0
	7037	1	0	1	1	0	1	0	0	0	0
	7048	1	1	0	1	0	1	0	0	0	0
	7076	2	0	2	0	1	1	0	0	0	0
	7135	2	2	0	1	0	1	0	0	0	0
	7153	1	0	1	1	0	0	0	1	I/E	0
	7179	3	2	1	1	0	1	0	0	0	0
	7204	1	0	1	0	1	1	0	0	0	0
	7412	1	1	0	1	0	1	0	0	0	0
	7476	1	0	1	0	1	1	0	0	0	0
	7543	1	1	0	1	0	1	0	0	0	0
	7549	2	2	0	0	1	1	0	1	0	0
	7666	1	1	0	1	0	1	0	0	0	0
	7815	1	0	1	1	0	1	0	0	0	0
	8005	2	0	2	1	0	1	0	0	0	0
	8122	2	1	1	1	0	0	1	1	0	0
	8242	2	2	0	1	0	1	0	0	0	0
	8275	1	1	0	0	1	1	0	0	0	0
	8379	1	1	0	0	1	1	0	0	0	0
	8440	1	1	0	1	0	1	0	0	0	0
	8580	3	0	3	0	1	0	1	1	0	0
	8612	1	1	0	0	1	0	1	1	0	0
	8767	1	0	1	1	0	1	0	0	0	0
	8782	1	0	1	1	0	1	0	0	0	0
	8811	2	1	1	1	0	1	0	0	0	0
	8826	1	1	0	1	0	1	0	0	0	0
	8873	1	0	1	0	1	0	1	0	0	0
	8885	3	0	3	1	0	1	0	0	0	0
	8936	1	0	1	1	0	1	0	0	0	0

STU. OF
ANCHORAGE SUPERIOR COURT CHILD CUSTODY AWARDS

For Calendar Year 1979

JUDGE	A	B	C	D	E	F	G	H	I	J	K
Carlson	8989	2	2	0	1	0	1	0	0	0	0
(Continued)	9060	1	1	0	1	0	1	0	0	0	0
	9066	1	0	1	1	0	1	0	0	0	0
	*1992	3	0	3	0	1	0	0	0	1/W	0
	*4868	3	0	3	1	0	0	1	1	0	0
	*7863	2	0	2	1	0	1	0	0	0	0

TOTAL	153	263	116	147	102	51	120	23	11	8	2
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*Out of numerical sequence

STUD. JF
ANCHORAGE SUPERIOR COURT CHILD CUSTODY AWARDS

For Calendar Year 1980

JUDGE	A	B	C	D	E	F	G	H	I	J	K
Carlson	39	3	1	2	1	0	0	0	0	1/W	0
	67	1	0	1	0	1	1	0	0	0	0
	75	1	1	0	1	0	0	0	0	1/H	0
	134	1	0	1	1	0	1	0	0	0	0
	156	1	1	0		0	1	0	0	0	0
	169	2	1	1	0	1	1	0	0	0	0
	190	4	0	4	1	0	1	0	0	0	0
	221	1	0	1	0	1	1	0	0	0	0
	237	1	1	0	1	0	1	0	0	0	0
	249	3	0	3	1	0	1	0	0	0	0
	277	1	1	0	0	1	0	1	1	0	0
	305	1	*	*	1	0	0	1	0	0	0
	348	3	0	3	1	0	1	0	0	1/W	0
	461	1	1	0	0	1	1	0	0	0	0
	481	1	1	0	1	0	1	0	0	0	0
	594	1	1	0	0	1	0	1	1	0	0
	682	1	1	0	1	0	1	0	0	0	0
	705	2	2	0	1	0	1	0	0	0	0
	706	1	1	0	1	0	1	0	0	0	0
	708	3	1	2	1	0	0	0	0	0	1/H - 2/W
	896	1	1	0	0	0	1	0	0	0	0
	1004	1	1	0	1	0	1	0	0	0	0
	1039	1	0	1	1	0	1	0	0	0	0
	1252	3	0	3	1	0	1	0	0	0	0
	1264	3	0	3	0	1	0	1	0	0	0
	1374	1	1	0	1	0	1	0	0	0	0
	1395	2	0	2	0	1	1	0	0	0	0
	1396	1	0	1	1	0	1	0	0	0	0
	1444	2	0	2	0	0	1	0	0	0	0
	1473	1	0	1	0	1	0	1	1	0	0
	1507	1	1	0	1	0	1	0	0	0	0
	1535	2	1	1	0	1	1	0	0	0	0
	1720	1	0	1	1	0	1	0	0	0	0
	1723	1	1	0	0	1	1	0	0	0	0
	1773	1	1	0	1	0	1	0	0	0	0
	1799	1	1	0	1	0	1	0	0	0	0

STUD JF
ANCHORAGE SUPERIOR COURT CHILD CUSTODY AWARDS

For Calendar Year 1980

JUDGE	A	B	C	D	E	F	G	H	I	J	K
Carlson	1846	4	2	2	0	1	1	0	0	0	0
(Continued)	1863	1	1	0	0	1	1	0	0	0	0
	2124	1	1	0	0	1	1	0	0	0	0
	2130	3	3	0	1	0	1	0	0	0	0
	2332	1	1	0	1	0	1	0	0	0	0
	2339	2	2	0	1	0	1	0	0	0	0
	2355	1	0	1	0	1	1	0	0	0	0
	2376	1	1	0	1	0	1	0	0	0	0
	2392	2	0	2	1	0	0	0	0	1/W	0
	2629	1	1	0	0	1	1	0	0	0	0
	2715	2	2	0	0	1	1	0	0	0	0
	3007	1	0	1	1	0	1	0	0	0	0
	3031	1	1	0	1	0	1	0	0	0	0
	3037	2	0	2	1	0	1	0	0	0	0
	3043	2	0	2	1	0	0	1	1	0	0
	3099	1	1	0	1	0	1	0	0	0	0
	3169	1	1	0	1	0	1	0	0	0	0
	3945	3	2	1	1	0	1	0	0	0	0
	4053	1	1	0	1	0	1	0	0	0	0
	4056	3	0	3	1	0	1	0	0	0	0
	4111	1	1	0	1	0	0	0	0	1/E	0
	4171	2	1	1	0	1	1	0	0	0	0
	4201	2	2	0	0	1	1	0	0	0	0
	4339	1	1	0	1	0	1	0	0	0	0
	4400	1	0	1	1	0	0	0	0	1/W	0
	4404	3	0	3	0	1	1	0	0	0	0
	4504	1	1	0	1	0	1	0	0	0	0
	4585	1	1	0	1	0	1	0	0	0	0
	4656	1	1	0	1	0	1	0	0	0	0
	4681	1	0	1	1	0	1	0	0	0	0
	4722	2	0	2	0	1	1	0	0	0	0
	4779	3	1	2	0	1	0	1	1	0	0
	4883	2	2	0	1	0	1	0	0	0	0
	5050	2	2	0	1	0	0	0	0	1/W	0
	5055	1	1	0	1	0	1	0	0	0	0
	5073	1	0	1	0	1	1	0	0	0	0

STUDY OF
ANCHORAGE SUPERIOR COURT CHILD CUSTODY AWARDS

For Calendar Year 1980

JUDGE	A	B	C	D	E	F	G	H	I	J	K
Carlson	5107	1	1	0	1	0	1	0	0	0	0
(Continued)	5330	1	1	0	1	0	1	0	0	0	0
	5561	2	1	1	0	1	1	0	0	0	0
	5569	3	0	3	0	1	0	1	1	0	0
	5628	1	1	0	1	0	1	0	0	0	0
	5634	1	1	0	1	0	1	0	0	0	0
	5736	2	2	0	1	0	1	0	0	0	0
	6031	1	1	0	0	1	0	1	1	0	0
	6180	2	0	2	1	0	0	0	0	1/W	0
	6219	1	0	1	1	0	1	0	0	0	0
	6391	1	0	1	1	0	1	0	0	0	0
	6522	1	0	1	1	0	1	0	0	0	0
	6553	1	0	1	0	1	0	0	0	1/H	0
	6589	1	0	1	1	0	0	1	1	0	0
	6604	3	0	3	1	0	1	0	0	0	0
	6824	1	0	1	0	1	1	0	0	0	0
	6852	2	0	2	1	0	1	0	0	0	0
	7039	3	0	3	0	1	0	0	0	1/W	0
	7611	3	0	3	1	0	1	0	0	0	0
	7729	1	0	1	0	1	1	0	0	0	0
	7776	1	1	0	0	1	1	0	0	0	0
	7781	2	2	0	1	0	1	0	0	0	0
	8318	1	1	0	1	0	1	0	0	0	0
	8667	1	1	0	1	0	0	0	0	1	0
	*6911	1	1	0	1	0	1	0	0	0	0

TOTAL	97	153	70	82	65	32	75	10	9	11	1
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* Out of numerical sequence

STUDY F
ANCHORAGE SUPERIOR COURT CHILD CUSTODY AWARDS

For Calendar Year 1980

JUDGE	A	B	C	D	E	F	G	H	I	J	K
Hanson	3288	2	2	0	0	1	1	0	0	0	0
TOTAL	1	2	2	0	0	1	1	0	0	0	0

STU. OF
ANCHORAGE SUPERIOR COURT CHILD CUSTODY AWARDS

For Calendar Year 1979

JUDGE	A	B	C	D	E	F	G	H	I	J	K
Hodges	3020	1	0	1	0	1	1	0	0	0	0
TOTAL	1	1	0	1	0	1	1	0	0	0	0

STUDY OF
ANCHORAGE SUPERIOR COURT CHILD CUSTODY AWARDS

For Calendar Year 1980

JUDGE	A	B	C	D	E	F	G	H	I	J	K
Johnstone	562	2	2	0	1	0	1	0	0	0	0
	949	1	0	1	0	1	1	0	0	0	0
	5363	1	1	0	1	0	1	0	0	0	0
	8211	1	1	0	1	0	1	0	0	0	0
	8422	1	1	0	1	0	1	0	0	0	0
TOTAL	5	6	5	1	4	1	5	0	0	0	0

STUDY OF
ANCHORAGE SUPERIOR COURT CHILD CUSTODY AWARDS

For Calendar Year 1980

JUDGE	A	B	C	D	E	F	G	H	I	J	K
Lewis	2613	1	1	0	1	0	1	0	0	0	0
	3246	1	0	1	1	0	1	0	0	0	0
TOTAL	2	2	1	1	2	0	2	0	0	0	0

STUD. JF
ANCHORAGE SUPERIOR COURT CHILD CUSTODY AWARDS

For Calendar Year 1980

JUDGE	A	B	C	D	E	F	G	H	I	J	K
Moody	1990	3	0	3	1	0	0	0	0	1/E	0
	2767	2	0	2	1	0	0	0	0	1/W	0
	4133	2	2	0	1	0	1	0	0	0	0
	4620	1	1	0	0	1	1	0	0	0	0
	4775	1	0	1	1	0	1	0	0	0	0
	5147	3	0	3	1	0	1	0	0	0	0
	5246	2	0	2	0	1	1	0	0	0	0
	5272	1	1	0	0	1	0	1	0	0	0
	5312	2	0	2	0	1	1	0	0	0	0
	6376	1	1	0	1	0	1	0	0	0	0
	6856	1	1	0	1	0	1	0	0	0	0
	6901	1	0	1	1	0	0	0	0	*1/W	0
	6910	1	0	1	1	0	1	0	0	0	0
	7012	2	2	0	1	0	1	0	0	0	0
	7017	3	0	3	1	0	1	0	0	0	0
	7338	1	1	0	1	0	1	0	0	0	0
	7339	4	0	4	1	0	1	0	0	0	0
	7356	1	1	0	1	0	1	0	0	0	0
	7517	1	1	0	1	0	1	0	0	0	0
	7922	2	0	2	0	1	0	1	1	0	0
	7927	1	1	0	1	0	1	0	0	0	0
	8117	2	0	2	0	1	0	0	0	1/W	0
TOTAL	22	38	12	26	16	6	16	2	1	3	0

STUDY F
ANCHORAGE SUPERIOR COURT CHILD CUSTODY AWARDS

For Calendar Year 1980

JUDGE	A	B	C	D	E	F	G	H	I	J	K
Moore	1755	1	1	0	1	0	1	0	0	0	0
TOTAL	1	1	1	0	1	0	1	0	0	0	0

STUD. OF
ANCHORAGE SUPERIOR COURT CHILD CUSTODY AWARDS

For Calendar Year 1979

JUDGE	A	B	C	D	L	F	G	H	I	J	K
Ripley	888	2	0	2	1	0	1	0	0	0	0
	4308	1	0	1	0	1	1	0	0	0	0
	5215	1	0	1	1	0	0	1	0	0	0
	6155	2	2	0	0	1	1	0	0	0	0
	6990	2	1	1	0	1	1	0	0	0	0
	7560	1	1	0	1	0	1	0	0	0	0
	7874	2	1	1	1	0	0	1	0	0	0
TOTAL.	7	11	5	6	4	3	5	2	0	0	0

STU OF
ANCHORAGE SUPERIOR COURT CHILD CUSTODY AWARDS

For Calendar Year 1980

JUDGE	A	B	C	D	E	F	G	H	I	J	K	
Ripley	3578	2	1	1	0	1	0	0	0	1/E	0	
	5092	1	1	0	1	0	1	0	0	0	0	
	8077	2	0	2	0	1	1	0	0	0	0	
	8153	2	2	0	1	0	1	0	0	0	0	
TOTAL		4	7	4	3	2	2	3	0	0	1	0

STU: OF
ANCHORAGE SUPERIOR COURT CHILD CUSTODY AWARDS

For Calendar Year 1980

JUDGE	A	B	C	D	E	F	G	H	I	J	K
Rowland	1437	2	0	2	0	1	1	0	0	0	0
	8082	7	2	5	1	0	1	0	0	0	0

TOTAL	2	9	2	7	1	1	2	0	0	0	0
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COURT OF
ANCHORAGE SUPERIOR COURT CHILD CUSTODY AWARDS

For Calendar Year 1980

JUDGE	A	B	C	D	E	F	G	H	I	J	K
Shortell	4827	1	1	0	1	0	1	0	0	0	0
	5748	2	2	0	1	0	1	0	0	0	0
	7263	2	0	2	0	1	1	0	0	0	0
TOTAL	3	5	1	2	2	1	3	0	0	0	0