



LAWS OF ALASKA

1991

Source

CSHB 146(JUD)

Chapter No.

76

AN ACT

Prohibiting a court from reserving property division and child custody issues for a later decision when granting certain judgments unless agreed to by the parties or ordered by the court under certain circumstances; amending Rule 54(b), Alaska Rules of Civil Procedure; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: June 24, 1991

Actual Effective Date: June 25, 1991

AN ACT

1 Prohibiting a court from reserving property division and child custody issues for a later
2 decision when granting certain judgments unless agreed to by the parties or ordered by
3 the court under certain circumstances; amending Rule 54(b), Alaska Rules of Civil
4 Procedure; and providing for an effective date.
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8 * Section 1. AS 25.24.150 is amended by adding a new subsection to read:

9 (f) If the issue of child custody is before the court at the time it issues a judgment under
10 AS 25.24.160, the court shall concurrently issue a judgment for custody under this section unless,
11 subject to AS 25.24.155, the court delays the custody decision for a later time.

12 * Sec. 2. AS 25.24 is amended by adding a new section to read:

13 Sec. 25.24.155. RESERVATION OF ISSUES. (a) The court may not delay or reserve
14 a custody decision under AS 25.24.150(f) or an issue of property division under AS 25.24.160(c)
15 unless

16 (1) each party, and the guardian ad litem if one has been appointed under
17 AS 25.24.310, expressly agrees on the record to the delay or reservation; or

18 (2) a party who moves for an order of delay or reservation shows good cause and
19 the court finds that the interests of a party opposing the motion will not be jeopardized by the
20 delay or reservation.

21 (b) The court may not grant a motion under (a)(2) of this section if the court finds that

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1 granting the motion would

2 (1) put the opposing party's interests substantially at risk due to the death of the
3 other party before a final disposition of the marital property;

4 (2) diminish the ability of the party opposing the motion to protect the value of
5 assets not in the party's control;

6 (3) not be in the best interests of each minor child whose custody would remain
7 unresolved if the motion were granted;

8 (4) have adverse tax consequences for the opposing party; or

9 (5) have adverse consequences on the opposing party's ability to maintain existing
10 health insurance coverage.

11 * Sec. 3. AS 25.24.160 is amended by adding a new subsection to read:

12 (c) Notwithstanding (a) of this section, if one of the parties to an action for divorce or
13 action declaring a marriage void expressly submits to the court the issue of property division and
14 has not withdrawn that issue from the court before judgment, the court shall provide in the
15 judgment for the division of property and may not reserve the issue of property division for a
16 later time unless the conditions of AS 25.24.155 have been met.

17 * Sec. 4. AS 25.24.150(f), 25.24.155, and 25.24.160(c), added by secs. 1 - 3 of this Act, apply to
18 actions for divorce and actions declaring a marriage void for which no judgment on any claim in the
19 action has been entered before the effective date of this Act.

20 * Sec. 5. AS 25.24.150(f), 25.24.155, and 25.24.160(c), added by secs. 1 - 3 of this Act, amend
21 Rule 54(b), Alaska Rules of Civil Procedure, by prohibiting separation of claims in certain actions
22 without compliance with AS 25.24.155, as added by sec. 2 of this Act.

23 * Sec. 6. This Act takes effect immediately under AS 01.10.070(c) but only if sec. 5 of this Act
24 receives the two-thirds majority vote of each house required by art. IV, sec. 15, Constitution of the State
25 of Alaska.