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Referred: Judiciary

BY BRADNER, BEIRNE, BROWN,
GARDINER, GRUENING, MCKINNON,
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1 IN THE HOUSE

2 HOUSE BILL NO. 237

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to mediation in divorce actions."

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

8 * Section 1. It is the intent of this Act to provide a means of mediation
9 between parties in divorce actions, in order to achieve a mutually agreeable
10 settlement in termination of the marriage, and to thereby minimize disruption
11 of the household, adverse effects on minor children, and litigation between
12 the parties.

13 * Sec. 2. AS 09.55 is amended by adding a new section to read:

14 Sec. 09.55.115. MEDIATION. (a) At any time after a divorce
15 action is filed, a party to the action may submit a request to the court
16 for mediation, for the purpose of achieving a mutually agreeable settle-
17 ment in termination of the marriage. When a party requests settlement
18 mediation, the other party shall answer the request on the record, and
19 the judge may order mediation. When no request for mediation is made,
20 the court may order the parties to submit to mediation if there is
21 reason to believe that mediation may result in a more satisfactory
22 settlement between the parties.

23 (b) The court appoints the mediator. The court may appoint him-
24 self, another judge, a standing master, or any other person the court
25 finds suitable to act as mediator.

26 (c) Mediation shall be conducted informally as a conference or
27 series of conferences. The parties to the action and a representative
28 of the minor children of the marriage, if any, shall attend.

29 (d) After the first conference, either party may withdraw, or the

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1 mediator may terminate mediation if he determines that mediation efforts
2 are unsuccessful. Upon withdrawal by either party on termination by the
3 mediator, the mediator shall notify the court that mediation efforts
4 have failed, and the divorce action shall proceed in the usual manner.

5 (e) If a judge serves as mediator and the mediation efforts fail,
6 the judge, on the request of a party, shall withdraw from further
7 proceedings on the case. A party requesting withdrawal of a judge shall
8 not be considered to have exercised his right of preemptory challenge.

9 (f) Upon submission of the parties to mediation under this section,
10 divorce proceedings then pending shall be stayed for a period of 30 days
11 or until the court is notified that mediation efforts have failed. All
12 court orders made under sec. 200 of this chapter remain in effect during
13 the period of mediation.
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