

CS FOR SENATE BILL NO. 156(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 2/26/96

Referred: JUD, FIN

Sponsor(s): SENATOR GREEN

A BILL

FOR AN ACT ENTITLED

1 "An Act requiring a court to order parties involved in child custody or visitation
2 matters to attend an educational presentation about mediation; and allowing the
3 presentation to be through written materials when necessary."

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

5 * **Section 1.** AS 25.20 is amended by adding a new section to read:

6 Sec. 25.20.075. MANDATORY ATTENDANCE AT EDUCATION COURSE
7 RELATING TO MEDIATION. (a) After a petition for child custody is filed under
8 AS 25.20.060, a petition to modify an award of custody or visitation is filed under
9 AS 25.20.110, or an action for damages for failure to permit visitation is filed under
10 AS 25.20.140, the court shall order the parties to attend an educational presentation
11 approved by the court that explains the concept of mediation.

12 (b) When implementing (a) of this section, the court may not require that the
13 parties attend the educational presentation at the same time.

14 (c) An educational presentation approved by the court under this section must

1 be a video cassette, audio cassette, or vocal presentation that includes an explanation that

2 (1) mediation is a conflict resolution process, usually engaged in
3 voluntarily, in which a trained impartial third party assists the parties to negotiate a
4 consensual and informed settlement;

5 (2) mediation is based on principles of problem solving that focus on the
6 needs and interests of the participants, fairness, safety, confidentiality, self-determination,
7 and the best interests of all parties and other persons who the parties agree are affected;
8 and

9 (3) the role of a mediator is not to make decisions for the parties or to
10 report to a court about the mediation process but does include reducing the obstacles to
11 communication, maximizing the exploration of alternatives, and addressing the needs of
12 the persons who the parties agree are affected.

13 (d) Notwithstanding other provisions of this section, a court, when necessary,
14 may provide written materials to a party instead of ordering the party to attend an
15 educational presentation under this section. Written materials provided under this
16 subsection must include the explanation required under (c)(1) - (3) of this section.