

Original sponsor(s): Judiciary Committee

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 HOUSE CS FOR SENATE BILL NO. 522 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL
6 For an Act entitled: "An Act requiring the Alaska Judicial Council to
7 establish and evaluate a pilot child visitation
8 mediation project; and providing for an effective
9 date."

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

11 * Section 1. PILOT CHILD VISITATION MEDIATION PROJECT. (a) A pilot
12 child visitation mediation project is established to promote the best
13 interests of children who are the subject of a visitation order. In order
14 to determine whether the best interests of children are served by mediation
15 intended to enable persons having either custody of or rights of visitation
16 for a minor child to reach voluntary agreement relating to child visita-
17 tion, the Alaska Judicial Council shall

18 (1) establish a pilot child visitation mediation project using
19 mediators to mediate child visitation disputes; the pilot mediation project
20 shall be located in and serve residents of the judicial district of the
21 state determined by the Alaska Judicial Council to have the greatest case-
22 load relating to court-ordered child visitations; and

23 (2) evaluate the pilot child visitation mediation project cre-
24 ated under (1) of this subsection; the evaluation must measure

25 (A) the success of the project in terms of its ability to
26 promote and serve the best interests of the child;

27 (B) the satisfaction of the legitimate and appropriate
28 needs of the persons who participate in the project;

29 (C) the project's efficiency;

- 1 (D) the project's economy;
- 2 (E) whether the project has decreased the time required to
- 3 resolve disputes relating to child visitation;
- 4 (F) whether the project has reduced litigation relating to
- 5 visitation disputes; and
- 6 (G) whether mediation under the project improves compliance
- 7 with court-ordered child support payments.

8 (b) In establishing the pilot child visitation mediation project

9 under (a) of this section, the Alaska Judicial Council shall

10 (1) require the screening of cases and exclude from the scope of

11 the pilot child visitation mediation project cases in which

12 (A) there has been an indication of domestic violence as

13 defined in AS 18.66.900 or a pattern of harassment of one party by

14 another; or

15 (B) a party has indicated the intent to materially change

16 an existing court-ordered visitation schedule;

17 (2) develop protocols for the initial contact and for the me-

18 diation orientation session that describes the process and purpose of

19 mediation and informs all parties of their rights and the scope and purpose

20 of the project before mediation begins;

21 (3) consult, as to the pilot child visitation mediation proj-

22 ect's design and evaluation

23 (A) with the Alaska Court System; and

24 (B) in a formal process, with custodial and noncustodial

25 parents and other appropriate parties;

26 (4) consult with other states to determine their experiences

27 with child visitation mediation and to obtain their recommendations relat-

28 ing to mediation of child visitation disputes; and

29 (5) develop a list of qualifications for persons who may serve

1 as mediators.

2 (c) A person may participate in the pilot child visitation mediation
3 project if the person is a party to a valid visitation order and submits a
4 written request for mediation to the Alaska Judicial Council. The request
5 must state the existing visitation schedule as set out in the current
6 visitation order, the actual visitation being exercised, what the party
7 hopes that mediation will accomplish, and the efforts that the party has
8 made to resolve the party's concerns.

9 (d) If a minor child for whom visitation rights are made the subject
10 of mediation has a guardian ad litem, the guardian ad litem

11 (1) shall be involved in all aspects of mediation; and

12 (2) shall approve any agreement to child visitation that arises
13 out of mediation.

14 (e) If one party to the visitation order files a request for me-
15 diation and the person qualifies for mediation, a mediator shall contact
16 the other party and, in a nonthreatening manner and consistent with the
17 protocols developed under (b)(2) of this section, notify the other party
18 that a request for mediation has been filed and that visitation mediation
19 services are available. In making the contact, the mediator shall outline
20 the parties' option to participate in mediation. The mediator shall also
21 invite the notified party to attend an initial orientation session, advis-
22 ing the party that the party may withdraw from mediation at any time.

23 (f) Mediation under the pilot child visitation mediation project is
24 limited to the visitation dispute. Mediation must be conducted informally
25 and may be conducted as a conference or series of conferences, by telephone
26 or in person. The parties need not be present in the same location.
27 Counsel for the parties may attend each conference.

28 (g) A person who has been contacted under (e) of this section and
29 agrees to participate in mediation under the pilot child visitation

1 mediation project must attend a mediation orientation session. After the
2 mediation orientation session, either party may choose to withdraw from
3 mediation. A party's refusal to participate may not be used against the
4 party in any proceeding.

5 (h) Mediation conferences under the pilot child visitation mediation
6 project are confidential. The mediator may not submit recommendations to a
7 court about the disposition of the dispute.

8 (i) In this section, "party"

9 (1) means a person having either custody of or rights of visita-
10 tion for a minor child; and

11 (2) includes, when appropriate, the guardian ad litem of the
12 minor child.

13 * Sec. 2. PROJECT EVALUATION. The Alaska Judicial Council shall com-
14 plete the evaluation required under sec. 1(a)(2) of this Act and report the
15 evaluation to the legislature by February 1, 1992. The evaluation of the
16 project must consider establishing a sliding scale fee system for visita-
17 tion mediation services if this pilot child visitation mediation program is
18 continued after February 1, 1992.

19 * Sec. 3. ADDITIONAL MEDIATION PROJECTS PROHIBITED. The Alaska Court
20 System may not establish and conduct another mediation project until
21 February 1, 1992.

22 * Sec. 4. USE OF FEDERAL FUNDS. The Alaska Judicial Council shall
23 apply for federal money that may be available for the pilot child visita-
24 tion mediation project.

25 * Sec. 5. This Act is repealed February 1, 1992.

26 * Sec. 6. This Act takes effect July 1, 1990.