

HOUSE BILL NO. 69

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES MILLETT, Tuck

Introduced: 1/21/15

Referred: Labor and Commerce, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to child custody investigators; establishing the Board of Child Custody**
2 **Investigators in the Department of Commerce, Community, and Economic**
3 **Development; and amending Rule 90.6, Alaska Rules of Civil Procedure."**

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

5 *** Section 1.** AS 08.01.010 is amended by adding a new paragraph to read:

6 (42) Board of Child Custody Investigators (AS 08.27).

7 *** Sec. 2.** AS 08.01.050(d) is amended to read:

8 (d) At the request of one of the following boards, the department may contract
9 with public agencies and private professional organizations to provide assistance and
10 treatment to persons licensed by the board who abuse alcohol, other drugs, or other
11 substances:

12 (1) Board of Social Work Examiners;

13 (2) Board of Dental Examiners;

14 (3) Board of Marital and Family Therapy;

- 1 (4) State Medical Board;
 2 (5) Board of Nursing;
 3 (6) Board of Examiners in Optometry;
 4 (7) Board of Pharmacy;
 5 (8) State Physical Therapy and Occupational Therapy Board;
 6 (9) Board of Professional Counselors;
 7 (10) Board of Psychologist and Psychological Associate Examiners;

8 [AND]

- 9 (11) Board of Veterinary Examiners; **and**
 10 **(12) Board of Child Custody Investigators.**

11 * **Sec. 3.** AS 08.03.010(c) is amended by adding a new paragraph to read:

- 12 (23) Board of Child Custody Investigators (AS 08.27.010) - June 30,
 13 2018.

14 * **Sec. 4.** AS 08 is amended by adding a new chapter to read:

15 **Chapter 27. Board of Child Custody Investigators.**

16 **Sec. 08.27.010. Creation, membership, and organization of the board.** (a)

17 The Board of Child Custody Investigators is created. The board consists of seven
 18 members who are state residents appointed by the governor as follows:

19 (1) two retired superior court judges who have at least five years of
 20 experience in adjudicating child custody proceedings in the state and who are not
 21 assigned or serving as judges pro tempore;

22 (2) two attorneys licensed to practice law in the state with at least five
 23 years of professional experience in child custody proceedings;

24 (3) one child custody investigator with at least five years of experience
 25 investigating child custody cases in the state; and

26 (4) two members of the public.

27 (b) When appointing members under (a)(1) - (3) of this section, the governor
 28 shall consult with the administrative director of the Alaska Court System.

29 (c) The board shall meet at least once a year, and additional meetings shall be
 30 held on request of the chair or at the request of a majority of the members of the board.

31 (d) The board shall select a chair and a secretary from among its members.

1 (e) Members of the board shall serve staggered terms of three years. A board
2 member may be removed only for cause.

3 (f) Four members of the board constitute a quorum for the transaction of all
4 business properly before the board.

5 (g) The governor shall appoint a new member to replace a member appointed
6 under (a)(1) of this section if the member accepts an assignment as a judge during the
7 member's term on the board.

8 (h) In the event of the death, resignation, or removal of a member, the vacancy
9 shall be filled for the unexpired portion of the term in the same manner as the original
10 appointment.

11 (i) In addition to the requirements for public members under AS 08.01.025, a
12 public member of the board appointed under (a)(4) of this section may not be
13 participating in, have participated in, or live in a household with a person or have an
14 immediate family member who is participating in or who has participated in a court
15 action involving a child custody investigator. In this subsection, "immediate family
16 member" means a spouse, parent, sibling, or child related by blood, marriage, or
17 adoption.

18 **Sec. 08.27.020. Powers and duties.** (a) The board shall

19 (1) establish criteria relating to applications, qualifications, and
20 training required for licensure as a child custody investigator;

21 (2) adopt a code of ethics to be observed by persons licensed under this
22 chapter;

23 (3) develop procedures for the receipt and review of complaints
24 relating to the performance and conduct of child custody investigators;

25 (4) review allegations of misconduct involving child custody
26 investigators;

27 (5) enforce the provisions of this chapter; and

28 (6) adopt regulations necessary to carry out the board's duties under
29 this chapter.

30 (b) The board may

31 (1) conduct hearings on charges of alleged violations of this chapter or

1 regulations adopted under this chapter;

2 (2) take disciplinary action against a licensee.

3 **Sec. 08.27.030. Issuance of license.** The board shall request the department to
4 issue to an applicant who provides proof satisfactory to the board that the applicant is
5 qualified and who has paid the applicable fees a license to practice as a child custody
6 investigator in the state.

7 **Sec. 08.27.040. Fees.** The department shall set fees for licenses and
8 applications under AS 08.01.065.

9 **Sec. 08.27.050. License required; exemption.** (a) Except as provided in (b) of
10 this section, an individual may not engage in the business of providing services as a
11 child custody investigator unless the individual is licensed under this chapter.

12 (b) An individual who is an employee of the Alaska Court System is not
13 required to be licensed under this chapter.

14 **Sec. 08.27.060. Court appointment; exception.** (a) A court may not appoint
15 an individual who engages in the business of providing services as a guardian or
16 conservator as a child custody investigator unless the individual is licensed under this
17 chapter.

18 (b) This section does not apply to a person who is exempt from licensure
19 under AS 08.27.050(b).

20 **Sec. 08.27.190. Definitions.** In this chapter,

21 (1) "board" means the Board of Child Custody Investigators;

22 (2) "business of providing services as a child custody investigator"
23 means an action taken by a person for a fee, donation, or other consideration to
24 investigate and provide an opinion on child custody, access, and visitation in
25 proceedings under AS 25.20, AS 25.24, or AS 18.66 or other actions, disputes, or
26 proceedings in which the custody of children is at issue;

27 (3) "department" means the Department of Commerce, Community,
28 and Economic Development.

29 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
30 read:

31 **INDIRECT COURT RULE AMENDMENT.** AS 08.27.050(a) and 08.27.060(a),

1 enacted by sec. 4 of this Act, have the effect of changing Rule 90.6, Alaska Rules of Civil
2 Procedure, by requiring the licensing of individuals who investigate and provide an opinion
3 on child custody, access, and visitation in proceedings under AS 25.20, AS 25.24, or
4 AS 18.66 or other actions, disputes, or proceedings in which the custody of a child is at issue.

5 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
6 read:

7 **TRANSITIONAL PROVISIONS APPLICABLE TO THE BOARD OF CHILD**
8 **CUSTODY INVESTIGATORS.** Notwithstanding AS 08.27.010(e), enacted by sec. 4 of this
9 Act, the terms of the first members of the Board of Child Custody Investigators appointed by
10 the governor are as follows: (1) one retired superior court judge, one public member, and the
11 child custody investigator shall be appointed for two-year terms; (2) one retired superior court
12 judge and one attorney shall be appointed for three-year terms; and (3) one attorney and one
13 public member shall be appointed for one-year terms. The governor shall specify the term of
14 office of each member appointed under this section.

15 * **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to
16 read:

17 **TRANSITIONAL PROVISIONS AFFECTING EXISTING CHILD CUSTODY**
18 **INVESTIGATORS.** Notwithstanding AS 08.27.050, enacted by sec. 4 of this Act, a person
19 serving, or who has served in the five years preceding the effective date of this section, as a
20 child custody investigator in the state may continue to serve as a child custody investigator
21 until 180 days following the effective date of regulations adopted by the Board of Child
22 Custody Investigators relating to the criteria for approval of license applications under
23 AS 08.27.020, enacted by sec. 4 of this Act.

24 * **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to
25 read:

26 **CONDITIONAL EFFECT.** AS 08.27.050 and 08.27.060, enacted by sec. 4 of this Act,
27 take effect only if sec. 5 of this Act receives the two-thirds majority vote of each house
28 required by art. IV, sec. 15, Constitution of the State of Alaska.