

Introduced: 1/30/80  
Referred: Judiciary

BY MUNSON, BRANSON AND  
BUCHHOLDT

1 IN THE HOUSE

2 HOUSE BILL NO. 639

3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act authorizing the superior court to request  
7 reports by the Department of Health and Social Services  
8 in legal proceedings involving the welfare of child-  
9 ren."

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

11 \* Section 1. AS 09.65.130(a) is amended to read:

12 (a) The court may, upon the motion of either party or upon its own  
13 motion, appoint an attorney to represent the minor with respect to his  
14 custody, support, and visitation or in any other legal proceeding in-  
15 volving his welfare. When custody, support, or visitation are at issue  
16 in a divorce, it is the responsibility of the parties or their counsel  
17 to notify the court that those matters are at issue. Upon notification,  
18 the court shall determine whether the child should have legal represen-  
19 tation or other services, and shall make a finding on the record before  
20 trial. The court shall enter an order for costs, fees, and disburse-  
21 ments in favor of the child's attorney and may further order

22 (1) that the Department of Health and Social Services make  
23 a preliminary inquiry and report for the information of the court as to  
24 the living accommodations and care which may be provided for the child  
25 under alternative custody arrangements; or

26 (2) that other services be provided for the protection of the  
27 child.

28 \* Sec. 2. AS 09.65.130(c) is amended to read:

29 (c) Instead of, or in addition to, appointment of an attorney

1 under (a) of this section, the court may, upon the motion of either  
2 party or upon its own motion, appoint an attorney or other person to  
3 serve as guardian ad litem to represent the best interests of a minor in  
4 any legal proceedings involving his welfare. The court shall appoint a  
5 guardian ad litem when, in the opinion of the court, representation of  
6 the child's best interests, to be distinguished from his preferences,  
7 would serve the welfare of the child. The person appointed under (a) of  
8 this section may also be appointed as guardian ad litem under this  
9 subsection. The court in its order appointing a guardian ad litem shall  
10 limit the duration of the appointment of the guardian ad litem to the  
11 pendency of the legal proceedings affecting the child's interests, and  
12 shall outline the guardian ad litem's responsibilities and limit his  
13 authority to those matters related to his effective representation of  
14 the child's best interests in the pending legal proceeding. The court  
15 shall make every reasonable effort to appoint a guardian ad litem from  
16 among persons in the community where the child's parents or the person  
17 having legal custody or guardianship of the child's person reside. When  
18 custody, support, or visitation are at issue in a divorce, it is the  
19 responsibility of the parties or their counsel to notify the court that  
20 these matters are at issue. Upon notification, the court shall deter-  
21 mine if the child's best interests need representation or if the child  
22 needs other services and shall make a finding on the record before  
23 trial. The court shall enter an order for costs, fees, and disburse-  
24 ments in favor of the child's guardian ad litem and may further order

25 (1) that the Department of Health and Social Services make a  
26 preliminary inquiry and report for the information of the court as to  
27 the living accommodations and care which may be provided for the child  
28 under alternative custody or guardianship arrangements; or

29 (2) that other services be provided for the protection of the

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