

ALASKA LEGISLATURE COMMITTEE FILES 1981-1982 86/2

1338 HESS HB 210 (#1) 338

STUDY OF
ANCHORAGE SUPERIOR COURT CHILD CUSTODY AWARDS

For Calendar Year 1979

JUDGE	A	B	C	D	E	F	G	H	I	J	K
Singleton	1933	3	1	2	1	0	1	0	0	0	0
	3474	1	1	0	1	0	1	0	0	0	0
	3785	1	0	1	0	1	1	0	0	0	0
	6122	1	1	0	1	0	1	0	0	0	0
	7468	2	2	0	1	0	1	0	0	0	0
	7644	1	1	0	0	1	1	0	0	0	0
	7949	4	2	2	1	0	1	0	0	0	0
TOTAL	7	13	8	5	5	2	7	0	0	0	0

STATUS OF
ANCHORAGE SUPERIOR COURT CHILD CUSTODY AWARDS

For Calendar Year 1979

JUDGE	A	B	C	D	E	F	G	H	I	J	K
Souter	2057	4	3	1	1	0	1	0	0	0	0
	8095	3	0	3	1	0	1	0	0	0	0
TOTAL	2	7	3	4	2	0	2	0	0	0	0

STUI OF
ANCHORAGE SUPERIOR COURT CHILD CUSTODY AWARDS

For Calendar Year 1980

JUDGE	A	B	C	D	E	F	G	H	I	J	K
Souter	1877	1	0	1	0	1	1	0	0	0	0
	1927	2	1	1	1	0	0	0	0	1/W	0
	2240	1	1	0	1	0	1	0	0	0	0
	4265	2	0	0	2	1	0	1	0	0	0
	5421	6	2	2	4	0	1	1	0	0	0
TOTAL	5	12	4	8	3	2	4	0	0	1	0

STUDY OF
ANCHORAGE SUPERIOR COURT CHILD CUSTODY AWARDS

For Calendar Year 1979

SUMMARY

JUDGE	A	B	C	D	E	F	G	H	I	J	K
Buckalew	1	1	1	0	1	0	1	0	0	0	0
Carlson	153	263	116	147	102	51	120	23	11	8	2
Hodges	1	1	0	1	0	1	0	1	0	0	0
Johnstone	9	13	4	9	3	6	0	9	0	0	0
Lewis	6	11	8	3	3	3	0	6	0	0	0
Moody	6	11	4	7	5	1	1	4	1	0	1
Ripley	7	11	5	6	4	3	2	5	0	0	0
Rowland	7	11	2	9	2	5	0	7	0	0	0
Singleton	7	13	8	5	5	2	0	7	0	0	0
Souter	2	7	3	4	2	0	0	2	0	0	0

TOTAL	199	342	151	191	127	72	161	27	12	8	3
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STUDY OF
ANCHORAGE SUPERIOR COURT CHILD CUSTODY AWARDS

For Calendar Years 1979-1980

SUMMARY

JUDGE	A	B	C	D	E	F	G	H	I	J	K
Buckalew	3	4	4	0	3	0	1	2	0	0	0
Carlson	250	416	186	229	167	83	195	33	20	19	3
Hodges	1	1	0	1	0	1	0	1	0	0	0
Hinson	1	2	2	0	0	1	0	1	0	0	0
Johnstone	14	19	9	10	7	7	0	14	0	0	0
Lewis	8	13	9	4	5	3	0	8	0	0	0
Moody	28	49	16	33	21	7	3	20	2	4	1
Moore	1	1	1	0	1	0	0	1	0	0	0
Ripley	11	18	9	9	6	5	2	8	0	1	0
Rowland	9	20	4	16	3	6	0	9	0	0	0
Shortell	3	5	3	2	2	1	0	3	0	0	0
Singleton	7	13	8	5	5	2	0	7	0	0	0
Souter	7	19	7	12	5	2	0	6	0	1	0

TOTAL	343	580	258	321	225	118	275	39	22	25	4
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STUD. F
ANCHORAGE SUPERIOR COURT CHILD CUSTODY AWARDS

For Calendar Years 1979-1980

Buckalew

	1979			1980			TOTAL					
	1	OF	%	2	OF	%	3	OF	%			
Number of Cases	1	OF	199	0.5	2	OF	144	1.4	3	OF	343	0.9
Wife Awarded Custody	0		1	0.0	2		2	100.0	2		3	66.7
Wife Started Action					2		2	100.0	2		2	100.0
Husband Started Action					0		2	0.0	0		2	0.0
Husband Awarded Custody	1		1	100.0	0		2	0.0	1		3	33.3
Wife Started Action	1		1	100.0								
Husband Started Action	0		1	0.0								
Wife Abandonment	0		1	0.0								
Husband/Wife Agreement Before Court Decision	0		1	0.0								
Wife Waived Rights/Failure to Appear	0		1	0.0								
**Court Award Rate to Husband	1		1	100.0	0		0	0.0	1		3	33.3
Joint Custody Awarded	0		1	0.0	0		2	0.0	0		3	0.0
Wife Awarded Physical Custody												
Husband Awarded Physical Custody												
Equal Custody-Physical Awarded												
Split Custody Awarded	0		1	0.0	0		2	0.0	0		3	0.0
Children Involved	Under 6/Over 6			Under 6/Over 6			Under 6/Over 6					
	1		0	3		0	4		0			

STUDY OF
ANCHORAGE SUPERIOR COURT CHILD CUSTODY AWARDS

For Calendar Years 1979-1980

Carlson

	1979			1980			TOTAL		
	153	OF 199	% 76.9	97	OF 144	% 67.4	250	OF 343	% 72.9
Number of Cases									
Wife Awarded Custody	120	153	78.4	75	97	77.3	195	250	78.0
Wife Started Action	89	120	74.2	53	75	70.7	142	195	72.8
Husband Started Action	31	120	25.8	22	75	29.3	53	195	27.2
Husband Awarded Custody	23	153	15.0	10	97	10.3	33	250	13.2
Wife Started Action	6	23	26.1	2	10	20.0	8	33	24.2
Husband Started Action	17	23	73.9	8	10	80.0	25	33	75.8
Wife Abandonment	3	23	13.0	3	10	30.0	6	33	18.2
Husband/Wife Agreement Before Court Decision	10	23	43.5	2	10	20.0	12	33	36.4
Wife Waived Rights/Failure to Appear	7	23	30.4	4	10	40.0	11	33	33.3
**Court Award Rate to Husband	3	133	2.3	1	88	1.1	4	221	1.8
Joint Custody Awarded	8	153	5.2	11	97	11.3	19	250	7.6
Wife Awarded Physical Custody	4	8	50.0	8	11	72.7	12	19	63.2
Husband Awarded Physical Custody	0	8	0.0	2	11	18.2	2	19	10.5
Equal Custody-Physical Awarded	4	8	50.0	1	11	9.1	5	19	26.3
Split Custody Awarded	2	153	1.3	1	97	1.0	3	250	1.2
Children Involved	Under 6/Over 6 116 147			Under 6/Over 6 70 82			Under 6/Over 6 186 229		
*UNRESOLVED AGE				*1					

STUL JF
ANCHORAGE SUPERIOR COURT CHILD CUSTODY AWARDS

For Calendar Years 1979-1980

Hanson

	1979		%	1980		%	TOTAL		%
	0	OF 191		1	OF 144		1	OF 343	
Number of Cases			0.0	1	144	0.7	1	343	0.3
Wife Awarded Custody				1	1	100.0	1	1	100.0
Wife Started Action				0	1	0.0	0	1	0.0
Husband Started Action				1	1	100.0	1	1	100.0
Husband Awarded Custody				0	1	0.0	0	1	0.0
Wife Started Action									
Husband Started Action									
Wife Abandonment									
- Husband/Wife Agreement Before Court Decision									
Wife Waived Rights/Failure to Appear									
**Court Award Rate to Husband				0	0	0.0	0	0	0.0
Joint Custody Awarded				0	1	0.0	0	1	0.0
Wife Awarded Physical Custody									
Husband Awarded Physical Custody									
Equal Custody-Physical Awarded									
Split Custody Awarded				0	1	0.0	0	1	0.0
Children Involved	Under 6/Over 6 0 0			Under 6/Over 6 2 0			Under 6/Over 6 2 0		

STUD. OF
ANCHORAGE SUPERIOR COURT CHILD CUSTODY AWARDS

For Calendar Years 1979-1980

Hodges

	1979			1980			TOTAL					
	1	OF	%	1	OF	%	1	OF	%			
Number of Cases	1	OF	199	0.5	0	OF	144	0.0	1	OF	343	0.3
Wife Awarded Custody	1		1	100.0					1		1	100.0
Wife Started Action	0		1	0.0					0		1	0.0
Husband Started Action	1		1	100.0					1		1	100.0
Husband Awarded Custody	0		1	0.0					0		1	0.0
Wife Started Action												
Husband Started Action												
Wife Abandonment												
Husband/Wife Agreement Before Court Decision												
Wife Waived Rights/Failure to Appear												
**Court Award Rate to Husband	0		0	0.0					0		0	0.0
Joint Custody Awarded	0		1	0.0					0		1	0.0
Wife Awarded Physical Custody												
Husband Awarded Physical Custody												
Equal Custody-Physical Awarded												
Split Custody Awarded	0		1	0.0					0		1	0.0
Children Involved	Under 6/Over 6			Under 6/Over 6			Under 6/Over 6					
	0		1	0		0	0		0		1	

STUD. OF
ANCHORAGE SUPERIOR COURT CHILD CUSTODY AWARDS

For Calendar Years 1979-1980

Johnstone

	1979			1980			TOTAL		
	9	OF	199	5	OF	144	14	OF	343
Number of Cases			4.5			3.5			4.1
Wife Awarded Custody	9		100.0	5	5	100.0	14		100.0
Wife Started Action	3		33.3	4	5	80.0	7		50.0
Husband Started Action	6		66.7	1	5	20.0	7		50.0
Husband Awarded Custody	0		0.0	0	5	0.0	0		0.0
Wife Started Action									
Husband Started Action									
Wife Abandonment									
Husband/Wife Agreement Before Court Decision									
Wife Waived Rights/Failure to Appear									
**Court Award Rate to Husband	0		0.0	0	0	0.0	0		0.0
Joint Custody Awarded	0		0.0	0	5	0.0	0		0.0
Wife Awarded Physical Custody									
Husband Awarded Physical Custody									
Equal Custody-Physical Awarded									
Split Custody Awarded	0		0.0	0	5	0.0	0		0.0
Children Involved	Under 6/Over 6 4 9			Under 6/Over 6 5 1			Under 6/Over 6 9 10		

STUDY OF
ANCHORAGE SUPERIOR COURT CHILD CUSTODY AWARDS

For Calendar Years 1979-1980

Lewis

	1979			%	1980			%	TOTAL			%
	6	OF	199		2	OF	144		8	OF	343	
Number of Cases	6		199	3.0	2		144	1.4	8		343	2.3
Wife Awarded Custody	6		6	100.0	2		2	100.0	8		8	100.0
Wife Started Action	3		6	50.0	2		2	100.0	5		8	62.5
Husband Started Action	3		6	50.0	0		2	0.0	3		8	37.5
Husband Awarded Custody	0		6	0.0	0		6	0.0	0		8	0.0
Wife Started Action												
Husband Started Action												
Wife Abandonment												
Husband Wife Agreement Before Court Decision												
Wife Waived Rights/Failure to Appear												
**Court Award Rate to Husband	0		0	0.0	0		0	0.0	0		0	0.0
Joint Custody Awarded	0		6	0.0	0		2	0.0	0		8	0.0
Wife Awarded Physical Custody												
Husband Awarded Physical Custody												
Equal Custody-Physical Awarded												
Split Custody Awarded	0		6	0.0	0		2	0.0	0		8	0.0
Children Involved	Under 6/Over 6 8 3				Under 6/Over 6 1 1				Under 6/Over 6 9 4			

STUD. JF
ANCHORAGE SUPERIOR COURT CHILD CUSTODY AWARDS

For Calendar Years 1979-1980

Moody

	1979			%			1980			%			TOTAL			%		
	6	OF	199				22	OF	144				28	OF	343			
Number of Cases	6	OF	199		3.0		22	OF	144		15.3		28	OF	343		8.2	
Wife Awarded Custody	4		6		66.7		16		22		72.7		20		28		71.4	
Wife Started Action	3		4		75.0		13		16		81.3		16		20		80.0	
Husband Started Action	1		4		25.0		3		16		18.7		4		20		20.0	
Husband Awarded Custody	1		6		16.7		2		22		9.1		3		28		10.7	
Wife Started Action	1		1		100.0		0		2		0.0		1		3		33.3	
Husband Started Action	0		1		0.0		2		2		100.0		2		3		66.7	
Wife Abandonment	0		1		0.0		1		2		50.0		1		3		33.3	
Husband/Wife Agreement Before Court Decision	1		1		100.0		0		2		0.0		1		3		33.3	
Wife Waived Rights/Failure to Appear	0		1		0.0		0		2		0.0		0		3		0.0	
**Court Award Rate to Husband	0		5		0.0		1		21		4.8		1		26		3.8	
Joint Custody Awarded	0		6		0.0		4		22		18.9		4		28		14.3	
Wife Awarded Physical Custody							2		4		50.0		2		4		50.0	
Husband Awarded Physical Custody							0		4		0.0		0		4		0.0	
Equal Custody-Physical Awarded							1		4		25.0		1		4		25.0	
*Unknown Physical Custody Awarded (Records Sealed)							1		4		25.0		1		4		25.0	
Split Custody Awarded	1		6		16.7		0		22		0.0		1		28		3.6	
Children Involved	Under 6/Over 6			Under 6/Over 6			Under 6/Over 6			Under 6/Over 6			Under 6/Over 6			Under 6/Over 6		
	4 7			12 26			16 26			16 33			16 33			16 33		

STUD. 7
ANCHORAGE SUPERIOR COURT CHILD CUSTODY AWARDS

For Calendar Years 1979-1980

Moore

	1979			%	1980			%	TOTAL			%
	0	OF	199		1	OF	144		1	OF	343	
Number of Cases	0	OF	199	0.0	1	OF	144	0.7	1	OF	343	0.3
Wife Awarded Custody					1		1	100.0	1		1	100.0
Wife Started Action					1		1	100.0	1		1	100.0
Husband Started Action					0		1	0.0	0		1	0.0
Husband Awarded Custody					0		1	0.0	0		1	0.0
Wife Started Action												
Husband Started Action												
Wife Abandonment												
Husband/Wife Agreement Before Court Decision												
Wife Waived Rights/Failure to Appear												
**Court Award Rate to Husband					0		0	0.0	0		0	0.0
Joint Custody Awarded					0		0	0.0	0		0	0.0
Wife Awarded Physical Custody												
Husband Awarded Physical Custody												
Equal Custody-Physical Awarded												
Split Custody Awarded					0		0	0.0	0		0	0.0
Children Involved	Under 6/Over 6				Under 6/Over 6				Under 6/Over 6			
	0		0		1		0		1		0	

STUDY OF
ANCHORAGE SUPERIOR COURT CHILD CUSTODY AWARDS

For Calendar Years 1979-1980

Ripley

	1979			1980			TOTAL		
	7 OF 199	%		4 OF 144	%		11 OF 343	%	
Number of Cases	7		3.5	4		2.8	11		3.2
Wife Awarded Custody	5	7	71.4	3	4	75.0	8	11	72.7
Wife Started Action	2	5	40.0	2	3	66.7	4	8	50.0
Husband Started Action	3	5	60.0	1	3	33.3	4	8	50.0
Husband Awarded Custody	2	7	28.6	0	4	0.0	2	11	18.2
Wife Started Action	2	2	100.0				2	2	100.0
Husband Started Action	0	2	0.0				0	2	0.0
Wife Abandonment	0	2	0.0				0	2	0.0
Husband/Wife Agreement Before Court Decision	0	2	0.0				0	2	0.0
Wife Waived Rights/Failure to Appear	0	2	0.0				0	2	0.0
**Court Award Rate to Husband	2	7	28.6	0	4	0.0	2	11	18.2
Joint Custody Awarded	0	7	0.0	1	4	25.0	1	11	9.1
Wife Awarded Physical Custody				0	1	0.0	0	1	0.0
Husband Awarded Physical Custody				0	1	0.0	0	1	0.0
Equal Custody-Physical Awarded				1	1	100.0	1	1	100.0
Split Custody Awarded	0	7	0.0	0	4	0.0	0	11	0.0
Children Involved	Under 6/Over 6 5/6			Under 6/Over 6 4/3			Under 6/Over 6 9/9		

STUD. JF
ANCHORAGE SUPERIOR COURT CHILD CUSTODY AWARDS

For Calendar Years 1979-1980

Rowland

	1979			1980			TOTAL		
	7 OF 199	%		2 OF 144	%		9 OF 313	%	
<u>Number of Cases</u>	7	3.5		2	1.4		9	2.6	
<u>Wife Awarded Custody</u>	7	100.0		2	100.0		9	100.0	
<u>Wife Started Action</u>	2	28.6		1	50.0		3	33.3	
<u>Husband Started Action</u>	5	71.4		1	50.0		6	66.7	
<u>Husband Awarded Custody</u>	0	0.0		0	0.0		0	0.0	
<u>Wife Started Action</u>									
<u>Husband Started Action</u>									
<u>Wife Abandonment</u>									
<u>Husband/Wife Agreement Before Court Decision</u>									
<u>Wife Waived Rights/Failure to Appear</u>									
<u>**Court Award Rate to Husband</u>	0	0.0		0	0.0		0	0.0	
<u>Joint Custody Awarded</u>	0	0.0		0	0.0		0	0.0	
<u>Wife Awarded Physical Custody</u>									
<u>Husband Awarded Physical Custody</u>									
<u>Equal Custody-Physical Awarded</u>									
<u>Split Custody Awarded</u>	0	0.0		0	0.0		0	0.0	
<u>Children Involved</u>	Under 6/Over 6 2 9			Under 6/Over 6 2 7			Under 6/Over 6 4 16		

STU OF
ANCHORAGE SUPERIOR COURT CHILD CUSTODY AWARDS

For Calendar Years 1979-1980

Shortell

	1979			1980			TOTAL		
	OF	199	%	OF	144	%	OF	343	%
Number of Cases	0	199	0.0	3	144	2.1	3	343	0.9
Wife Awarded Custody				3	3	100.0	3	3	100.0
Wife Started Action				2	3	66.7	2	3	66.7
Husband Started Action				1	3	33.3	1	3	33.3
Husband Awarded Custody				0	3	0.0	0	3	0.0
Wife Started Action									
Husband Started Action									
Wife Abandonment									
Husband/Wife Agreement Before Court Decision									
Wife Waived Rights/Failure to Appear									
**Court Award Rate to Husband				0	0	0.0	0	0	0.0
Joint Custody Awarded				0	3	0.0	0	3	0.0
Wife Awarded Physical Custody									
Husband Awarded Physical Custody									
Equal Custody-Physical Awarded									
Split Custody Awarded				0	3	0.0	0	3	0.0
Children Involved	Under 6/Over 6 0 0			Under 6/Over 6 3 2			Under 6/Over 6 3 2		

STU OF
ANCHORAGE SUPERIOR COURT CHILD CUSTODY AWARDS

For Calendar Years 1979-1980

Singleton

	1979			%	1980			%	TOTAL			%
	7	OF	199		0	OF	144		7	OF	343	
Number of Cases	7	OF	199	3.5	0	OF	144	0.0	7	OF	343	2.0
Wife Awarded Custody	7			100.0					7		7	100.0
Wife Started Action	5		7	71.4					5		7	71.4
Husband Started Action	2		7	28.6					2		7	28.6
Husband Awarded Custody	0		7	0.0					0		7	0.0
Wife Started Action												
Husband Started Action												
Wife Abandonment												
Husband/Wife Agreement Before Court Decision												
Wife Waived Rights/Failure to Appear												
**Court Award Rate to Husband	0		0	0.0					0		0	0.0
Joint Custody Awarded	0		7	0.0					0		7	0.0
Wife Awarded Physical Custody												
Husband Awarded Physical Custody												
Equal Custody-Physical Awarded												
Split Custody Awarded	0		7	0.0					0		7	0.0
Children Involved	Under 6/Over 6				Under 6/Over 6				Under 6/Over 6			
	8		5		0		0		8		5	

STUD OF
ANCHORAGE SUPERIOR COURT CHILD CUSTODY AWARDS

For Calendar Years 1979-1980

Souler

	1979			1980			TOTAL		
	2	OF 199	%	5	OF 144	%	7	OF 343	%
Number of Cases	2	OF 199	1.0	5	OF 144	3.5	7	OF 343	2.0
Wife Awarded Custody	2	2	100.0	4	5	80.0	6	7	85.7
Wife Started Action	2	2	100.0	2	4	50.0	4	6	66.7
Husband Started Action	0	2	0.0	2	4	50.0	2	6	33.3
Husband Awarded Custody	0	2	0.0	0	5	0.0	0	7	0.0
Wife Started Action									
Husband Started Action									
Wife Abandonment									
Husband/Wife Agreement Before Court Decision									
Wife Waived Rights/Failure to Appear									
**Court Award Rate to Husband	0	0	0.0	0	0	0.0	0	0	0.0
Joint Custody Awarded	0	2	0.0	1	5	20.0	1	7	14.3
Wife Awarded Physical Custody				1	1	100.0	1	1	100.0
Husband Awarded Physical Custody				0	1	0.0	0	1	0.0
Equal Custody-Physical Awarded				0	1	0.0	0	1	0.0
Split Custody Awarded	0	2	0.0	0	5	0.0	0	7	0.0
Children Involved	Under 6/Over 6 3 4			Under 6/Over 6 4 8			Under 6/Over 6 7 12		

STUD. OF
ANCHORAGE SUPERIOR COURT CHILD CUSTODY AWARDS

For Calendar Years 1979-1980

SUMMARY

All Judges

	1979		%	1980		%	TOTAL		%
Contested Divorce Cases Involving Custody	199 OF 317		62.8	144 OF 249		57.8	343 OF 566		60.6
Wife Awarded Custody	161	199	80.9	114	144	79.2	275	343	80.2
Wife Started Action	109	161	67.7	82	114	71.9	191	275	69.5
Husband Started Action	52	161	32.3	32	114	28.1	84	275	30.5
Husband Awarded Custody	27	199	13.6	12	144	8.3	39	343	11.4
Wife Started Action	10	27	37.0	2	12	16.7	12	39	30.7
Husband Started Action	17	27	63.0	10	12	83.3	27	39	69.2
Wife Abandonment	3	27	11.1	4	12	33.3	7	39	17.9
Husband/Wife Agreement Before Court Decision	11	27	40.7	2	12	16.7	13	39	33.3
Wife Waived Rights/Failure to Appear	7	27	25.9	4	12	33.3	11	39	28.2
**Court Award Rate to Husband	6	178	3.4	2	134	1.5	8	312	2.6
Joint Custody Awarded	8	199	4.0	17	144	11.8	25	343	7.3
Wife Awarded Physical Custody	4	8	50.0	11	17	64.7	15	25	60.0
Husband Awarded Physical Custody	0	8	0.0	2	17	11.8	2	25	8.0
Equal Custody-Physical Awarded	4	8	50.0	3	17	17.6	7	25	28.0
*Unknown Physical Custody (Records Sealed)	0	8	0.0	1	17	5.9	1	25	4.0
Split Custody Awarded	3	199	1.5	1	144	0.7	4	343	1.2
Children Involved	Under 6/Over 6			Under 6/Over 6			Under 6/Over 6		
*UNRESOLVED AGE	151	191		107	130		258	321	

WITNESSES FOR
HOUSE H.E.S.S. MEETINGS

NAME	ADDRESS/PHONE	REPRESENTING
①		
② Jim Lynch		Self - Custody Attorney
③		
④		
⑤ Pope Welch		
⑥ Joyce Rivers		
⑦ Rudy Johnson		Equal Rights for Fathers
⑧ Dana Hallett		Kernan witness
⑨ THAD BUSHUE		EQUAL RIGHTS FOR FATHERS
⑩ Wm H Fyfe	733 W 6th St	Self - Divorce Attorney
Margaret Weisner		
Job Hammer		Equal Rights for Fathers of World



DATE: 11-20-81
 SITE/LOCATION: Anchorage
 SPONSOR/SUBJECT: H. HESS
 HB 210

BROADCAST CONSENT: This teleconference may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by initialing appropriate box.

NAME/REPRESENTING	ADDRESS	PHONE	HERE TO PARTICIPATE	BROADCAST CONSENT	HERE TO OBSERVE
ROBERT D. TALMAGE	SRA BOX 15540 ANCH. AK	945-3126			X
② State Coordinator for the National Organization for Women Joyce Mansfield Rivers	3941 W 42nd Place Anchorage AK 99503	W-264-7918 H-248-2909	✓	✓	
Christina Callahan	AK Com. in State of Alaska 708 Newcomb St, P.O. Box 99501				X
① Pope Welch					
② Equal Rights Fathers Lindy Johnson	Box 4-1646 Anch 99509	333-6693	✓	✓	
Gene Signe	733 W 16th Ave	272-4152			✓
Ed Tataruk	4029 Lois Dr #c	272-3333			✓
Barla F Huntington	519 Delaney	277-9500			✓
William Handol	12435 OXNARD ST. W. HOLLYWOOD CA 91606	(213) 9809413	✓	✓	✓
William Hatcher	303 K Street Anchorage	267-0910	✓	✓	
John Reese	920 W 6th Anchorage	276-5231	✓	✓	
Margaret Hartley	2507 E. 1st St.				✓
Dana Howlett	Kenai		✓	✓	
Lore + Elizabeth Walsh	3104 Brookside Dr	288-4825	✓	✓	

- 7:05 ① Dave Walsh ✓ - all for IT.
- 715 ② Joyce Rivers ✓ - now. OK; few concerns.
- 745 ③ Thad Bushnell ✓ - Equal Rts. for fathers in OH. - 7.3% JC
- 810 ④ Larry Carter ✓ - yes.
- 815 ⑤ William Fuld ✓ att. Favors Bill. Will work on it. Adv. rec.
- 840 ⑥ Rudy Johnson ✓ yes Pres ERFF
- 907 ⑦ Jim Borden ✓ yes JC applied for now.
- 915 ⑧ Don Westerman ✓
- 800 ⑨ Carla Huntington ✓ - closed & did in crisis. No to presumption. prefers option.

Divorce does not mean divorce children.
 Custody law is for "best interest of children".

- ⑩ ~~Larry~~
- 921 Bob HAMMER ✓ ERFF
- 930 Pat " ✓ ERFF

MSG 81-00004761 PRTY 1 11 20/81 14:54:17 ORIG: LL00 IN= 0004 OUT= 0048
FROM: DEE/SOLDOTNA TO: ANCH.
TARGET: LAHO SUBJ: HOUSE HESS T/C 11/20/81 PAGE 0001

SOLDOTNA WILL HAVE;

JOAN BENNETT SCHRADER--BOX 1264 KENAI

①
Soldotna

Revised 3.0 8/88 14-987

Barrow

MSG: 81-00004763 PRTY 1 11/20/81 15:16:17 ORIG: LR00 IN= 0004 OUT= 0002
FROM: FLORENCE IN BARROW TO: MICKI, ANCH T/C
TARGET: LAH2 SUBJ: PARTICIPANTS FOR T/C PAGE 000

THESE PEOPLE ARE HERE AND WOULD LIKE TO PARTICIPATE:
LINDA WINGENBACH, ALASKA LEGAL SERVICES, BOX 309, BARROW, AK 852-2311

①
HERE TO OBSERVE: LENA BAKER, FAMILY AND YOUTH SERVICES, DEPT. OF HEALTH
AND SOCIAL SERVICES, NORTH SLOPE BOROUGH. BOX 69, BARROW, 852-5600. EXT. 325

*****HELP*****
ANCHORAGE IS DRIFTING IN AND OUT OF BARROW'S LTN.
FAIRBANKS SOUNDED VERY LOUD BEFORE AND ANCHORAGE WAS WEAK AND I NOW HAVE
IT UP TO 10 TO HEAR!!!!

MSG 81-00004766 PRTY 1 11/20/81 15:27:34 ORIG: LR00 IN= 0005 OUT= 0003
FROM: FLORENCE IN BARROW TO: MICKI, ANCH
TARGET: LAH2 SUBJ: PARTICIPANTS PAGE 000

STILL HAVING SOUND OF SPEAKERS DRIFTING IN VOLUME.

②
WILLIE WILLOYA, INUPIAT COMMUNITY OF THE ARCTIC SLOPE, BOX 437, BARROW, AK
852-2411

③
ALSO: JOHN HOLMES FROM ALASKA LEGAL SERVICES WILL BE HERE AT 3:00
AND WOULD LIKE TO TESTIFY. HE WON'T BE ABLE TO BE THERE UNTIL THEN BECAUSE
OF WORK CONFLICT.

④
ALSO HERE IS: JANE NELSON, CLERK AT U.S. DISTRICT COURT, BOX 270, BARROW
AK 852-4800, AND SHE WOULD LIKE TO OBSERVE AND MAY WANT TO PARTICIPATE.

5

MSG 81-00004797 PRTY 1 11/20/81 17:09:18 ORIG: LF00 IN= 0009 OUT= 0009
FROM: MAXINE/FBX TO: MICKI ANCH T/C
TARGET: LAH2 SUBJ: HOUSE HE.E.S.S T/C 1/20 PAGE 0001

FBX PARTICIPANTS CONT.

6. J. B. MATHEWS, 903 KOYOKUK N. FBX 99701 PH. 479-8380
7. CHARLOTTE HOK, BOX 81986, FBX 99708 PH. 479-2695

----TO BE CONT-----

MS5 81-00004796 PRTY 1 11/20/81 16:53:36 ORIG: LF00 IN= 0008 OUT= 0007
FROM: MAXINE/FBX TO: MICKI, ANCH I/C
TARGET: LAH2 SUBJ: H. HESS CMTE T/C 11/20 PAGE 0001

FBX PARTICIPANTS:

1. LARRY SWEET, 1850 ROBERT RD, FBX 99701 PH. 479-6762
2. RUTH LISTER, 302 CHARLES ST., FBX 99701
3. DR. JUDITH B HARVEY, BOX 82254, COLLEGE 99708, PH 488 2335
4. KEITH E BUSCH, BOX 2556, FBX 99707 PH. 456-6336
5. VALERIE THERRIEN, 779-8TH AVE. FBX 99701 PH. 456-8113

----- TO BE CONTINUED -----

MSG 82-00004757 PRTY 1 01/29/82 14:43:24 ORIG: LF01 IN= 0005 OUT= 0001
FROM: ANNIE IN FAIRBANKS TO: JUNEAU T/C
TARGET: LJH9 SUBJ: HOUSE HESS/CHILD CUSTODY T/C 1/29/82 PAGE 0001

THE FOLLOWING WISH TO TESTIFY:

1. SHIRLEY R. DEAN, BOX 2541, FAIRBANKS 99701
2. CARLA SLAUGHTER TIMPONE, ALSKA COMMISSION ON THE STATUS OF WOMEN,
P. O. BOX 2541, FAIRBANKS 99707 456-1132

THESE PEOPLE CAME EARLY IN THE HOPES OF BEING ABLE TO SPEAK ASAP.

MSG 82-00004763 PRTY 1 01/29/82 14:58:13 ORIG: LR00 IN= 0006 OUT= 0002
FROM: FLORENCE IN BARROW TO: JACK AND JUNEAU T/C
TARGET: LJH9 SUBJ: PARTICIPANT PAGE 0001

JOHN HOLMES, REPRESENTING HIMSELF, BOX 309, BARROW AK.

I AM EXPECTING WILLIE WILLOYA, INUPIAT COMMUNITY OF THE ARCTIC SLOPE, BOX 437.
HE WILL BE ARRIVING FROM ATQASUK ON THE PLANE DUE IN AROUND 1:30. I WILL LET
YOU KNOW WHEN HE ARRIVES.

MSG 82-00004768 PRTY 1 01/29/82 15:01:43 ORIG: LR00 IN= 0007 OUT= 0007
FROM: FLORENCE IN BARROW TO: JUNEAU T/C
TARGET: LJH9 SUBJ: URGENT REQUEST! PAGE 0001

REGARDING OMNI # 4753!!!! DID YOU RECEIVE IT AND DO YOU HAVE AN ANSWER???

PLEASE ACKNOWLEDGE!

MSG 82-00004772 PRTY 1 01/29/82 15:04:24 ORIG: LR00 IN= 0008 OUT= 0003
FROM: FLORENCE IN BARROW TO: JACK, JUNEAU T/C
TARGET: LJH9 SUBJ: OBSERVER PAGE 0001

MILDRED AKPIK, BARROW DISTRICT COURT, BOX 270, BARROW AK.

Rec'd
MAR 3 1981

*file
H 3 210*

MSG 81-00006447 PRTY 1 03/02/81 15:40:00 ORIG: LF00 IN= 0006 OU = 0060
FROM: ANNIE IN FAIRBANKS TO: JUNEAU INFO.
TARGET: LJH2 SUBJ: POM PAGE 0001

TO: HOUSE HESS COMM. REPS. CLOCKSIN, CATO, DUNCAN, BEIRNE, AND MARTIN
HOUSE JUDICIARY; REPS. BROWN, CHUCKWUK, O'CONNELL
ALSO REPS. SMITH, FANNING, RANDOLPH AND BETTISWORTH
ALSO SENS. BENNETT, FAHRENKAMP, FERGUSON, FISCHER AND PARR

FROM: LARRY SWEET, 1850 ROBERTS ROAD, FAIRBANKS 99701 PHONE 479-6762

HOUSE BILL 210 BY ROGERS AND GARDINER ESTABLISHING AND FORMALIZING SHARED
CUSTODY OF CHILDREN IS ONE OF THE MOST PROGRESSIVE BILLS TO BE INTRODUCED
AND WILL HAVE SIGNIFICANT FAR RANGING POSITIVE EFFECTS ON CHILDREN, PARENTS,
AND THE PROBLEM OF ADEQUATE CHILD SUPPORT.

PLEASE GIVE IT YOUR FULL SUPPORT.

Marko Lewis - Mom's House- Dad's House- Box 136- Hyder, Ak. 99923
Feb. 4, 1982

To HESS

The committee substitute for HB 210 does not serve the legislative intent for which it was designed. It in no statutory way encourages frequent and continuing and meaningful relationships between both parents and children after divorce, and instead of decreasing points for litigation, actually encourages litigation. It is no surprise that it encourages litigation- it was rewritten to please the legal community. The problem is that the legal community knows very little about child development or child psychology.

A recent California study by Everett Q. Pojean, Ph. D. "Emotional Adjustment of Boys in Sole Custody and Joint Custody Divorces Compared With Adjustment of Boys in Happy & Unhappy Marriages." shows that there is much better adjustment and psychological health in joint custody children than sole custody children. This is just one recent study of many which show similar results. SHARED CUSTODY IS BETTER FOR CHILDREN.

Another study by Alexander and Elfield in the American Journal of Psychiatry " Does Joint Custody Work? A First Look at Outcome Data of Reconciliation " shows that when joint custody is decreed by the court over the objection of one parent there are FEWER RE-LITIGATIONS RETURNING TO COURT THAN SOLE CUSTODY DECREES.

If HB 210 is to serve its intent it must SHOW A STATUTORY PREFERENCE FOR SHARED CUSTODY. IT MUST PLACE THE BURDEN OF PROOF ON A PARENT WHO WISHES TO DENY A CHILD EQUITABLE CONTACT WITH THE OTHER PARENT.

Marko Lewis- Mom's House-Dad's House- Box 136
Hyder, Alaska 99923 Feb. 5, 1982

I have reworked the draft copy of the committee substitute to reflect these needs, by making a ~~mandatory~~ preference for shared custody instead of a ~~mandatory~~ presumption. I have also further clarified the definition of shared custody. I have added the 'Factors for consideration by the court' the words 'in its implementation'. If all these factors must be considered BEFORE an award of shared custody there will be more than ample factors for disagreement and litigation. The proper time to consider these factors is AFTER THE AWARD. I have also added a new section on parents leaving the state, more or less copied from a Wisconsin statute. This is necessary to keep a parent from circumventing a court order simply by leaving the state...and certainly such a big change should be cause for reconsideration of the mechanics of sharing or custody/visitation arrangements.

In conclusion, the committee substitute is a bad bill. It doesnot serve the legislative intent, it doesnot reflect the need of children to have a relationship with both parents, it doesnot do anything to lessen the likelihood of litigation. It does not presume that parents are equal before the law. It continues to assure lengthy and recurring litigation and the ultimate destruction of at least one parent-child bond. I oppose the subcommittee substitute as it now reads.

TO HESS

PROPOSED AMENDMENTS TO THE COMMITTEE SUBSTITUTE BY MARKO LEWIS

IN THE HOUSE

Proposed COMMITTEE SUBSTITUTE

HOUSE BILL NO. 210
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to child custody."

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

* Section 1. LEGISLATIVE INTENT. (a) The legislature finds that it is generally desirable to assure a minor child frequent and continuing contact with both parents after the parents have separated or dissolved their marriage and that it is in the public interest to encourage parents to share the rights and responsibilities of child rearing. ~~While actual physical custody may not be practical or appropriate in all cases,~~ ^{when appropriate} 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 considerations of support or actual custody. *delete*
← add.

(b) The legislature also finds that it is in the best interests of a child to encourage parents to implement their own ~~child care~~ ^{parenting} agreements outside of the court setting. *change word*
←

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

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

(b) Any appointment of a guardian ad litem for a child shall be made 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 protection and desire of each parent to meet those needs;
- (3) the child's preference if the child is of sufficient age and maturity to express a preference;
- (4) *the love and parental*

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

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

(d) In making an award of custody under AS 25.20.060 - 25.20.180 and this section, the court may not consider the conduct, marital status, income, social or cultural environment, or life style of either parent unless it is shown that the factor relates to the well being of 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. The court shall award custody on the basis of the best interests of the child. In determining the best interests of the child, the court shall consider all relevant factors including those factors enumerated in AS 09.55.205(c). Neither parent, regardless of the question of the child's legitimacy, is entitled to preference in the awarding of custody.

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

Sec. 25. 20.070 Custody should be awarded in the following order of preference according to the best interests of the child:

- (1) To both parents jointly. The court in its discretion may require the parents to submit a plan for implementation of the custody order. A parent may voluntarily submit a custody implementation plan to the court prior to issuance of a custody decree; a plan may be submitted individually or together with the other parent.
- (2) To either parent. In making an order for custody to either parent the court shall consider, among other factors, which parent is more likely to allow the child or children frequent and continuing contact with the noncustodial parent. In the event that one parent requests joint custody and the other parent requests sole custody the burden of proof that joint custody would not be in the child's best interest shall be on the parent requesting sole custody.
- (3) If to neither parent, to the person or persons in whose home the child has been living in a wholesome and stable environment.
- (4) To any other person or persons deemed by the court to be suitable and able to provide adequate and proper care and guidance for the child.

This is now what the present law leaves the door open to judges to consider cultural etc. from a prejudicial standpoint

change to original HB 210 wording This is unconstitutional as it now reads.

(7) the availability of providing the child a variety of life experiences

(5) For the purpose of assisting the court in making a determination whether an award of shared custody is appropriate, the court may direct that an investigation be conducted.

(6) If the court declines to enter an award of shared custody the court shall state in its decision the reasons for a denial of shared custody.

Sec. 25.20.080. MEDIATION. The court considering a request for custody of a child may order the parties to participate in pre-trial mediation of the matters before the court pursuant to AS 09.55.115.

Sec. 25.20.090. MODIFICATION OF CUSTODY. An award of custody or visitation may be modified if the court determines that the best interests of the child require the modification of the award. If a parent opposes the modification of the award of custody or visitation, the court shall enter on the record its reason for modifying the award.

Sec. 25.20.100. PREFERENCE OF THE CHILD. If the child is of sufficient age and capacity to form an intelligent preference as to custody, the court shall give due weight to the preference of the child.

Sec. 25.20.110. FACTORS FOR CONSIDERATION BY THE COURT. In an award of shared custody under AS 25.20.060- 25.20.120, the court shall consider in its implementation

- (1) the needs of the child for frequent and continuing relationships with both parents
- (2) the stability of the home environment likely to be offered by each parent
- (3) the advantages of providing a varied life experience for the child
- (4) the quality and continuity of the education of the child

I changed
order +
wording to
reflect a more
logical sequence.
"Plus all "needs
of the child" is +
broader + is
redundant.

(5) the optimal time for the child to spend with each parent considering

- (A) the actual time spent with each parent;
- (B) the proximity of each parent to the other and to the school in which the child is enrolled;
- (C) the feasibility of travel between the parents;
- (D) special needs unique to the child that may be better met by one parent than the other;

Put this as (A)

~~(E) which parent is more likely to tend to be frequent and dominating contact with the other parent;~~ *wrong place for this -*

(6) the findings and recommendations of a neutral mediator where mediation is recommended by the court;

(7) other factors the court considers pertinent.

Sec. 25.20.130. TEMPORARY CUSTODY. Unless it is shown to be detrimental to the welfare of the child, the child shall have, to the greatest degree practical, equal access to both parents during the time that the court *good* considers an award of custody under AS 25.20.060 - 25.20.180.

Sec. 25.20.140. AWARD OF CUSTODY TO NONPARENT. The court may not award custody to a person who is not a parent of the child unless the court finds that an award of custody to a parent would be detrimental to the best interests of the child.

Sec. 25.20.150. CONFIDENTIALITY OF PROCEEDINGS. At any stage of the proceedings, if the court finds it is in the best interests of the marital estate or the child, it may close the hearings or order the court records closed (except for statistical information required by law) or both, temporarily or permanently, and may modify or vacate the order at any time. *good*

Sec. 25.20.160. ACCESS TO RECORDS OF THE CHILD. A parent who is not the parent granted custody under AS 25.20.060 - 25.20.180 may have access to the medical, dental, school, and other records of the child notwithstanding any other provision of the law. *good*

Sec. 25.20.170 NOTIFICATION OF PARENT LEAVING THE STATE. A ^{custodial}parent

1 leaving the state for the purpose of setting up residence in another
2 state must notify the court and the other parent 90 days prior to the
3 date of departure so that the court may consider any necessary modifications
4 in custody orders.

5
6 Sec. 25.20.180 DEFINITIONS. In AS 25.20.060-25.20.180 shared custody
7 means shared physical and legal custody. Shared physical custody means an
8 order awarding each parent or party significant periods of physical
9 custody. Shared physical custody shall be divided in such a way so as
10 to assure a child of frequent and continuing contact with both parents.
11 Shared legal custody means that the parents or parties ^{share}, in a manner
12 determined between them or by the court, the decision making rights,
13 responsibilities, and authority relating to the health, education and
14 welfare of a child.
15
16
17
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25

PLEASE NOTE: THE FOLLOWING PAGES WERE TREATED
AS A UNIT IN THE ORIGINAL DOCUMENT.

No Fiscal
Impact

Doc Some thoughts for you.
Line up votes for SHB 210 in
caucus tomorrow. A good bill.

CS HB 210 -
(Rules)

"An act relating to
shared custody" is a bill
which has the support (to
lesser or greater degrees) of
all the concerned interest
groups. The Dept of H+SS,
Alaska Bar Assn, Attorney
General's office, and "Equal
Rights for Father" have all
expressed their support. An
extensive list of factors to be
considered by the court in
determining the best interests of
the child is enumerated. Joint
custody - a concept which
implies equal and fair treatment
for both parents before the
court - is given a slightly elevated
status in this bill from current
law. Currently, joint custody
may be awarded by the court. This
bill goes further and requires the
judge to state on the record his
reasons for ~~granting~~ denying a
request for joint custody.

The CS reflects a bill
which should have bi-partisan
support - the original sponsor (Foyen)
supported it. The original bill provided
that there should be a "rebuttable
presumption" that joint custody
should be the option chosen by the
judge. There was substantial opposition

from the Bar Assn and the AG's office. In response to this, ~~the~~ the preference for joint custody was compromised to create a bill all parties could support.

The Rules Amendment was designed in response to a "late" final note from the Court system. It provides that the parties would pay for mediation, if ordered. This bill encourages court sponsored mediation of child custody disputes.

There has been much work done on this bill through as it progressed through the H.E.S.S., Judiciary, and Rules Committees. We feel that a good product has resulted. I urge all Caucus members to support this bill.

PLEASE NOTE: THE PRECEDING PAGES WERE TREATED
AS A UNIT IN THE ORIGINAL DOCUMENT.

AMENDMENT

File

OFFERED IN THE HOUSE:

By: Hurlbert + Roger:

To: CS HOUSE BILL No. 210 (RIS)

SENATE BILL No. _____

PAGE: 3

LINE: 6-10

Delete lines 6-10. Replace with

Sec. 25.20.080. MEDIATION OF CUSTODY MATTER. (a) At any time within 30 days after a petition for child custody is filed under AS 25.20.060 the court shall order the parties to submit to mediation. Each party shall have the right to challenge peremptorily one mediator appointed.

(b) Mediation shall be conducted informally as a conference or series of conferences. The parties to the action and a court-appointed representative of the minor children shall attend.

(c) After the first conference either party may withdraw, or the mediator may terminate mediation if he determines that mediation efforts are unsuccessful. Upon withdrawal by either party or termination by the mediator, the mediator shall notify the court that mediation efforts have failed, and the custody proceeding shall proceed in the usual manner.

(d) Upon submission of the parties to mediation under this section, a pending child custody proceeding shall be stayed for a period of 30 days or until the court is notified that mediation efforts have failed. All court orders made during the pending custody proceeding remain in effect during the period of mediation.

(e). Costs of mediation shall be paid by one party or both parties as ordered by the court.

United States District Court

Jody

FOR THE

DISTRICT OF ALASKA

A82-003 CIV

EQUAL RIGHTS FOR FATHERS OF ALASKA, a Non-Profit Corporation, APRIL JOHNSON, a Minor and DARIN JOHNSON, a Minor, by and through their Father, Natural Guardian and Next Friend, RUDY L. JOHNSON, JOHN DOE CHILD, a Minor, MARY DOE CHILD, a Minor, by and through their Parent, Male Parent, Father, JOE DOE PARENT, JOHN DOE CHILDREN, Minors, Minor Children of various Parents, Male Parents, JOHN DOES AND MARY DOES, Minors, One through Five Hundred, Minor Children of John Does, Male Parents, One through Five Hundred, on behalf of themselves and their children and male parents similarly situated,

Plaintiff

v.

SUPERIOR COURT JUDGES, HON. VICTOR D. CARLSON, HON. KARL JOHNSTONE, HON. SUPERIOR COURT JUDGE LEWIS, HON. RALPH E. MOODY, HON. J. JUSTIN RIPLEY, HON. MARK ROWLAND, HON. BRIAN SHORTELL, HON. JAMES SINGLETON, HON. MILTON SOUTER, HON. FRANCIS STEVENS, COURT CUSTODY INVESTIGATOR, HON. ARDIS CRY, ASSISTANT COURT CUSTODY INVESTIGATOR, AND OTHER UNKNOWN DEFENDANTS,

Defendant

RECEIVED

JAN 14 1982

CHAMBERS OF
JUDGE SHORTELL
SUPERIOR COURT

SUMMONS

To the above named Defendant : Honorable Brian Shortell
303 "K" Street, Anchorage, Alaska 99501

You are hereby summoned and required to serve upon

Edward J. Winter, Jr.
Attorney At Law

plaintiff's attorney, whose address

19 West Flagler Street
Biscayne Bldg., #612
Miami, Florida 33130
(305) 371-5225

*3605 Arctic #588
Anch. Ak 99503*

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons, or a judgment by default will be taken against you for the relief demanded in the complaint.

JoAnn Myres

Clerk of Court

B. SHAFER

Deputy Clerk

[Seal of Court]

JAN 11 1982

United States District Court

FOR THE

DISTRICT OF ALASKA

A82-008 CIV

EQUAL RIGHTS FOR FATHERS OF ALASKA, a Non-Profit Corporation, APRIL JOHNSON, a Minor and DARIN JOHNSON, a Minor, by and through their Father, Natural Guardian and Next Friend, RUDY L. JOHNSON, JOHN DOE CHILD, a Minor, MARY DOE CHILD, a Minor, by and through their Parent, Male Parent, Father, JOE DOE PARENT, JOHN DOE CHILDREN, Minors, Minor Children of various Parents, Male Parents, JOHN DOES AND MARY DOES, Minors, One through Five Hundred, Minor Children of John Does, Male Parents, One through Five hundred, on behalf of themselves and their children and male parents similarly situated,

Plaintiff

v.

SUPERIOR COURT JUDGES,
HON. VICTOR D. CARLSON, HON. KARL JOHNSTONE, HON. SUPERIOR COURT JUDGE LEXIS, HON. RALPH E. MOODY, HON. J. JUSTIN RIPLEY, HON. MARK ROWLAND, HON. BRIAN SHORTELL, HON. JAMES SINGLETON, HON. MILTON SOUTER, HON. FRANCIS STEVENS, COURT CUSTODY INVESTIGATOR, HON. ARDIS CRY, ASSISTANT COURT CUSTODY INVESTIGATOR, AND OTHER UNKNOWN DEFENDANTS,

Defendant

SUMMONS

To the above named Defendant : Honorable Brian Shortell
303 "K" Street, Anchorage, Alaska 99501
You are hereby summoned and required to serve upon

David J. Winter, Jr.
Attorney At Law

plaintiff's attorney, whose address

~~19 West Flagler Street
Boyne Bluffs, Florida 33130
3351 371-5225~~

3605 Arctic #558
Anchorage, AK
99503

and answer to the complaint which is herewith served upon you, within 20 days after the date of this summons, or the day of service. If you fail to do so, judgment will be taken against you for the relief demanded in the complaint.

JoAnn Myres

B. SHAFFER

JAN 11 1982

(S. Shaffer)

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF ALASKA

ANCHORAGE DIVISION

FILED

JAN 11 1982

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

CASE NO.

DIVISION

Deputy

PLAINTIFFS' COMPLAINT

and

MEMORANDUM AND EXHIBITS IN
SUPPORT THEREOF

JUDICIAL NOTICE BRIEF

and

BRANDEIS BRIEF

(SOCIAL BRIEF)

EQUAL RIGHTS FOR FATHERS OF ALASKA,)
a Non Profit Corporation,)
APRIL JOHNSON, a Minor)
and DARIN JOHNSON, a Minor, by and)
through their Father, Natural Guardian)
and next Friend, RUDY L. JOHNSON,)
JOE DOE CHILD, a minor, MARY DOE CHILD,)
a Minor, by and through their Parent,)
Male Parent, Father, JOE DOE PARENT,)
JOHN DOE CHILDREN, Minors, Minor)
Children of various Parents, Male)
Parents, JOHN DOES AND MARY DOES,)
Minors, One through Five Hundred,)
Minor Children of John Does,)
Male Parents, one through Five)
Hundred, on behalf of themselves)
and other children and male parents)
similarly situated,)

Plaintiffs,

vs.

SUPERIOR COURT JUDGES,)
HON. VICTOR D. CARLSON, HON. KARL)
JOHNSTONE, HON. SUPERIOR COURT)
JUDGE LEWIS, HON. RALPH E. MOODY,)
HON. J. JUSTIN RIPLEY, HON. MARK)
ROWLAND, HON. BRIAN SHORTELL, HON.)
JAMES SINGLETON, HON. MILTON)
SOUTER, HON. FRANCIS STEVENS, COURT)
CUSTODY INVESTIGATOR, HON. ARTIS CRY,)
ASSISTANT COURT CUSTODY INVESTIGATOR,)
AND OTHER UNKNOWN DEFENDANTS,)

Defendants.

The Plaintiffs, parents and minor children, are all victims of the Domestic Relations Courts system of Alaska.

The Plaintiffs file their Complaint, and alleges

1

They are without relief save in this Honorable Court. Satisfaction of the Court is needed pursuant to 28 U.S.C. §§ 1343 (3) and (4); and 28 U.S.C. §§ 2201 and 2202; and 42 U.S.C. § 1983. Plaintiffs allege violation of rights secured and protected by due process and equal protection clauses of the Fourteenth Amendment. There is between the parties an actual controversy as set forth below. The unlawful actions occurred, and the records pertinent to such actions are maintained in the State of Alaska.

This is an action for declaratory judgment and other relief, seeking relief related to court orders, decrees, judgments and precedents upon which judgments are based, which unlawfully deny fathers and their children the fundamental constitutionally protected right to a legal and personal relationship that is equal to the relationship accorded by these courts to the mother.

This is further an action pursuant to Rule 23(a) and (b), F.R.C.P., alleging both a class of Plaintiffs and a class of Defendants.

II

CLASS ACTION

The individual Plaintiffs are all citizens of the United States and residents of the State of Alaska.

They have all been involved as party litigants in divorce and/or custody proceedings in the court of original jurisdiction of the State of Alaska.

In each case a judgment, order or decree has been issued or entered by the Domestic Relations Court which denied the father and the children the fundamental constitutionally protected right to a personal and legal relationship that is equal to the relationship accorded by the court to their mother. (Fourteenth Amendment)

This is further an action pursuant to Rule 23(a) and (b), Federal Rules of Civil Procedure, as one seeking class-wide relief. Plaintiffs further show that: (1) the class of Plaintiffs and Defendants is so numerous that joinder of all members is impracticable; (2) there are questions of law or facts common to the class; (3) the claims of the representative party are typical of the claims of the class and (4) the representative party will fairly and adequately protect the interests of the class. The adult Plaintiffs are all fathers of the minor children Plaintiffs. This is a class action.

III

The Defendants are State Judges and Court Officials with the responsibility of enforcing and executing the statutory and case law pertaining to the parent-child relationship within the framework of United States and Alaska constitutional guarantees. It is the judgment, case law and decisions of these Defendants which are challenged as denying Plaintiff fathers and their children the fundamental, constitutionally protected right to a personal and legal relationship equal to the relationship accorded by the Defendants to the mother. The judgments are also challenged as being detrimental to the welfare and best interests of Plaintiffs' children.

As such, Defendants are alleged to constitute a proper class of Defendants within the meaning of Rule 23 (a) and (b), Federal Rules of Civil Procedure.

The Defendants, acting under color of state law, case law decisions, judgments, orders, decrees and precedents of the State of Alaska, deny to the individual Plaintiffs and Plaintiffs' children a legal relationship equal to that accorded to the mothers. This is illegal and unconstitutional discrimination based on sex. The law forbids it and the statutes prohibit it.

Specifically, with regard to legal parental rights, duties and powers as defined in Alaska Law, the courts have, in each individual case:

A. Given the mother in each case the right to have physical possession of the children and to establish their legal domicile--to the exclusion of the father;

B. Given the mother in each case the duty of the care, control, protection and discipline of the children--except that the father may exercise such duties during the temporary period of possession of the children by the father (euphemistically referred to as "visitation");

C. Given the mother in each case the duty of providing the moral religious training of the children--to the exclusion of the father;

D. Given the mother in each case the duty of providing the children with clothing, food and shelter--except that the father may exercise such duties during the period of possession of the children by the father, during "visitations";

E. Required the father in each case to make periodic cash payments for the support of the children, but have not required such payments by the mother for this purpose (when in fact and in law there is an equal and co-equal duty to support);

F. Given the mother in each case the duty of providing the children with medical care and education--to the exclusion of the father (and the exclusive listing of her, the mother's name on school records);

G. Given the mother unfair and biased assumptions, prejudices, and attitudes and leanings by following a fictional "Tender Years" prescription or so called "Tender Years Doctrine".

H. Given the mother in each case the duty to manage the estate of the children--to the exclusion of the father;

I. Given the mother in each case the right to the services and earnings of the children--to the exclusion of the father;

J. Given the mother in each case the power to consent to marriage of the children--to the exclusion of the father;

K. Given the mother in each case the power to consent to enlistment by the children in the armed forces of the United States--to the exclusion of the father;

L. Given the mother in each case, regardless of whether an emergency exists, the power to consent to medical, psychiatric and surgical treatment of the children--except that the father may consent to medical and surgical treatment during an emergency involving an immediate danger to the health and safety of the children and only during the period of possession of the children by the father on "visitations";

M. Given the mother in each case the power to represent the children in legal actions and to make other decisions of substantial legal significance concerning the children--to the exclusion of the father;

N. Given the mother in each case the power to receive and give receipt for payments for the support of the children and to hold or disburse any funds for the benefit of the children--to the exclusion of the father;

O. Given the mother in each case the right to inherit from and through the children--to the exclusion of the father; and

P. Given the mother in each case any other right, privilege, duty or power existing between a parent and child by virtue of law-- to the exclusion of the father. The Defendants, under color of statutes, case law decisions and precedents of the State of Alaska, deny to the individual Plaintiffs and Plaintiffs' children a personal relationship equal to that accorded to the mother.

No showing has been made that fathers are unqualified or less qualified in any way to exercise paternal rights or carry out paternal responsibilities. In fact, all evidence is to the contrary.

No showing has been made that it is to the children's benefit to deny them a relationship with their father equal to that accorded to the mother. In fact, it is to their detriment.

There is a clear pattern to show that preferential treatment has been accorded to one sex - the female - without a showing that compelling state interests exist to warrant such treatment.

"Mother" is a verb, not a noun. Parenting is, not class.

V

STATE ACTION

Defendants, jointly or independently, in enforcing the challenged rules and acts, have taken actions as state officials, depriving Plaintiff fathers and their children of a constitutionally protected right to a personal and legal relationship equal to

that accorded by such officials to the mother. "Parenting" is a father's right and a mother's right.

VI

Specifically, judgments issued by Defendants are violative of the Plaintiffs' and Plaintiffs' children's rights assured and protected by 28 U.S.C. §1343 (3) and (4), and U.S.C. §1983, as well as the due process and the equal protection clauses of the Fourteenth Amendment to the Constitution of the United States and the Alaska Constitution.

VII

Despite the fact that Plaintiffs-fathers possess parental qualifications equal to or superior to those possessed by the mother, they are consistently denied an equal relationship with their children--decisions clearly being patterned on the basis of sex (illegal sex discrimination).

VIII

The fathers and their children are given no reason by the courts for the actions depriving them of a parental relationship equal to that accorded the mother.

No compelling state interest has been shown, based on narrowly drawn legislative enactments reflecting these interests, that would serve to justify denial or restriction of this fundamental right held by these fathers and their children.

IX

The Plaintiffs and their children have no adequate remedy at law. The Plaintiffs have sustained and are presently sustaining grave and irreparable loss. Their children have sustained and are presently sustaining grave and irreparable injury by virtue of being deprived of a parent-child relationship with their father that is equal to that accorded to the mother, thus subjecting the children to continuing deprivation.

The Plaintiffs and their children have been deprived of fundamental rights protected by due process and equal protection clauses of the Fourteenth Amendment and the Alaska Constitution.

Redress to which the Plaintiffs are entitled by individually filed suits in the state courts would involve prohibitive expense to the individual Plaintiffs, as well as unnecessary waste of judicial time. Moreover, this action raises issues the resolution of which best lies with the United States District Court.

The Plaintiff Organization has made formal written demand upon the Attorney General of the State of Alaska, but he refused to act. Therefore, acting in the best interests of the children, Plaintiffs have filed this class action lawsuit.

A copy of the "private attorney general demand letter" is attached hereto, and made a part hereof, Plaintiffs' Exhibit "A".

The "TENDER YEARS DOCTRINE" or the so called "TENDER YEARS PRESUMPTION" comes in various illegal forms and has prevailed for over a hundred years despite statutes, Court decisions and the Constitution which equalized parental rights and despite the Equal Protection of the Laws.

Whether articulated or not, the "Maternal Preference Doctrine" is the basis for and has been the illegal basis for child custody litigation awards for years.

We move the Court for an order taking judicial notice of this phenomenon. *Watts v. Watts*, 350 N Y S 2d 285, (1973) and the law of evidence, "Judicial Knowledge and Notice".

The "Battered Child Syndrome" has appeared on the American Family Scene, and this proves conclusively that the present system, traditional system of Sole Custody to Mother and Visitation to Father breeds and encourages and fosters child abuse by a custodial mother who is not equipped to handle such an overwhelming responsibility.

Sole custodial mothers abuse or neglect their children. Emotional child abuse is perhaps, some experts say, worse than physical child abuse. If non custodial fathers were given more fairness in divorce courts, then child abuse and child neglect would immediately drop.

There has been a growing awareness and recognition by child development experts that a father is as capable of "PARENTING" as a mother, and that he may be the one with whom the children have the most affectionate relationship.

The traditional sexual stereotypes are a fantasy. Most people in modern society generally accept this fact. In each contested custody case the specific facts should be examined to determine which custodian should be selected.

Despite the laws' commitment to equality, there still remains in Alaska a hard core of Judges, Family Court personnel, Court Custody Investigators, and Staff Case Workers from Division of Family Services who are reluctant to award or recommend father custody except in the most extraordinary situations. This situation does NOT serve the welfare and best interests of children.

Plaintiffs also file this Complaint as a "Friend of the Court" or an "Amicus Curiae". They are entitled, on behalf of the affected minor children Plaintiffs, to proceed and be heard Amicus Curiae as a Friend of the Court, since the minor Plaintiffs have suffered at the hands of the Defendants and all other State Trial Judges who employ the "TENDER YEARS PRESUMPTION" in their rulings on child custody cases.

PRIVATE ATTORNEY GENERAL

The Adult Parents Plaintiffs are also proceeding as a Private Attorney General, since the Attorney General of the State of Alaska fails and refuses to act after formal written demand has been made upon his office.

Children are shortchanged every time a judge fails to consider the advantages and benefits of Joint Custody. The purposes expressed and set forth in Plaintiff's Charter and Articles of Incorporation are to support the rights of children to frequent access to their non custodial parent and to support the rights of the non custodial parent to frequent access to their children, and other purposes which are in the best interests of children.

Divorce and dissolution of marriage laws are supposed to be utilized by state judges to mitigate the potential harm to the children and spouse of a broken marriage. This lofty principle is ignored every time a judge fails to consider the "Rights of the Child" in child custody cases. It also falls by the wayside every time a judge fails to assure that Joint Custody or something approaching very closely to Joint Custody is adjudicated. Judges in Alaska have traditionally failed to assure frequent, meaningful and continued contact and access of parents (both parents) with children following divorce.

Therefore, it is a sad but true commentary of which this Honorable United States District Court can take Judicial Notice that State Trial Judges in Alaska have consistently failed and/or refused to act in the "Best Interests of the Child".

This situation cries out for relief. Custody and visitation are alleged to be, in the Women's Rights Movement, just about the last control women possess over men. This high class extortion or blackmail is not only sanctioned but encouraged by the Courts when they utilize the "TENDER YEARS DOCTRINE" or Maternal Preference, regardless of which label they place on it.

Discrimination on the basis of sex is illegal, no matter what label is placed on it. The Federal and State laws on the books, and the famous A.P.A. resolution from the American Psychological Association (Exhibit attached) have not been enforced by the Attorney General, State of Alaska. This Honorable Court is petitioned to enforce the Civil Rights laws and the Sex Discrimination laws. Plaintiff prays that this Court will enter its most gracious order, directed to all Alaska Superior Court Judges, enjoining and restraining them in the future, from utilizing, in any manner, any form of the "TENDER YEARS DOCTRINE" or Maternal Preference in Child Custody cases.

Joint custody, beyond question, will reduce child abuse, child neglect and child snatching. The frustration of both the custodial parent and the non-custodial parent will be greatly reduced with the abolition of the "TENDER YEARS PRESUMPTION."

If male parents are treated fairly, pursuant to law, and not discriminated against, then they will be assured of meaningful, frequent and continued contact and relationships with the children.

If female parents are ordered to share parenting duties, responsibilities and obligations with the male parent, then they will not suffer the overwhelming burden of sole parent custody and they will continue to share the child's life with the other parent.

Once fairness is brought into custody awards, child abuse, child neglect and child snatching will drop dramatically. So, therefore, this action is brought and prosecuted in the Public Interest and for the general welfare of society, pro bono publico.

The massive body of uncontradicted evidence is that it is in the best interests of children after a divorce to have frequent, meaningful and continued contact with both parents. Joint custody provides the best assurance of stability, continuity and continued access to both parents. Children retain both parents instead of losing one.

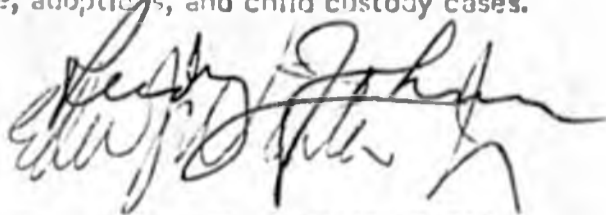
WHEREFORE, Plaintiffs pray for relief and move for the entry of emergency restraining orders and injunctions to all state domestic relations judges of the State of Alaska.

a. They further pray for the entry of an order directing and ordering the State of Alaska to immediately establish and enforce an "Affirmative Action Program" to correct these evils and right these insidious wrongs which have been perpetuated by the "Tender Years Doctrine."

b. Plaintiffs further pray for an order assigning this action to a Judge of the United States District Court sitting outside of Alaska, so that a fair and impartial hearing may be obtained by Plaintiffs and Defendants alike.

c. Plaintiffs also respectfully move for the entry of an order of Court directing the State of Alaska to pay \$5 million to Equal Rights for Fathers of Alaska (ERFA) for the purpose of having ERFA study the devastating effects of Paternal Deprivation and Father absence on child development. This is sought under the provisions of Equal Protection of the Laws.

Plaintiffs pray for such other and further relief as is deemed just, including but not limited to an order of the United States District Court enjoining and restraining Alaska State Judges from utilizing the "TENDER YEARS DOCTRINE", in any manner, directly or indirectly, in domestic cases, dissolutions of marriage, adoptions, and child custody cases.



Dated: 29 December 1981

EDWARD J. WINTER, JR.
Attorney at Law
Counsel for Plaintiffs
19 West Flagler Street
Biscayne Building #612
Miami, Florida 33130
(305) 371-5225

NEWS

AMERICAN
PSYCHOLOGICAL
ASSOCIATION

2/1/77

PSYCHOLOGISTS OPPOSE DISCRIMINATION AGAINST MEN
IN CUSTODY AND ADOPTION CASES

The Council of Representatives, the policy-making body, of the American Psychological Association (APA) at its January 1977 meeting voted to oppose discrimination against men in custody and adoption cases.

The text of the policy statement follows:

"Be it resolved that the Council of Representatives recognizes officially and makes suitable promulgation of the fact that it is scientifically and psychologically baseless, as well as in violation of human rights to discriminate against men because of their sex in assignment of children's custody, in adoption, in the staffing of child-care services, in personnel practices providing for parental leave in relation to childbirth and emergencies involving children, and in similar laws and practices. Further, it is recommended that suitable promulgation of the resolution (with the paragraphs providing the rationale) include specific mailing to the Chief Justice of the United States Supreme Court in his capacity as the chief administrative officer of the Federal court system, to the presiding judges of the various state court systems, to the Attorney General of the United States, and to the American Psychological Association."

PLAINTIFFS' EXHIBIT 1

ADDITIONAL FACTS FOR JUDICIAL NOTICE

PLAINTIFFS respectfully request the Court to take Judicial Knowledge of the fact that:

1. U.S. Government Uniform Crime Statistics from the F.B.I. consistently, year after year, prove that a child raised or brought up in a fatherless home is far more likely to commit crime or anti-social behavior.

2. The American Psychological Association passed the attached statement as its official resolution.

CREDIT FOR PUBLICATION:

3. We credit Dr. Ken Lewis, Child Custody Evaluation Services of Philadelphia, Glenside, Pennsylvania, with the statement, "Mother is a verb, not a noun," and we gratefully acknowledge his enormously valuable contributions to the field of childrens' rights. As one of the country's leading professionals in child custody and child development, Dr. Lewis, through his professional contributions, has assisted Courts in any states when they were called upon to make child custody placement orders.

4. The former Department of H.E.W. gave \$5 Million to N.O. W., but refused, even after written demand was made, to grant or appropriate a similar \$5 Million to Men's Liberation. This was a gross and shocking violation of the Equal Protection of the laws as well as the laws prohibiting sex discrimination.

5. Private Attorney General: When the Attorney General of a state fails or refuses to act, after proper written demand, a private citizen, or a group, may, in the public interest, act as a private Attorney General, pro bono publico.

**NOTICE OF RIGHT TO CONSENT TO DISPOSITION
OF A CIVIL CASE BY UNITED STATES MAGISTRATE
AND VOLUNTARILY BY APPEAL ROUTE**

The Federal Magistrates Act of 1979, P.L. 96-82, requires that the Clerk of Court notify all parties in each civil action when filed that they may consent to have said case tried before a United States Magistrate. If all parties so consent, and the Court so orders, the matter will be referred to a magistrate for disposition.

Judgments of the United States Magistrate in civil actions are appealable to the United States Court of Appeals, in accordance with this statute and the Federal Rules of Appellate Procedure, unless the parties at the time of their consent to trial before a magistrate agree upon review by the United States District Court.

The plaintiff (or counsel) has received a consent form, the same as the one attached. If the parties agree to trial before a magistrate and route of appeal, plaintiff (or counsel) shall have all the parties (or counsel) execute the consent form and file it with the Clerk, within twenty (20) days after the defendant(s) are required to file their answer(s).

The consent form is not required to be executed or returned to the Clerk of the Court unless all parties voluntarily consent to this procedure. If an executed consent form is not received by the Clerk within twenty (20) days after the defendants are required to file their answers, this case will proceed to disposition before the United States District Court in the normal fashion.

JOANN BYRES
CLERK OF COURT

****NOTE FOR REMOVALS FROM STATE COURT**

Consent must be executed and filed with the Clerk within thirty (30) days after notification of removal.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

Case No. _____

C O N S E N T

Where, all the parties to this action, consent to reference of this case to a United States Magistrate for all further proceedings and final disposition.

<u>Plaintiff(s)</u>	<u>Date</u>	<u>Defendant(s)</u>	<u>Date</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

IT IS FURTHER AGREED that the route of appeal, if any, in this matter shall be:

- (1) directly to the Ninth Circuit Court of Appeals _____
- (2) to a Judge of the United States District Court for the District of Alaska _____

(NOTE: In any matter appealed to a District Court Judge, any subsequent appeal to the Circuit Court is permitted only upon petition for leave to appeal.)

<u>PLAINTIFF(S)</u>	<u>DATE</u>	<u>DEFENDANT(S)</u>	<u>DATE</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Reference to a U. S. Magistrate IS SO ORDERED, this _____ day of _____, 19_____.

UNITED STATES DISTRICT COURT JUDGE

POSITION PAPER

CS FOR HOUSE BILL NO. 210 (HESS)

"An Act relating to child custody."

CS for House Bill No. 210 (HESS) provides a statutory basis for shared custody in judgements for custody. The Department feels the Committee Substitute improves on the original Bill. However, we would still question the language in Section 09.55.205(c) due to the deletion of the phrase, "all relevant factors include." This deletion seems to imply that the court's considerations are limited to those factors delineated in the section. It is felt that in the best interests of the child "all relevant factors" should be considered.

In addition, the Department would recommend that the definition of shared custody not necessarily include physical custody. This stems from the concept that, whenever possible, shared physical custody, as well as legal custody, is beneficial but recognizes that shared physical custody is not always possible.

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

DATE: 1/29/82

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

DATE: 3-10-82

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS for House Bill No. 210 (HESS)
Title "An Act relating to child custody."
Requested by _____ Date _____

II. FISCAL DETAIL

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

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

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

POSITIONS

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

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

CS or House Bill No. 210 (HESS) has no fiscal impact on the Department of Health and Social Services.

IV. DATE 1/28/82 PREPARED BY J.R.P. John R. Pugh, Director
AGENCY Division of Family and Youth Services
Original: Legislative Finance PHONE 465-4170
cc: Budget and Management
Prime Sponsor (First Legislator Named)
33-001 (Rev. 12/81)

JCC

note - the position paper deals w/ original bill, is good for conceptual understanding

POSITION PAPER

HOUSE BILL NO. 210

"An Act relating to child custody."

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

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

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

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

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

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

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

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

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

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

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

DATE: 1/26/82

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

DATE: 1/29/82

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

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

II. FISCAL DETAIL

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

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

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

POSITIONS

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

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

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

IV. DATE 4/26/82 PREPARED BY John R. Pugh John R. Pugh, Director
 AGENCY Division of Family and Youth Services
 PHONE 465-3170
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 JJ-001 (Rev. 12/81)

JCC

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB 210 (HESS)
 Title "An act relating to child custody."
 Requested by Rep. Barnes, House Judiciary Date March 9, 1982

II. FISCAL DETAIL

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

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

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

POSITIONS

	0	0	0	0	0	0
FULL TIME						
PART TIME						
TEMPORARY						

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

This bill involves child custody upon the separation of parents or the dissolution of a marriage which is a matter between private parties and it will therefore not have a fiscal impact on any of the department's activities.

IV. DATE March 9, 1982

PREPARED BY Richard I. Pagano, Director, Admin. Svcs

AGENCY Department of Law

PHONE 465-3672

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

JJ-001 (Rev. 12/81)

Richard I. Pagano

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST CSHB 210
 Bill/Resolution No. _____
 Title An Act Relating to Child Custody
 Requested by House Judiciary Committee Date 3/3/82

II. FISCAL DETAIL Alaska Court System
 Agency Affected _____
 Program Category Affected Trial Courts
 BRU, Program, Or Subprogram(s) Affected _____
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						

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

IV. DATE 1/3/82 PREPARED BY Richard P. Barrier RPB
 AGENCY Alaska Court System
 Original: Legislative Finance PHONE 764-0545
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

*Administered
by Dan Copeland.*

**CHILD SUPPORT ENFORCEMENT:
ALASKA'S PROGRAM IN PERSPECTIVE**

House Research Agency
Alaska State Legislature
January 1981

House Research Agency Report 80-7

**CHILD SUPPORT ENFORCEMENT:
ALASKA'S PROGRAM IN PERSPECTIVE**

Christine Johnson
House Research Agency
Alaska State Legislature
January 30, 1981

House Research Agency Report 80-7

PREFACE

This report on child support enforcement was prepared by the House Research Agency at the request of Senator Dick Eliason and Representative Mike Miller. The report is primarily descriptive. It is designed to introduce legislators to the national support enforcement program, the complexities of case enforcement, the costs of enforcement, and Alaska's enforcement success to date. The report is not intended to be a comprehensive analysis or evaluation of the Child Support Enforcement Agency, nor does it contain any specific recommendations.

Throughout the report, the non-custodial parent (obligor) is always referred to as the father rather than the mother. In some instances, the mother may be the absent parent responsible for child support. However, both nationally and in Alaska, this is only rarely the case.

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SUMMARY OF FINDINGS

National Child Support Enforcement Program

- Alaska's child support enforcement program is part of a national child support collection effort directed by the federal government. There is currently a support enforcement program in each of the states, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.
- The national enforcement program was enacted in January of 1975. Its primary objective is to reduce the incidence of poverty among children who are supported only by their mother, and consequently, to reduce the welfare expenditures for these children.
- Each state is required to establish a separate agency to enforce payment of child support for both welfare and non-welfare families. States which do not comply or do not meet federal program effectiveness standards will lose 5% of the federal funding for their Aid to Families with Dependent Children program.
- The national enforcement program requires that all applicants for AFDC cooperate in locating the absent parent of their children and in establishing the paternity of the children, if that should be necessary. This requirement may be waived if enforcing payment of support or establishing paternity would result in physical or psychological harm to the family. Enforcement services are provided for non-welfare families upon request.
- The federal government pays 75% of the costs incurred by states to operate child support enforcement agencies. States are responsible for the remaining 25% of enforcement costs.
- Child support collected for non-AFDC families is forwarded directly to the family. However, support money collected for families on AFDC is retained by local support enforcement agencies, unless the amount is sufficient to make the family ineligible for public assistance. Alaska's Child Support Enforcement Agency estimates that enough support is collected to make the family ineligible for AFDC in less than five AFDC cases per month. Nationally, about 5% of the money collected in AFDC cases is distributed to the family. *How many cases of AFDC in Ak/yr?*
- Money which is retained by local enforcement agencies is divided between the state and the federal government according to their contribution to local AFDC program financing. In Alaska, the State and the federal government each receive 50% of AFDC collections.

*1/2 by AK, 1/2 by fed
75% - 25%*

SUMMARY OF FINDINGS

- States also receive "incentive payments" for collecting child support on behalf of AFDC families living in other states. The incentive payment equals 15% of the federal government's share of money collected for these families.

Alaska's Enforcement Program

- Alaska's Child Support Enforcement Agency was created by the Legislature in 1976. It is currently located in the Department of Revenue, and has 63 full-time employees. Since October 1, 1976, when the Agency began operation, a total of \$6.5 million has been spent on enforcement. The federal government has contributed \$4.9 million of this money, and \$1.6 million was supplied from the State's General Fund.
- During federal fiscal year 1980 (10/1/79 - 9/30/80), the total expenditure for the Child Support Enforcement Agency was \$2.2 million, \$1.7 million in federal money and \$.5 million in State dollars. The State's actual expenditure was less than this, however. The State recovered \$0.63 of every dollar it expended through 1) incentive payments and 2) retention of AFDC collections. By the end of federal fiscal year 1980, the net cost to the State of operating a child support enforcement program for that year was \$.2 million.
- As can be seen on the following table, a total of 16,800 cases were registered with the Child Support Enforcement Agency as of September 30, 1980. Almost 90% of these cases represent an Alaskan family. Using the Agency's estimate that each case includes one adult and two children, approximately 30,000 Alaskan children were participating in the State's enforcement program on that date. see p. 6
33,264

Child Support Enforcement Agency Caseload
As of September 30, 1980

	Alaskan Family Alaskan Father	Alaskan Family Non-Alaskan Father	Non-Alaskan Family Alaskan Father	Total
AFDC	10,561	168	845	11,574 (69%)
Non-AFDC	3,787	301	1,172	5,260 (31%)
All Cases	14,348 (85%)	469 (3%)	2,017 (12%)	16,834 (100%)

Source: Child Support Enforcement Agency

- The Child Support Enforcement Agency estimates that the average monthly support obligation for its cases is \$165 for two children, or \$82.50 per child.
- The Child Support Enforcement Agency's responsibilities include locating absent parents who are not contributing to their children's support, establishing the paternity of children born out-of-wedlock, establishing child support orders, and enforcing these orders.
- The Child Support Enforcement Agency must have a child support order in hand before it can collect any support money. Most child support orders are obtained from a judge at the time of a divorce. However, orders do not usually exist if the parents of the child are separated, but not divorced, or if they never married. As of September 30, 1980, 9,800 of the cases registered with the Agency did not have a support order.
- It takes approximately 6 months to obtain a support order through the courts. Beginning this year, the Agency will be able to administratively establish orders in some circumstances. This should reduce the time it takes to obtain an order to three months. However, even at this rate, it may take several years for the Agency to obtain orders for all existing cases, due to the number of cases without orders.
- Illegitimate children have the same right to support from their parents as do children who are born in-wedlock. However, a man cannot be compelled to contribute to the support of an out-of-wedlock child until the paternity of that child has been legally established. Paternity must be established in approximately one-third, 2,800, of the Agency's cases currently without a child support order.
- The Child Support Enforcement Agency has authority to initiate two kinds of collection action without going into court: 1) assertion of a lien against an obligor's property; and 2) garnishment of a portion of his wages. Currently, however, neither of these collection remedies is an efficient way of initiating regular payments between the obligor and his children.

Effectiveness of the State Enforcement Program

- A child support enforcement agency's collections are the primary measure of its performance. However, before any support money can be collected, the Agency is forced to spend a significant portion of its time obtaining support orders and establishing paternity. Therefore, the Agency's collections alone do not adequately reflect its overall productivity.

SUMMARY OF FINDINGS

In federal fiscal year 1980, the Child Support Enforcement Agency's collections totaled \$5.9 million. This represents almost \$1 million more than was collected during fiscal year 1979. The summary table below shows the distribution of the money collected in fiscal year 1980.

Child Support Enforcement Agency--Child Support Collections
Federal FY 80 (thousands)

	Alaskan Family		Alaskan Family		Non-Alaskan Family		Total	
	Alaskan Father	Non-Alaskan Father	Alaskan Father	Non-Alaskan Father	Alaskan Father	Non-Alaskan Father		
AFDC	454.1	8%	103.0	2%	539.5	9%	1,096.6	19%
Non-AFDC	3,856.1	65%	221.0	4%	759.3	13%	4,836.4	82%
Total	4,310.2	73%	324.0	6%	1,298.8	22%	5,933.0	100%

By September 30, 1980, the Child Support Enforcement Agency was collecting support money for roughly one-third of its cases with support orders, or 12.7% of its total caseload. Using the Agency's estimated average of two children per case, child support was collected for 4,264 children, 1,000 welfare children and 3,264 non-welfare children. However, no money was collected for more than 29,000 children, 9,730 of whom have a child support order.

see p. 26 and p. 61

*29,000
4,264
3,312,640 children
63,300 employees*

The \$5.9 million collected during fiscal year 1980 represents only 6% of the child support owed. By September 30, 1980, unpaid child support for the Agency's clients amounted to \$9.7 million for welfare families and \$15.2 million for non-welfare families, a total of \$24.9 million. These numbers represent arrearages only for cases which have a support order, roughly 42% of the Agency's caseload. Significantly, more money is owed for support of children who do not yet have a support order. Arrearages for all the Agency's clients may be as high as \$65.9 million.

During fiscal year 1980, the amount of child support in arrears grew by \$4 million. By the end of the fiscal year, the average arrearage per case was \$3,500. Approximately 48% of the Agency's caseload had not received any support money in over a year, 24% in over three years.

*Ward 1980
Due to the plaintiff
was 1980*

The collection success of Alaska's Child Support Enforcement Agency compares favorably to other states'. Although Alaska ranks 50th among the states in population, in fiscal year 1979 it ranked 23rd nationally in the total amount of support collected.

Compared to other states, Alaska has a fairly cost-efficient enforcement program. Alaska ranked in the top twenty states nationally in the dollar amount collected per dollar of program cost.

INTRODUCTION TO CHILD SUPPORT ENFORCEMENT

Perhaps the first question to be raised when discussing child support enforcement is why public dollars are spent to pursue payment of a private debt. Traditionally, disagreements over money owed to one private party by another are resolved through the courts at private cost. Policy makers have made the decision to enforce payment of child support at public expense for three principal reasons. First, child support payments can reduce the high incidence of poverty among children who live only with their mothers. Second, they provide a means of reducing the present welfare expenditure for these children. And third, without a publicly funded enforcement program, payment of child support is less likely to be enforced. In most instances, the families who are owed support cannot afford the cost of going to court everytime the absent parent stops making payments.

The number of children living only with their mother more than doubled between 1960 and 1978, increasing by about 5.6 million. By 1978, 18% of all children were in mother headed homes. Many factors have contributed to this:

- Increase in the number of women of child bearing age;
- liberalization of divorce laws;
- growing societal acceptance of divorce;
- increase in the frequency of divorce when children are present;
- increase in the incidence of children born out-of-wedlock;
- increase in the proportion of never-married and formerly married women heading their own households rather than living as a sub-unit in someone else's household.

Recent census data show that a only a small proportion of the children in these female headed households are living with their mother because

INTRODUCTION

their father is deceased. The majority of children in mother headed families have another parent living elsewhere who could be contributing to their support. By law, non-custodial parents must contribute to the support of their children even when a divorce has not been finalized, or when the children were born out-of-wedlock.

TABLE 1
Children Living in Mother Headed Households
By Marital Status of Mother
1978
(thousands)

Children living with mother only					
Mother Never married	Mother Separated	Mother Divorced	Mother Widowed	Other*	Total
1,643	2,920	4,320	1,278	548	10,709
15%	27%	40%	12%	5%	100%

*Mother and father married but living apart because father employed elsewhere.

Source: House Research Agency, 1/27/81, from data reported in U.S. Department of Commerce, Bureau of the Census, "Divorce, Child Custody, and Child Support," Special Studies, Series P-23, No.84, June 1979.

Roughly one-third of all families maintained by women are living below the poverty level. Women and their children are the fastest growing poverty class, a trend which has been dubbed the feminization of poverty. Almost ninety percent of the families living on AFDC, the largest cash assistance program for needy individuals, are woman headed households.

Child support payments contribute significantly to the economic self-sufficiency of households supported by women. According to recent

census data, female headed families who received child support in 1978 were less likely to be below the poverty level than female headed families who did not receive any support money. Even so, however, about 15 percent of the households who did receive support in 1978 were below the poverty level.

Clearly, enforcement of child support obligations may improve the economic status of families maintained by women, even though it is unlikely to be a panacea for all their financial problems.

THE NATIONAL CHILD SUPPORT ENFORCEMENT PROGRAM

The child support enforcement program in Alaska is part of a national child support collection effort directed by the federal government. There is currently a locally run enforcement program in each of the states, the District of Columbia, Puerto Rico, Guam and the Virgin Islands. The local programs are the primary enforcers of child support obligations, but can receive assistance from the federal government in tracking down and prosecuting obligors. In each state and locality, enforcement activity is conducted according to the policies and procedures established by local law. However, in order to receive federal funding, local enforcement programs must meet performance standards, and organization and staffing requirements set by the federal Office of Child Support Enforcement.

Success of the National Enforcement Program

The national enforcement program began operation in federal fiscal year 1976. During federal FY 79, over \$1 billion in child support was collected, compared to \$500 million in federal FY 76. Nationally, for every dollar spent on enforcement, \$ 3.72 in support money was collected.

Child support collected for non-welfare families is forwarded directly to the family. Support money collected for families receiving welfare is retained by local child support enforcement agencies, unless the amount is sufficient to make the family ineligible for public assistance. Money which is retained is then divided between the state and the federal government according to their contribution to local welfare program financing.

Of the child support collected in federal FY 79, approximately \$750 million was disbursed directly to families, while roughly \$550 million was retained to reimburse state and federal welfare expenditures. Consequently, the states and the federal government recovered \$1.58 for every dollar they spent, recouping all of their administrative costs in addition to \$208.9 million with which to offset their welfare expenditures.

Development of the National Program

The first impetus for a national child support enforcement program came in the late 1940's, largely to check the growing number of children supported by welfare. Congressional and state leaders observed that national welfare programs had been steadily expanding with children who needed public assistance because their father had abandoned the family. Assistance programs for children without fathers had been in existence since the Social Security Act of 1935; however, it was difficult initially for abandoned children to qualify for benefits. Programs were structured so that an extensive waiting period was necessary before program staff could certify that a father was actually absent from the home. Illegitimate children were categorically excluded from receiving benefits. These restrictions were removed during the 1940's and the number of children enrolled in welfare programs grew continuously over that decade.

In 1950, both Congress and the states acted to enforce absent parents' legal obligation to support their offspring. The federal Aid to Dependent Children program (ADC) was amended by Congress to include what is called the NOLEO provision--Notification of Law Enforcement Officers. Under NOLEO, states could not continue to receive federal money for their Aid to Dependent Children programs unless local prosecutors were promptly notified whenever ADC benefits were provided to children who

had been deserted by a parent. Proponents of NOLEO envisioned that prosecutors, once notified, would collect support money from absent parents, and the children would be eliminated from the welfare rolls.¹

At the state level, NOLEO was complimented by the Uniform Reciprocal Enforcement of Support Act (URESA) which was developed in 1950 by the National Conference on Uniform State Laws. URESA was intended to simplify interstate child support enforcement, which had been such a cumbersome process that obligors could easily evade support responsibilities by moving away from their children's state of residence. Some form of URESA was rapidly incorporated into state statutes nationwide. The original provisions were expanded upon in 1952, 1958 and 1968, but the Act has remained fundamentally the same. (The 1968 revisions resulted in RURESA, the Revised Uniform Reciprocal Enforcement of Support Act, although the acronym URESA is still more commonly used.) To date, every state, the District of Columbia, Guam, Puerto Rico, the Virgin Islands, and Canada have enacted some form of URESA. (Alaska adopted URESA provisions in 1953.)

In 1967, Congress took further action to collect support on behalf of children enrolled in the Aid to Families with Dependent Children Program. (AFDC had replaced ADC by this time.) Because child support cannot be collected for children born out-of-wedlock until paternity has been determined, the new legislation required the state welfare agencies to set up a separate unit to establish the paternity of illegitimate welfare children. States were eligible for some federal

¹Some have objected that women who need public assistance for their families have not had the right to decide privately whether or not to take legal action against the fathers of their children since NOLEO was enacted. (See Judith Cassetty, Child Support and Public Policy, Lexington, Massachusetts: D.C. Heath and Co., 1978.)

NATIONAL ENFORCEMENT PROGRAM

money for this new program. To assist in locating absent parents, Congress permitted access to records of the Social Security Administration, and (providing there was a court order) to records of the Internal Revenue Service.

The existing national child support enforcement program was enacted by Congress in January 1975 as Title IV-D of the Social Security Act. The legislation was developed by the U.S. Senate Finance Committee in response to three recent findings. First, according to census data released during the early 1970's, the number of children being supported only by their mother was steadily climbing, as was the incidence of poverty among these children. Naturally, the amount of welfare needed to support these children was steadily increasing, as well. By 1974, more than half of the children in homes where only the mother was present were living below the poverty level. Almost 10 percent of all the children in the country were on AFDC, and the annual cost of that program was increasing by about one billion dollars each year. Second, it was apparent that prior efforts at enforcement of child support had not been sufficient to check the rising poverty rate among mother only families, or to reduce their dependency on AFDC. Third, the few states with extensive enforcement programs, e.g., Michigan, California, Washington, were successful in collecting support, and were able to offset some portion of their welfare costs.

The national child support enforcement program developed in 1975 built on MOLEO, URESA, and the revisions of the 1967 reform. The federal government increased its funding for local enforcement programs, and expanded their responsibilities. In addition, the federal government offered states additional direct assistance in locating absent parents and collecting money from them. The Child Support Enforcement Act has been amended several times since its passage. In the following section,

the major provisions of the legislation are summarized. A copy of Title IV-D is attached to this paper as Appendix B.

Requirements for Program Participants

1. Families who apply for AFDC must assign their right to support to the State, so that the Child Support Enforcement Agency has legal authority to pursue payment of the debt.
2. Applicants for AFDC must cooperate in locating the absent parent and determining paternity in order to receive an AFDC grant for themselves as well as for their children. This means that the custodial parent must name the absent parent, assist in locating him, and act as a witness if it should be necessary. The requirement that the custodial parent cooperate may be waived by the Division of Public Assistance if enforcing support or establishing paternity would not be in the best interest of the child, or would result in physical or psychological harm to the family. (This waiver is generally referred to as a "good cause waiver.")
3. Non-welfare families may be required to pay for enforcement services.

Requirements for States

1. A separate organizational unit must be set up to collect child support and establish paternity.
2. States must participate financially in their local child support enforcement program.