

**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 ~~pursuant to AS 47.10.081(b).~~ In addition to the requirements of AS 47.10.081(b), the ~~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, ~~In cases concerning an Indian child,~~ the report must describe the ~~proposed placement of the child,~~ efforts made to comply with the placement preference under the Indian Child Welfare Act or state law, as applicable. ~~which is recommended and the rationale for the use of that level of placement preference.~~

(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.

~~(2)(3) Unless otherwise ordered by the court, the Department must file and serve its The predisposition report on the parties must be made available to the persons entitled to receive it fifteen ten 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. unless all parties, with the approval of the court, agree upon a different time period. If the predisposition report is submitted to the court prior to the adjudication hearing, it must be kept sealed until the adjudication hearing is completed.~~

~~(3)(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. ~~A party may~~

~~submit the party's own report in aid of disposition. All such materials must be made available to the persons entitled to receive them at a reasonable time prior to disposition, as determined by the court.~~

(c) **Disclosure of Reports.** Unless otherwise ordered, copies of predisposition reports and supplementary materials must be served on ~~given to~~ all parties. The court may enter an order prohibiting release of all or part of a report to the child ~~only~~ if disclosure would be likely to cause ~~serious~~ 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