

HB

122

SENATE COMMITTEE REPORT
2796

DATE: 4/14/93

FURTHER: JUDICIARY

DATE TURNED INTO OFFICE: 1/19/94

HES Committee considered HOUSE BILL NO. 122

"An Act eliminating a requirement that a court consider the findings and recommendations of a neutral mediator when awarding shared child custody."

and recommends:

- replace with _____ CS _____ ()
- or adopt previous _____ CS _____ ()
- attaches amendr.ent(s)

- same title
- new title
- technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal
Court	1/18/94	✓	

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

DO PASS:

Mike Miller
Bernie Thompson
Loew & Lewand

OTHER RECOMMENDATIONS:

J. Duncan - no Rec
W. Ellis - no Rec
Dorothy E. Sato - no Rec

Alvin King Do Pass
 Chair: Signature and Recommendation

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB 122

Revision Date: 01/18/94 Dept. Affected: Alaska Court System
 Title: Child custody procedures BRU: Trial Courts
 Components: _____
 Sponsor: House Judiciary
 Requestor: _____ COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES (Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY 94) cost: \$ None

ANALYSIS: (Attach a separate page if necessary)
No fiscal impact

Prepared by: C. S. Christensen III, Staff Counsel *CSC* Phone: 264-8228
 Agency: Alaska Court System Date: 01/18/94

Approved by: Arthur H. Snowden, II, Administrative Director *AS* Date: 01/18/94
 Agency: Alaska Court System

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Alaska Court System
State of Alaska
OFFICE OF ADMINISTRATIVE DIRECTOR

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April 19, 1993

The Honorable Steve Rieger
Chairman, Senate HESS Committee
P. O. Box V
Juneau, Alaska 99811

Dear Senator Rieger:

I am writing to request that the HESS Committee schedule a hearing on House Bill 122, relating to the findings and recommendations of a neutral mediator when awarding shared child custody. This bill was introduced by the House Judiciary Committee at the request of the Alaska Supreme Court.

In December, 1988, Chief Justice Warren Matthews created the Task Force on Mediation in response to an instruction from the Fifteenth Legislature. The purpose of the task force was to evaluate the potential benefits of mediation to consumers and to the court system. In its report, issued in June, 1990, the task force recommended the statutory change contained in HB 122.

Currently, AS 25.20.090 reads in pertinent part:

In determining whether to award shared custody of a child the court shall consider

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- (7) any findings and recommendations of a neutral mediator;
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After study, the task force concluded that this statute as written endangers the mediation process and runs contrary to the majority view that mediation communications be kept

The Honorable Steve Rieger
April 19, 1993
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confidential. The majority view also does not envision a mediator making a recommendation about the resolution of a dispute, should mediation be terminated without agreement. The mediator's role is to guide the parties to a mutual decision, and not to impose a decision upon the parties, even in the form of a recommendation, if they cannot reach a decision.

To correct this problem, HB 122 would simply delete from the statute the requirement that the findings and recommendations of a neutral mediator be considered by the court.

Thank you for your courtesy. Please contact me if you have any questions or comments concerning this legislation.

Very truly yours,

C. S. Christensen III bh

C. S. Christensen III
Staff Counsel

CSC:bh