



# LAWS OF ALASKA

1989

**Source**

CSSB 86(Rls) am H

**Chapter No.**

52

**AN ACT**

Relating to factors to be considered in making child custody determinations.

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

THE ACT FOLLOWS ON PAGE 1, LINE 9

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: May 26, 1989  
Actual Effective Date: August 24, 1989

AN ACT

Relating to factors to be considered in making child custody determinations.

\* Section 1. AS 25.20.090 is amended to read:

Sec. 25.20.090. FACTORS FOR CONSIDERATION IN AWARDING SHARED CHILD CUSTODY. In determining whether to award shared custody of a child the court shall consider

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

(2) the needs of the child;

(3) the stability of the home environment likely to be offered by each parent;

(4) the education of the child;

(5) the advantages of keeping the child in the community where the child presently resides;

(6) 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;

(E) which parent is more likely to encourage frequent

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and continuing contact with the other parent;

(7) any findings and recommendations of a neutral mediator

(8) any evidence of domestic violence, child abuse, or child neglect in the proposed custodial household or [WHETHER THERE IS] a history of violence between the parents;

(9) evidence that substance abuse by either parent or other members of the household directly affects the emotional or physical well-being of the child;

(10) other factors the court considers pertinent.

\* Sec. 2. AS 25.24.150(c) is amended to read:

(c) The court shall determine custody in accordance with the best interests of the child under AS 25.20.060 - 25.20.130. In determining the best interests of the child the court shall consider

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

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

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

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

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

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

(7) any evidence of domestic violence, child abuse, or child neglect in the proposed custodial household or a history of

1 violence between the parents;

2 (8) evidence that substance abuse by either parent or other  
3 members of the household directly affects the emotional or physical  
4 well-being of the child;

5 (9) other factors that the court considers pertinent.  
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