As hard as the end of a marriage can be for the adults, it can be especially wrenching when there are children involved. Shock, anger, sadness and confusion are just a few of their immediate and typical reactions. It takes a lot of effort by both parents to help their kids through this difficult time.

Making thoughtful arrangements for child custody can play a big role in how children—and parents—come through the end of a marriage. You can use your ASEA Legal Services Plan benefits to help make that happen.

Ending a Marriage in Alaska
Alaska law allows for two ways to end a marriage, through dissolution or divorce. The distinction between the two is whether the couple agree (dissolution) or disagree (divorce) about all of the central issues of ending the marriage, including taking back a prior name, dividing property and debt, the legal and physical custody of children and a visitation schedule, child support and establishing or disestablishing the husband's paternity.

Both ways of ending a marriage involve filing papers with the court. A dissolution typically requires less time and can be completed in as little as 30 to 45 days. A divorce, which starts with a legal document called a complaint, requires more legal filings and often a trial. Divorce takes longer, typically six to nine months, depending on how quickly each spouse completes the paperwork and how crowded the courts are, among other factors.

In either divorce or dissolution, you can try to iron out differences through mediation. While it is possible to end a marriage without legal representation—especially a dissolution—we encourage you to consider using your ASEA Legal Services benefits to consult with an attorney.

A Solid Parenting Plan Makes a Big Difference
One of the most important documents in a dissolution or divorce is the Parenting Plan. This document describes in detail how both parents will be involved in their child(ren)'s life. The court will use the Parenting Plan to determine both the legal and physical custody arrangements. A Parenting Plan applies to both natural-born children and those adopted by a couple during the marriage.

Legal custody relates to the right to make decisions such as where the child(ren) go to school, how medical care is delivered and more.

Prenuptial Agreements Aren’t Just for Celebrities
Celebrity agreements make the news, but prenuptial agreements make sense for ordinary people too.

A prenuptial agreement—called a prenup in the headlines—is a contract that two people make with each other before getting married. Typically, they include provisions for the division of property (especially property owned by either spouse before the marriage) and spousal support in case of divorce. Guardianship of children and pets, penalties or forfeitures for adultery and other topics also can be covered.

Some people think that having a prenup takes all the romance out of a marriage. Maybe, but it can be worth sacrificing a bit of romance for the security of knowing that your ducks are in order as you walk down the aisle. In addition, writing a prenup can...
how money is handled. Legal custody can be joint (shared) or sole (held by only one parent). Physical custody is the right of a parent to have the child(ren) live with him or her. Again, physical custody can be shared (joint) or held by one parent (primary custody).

The Parenting Plan also includes a visitation plan. This is to make sure the child can continue to have frequent, ongoing contact with both parents, with the goal of maintaining good relationships all around. The court considers “the best interest of the child” in both custody and visitation decisions. This includes situations where a grandparent asks for reasonable rights to visit grandchildren. In this situation, the court also looks at the existence of an existing relationship between the grandparent(s) and the child(ren) in making its decision.

**Other Custody Situations**

If circumstances change for either parent after the divorce, the Parenting Plan can be updated. For example, custody could be changed from primary to joint or a new visitation schedule arranged. This is another time when you may want to use your ASEA Legal Plan benefits.

Someone other than a child's biological parent can ask for custody. In some divorces, if neither parent is considered to be a fit parent, or both are unavailable to take custody, a non-parental (third-party) custody arrangement can be ordered. This also can happen when a parent dies without naming a guardian. Third-party custodians are often grandparents, aunts, uncles and partners in same-sex relationships.

When children are orphaned, the first place a judge will look for instructions about the children's custody is a will left by the parent(s), naming a guardian. If you are a parent, this is one of the most important arguments for having an up-to-date will. This is a service covered by your ASEA Legal Services Plan benefits.

### Resources:
- Alaska Court System Self-Help Center
- Parenting Plan Videos
  Telephone Helpline: 907.264.0851; 866.279.0851 (toll-free, outside the Municipality of Anchorage); Monday–Thursday, 7:30 a.m.–6 p.m.
- Divorcesource.com (a website offering information and resources)

### FAQs

Another frequently asked question from the Administrative Office:

**Why did the Trustees reduce benefits coverage and add a $100 deductible? What are the chances of the benefits being restored to the previous level?**

Like you, the Trustees are very aware that these changes have affected the immediate monetary value of what remains a very useful and much-appreciated benefit for our members. But as Trustees, we have to take a longer view of the situation and the long-term health of the Trust. We need to balance what we pay out in benefits with what we take in. Our only sources of income are member contributions and investment income. Your Trustees monitor the Plan’s finances carefully. We meet at least twice a year to consider changes to the Plan and the investment strategy. At our October 2014 meeting, we agreed this was not the time to make any changes. If the economic climate continues to improve, we may reconsider that position.

**Prenuptial Agreements Aren’t Just For Celebrities**

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be the motivator for discussions about finances and decision-making in the marriage.

Having a lawyer help you think through and write a prenup is one of the services covered by your ASEA Legal Services benefits. Use the directory on the ASEA website to find a lawyer who specializes in family law and make an appointment for you and your spouse-to-be.

As Justine Borer, a blogger for the Huffington Post, recently wrote, “Prenups promote happy marriages. Prenups are romantic.” Be romantic—use your ASEA Legal Trust benefits for your prenup.