

THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 579

Adding Appellate Rule 218,  
relating to expedited  
appeals in child custody  
cases

IT IS ORDERED:

Appellate Rule 218 is added, to read as follows:

Rule 218. Expedited Appeals in Child Custody  
Cases.

(a) Scope. This rule applies in the following classes of appeals, and in such appeals supersedes the other appellate rules to the extent that they may be inconsistent with this rule:

(1) appeals from final judgments for custody of children under AS 25.24.150 or AS 25.20.060;

(2) appeals from final judgments and decrees in adoption proceedings under AS 25.23;

(3) appeals from final judgments in child-in-need-of-aid proceedings under AS 47.10.080(c);

(4) appeals from final judgments in injunctive actions relating to domestic violence under AS 25.35.010, if the presence or absence of a provision relating to the custody of children in the judgment is an issue on the appeal;

(5) appeals from final judgments rendered under the Uniform Child Custody Jurisdiction Act, AS 25.30;

(6) appeals from final judgments concerning the guardianship of minors under AS 13.26.030-085.

(b) Jurisdictional Limitation. This rule does not permit an appeal to be taken in any circumstances in which an appeal would not be permitted by Rule 202.

(c) Bifurcation of Appeals. If an appeal from the same final judgment includes points related to the custody of children and points which do not relate to the custody of children (for example, property division or spousal support), the appeal shall be treated as two separate appeals. The portion of the appeal relating to custody of children shall be treated as a separate appeal under this rule. The remainder of the appeal shall be treated as a separate appeal under the other appellate rules relating to appeals in civil actions generally. For purposes of Rule 203, each portion is a separate action, and the pendency of one portion in the appellate court shall not divest the trial court of jurisdiction over the other portion.

(d) Notice of Appeal. The notice of appeal in an appeal under this rule shall be filed with the clerk of the court which entered the order or judgment being appealed, within 15 days after the date shown in the clerk's certificate of distribution on the order or judgment.

(e) Time for Completion of Record. The record shall be designated and completed as provided in Rule 210 except that the time for completion shall be within 30 days after filing the notice of appeal.

(f) Serving and Filing Briefs.

(1) Notwithstanding Rule 212(a)(1), the time for serving and filing the appellant's brief shall be 20 days after notice of certification of the record has been served, the time for service and filing of the appellee's brief shall be 20 days, and the time for service and filing of the reply brief shall be 10 days.

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(2) The briefs shall be in the form prescribed by Rule 212(b) and (c). They shall be filed and printed as provided in Rule 212(a), except that on or before the due date an original and six copies shall be filed, together with proof of service. The remaining 14 copies shall be filed, and two copies served on each party, within ten days after the original is returned to counsel for duplication and binding.

(g) Oral Argument. Oral argument shall be governed by Rule 213 except that oral argument, if requested, will be scheduled at the earliest date convenient to the court, and in any event not later than the first oral argument session more than 30 days after the due date for the reply brief.

(h) Disposition of Appeals. Appeals under this rule will be decided expeditiously by the court.

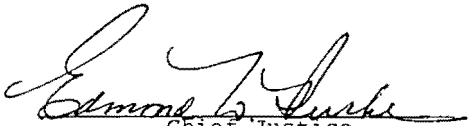
(i) Extensions of Time. A motion to extend a time period referred to in this rule is not a "routine" motion within the meaning of Rule 503(e).

(j) Waiver. If an appeal is within the scope of paragraph (a) of this rule, the court will not entertain a motion to waive this rule and consider the appeal under the other appellate rules relating to civil actions generally, unless the motion affirmatively indicates that all parties to the appeal, including the guardian ad litem if any, consent to the motion.

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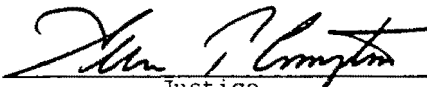
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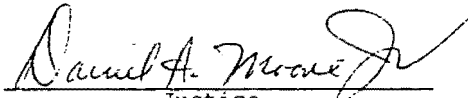
EFFECTIVE DATE: Notices of appeal filed on or after  
February 1, 1984

  
Chief Justice

  
Justice

  
Justice

  
Justice

  
Justice

Usual distribution

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