

Original sponsor(s): REP. ELLIS, Menard, Ulmer

1 IN THE HOUSE BY THE HESS COMMITTEE

2 CS FOR HOUSE BILL NO. 538 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act authorizing the Alaska Judicial Council to  
7 establish and evaluate a child visitation mediation  
8 project and establishing an advisory council to  
9 provide advice concerning the project; and providing  
10 for an effective date."

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

12 \* Section 1. FINDING. The legislature finds that it is in the best  
13 interests of a child to have reasonable access to both of the child's  
14 parents unless there are circumstances in which that access would be detri-  
15 mental to the child.

16 \* Sec. 2. CHILD VISITATION MEDIATION PROJECT. (a) To better enable  
17 persons having either custody of or rights of visitation for a minor child  
18 to reach voluntary agreements relating to child visitations that are in the  
19 best interests of the child, the Alaska Judicial Council may

20 (1) create a child visitation mediation project using mediators  
21 to mediate child visitation disputes; the mediation project shall be locat-  
22 ed in and serve residents of the judicial district of the state determined  
23 by the Alaska Judicial Council to have the greatest caseload relating to  
24 court-ordered child visitations; and

25 (2) evaluate the project created under (1) of this subsection;  
26 the evaluation must measure the success of the project in terms of its  
27 ability to promote and serve the best interests of the child, the project's  
28 efficiency, and the project's economy.

29 (b) In establishing the project under (a) of this section, the Alaska

1 Judicial Council shall

2 (1) exclude from the scope of the project cases in which there  
3 has been an indication of domestic violence as defined in AS 18.66.900; and

4 (2) develop a curriculum for the initial mediation session that  
5 informs all parties of their visitation rights and the scope and purpose of  
6 the project before mediation begins.

7 (c) Except as provided in (d) of this section, mediation under the  
8 child visitation mediation project shall be conducted informally and may be  
9 conducted as a conference or series of conferences, by telephone or in  
10 person. The parties need not be present in the same location. Counsel for  
11 the parties may attend each conference.

12 (d) A party who is involved in mediation under the child visitation  
13 mediation project must attend a mediation orientation session. After the  
14 mediation orientation session, either party may choose to withdraw from  
15 mediation. A party's refusal to participate may not be used against the  
16 party in another proceeding.

17 (e) Mediation conferences under the child visitation mediation proj-  
18 ect are confidential. The mediator may not submit recommendations to a  
19 court about the disposition of the dispute.

20 (f) Unless precluded by (b)(1) of this section, a minor who is at  
21 least 13 years of age may refer persons having custody of or rights of  
22 visitation for the minor to the child visitation mediation project.

23 (g) In this section, "party" means a person having either custody of  
24 or rights of visitation for a minor child.

25 \* Sec. 2. PROJECT ADVISORY COUNCIL. (a) There is established an  
26 advisory council to advise the Alaska Judicial Council concerning the  
27 project authorized by sec. 1 of this Act. Before the Alaska Judicial  
28 Council begins offering mediation services under the project, the advisory  
29 council shall make recommendations to the Alaska Judicial Council

1 concerning the implementation of the project and how the success of the  
2 project should be measured.

3 (b) The advisory council consists of seven members, including

4 (1) a representative of the judicial branch, appointed by the  
5 chief justice of the supreme court;

6 (2) a person who is experienced as a mediator, appointed by the  
7 governor;

8 (3) a legislator, appointed by the governor;

9 (4) four parents, two of whom are custodial parents and two of  
10 whom have visitation rights with their children who are in the custody of  
11 the other parent, appointed by the governor.

12 (c) Members of the advisory council appointed under (b) of this  
13 section serve without compensation, but are entitled to per diem and travel  
14 expenses authorized for boards and commissions under AS 39.20.180 for  
15 attendance at scheduled meetings of the advisory council.

16 \* Sec. 3. The Alaska Judicial Council shall complete the evaluation re-  
17 quired under sec. 2(a)(2) of this Act and report the evaluation to the  
18 legislature by February 1, 1992.

19 \* Sec. 4. This Act is repealed February 1, 1992.

20 \* Sec. 5. This Act takes effect July 1, 1990.