

HOUSE BILL NO. 384

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE HODGINS

Introduced: 2/6/98

Referred: Health, Education and Social Services, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act establishing the Legislative Commission on Family Law Reform; and**
2 **providing for an effective date."**

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

4 * **Section 1. LEGISLATIVE COMMISSION ESTABLISHED.** (a) There is established
5 in the legislative branch the Legislative Commission on Family Law Reform consisting of

6 (1) three members of the senate appointed by the president of the senate; two
7 members shall be members of the majority and one member shall be a member of the
8 minority; and

9 (2) three members of the house of representatives appointed by the speaker of
10 the house; two members shall be members of the majority and one member shall be a member
11 of the minority;

12 (b) The commission shall select a chair and vice-chair from among its members.

13 (c) The commission may employ staff as it considers necessary. Employees of the
14 commission are in the exempt service.

1 * **Sec. 2.** DUTIES. (a) The Legislative Commission on Family Law Reform shall

2 (1) review current laws, practices, and policies of the child support
3 enforcement agency in the Department of Revenue, the division of family and youth services
4 in the Department of Health and Social Services, and the court system with respect to their
5 interactions with and decisions affecting children and families, including families that are
6 undergoing separation, divorce, dissolution, child custody and visitation disputes, domestic
7 violence, or parentage establishment procedures;

8 (2) recommend and prepare legislation designed to create a nonadversarial
9 conflict management system for families in transition that will include access for them to
10 appropriate services to aid them in managing their transition; and

11 (3) submit a report of its findings and proposed legislation and other
12 recommendations to the legislature by the convening of the Second Regular Session of the
13 Twenty-First Alaska State Legislature.

14 (b) The commission shall, among other areas of interest to the commission, consider
15 reviewing and making recommendations in the following areas of concern:

16 (1) balancing of vigorous enforcement of child support obligations with equally
17 vigorous enforcement of visitation and parental rights of obligor parents;

18 (2) equitable determinations of interim custody of children in families that are
19 in transition;

20 (3) establishment of a separate family court system that grants priority to
21 family law cases;

22 (4) the need for safe placement of children who are in the custody of the state
23 with sufficient attention to securing appropriate permanent families for the children;

24 (5) appropriate training in mediation and other areas for judges, magistrates,
25 family law attorneys, court personnel, child custody investigators, guardians ad litem, and
26 employees of the child support enforcement agency in the Department of Revenue and the
27 division of family and youth services in the Department of Health and Social Services;

28 (6) penalties for false accusations of domestic violence and child abuse when
29 they are used as stratagems in divorce, dissolution, and custody proceedings;

30 (7) penalties for failure to disclose marital assets in divorce and dissolution
31 proceedings;

1 (8) reasons for, and improvements to reduce, backlogs and delays in the
2 custody investigator's office of the court system;

3 (9) adequacy of resources available to the court system to handle family law
4 matters;

5 (10) proposals to adopt statutory child support guidelines to replace the current
6 guidelines in court rules;

7 (11) establishment of family resource centers to provide family-oriented
8 services to families that are in conflict;

9 (12) the need to audit cases enforced by the child support enforcement agency
10 to determine whether all applicable fiscal and regulatory procedures have been followed by
11 the agency;

12 (13) establishment of a permanent Family Commission to replace the Alaska
13 Human Relations Commission and the legislative commission established by this Act.

14 * **Sec. 3. PROCEDURES.** (a) The commission shall meet as frequently as the commission
15 determines necessary to perform its work and may meet during the interim as well as during
16 legislative sessions.

17 (b) The commission may meet and vote by teleconference.

18 (c) The commission shall solicit public comment about its subjects of consideration.

19 (d) Notwithstanding AS 09.25.120(a), AS 47.10.090, and 47.10.093, or any other law
20 to the contrary, the commission members and the commission's staff are entitled to request,
21 receive, review, and copy confidential records pertaining to minors and their parents that are
22 held by the child support enforcement agency, the division of family and youth services, or
23 the court system unless disclosure of the records is prohibited by federal law. Confidential
24 information disclosed under this subsection shall remain confidential and may not be further
25 disclosed except to another person to whom disclosure is authorized by law or court order;
26 violation of this prohibition is a class C felony, but a person to whom confidential information
27 is disclosed under this subsection is not subject to a penalty for further disclosure of the
28 information unless, at the time the information was provided to the person, the person was
29 given written notification that the material was confidential.

30 (e) A subpoena or subpoena duces tecum requiring the attendance of a witness or the
31 production of a record or other material at a meeting of the commission may be issued by the

1 chair of the commission on the approval of at least a majority of the members. The subpoena
 2 shall be served in accordance with the Alaska Rules of Civil Procedure. The subpoena is
 3 sufficient if it

4 (1) is addressed to the witness;

5 (2) states that the witness is required to appear before the commission and
 6 identifies records to be produced, if any;

7 (3) states the time and place that the attendance of the witness is required;

8 (4) states that the subpoena has been approved by at least a majority of the
 9 members of the commission; and

10 (5) is signed by the chair of the commission or the chair's designee.

11 (f) A witness who appears before the commission under a subpoena is entitled to
 12 receive

13 (1) fees as prescribed for a witness in a court action unless the witness is an
 14 officer or employee of the state or a political subdivision of the state;

15 (2) reimbursement of transportation expenses in accordance with standards
 16 established by the Department of Administration under AS 39.20.160 for required travel in
 17 excess of 30 miles round trip from the witness's residence; and

18 (3) reimbursement of food and lodging expenses in accordance with standards
 19 established by the Department of Administration under AS 39.20.160 for each day of actual
 20 attendance and for each day of reasonable and necessary travel to and from the place of the
 21 meeting if the witness attends a meeting at a point so distant from the residence of the witness
 22 that return to the residence from day to day is not practicable.

23 (g) A witness who is under subpoena and neglects or refuses to attend a meeting of
 24 the commission may be arrested and brought before the commission by any person charged
 25 with the enforcement of state law. The only warrant or authority necessary to authorize an
 26 arrest under this subsection is a

27 (1) copy of the subpoena;

28 (2) copy of the proof of service of the subpoena; and

29 (3) a written direction for the arrest of the witness signed by the chair and by
 30 a majority of the members of the commission.

31 (h) The chair of the commission may administer an oath to a witness appearing before

1 the commission.

2 * **Sec. 4.** DEFINITION. In this Act, "commission" means the Legislative Commission on
3 Family Law Reform established by this Act.

4 * **Sec. 5.** This Act takes effect immediately under AS 01.10.070(c).

5 * **Sec. 6.** This Act is repealed on adjournment sine die of the Twenty-First Alaska State
6 Legislature.