

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:**

4 *** 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
10 substances:

11 (1) Board of Social Work Examiners;

12 (2) Board of Dental Examiners;

13 (3) [REPEALED

14 (4)] State Medical 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 paid 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.