

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1658

Amending Child in Need of Aid
Rule 16 concerning disposition
reports.

IT IS ORDERED:

Child in Need of Aid Rule 16 is amended to read as follows:

Rule 16. Reports in Aid of Disposition.

(a) Predisposition Reports.

(1) Unless waived by the parties with the approval of the court, the Department shall submit a predisposition report satisfying AS 47.10.081(b). In addition to the requirements of AS 47.10.081(b), the report must include the current case plan and should also include the following information: the child's family background and educational history; past contacts by the Department with the child and the child's family; the child's medical, psychological and psychiatric history; and recommendations regarding the disposition which would be in the best interests of the child. If the child is placed out of the home, the report must describe the efforts made to comply with the placement preference under the Indian Child Welfare Act or state law, as applicable.

(2) Unless waived by the parties with the approval of the court, the guardian ad litem shall submit a predisposition report. The report shall be child-focused and fact-based, and shall include the guardian ad litem's position regarding legal custody, placement, visitation, the child's case plan, and the parent's case

plan. If there is a conflict between the guardian ad litem's position and the child's preference, that conflict must be disclosed in the report.

(3) Unless otherwise ordered by the court, the Department must file and serve its predisposition report on the parties fifteen days before the disposition hearing, and the guardian ad litem must file and serve its predisposition report on the parties ten days before the disposition hearing.

(4) The court will accept a stipulation to waive preparation of a predisposition report only if the parties have agreed to present adequate information upon which to enter an informed disposition order, including the current case plan.

(5) Other parties may submit their own reports in aid of disposition. Any such reports must be made available to the persons entitled to receive them at least ten days prior to the disposition hearing.

(b) **Supplementary Material.** The court may order mental and physical examinations of the child and the child's parents, guardian and Indian custodian. The court may order studies of the home of any person with whom the child might be placed, and may order any other reports to aid disposition.

(c) **Disclosure of Reports.** Unless otherwise ordered, copies of predisposition reports and supplementary materials must be served on all parties. The court may enter an order prohibiting release of all or part of a report to the child if disclosure would be likely to cause psychological harm to the child. The court shall inspect the reports in camera prior to entering a limitation on disclosure, and such a limitation does not bar the child's attorney

or guardian ad litem from access to the material withheld from the child. The court may enter orders prohibiting release of the material by the attorney or guardian ad litem to the child.

CROSS REFERENCES: AS 47.10.080; AS 47.10.081; AS 47.10.082; AS 47.10.230; AS 47.14.100(e); 25 U.S.C. § 1912(c); 25 U.S.C. § 1915; 25 U.S.C. § 1922

DATED: October 4, 2007

EFFECTIVE DATE: April 15, 2008

/s/
Chief Justice Fabe

/s/
Justice Matthews

/s/
Justice Eastaugh

/s/
Justice Bryner

/s/
Justice Carpeneti