

THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 79

Amending Rule 43 and 51,
Rules of Civil Procedure,
Rule 30 & 41, Rules of
Criminal Procedure and
Rule 1, Magistrate Rules
of Civil Procedure

IT IS ORDERED:

That Rules of Civil Procedure, Magistrate Rules of Civil Procedure, and Rules of Criminal Procedure are amended as set out below:

Rule 43(h), Rules of Civil Procedure: Is amended by adding a new subsection (8) as follows:

(8) Child Abuse and Neglect. Neither the physician-patient nor the husband-wife privilege shall be a ground for excluding evidence regarding a child's injury, or its cause, in any judicial proceeding resulting from a report made under Chapter 67 AS 11.

Rule 51(b), Rules of Civil Procedure: Is amended as follows:

Subsection (1) is deleted; subsection (2) shall henceforth be designated as subsection (1); subsection (3) shall henceforth be designated as subsection (2); subsection (4) shall henceforth be designated as subsection (3); subsection (5) is deleted; subsection (6) shall henceforth be designated as subsection (4).

Rule 30(b), Rules of Criminal Procedure: Is amended as follows:

Subsections (1), (2) and (6) are deleted. Subsection (3) shall henceforth be designated as subsection (1); subsection (4) shall henceforth be designated as subsection (2); and subsection (5) shall henceforth be designated as subsection (3).

Rule 41(g)(1), Rules of Criminal Procedure: Is amended to

read as follows:

"(1) In Lieu of Undertaking. A cash deposit of the required amount may be made with the clerk of the superior court or magistrate or such person designated by the magistrate pursuant to Criminal Rule 5(a), in lieu of an undertaking. If an undertaking has previously been furnished and has not been forfeited, it is exonerated when the deposit is made. At the time of the deposit, there shall be filed with the clerk or magistrate or such person designated by the magistrate pursuant to Criminal Rule 5(a) a written instrument properly executed by the owner of the deposit, or by his attorney or his authorized agent, setting forth the conditions under which the deposit is being made, the ownership thereof, and the consent and agreement to the provisions of this rule."

Rule 1(a)(3), Magistrate Rules of Civil Procedure: Is

amended by adding a new sentence as follows:

"In such action or proceeding it shall not be necessary for an attorney to appear on behalf of a corporation which is a party, and such corporation may instead be represented by any authorized officer or employee."

EFFECTIVE DATE: February 1, 1966

/s/ Buell A. Nesbett
Chief Justice

/s/ John H. Dimond
Associate Justice

/s/ Jay A. Rabinowitz
Associate Justice

Dist:

S/C Justs (1)
Sup/C Jdgs (1)
Clks/Ct (10)
Dist Mags (2)
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RULES AMENDMENT

Supreme Court Order No. 79, effective February 1, 1965, amended Rules 43 and 51, Civil Rules, Rules 30 and 41 Criminal Rules and Rule 1, Magistrate Civil Rules.

This amendment sheet is provided to make possible temporary conformation of your copy of Alaska Rules of Court Procedure and Administration.

In the near future, Michie Publishing Company will reprint the pages containing these amendments. The supplement will also include annotations to recent decisions, as well as other changes in the rules which have occurred since publication of the 1964 supplement.

Rule 43(h)(8), Rules of Civil Procedure: This is a new subsection. Cut out along dotted lines and scotch tape to the left margin of the page only, preferably opposite the last five lines of subsection (7), loose-leaf style so as not to obscure the text of subsection (7).

(8) Child Abuse and Neglect. Neither the physician-patient nor the husband-wife privilege shall be a ground for excluding evidence regarding a child's injury, or its cause, in any judicial proceeding resulting from a report made under Chapter 67 AS 11.

Rule 51(b), Rules of Civil Procedure: Delete all of subsections (1) and (5) by lining through in ink. In subsection (2), line out "(2)" and substitute therefor "(1)"; in subsection (3), line out "(3)" and substitute therefor "(2)"; in subsection (4), line out "(4)" and substitute therefor "(3)"; in subsection (6), line out "(6)" and substitute therefor "(4)".

Rule 30(b), Rules of Criminal Procedure: Delete all of subsections (1), (2) and (6) by lining through in ink. In subsection (3), line out "(3)" and substitute therefor "(1)"; in subsection (4), line out "(4)" and substitute therefor "(2)"; in subsection (5), line out "(5)" and substitute therefor "(3)".

Rule 41(g)(1), Rules of Criminal Procedure: Cut along dotted lines and scotch tape to the left margin of the page opposite the portion of this subsection directly above (g)(2), loose-leaf style so as not to obscure the first lines of (g)(2).

amount may be made with the clerk of the superior court or magistrate or such person designated by the magistrate pursuant to Criminal Rule 5(a), in lieu of an undertaking. If an undertaking has previously been furnished and has not been forfeited, it is exonerated when the deposit is made. At the time of the deposit, there shall be filed with the clerk or magistrate or such person designated by the magistrate pursuant to Criminal Rule 5(a) a written instrument properly executed by the owner of the deposit, or by his attorney or his authorized agent, setting forth the conditions under which the deposit is being made, the ownership thereof, and the consent and agreement to the provisions of this rule.

Rule 1(a)(3), Magistrate Rules of Civil Procedure: This is an additional sentence. Cut out along dotted lines and scotch tape on the left margin directly beneath subsection (3) as it appears in your copy, loose-leaf style so as not to obscure subdivision (b).

In such action or proceeding it shall not be necessary for an attorney to appear on behalf of a corporation which is a party, and such corporation may instead be represented by any authorized officer or employee.

Additional copies of these amendments may be obtained from clerks of the superior court.

Dist:

S/C Justs (3)	All Members ABA (1)
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Clk/Ct-Juneau (25)	Sec/State (5)
Clk/Ct-Anchorage (100)	Dept/Pub Sfty (25)
Clk/Ct-Fairbanks (50)	Dept/H&W (25)
Clk/Ct-Nome (10)	Leg/Coun (10)
Clk S/C (25)	U.S. Dist Jdgs (2)
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