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FISCAL NOTE

REQUEST:

Revision Date: 5/5/90
 Title: Child Visitation Mediation Project
 Sponsor: Senate Judiciary Committee
 Requestor: House Judiciary Committee

Agency Affected: Alaska Court System
 BRU: Judicial Council

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	17.6	8.8				
TRAVEL	1.6	1.9				
CONTRACTUAL	56.0	16.7				
SUPPLIES	2.0	.5				
EQUIPMENT	5.6	0.0				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	82.9	27.9				

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	82.9	27.9				
FEDERAL FUNDS						
OTHER						
TOTAL	82.9	27.9				

POSITIONS:

FULL-TIME						
PART-TIME	1.0	1.0				
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: House Judiciary Committee

Division: Legislative Affairs

Phone: 465-4990

Date: 5/5/90

Approved by Commissioner: Co-Chair Peter Goll

Agency: Co-Chair Max Gruenberg

Date: 5/5/90

Distribution (by preparer):

Legislative Finance

Legislative Sponsor

Requestor

Office of Management and Budget

Impacted Agency(ies)

page _____ of _____

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.



alaska judicial council

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CHAIRMAN EX OFFICIO
Warren W. Matthews
Chief Justice
Supreme Court

RECEIVED
MAY 5 1990

TELECOMMUNICATIONS COVER SHEET

DATE: 5/5/90 TIME: 3:00 pm
NUMBER DIALING: 465-4565
OFFICE/FIRM: Rep. Goll

The following document, including this cover sheet, is 2 pages.
Please deliver this transmission to: Hayden Kaden

This document is from: THE ALASKA JUDICIAL COUNCIL

If you have any problems or questions, please contact (907) 279-2526

Attn: Bill Cotton

SPECIAL INSTRUCTIONS:

- ① The language in the bill is acceptable to the Judicial Council. However, I do not believe that a moratorium past July 1, 1991 is acceptable to the court system. (Sec. 3)
 - ② The fiscal note is OK with changes attached. I will submit revised analysis Mon.
- w/c

STATE OF ALASKA
1990 LEGISLATIVE SESSION

BILL VERSION: HCS SB 522 (JUD)
PUBLISH DATE: 5/5/90

FISCAL NOTE

REQUEST:

Revision Date: 5/5/90
Title: Child Visitation Mediation Project
Sponsor: Senate Judiciary Committee
Requestor: House Judiciary Committee

Agency Affected: Alaska Court System
BRU: Judicial Council
Components: _____

EXPENDITURES/REVENUES:

*see previous fiscal note, cost of 1/2 secretary is 17.6.
(Thousands of Dollars) It reduced contractual accordingly*

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	17.8.6	8.8				
TRAVEL	1.6	1.9				
CONTRACTUAL	56.X 0	16.7				
SUPPLIES	2.0	.5				
EQUIPMENT	5.6	0.0				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	82.9	27.9				

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	82.9	27.9				
FEDERAL FUNDS						
OTHER						
TOTAL	82.9	27.9				

POSITIONS:

FULL-TIME	2.0					
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

1 / 1 one part time secretary - not
2 full time mediators (that was
court version. w/c

Prepared by: House Judiciary Committee

Phone: 465-4990

Division: _____

Date: 5/5/90

Approved by: Co-Chairman Peter Goll

Date: _____

Co-Chairman Max Gruenberg

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

page _____ of _____

FISCAL NOTE

REQUEST:

Revision Date: 5/5/90 Agency Affected: Alaska Court System
 Title: Child Visitation Mediation BRU: Judicial Council
 Project: _____
 Sponsor: Senate Judiciary Committee Components: _____
 Requestor: House Judiciary Committee

EXPENDITURES/REVENUES:

(Thousands of Dollars) see previous fiscal note, cost of 1/2 secretary is 17.6. I reduced contractual accordingly.

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	17.5.6	8.8				
TRAVEL	1.6	1.9				
CONTRACTUAL	56.20	16.7				
SUPPLIES	2.0	.5				
EQUIPMENT	5.6	0.0				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	82.9	27.9				
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	82.9	27.9			
FEDERAL FUNDS					
OTHER					
TOTAL	82.9	27.9			

POSITIONS:

FULL-TIME	2.0				
PART-TIME					
TEMPORARY					

ANALYSIS : (Attach a separate page if necessary)

1 *1* *one part time secretary - not*
2 full time mediators (that was
court version. w/c

Prepared by: House Judiciary Committee Phone: 465-4990
 Division: _____ Date: 5/5/90
 Approved by Co-Chairman Peter Goll Date: _____
Co-Chairman Max Gruenberg

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

BILL NO: SB 522

DATE: March 22, 1990

TITLE: An Act authorizing the Alaska Court System to establish a mediation pilot project

CONTACT: Barbara Miklos 465-4356

DEPARTMENT OF PUBLIC SAFETY /

SB 522 authorizes the Court System to establish and evaluate a mediation pilot project. The Council on Domestic Violence and Sexual Assault appreciates and supports the following provisions in the bill agreed upon by the Court System: the exclusion from the project of cases involving domestic violence; limiting mandatory mediation to one session, after which either party may choose to withdraw; ensuring that cases participating in mediation will not be delayed by the court; informing all parties of their rights, and the scope and purpose of the mediation project before mediation begins; disqualifying the mediator from making recommendations to the court about the disposition of the controversy should mediation fail; and allowing parties to consult with their attorneys at any point during the mediation process.

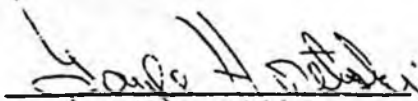
It is very important to exclude domestic violence cases from mediation. Mediation depends on equality of personal, social and economic power between the disputing parties. Violence severely distorts the balance of power in a relationship. Violent men physically and psychologically coerce women, by domination and intimidation. Women who are severely intimidated and frightened of the violence will not be able to make independent decisions in their own best interests or those of their children. It is important to note that violence often does not decrease after a separation and, in fact, may increase in severity.

The Council has concerns about the pilot project being mandatory. To be effective, mediation must be voluntary. Research on conflict resolution indicates that to the extent that one or both parties to mediation feels coerced, negotiations will be deadlocked, or agreements that are reached are likely to fail to be implemented.

Another concern about the project is that it will not exclude property from mediation. There are built-in protections in our legal system for addressing financial and property matters. Mediation will occur behind closed doors, without legal protections, and may be done by persons with no expertise in financial matters. It has been known that, in divorce cases, some women have bargained away financial assets in order to retain custody of minor children. We believe that this could be a serious problem under the pilot project, leading to unfair settlements.

We believe that the evaluation criteria need to be revised. The primary goal of mediation, when there are children, should be the best interests of the children; therefore, this needs to be an evaluation criteria. If property is included in mediation, criteria need to be developed to evaluate the settlements to insure they are just for both parties.

The Council is generally neutral about this project. Our major concern, that all cases of domestic violence be excluded from the project, has been addressed in this legislation.


Arthur English
Commissioner

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Public Safety
 Title: An Act ... to establish and BRU: Council on Domestic Violence
evaluate a mediation pilot project and Sexual Assault
 Sponsor: Senate Judiciary Component: _____
 Requestor: Senate Judiciary

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS	-					
TOTAL OPERATING	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -

CAPITAL	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -
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REVENUE	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER/PROG RCPT						
TOTAL	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -

POSITIONS:

FULL-TIME	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -
PART-TIME	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -
TEMPORARY	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -

ANALYSIS: (Attach a separate page if necessary)

This bill is expected to have no fiscal impact on the Department of Public Safety.

BJM

Prepared by: Barbara Miklos, Executive Director
 Division: Council on Domestic Violence
and Sexual Assault
 Approved by Commissioner: Arthur English
 Agency: Department of Public Safety

Phone: 465-4356
 Date: 3/22/90
 Date: 3-22-90
 Page 1 of 1

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Alaska Court System
 Title: An Act authorizing the BRU: Trial Courts
Alaska Court System to establish mediation pilot project
 Sponsor: Senate Judiciary Committee Components: _____
 Requirer: Senate Judiciary Committee

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 90	FY 91	FY 92	FY 93	FY 94	FY 95
Personal Services		107.5				
Travel						
Contractual						
Supplies						
Equipment		3.3				
Land & Structures						
Grants & Claims						
TOTAL OPERATING	0.0	110.8	0.0	0.0	0.0	0.0

CAPITAL	FY 90	FY 91	FY 92	FY 93	FY 94	FY 95
	-					

REVENUE	FY 90	FY 91	FY 92	FY 93	FY 94	FY 95

FUNDING: (Thousands of Dollars)

General Funds	0.0	110.8	0.0	0.0	0.0	0.0
Federal Funds						
Other						
TOTAL	0.0	110.8	0.0	0.0	0.0	0.0

POSITIONS:

Full-time		2.0				
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Alan Strandberg, General Counsel
 Division: Alaska Court System
 Approved by: Arthur H. Snowden, II, Administrative Dir.
 Agency: Alaska Court System

Phone: 264-8228
 Date: 3/23/90
 Date: 3/23/90

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requirer
 Office of Management & Budget
 Impacted Agency(ies)

Alaska Court System
SB 522
Fiscal Analysis

Personal Services

	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
1 - Mediator, PFT, 18A, Anchorage	\$37,548	\$12,900	\$50,448
1 - Mediator, PFT, 18A, Fairbanks	42,984	14,096	<u>57,080</u>
Total Personal Services			<u>107,528</u>

Equipment

File cabinet, typewriter and dictating machine for each position		<u>3,270</u>
Total one-time cost		<u>\$110,798</u>

Fiscal Analysis of Mediation Pilot Project

Purpose of Project

The purpose of this pilot project is to determine the effectiveness of mediation in divorce cases in Anchorage and Fairbanks. In the 1988 court system budget the legislature stated its intent:

that the court system educate judges, attorneys and the public on the potential benefits of mediation. The court system should evaluate and quantify the potential benefits to the consumers as well as the court system of mediation, as an option.

Scope of Project

During the period of the project, contented domestic relations cases would be assigned to one of two "tracks" upon filing. Cases assigned to the "trial track" would be handled under current procedures, which focus on readying the case for trial before a judge. Cases assigned to the "mediation track" would be transferred to the office of the mediator, where the parties would be scheduled for mediation session. Should mediation not be successful in an individual case, the case will be assigned a trial date.

Guidelines for assignment of cases to the tracks will insure that a number of each type of dispute (custody, visitation and/or property issues) will be assigned to both tracks. Information will be gathered about the resolutions of the cases handled on each track, through the use of questionnaires and statistics from case files. The court should be able to compare the two tracks to determine:

1. the time to resolution of the dispute
2. the parties' satisfaction with the process
3. the parties' satisfaction with the result
4. the cost to the parties

At the end of the pilot period, information about the value of mediation services in domestic relations disputes in Anchorage and Fairbanks will be available. Using this information, a determination can be made whether mediation services should continue to be provided.

Other states have found that mediation is most successful in jurisdictions where there is some degree of court support. Because the pilot project will require some but not all parties in domestic disputes to participate in mediation, it is not feasible to assess a cost to the parties for the mediation services during the pilot period. However, should mediation be expanded to require that all domestic disputes attempt mediation prior to proceeding to trial, systems would be developed to require the parties to bear the cost of mediation. Charges could also be assessed if a system is developed in which parties have the option to enter mediation, but it is not required.

Costs of Project

The costs associated with the project would be incurred only once as the project would last one year. The project would consist of a mediator in Anchorage and a mediator in Fairbanks. Their personal services and associated equipment costs would total \$110,798.

If the pilot project were to be limited to one mediator in Fairbanks, the cost would be \$58,715.

If the pilot project were to be limited to one mediator in Anchorage, the cost would be \$52,083.

If section three is deleted in its entirety, the bill has no fiscal impact.

FISCAL NOTE

REQUEST:

Revision Date: 5/5/90
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 Sponsor: Senate Judiciary Committee
 Requestor: House Judiciary Committee

Agency Affected: Alaska Court System
 BRU: Judicial Council
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
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CONTRACTUAL	56.0	16.7				
SUPPLIES	2.0	.5				
EQUIPMENT	5.6	0.0				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	82.9	27.9				

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	82.9	27.9				
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OTHER						
TOTAL	82.9	27.9				

POSITIONS:

FULL-TIME						
PART-TIME	1.0	1.0				
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: House Judiciary Committee Phone: 465-4990
 Division: Legislative Affairs Date: 5/5/90

Approved by Commissioner: Co-Chair Peter Goll Date: 5/5/90
 Agency: Co-Chair Max Gruenberg

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

BY THE JUDICIARY COMMITTEE

1 IN THE SENATE

2

SENATE BILL NO. 522

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 Court System to estab-
7 lish and evaluate a mediation pilot project."

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

9 * Section 1. MEDIATION PILOT PROJECT. (a) The Alaska Court System
10 shall

11 (1) create a pilot project for mediation using a court mediator
12 in Anchorage and Fairbanks for specified cases; and

13 (2) evaluate the project created under (1) of this subsection
14 for cost effectiveness, efficiency, and participant satisfaction.

15 (b) In establishing the pilot project for mediation under (a) of this
16 section, the Alaska Court System shall

17 (1) exclude from the scope of the project cases involving domes-
18 tic violence on any family members;

19 (2) limit mandatory participation of parties to one mediation
20 session, after which either party may choose to withdraw from mediation;

21 (3) inform all parties of their rights and the scope and purpose
22 of the pilot project before mediation begins; and

23 (4) allow parties to consult with their attorneys at any point
24 during the mediation process.

25 (c) If a matter is submitted to mediation under the pilot project for
26 mediation established under (a) of this section and the mediation fails,
27 the Alaska Court System shall

28 (1) ensure that the resolution of the matter is not delayed by
29 the court because of the mediation; and

1 (2) disqualify the mediator from making recommendations to the
2 court about the disposition of the controversy.

3 * Sec. 2. Section 1 of this Act is repealed one year after the effec-
4 tive date of this Act.

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.

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BY THE JUDICIARY COMMITTEE

1 IN THE HOUSE

2 HOUSE CONCURRENT RESOLUTION NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 Suspending Uniform Rules 41(b), 24(c),
6 and 35 of the Alaska State Legislature
7 concerning Senate Bill No. 522.

8 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 That under Rule 54 of the Uniform Rules of the Alaska State Legisla-
10 ture the provisions of Rule 41(b), Rule 24(c), and Rule 35 of the Uniform
11 Rules, regarding changes to the title of a bill, are suspended in con-
12 sideration of Senate Bill No. 522, relating to a child visitation mediation
13 project. The new title will be: "An Act requiring the Alaska Judicial
14 Council to establish and evaluate a child visitation mediation project; and
15 providing for an effective date."