

Original sponsor: Bradner, Beirne,
Brown, et al

Offered: 3/26/75
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR 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 within 30 days after
15 a complaint or cross-complaint in a divorce action is filed, a party to
16 the action may submit a request to the court for mediation, for the
17 purpose of achieving a mutually agreeable settlement in termination of
18 the marriage. When a party requests settlement mediation, the other
19 party shall answer the request on the record, and the judge may order
20 mediation. When no request for mediation is made, the court may at any
21 time order the parties to submit to mediation if there is reason to
22 believe that mediation may result in a more satisfactory settlement
23 between the parties.

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

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

1 parties may attend.

2 (d) After the first conference, either party may withdraw, or the
3 mediator may terminate mediation if he determines that mediation efforts
4 are unsuccessful. Upon withdrawal by either party or termination by the
5 mediator, the mediator shall notify the court that mediation efforts
6 have failed, and the divorce action shall proceed in the usual manner.

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