

HB

539

HOUSE COMMITTEE REPORT

(7)

Date Referred: April 9, 1990

FURTHER REFERRALS:

FINANCE

Date of Committee Action: _____

The JUDICIARY Committee considered:

HB 539

HOUSE BILL NO. 539

APPROP: CHILD VISITATION MEDIATION

"An Act making a special appropriation to the office of public advocacy for a child visitation mediation demonstration project; and providing for an effective date."

RECOMMENDATIONS:

- [] be replaced with _____ [] the same title
- [] _____ [] a new title
- [] have attached amendment(s)
- [] do pass
- [] do not pass
- [] no recommendation
- [] individual recommendations
- [] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

- [] fiscal impact _____ [] fiscal note(s) _____
- [] zero fiscal note _____ [] zero fiscal note(s) _____
- [] zero with analysis _____ [] zero fn/analysis _____

SIGNING DO PASS:

SIGNING:

(Check approp. column)

Do Not
Pass No Rec Amend

Chairman's Signature

HOUSE COMMITTEE REPORT

4/9

B

(7)

Date Referred: February 12, 1990

FURTHER REFERRALS:

JUDICIARY
FINANCE

Date of Committee Action: 4/6/90

The HEALTH, EDUCATION, & SOCIAL SERVICES Committee considered: HB 539

HOUSE BILL NO. 539 APPROP: CHILD VISITATION MEDIATION

"An Act making a special appropriation to the office of public advocacy for a child visitation mediation demonstration project; and providing for an effective date."

RECOMMENDATIONS:

- be replaced with CSHB 539 (HESS) the same title
- have attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S): APPROVES PREVIOUS: (Date/Dept)

- fiscal impact _____ fiscal note(s) _____
- zero fiscal note _____ zero fiscal note(s) _____
- zero with analysis _____ zero fn/analysis _____

SIGNING DO PASS: J. Ellis ELLIS

SIGNING: (Check approp. column)

Do Not Pass No Rec Amend

<u>Mark Boyer</u> BOYER			
<u>Grubenberg</u> GRUBENBERG			
<u>M. Furnace</u> FURNACE			X
<u>Cheri Davis</u> DAVIS			X

J. Ellis
Chairman's Signature

NATIONAL COUNCIL FOR CHILDREN'S RIGHTS

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1

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 Mothers Without Custody
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 UCLA School of Medicine
 Los Angeles, California

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 (Abigail Van Buren)
 Los Angeles, California

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 Jamaica, New York

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 Beverly Hills, California

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 former Member of the Board of
 Directors New York City N.O.W.
 Lancaster, California

Doris Jones Freed, Esq., Co-Chair
 New York State Bar Association Family Law
 Section's Custody Committee
 New York, New York

Larry Greenham, Law Professor,
 Professional Director, Family Mediation
 of Greater Washington, D.C.

April 15, 1998

State Representatives Max Gruenberg and Peter Goll,
 co-chairmen, House Judiciary Committee
 Alaska State Legislature
 Juneau, Alaska 99811

Dear Chairmen Gruenberg and Goll,

We have been asked by Sandy Armstrong, the
 coordinator of our Alaska Chapter of the National
 Council for Children's Rights, to provide
 information to you.

1. Interference with access (visitation) is a
 national problem. Various researchers find that
 custodial parents interfere with access (visitation)
 in 25% to 50% of cases nationwide. In Wallerstein
 and Kelly's book entitled "Surviving the Breakup"
 (Basic Books, 1988), the researchers found that some
 custodial parents prevented the access of the child
 with the other parent out of anger or spite, while
 in other cases, custodial parents made excuses, such
 as saying "Johnny has something else to do today,"
 or by deprecating the other parent in front of the
 child. Having sole custody is a tremendous power,
 and it can be used constructively, by respecting the
 active parenting of the other parent, or it can be
 used destructively, to undermine the child's
 relationship with the other parent.

2. Access (visitation) enforcement programs have
 proven very successful in places where they have
 been tried. One example is the Michigan "Friend of
 the Court" (FOC) program. In Michigan, staff
 investigates access as well as child support
 complaints.

(more)

A NON-PROFIT, TAX EXEMPT ORGANIZATION STRENGTHENING FAMILIES & ASSISTING CHILDREN OF DIVORCE

Doris Jones Freed, Esq., Co-Chair
 New York State Bar Association Family Law
 Section's Custody Committee
 New York, New York

Honorable Mel Phil Hoff
 Vermont Governor, 1961-69

Dr. Carl H. Mau, Jr.
 General Secretary
 Lutheran World Federation
 (1974-83)
 Geneva, Switzerland

Honorable Virginia Montgomery
 State Senate, New York

Honorable Debbie Stabenow, Chair
 Mental Health Commission
 House of Representatives, Michigan

Honorable Max Parsons
 State Senate, Alabama

Joan Berlin Kelly, Ph.D.,
 Executive Director
 Northern California Mediation Center
 Corte Madera

Honorable For McKeithen
 Secretary of State, Louisiana

Mal Fisman, Ph.D., Professor,
 Director, Group and Family Studies
 Department of Psychiatry
 Albert Einstein College of Medicine
 Bronx, New York

Carol Stack, Ph.D., Director, Center for
 the Study of the Family and the State
 Duke University
 Durham, North Carolina

Honorable Jack Metcalf

Michigan collects more in child support per administrative dollar than any other state. Michigan collects \$8.33 in support for every dollar spent to collect. Michigan officials such as Debbie Stabenow of the House of Representatives, and Dee Van Horn, administrator of the FOC, credit Michigan's balanced approach with this success.

Our National Council received an award for convincing Prince George's County, Maryland, outside Washington, D.C., to hire access mediators to resolve access (visitation) complaints. When one parent complains, the access mediator phones or meets with the other parent, to find out why the visitation order is not being followed. Either parent may file a complaint. The County reports an 80% success record at resolving these complaints, at an average salary time of 1 hour, 37 minutes, at an average cost of about \$15 per case.

Apparently, just having someone in authority care enough about these issues to contact the other parent, and to help educate parents about their responsibilities, sends a powerful message. Allowing phone OR face-to-face meetings provides flexibility for the program.

3. The benefit of a continuing relationship of children with both parents after separation and divorce is vitally important to children. A divorcing spouse may never want to see the other spouse again, but children do not lose their longing for the "absent" parent even years after the divorce, according to research by John Guidubaldi, Kent State University, Kent, Ohio, who has conducted the largest (699 children) study of children of divorce in the country. Guidubaldi recommends more access to the non-custodial parent than is currently generally provided as one means of helping children of divorce. His findings that divorce is a long-time stressor of children, and that children long for the "absent" parent even years after the divorce is supported by Wallerstein and Kelly, and other researchers.

4. Bill Number CS for House Bill Number 538 is a reasonable approach to helping children of separation and divorce. Section ((B))((2))((f)) of the bill, which lets a child 13 or older refer a person with custody or visitation rights to the project, is good, because visitation is a child's right, as well.

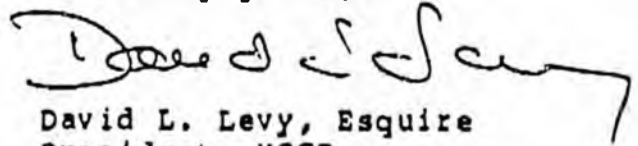
The bill would create an Advisory Council on which two non-custodial and two custodial parents would join with a legislator, person experienced in mediation, and a representative of the judicial branch. Because custodial and non-custodial parents have keen perspective on the problems the Council would examine, the Council would seem to have excellent balance.

In Michigan and Prince George's County, there are open referrals, without having to first screen them by the judiciary. This is important to the speedy resolution of as many complaints as possible.

Thank you both for your support you can give to this bill, which will do so much to help keep Alaska children "out of the middle" of battles between their parents. If you would like additional information, please let me know.

Thank you for helping to strengthen the American family.

Sincerely yours,



David L. Levy, Esquire
President, NCCR

DLL/vdd

Funding Information: General Fund \$120,000
 Other Funds - 0 -
 \$120,000

Original sponsor(s): REP. ELLIS, Menard

1 IN THE HOUSE

BY THE HESS COMMITTEE

2 CS FOR HOUSE BILL NO. 539 (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 making a special appropriation to the Alaska
7 Judicial Council for a child visitation mediation
8 project; and providing for an effective date."

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

10 * Section 1. The sum of \$120,000 is appropriated from the general fund
11 to the Alaska Judicial Council for a child visitation mediation project.

12 * Sec. 2. The unexpended and unobligated portion of the appropriation
13 made by this Act lapses into the general fund June 30, 1992.

14 * Sec. 3. The appropriation made by sec. 1 of this Act takes effect
15 only if the Alaska Judicial Council establishes a child visitation
16 diation project in accordance with law.

17 * Sec. 4. This Act takes effect on the effective date of an Act enacted
18 by the Sixteenth Alaska State Legislature authorizing the Alaska Judicial
19 Council to establish a child visitation mediation project.

STATE OF ALASKA
THE LEGISLATURE

POUCHY - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY
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Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

HOUSE H.E.S.S.

MARCH 7, 1990 8:30 A.M.

HB 539