

COMMITTEE REPORT

SENATE

5/9/75

Mr. President:

Date 5/31/75

The Committee on FINANCE has had CSHB 237
relating to mediation in divorce actions
under consideration. A Majority of the members of the Committee

- () recommends it DO PASS
- () recommends it DO NOT PASS
- () recommends it DO PASS WITH ATTACHED AMENDMENT(S)
- (X) recommends it BE REPLACED WITH CS FOR CSHB 237 AND THAT

CS FOR CSHB 237 DO PASS

- () "and" recommends it BE REFERRED TO THE _____
COMMITTEE

() reports it back WITHOUT RECOMMENDATION

() "other"

Members signing the Majority report:

<u>[Signature]</u>	<u>NO REC</u>	<u>[Signature]</u>
<u>[Signature]</u>	<u>NO REC</u>	<u>[Signature]</u>
<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>
<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>

Members NOT concurring in the Majority report:

<u>[Signature]</u>	recommends: <u>Do Pass</u>
<u>[Signature]</u>	recommends: <u>Do Pass</u>
<u> </u>	recommends:
<u> </u>	recommends:
<u> </u>	recommends:

[Signature] Chairman

The Legislature of the State of Alaska
FISCAL NOTE

First Session - Ninth Legislature

I. REQUEST

Bill No. CS for House Bill No. 237

Title: Mediation in divorce actions

Requested by: _____ Date: _____

Return Date Requested: _____

Agency: Alaska Court System Program: _____

II. FISCAL DETAIL

Budget Request Unit(s) Affected: Alaska Court System

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 75	FY 76	FY 77	FY 78	FY 79	FY 80
100 PERSONAL SERVICES		110.0	120.0	130.0	140.0	150.0
200 TRAVEL						
300 CONTRACTUAL		20.0	25.0	30.0	35.0	40.0
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		130.0	145.0	160.0	175.0	190.0

B. FUNDING: (Thousands of dollars)

GENERAL FUND		130.0	145.0	160.0	175.0	190.0
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	/	3/	3/	3/	3/	3/
MAN MONTHS (P./T.)	/	/	/	/	/	/

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

See attached.

IV. ATTACHMENTS

V. DATE: Aug 20, 1975 PREPARED BY: Rick Barrier
Rick Barrier

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

FISCAL NOTE: CS FOR H.B. NO. 237

Committee Substitute for House Bill No. 237 permits a party to a divorce action to request informal mediation by the court. This bill also authorizes the court to order mediation on its own motion. In both cases, the mediator is appointed by the court and may be an employee of the court or "any other person the court finds suitable".

H.B. No. 237 does not address the subject of payment for the mediation services. Apparently, it is assumed that the court system will provide this service out of its operating budget. In those courts with low caseloads of divorce cases, a judge, clerk of court, magistrate or other existing court employee may be able to function as the mediator. However, in high volume courts such as Anchorage or Fairbanks, mediation would necessitate the addition of new permanent staff.

The wording of H.B. No. 237 authorizes a party to the divorce action or a judge to initiate the mediation process at their discretion. It is therefore impossible to estimate accurately what percentage of divorce cases would go to mediation. Assuming that 30 percent of all divorce cases will involve mediation, and assuming that the average mediation conferences and settlement require three to four hours of time, H.B. No. 237 will require the appointment of two standing masters in Anchorage and one in Fairbanks. It will also require approximately \$20,000 in contractual payments for mediators in locations where judicial employees and officers are unable to fill the mediation role.

Original sponsor: Bradner, H. Beirne,
Brown, et al

Offered: 5/9/75
Referred: Finance

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 SENATE CS FOR 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, including but not limited to disposition of property rights, in
11 termination of the marriage, and to thereby minimize disruption of the house-
12 hold, adverse effects on minor children, and litigation between 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 file a motion with the court requesting mediation, for
17 the purpose of achieving a mutually agreeable settlement in termination
18 of the marriage. When a party moves for settlement mediation, the other
19 party shall answer the motion 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 it determines that
22 mediation may result in a more satisfactory settlement between the
23 parties.

24 (b) The court appoints the mediator. The court may appoint any
25 person the court finds suitable to act as mediator. Each party shall
26 have the right once to challenge peremptorily any mediator appointed.

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

1 Counsel for the parties may attend all such conferences.

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.
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Original sponsor: Bradner, Beirne,
Brown, et al

Offered: 3/26/75
Referred: Rules

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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
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