HOUSE BILL NO. 405

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES LYNN, Tuck, Gardner

Introduced: 2/23/10

Referred: Health and Social Services, Finance

A BILL

FOR AN ACT ENTITLED

- 1 "An Act relating to child custody investigators and establishing the Board of Child
- 2 Custody Investigators."

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

- * **Section 1.** AS 08.01.010 is amended by adding a new paragraph to read:
- 5 (39) Board of Child Custody Investigators (AS 08.27).
- 6 * **Sec. 2.** AS 08.01.050(d) is amended to read:
- 7 (d) At the request of one of the following boards, the department may contract
- 8 with public agencies and private professional organizations to provide assistance and
- 9 treatment to persons licensed by the board who abuse alcohol, other drugs, or other
- substances:
- 11 (1) Board of Social Work Examiners;
- 12 (2) Board of Dental Examiners;
- 13 (3) [REPEALED
- 14 (4)] State Medical Board;

1	(4) [(5)] Board of Nursing;
2	(5) [(6)] Board of Examiners in Optometry;
3	(6) [(7)] Board of Pharmacy;
4	(7) [(8)] State Physical Therapy and Occupational Therapy Board;
5	(8) [(9)] Board of Professional Counselors;
6	(9) [(10)] Board of Psychologist and Psychological Associate
7	Examiners;
8	(10) [(11)] Board of Veterinary Examiners;
9	(11) [AND (12)] Board of Marital and Family Therapy; and
10	(12) Board of Child Custody Investigators.
11	* Sec. 3. AS 08.03.010(c) is amended by adding a new paragraph to read:
12	(23) Board of Child Custody Investigators (AS 08.27.010) - June 30,
13	2013.
14	* Sec. 4. AS 08 is amended by adding a new chapter to read:
15	Chapter 27. Board of Child Custody Investigators.
16	Sec. 08.27.010. Creation, membership, and organization of the board. (a)
17	The Board of Child Custody Investigators is created. The board consists of seven
18	residents of the state appointed by the governor as follows:
19	(1) two superior court judges with at least five years of experience in
20	adjudicating child custody proceedings in the state;
21	(2) two attorneys licensed to practice law in the state with at least five
22	years of professional experience in child custody proceedings;
23	(3) one child custody investigator with at least five years of experience
24	investigating child custody cases in the state; and
25	(4) two members of the public.
26	(b) When appointing members under (a)(1) - (3) of this section, the governor
27	shall consult with the administrative director of the Alaska Court System.
28	(c) The board shall meet at least once a year, and additional meetings shall be
29	held on request of the chair or at the request of a majority of the members of the board.
30	(d) The board shall select a chair and a secretary from among its members.
31	(e) Members of the board shall serve staggered terms of three years. A board

1	member may be removed only for cause.
2	(f) Four members of the board constitute a quorum for the transaction of all
3	business properly before the board.
4	(g) In the event of the death, resignation, or removal of a member, the vacancy
5	shall be filled for the unexpired portion of the term in the same manner as the original
6	appointment.
7	(h) In addition to the requirements for public members under AS 08.01.025, a
8	public member of the board appointed under (a)(4) of this section may not be
9	participating in, have participated in, or live in a household with a person or have an
10	immediate family member who is participating in or who has participated in a court
11	action involving a child custody investigator. In this subsection, "immediate family
12	member" means a parent, sibling, or child related by blood, marriage, or adoption.
13	Sec. 08.27.020. Powers and duties. (a) The board shall
14	(1) establish criteria relating to applications, qualifications, and
15	training required for licensure as a child custody investigator;
16	(2) adopt a code of ethics to be observed by persons licensed under this
17	chapter;
18	(3) develop procedures for the receipt and review of complaints
19	relating to the performance and conduct of child custody investigators;
20	(4) review allegations of misconduct involving child custody
21	investigators;
22	(5) enforce the provisions of this chapter; and
23	(6) adopt regulations necessary to carry out the board's duties under
24	this chapter.
25	(b) The board may
26	(1) conduct hearings on charges of alleged violations of this chapter or
27	regulations adopted under this chapter;
28	(2) take disciplinary action against a licensee.
29	Sec. 08.27.030. Issuance of license. The board shall request the department to
30	issue to an applicant who provides proof satisfactory to the board that the applicant is
31	qualified and who has naid the applicable fees a license to practice as a child custody

1	investigator in the state.
2	Sec. 08.27.040. Fees. The department shall set fees for licenses and
3	applications under AS 08.01.065.
4	Sec. 08.27.050. License required. An individual may not engage in the
5	business of providing services as a child custody investigator unless the individual is
6	licensed under this chapter.
7	Sec. 08.27.190. Definitions. In this chapter,
8	(1) "board" means the Board of Child Custody Investigators;
9	(2) "department" means the Department of Commerce, Community,
10	and Economic Development.
11	* Sec. 5. The uncodified law of the State of Alaska is amended by adding a new section to
12	read:
13	TRANSITIONAL PROVISIONS APPLICABLE TO THE BOARD OF CHILD
14	CUSTODY INVESTIGATORS. Notwithstanding AS 08.27.010, enacted by sec. 4 of this
15	Act, the terms of the first members of the Board of Child Custody Investigators appointed by
16	the governor are as follows: (1) one superior court judge, one public member, and the child
17	custody investigator shall be appointed for two-year terms; (2) one superior court judge and
18	one attorney shall be appointed for three-year terms; and (3) one attorney and one public
19	member shall be appointed for one-year terms. The governor shall specify the term of office
20	of each superior court judge, attorney, and public member appointed subject to this section.
21	* Sec. 6. The uncodified law of the State of Alaska is amended by adding a new section to
22	read:
23	TRANSITIONAL PROVISIONS AFFECTING EXISTING CHILD CUSTODY
24	INVESTIGATORS. Notwithstanding AS 08.27.050, enacted by sec. 4 of this Act, a person
25	serving, or who has served in the five years preceding the effective date of this section, as a
26	child custody investigator in the state may continue to serve as a child custody investigator
27	until 180 days following the effective date of criteria adopted by the Board of Child Custody
28	Investigators relating to the submission, review, and approval of license applications under
29	AS 08 27 020, enacted by sec. 4 of this Act