



# LAWS OF ALASKA

1975

Source

Chapter No.

SCS CSHB 237 am FCC

188

## AN ACT

Relating to mediation in divorce actions, and expanding a litigant's right of peremptory challenge under Alaska Civil Rule 42(c).

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

\* Section 1. It is the intent of this Act to provide a means of mediation between parties in divorce actions, in order to achieve a mutually agreeable settlement, including but not limited to disposition of property rights, in termination of the marriage, and to thereby minimize disruption of the household, adverse effects on minor children, and litigation between the parties.

\* Sec. 2. AS 09.55 is amended by adding a new section to read:

Sec. 09.55.115. MEDIATION. (a) At any time within 30 days after a complaint or cross-complaint in a divorce action is filed, a party to the action may file a motion with the court requesting mediation, for the purpose of achieving a mutually agreeable settlement in termination of the marriage. When a party moves for settlement mediation, the other party shall answer the motion on the record, and the judge may order mediation. When no request for mediation is made, the court may at any time order the parties to submit to mediation if it determines that mediation may result in a more satisfactory settlement between the parties.

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

(c) Mediation shall be conducted informally as a conference or series of conferences. The parties to the

action and a court-appointed representative of any minor children of the marriage shall attend. Counsel for the parties may attend all such conferences.

(d) After the first conference, either party may withdraw, or the mediator may terminate mediation if he determines that mediation efforts are unsuccessful. Upon withdrawal by either party or termination by the mediator, the mediator shall notify the court that mediation efforts have failed, and the divorce action shall proceed in the usual manner.

(e) Upon submission of the parties to mediation under this section, divorce proceedings then pending shall be stayed for a period of 30 days or until the court is notified that mediation efforts have failed. All court orders made under sec. 200 of this chapter remain in effect during the period of mediation.

\* Sec. 3. Section 2(b) of this Act has the effect of expanding a litigant's right of peremptory challenge under Alaska Civil Rule 42(c), by allowing a party the right to challenge a mediator whose functions under prior law in part parallel those of a superior court judge, in addition to the challenges already provided under such rule.