

THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 110

Rescinding and Repromulgating
Children's Rule 21

IT IS ORDERED:

Children's Rule 21 is hereby rescinded and repromulgated
to read as follows:

Rule 21. Standard of Proof - Orders
on Adjudication of Delinquency,
Dependency, and Failure of
Proof.

(a) Standard of Proof. In determining
the issues of delinquency, dependency or
need of supervision in the adjudicatory
phase of a children's proceeding, the
standard of proof shall be as follows:

(1) If a child is charged with
any act which may result in his
incarceration, there must be proof
beyond a reasonable doubt.

(2) In other cases, the proof
shall be by a preponderance of the
evidence.

(b) Delinquency. Where, after hearing,
the court finds the juvenile to have com-
mitted one or more of the acts alleged
in the petition the court may in its discretion:

(1) Issue an order that the matter
be held in abeyance for a stated period
of time not to exceed one year and may

at the expiration of this period of time dismiss the case if the interests of the public and the welfare of the juvenile will thereby be promoted.

(2) Issue a judgment of delinquency based upon and accompanied by written findings of fact.

(c) Dependency. Where, after hearing, the court finds the juvenile to be dependent, it shall issue a judgment of dependency based upon and accompanied by written findings of fact.

(d) Failure of Proof. Where, after hearing, the court finds that the allegations of the petition alleging delinquency, dependency or need of supervision have not been proved as required under (a) of this rule, the court shall dismiss the case, seal all files and records thereof, delete all reference to the case from any docket, register, or index, and forward by certified or registered mail such sealed files and records to the presiding judge of the superior court for the appropriate judicial district. Thereafter no person or agency shall have access to such sealed files or records, or names connected therewith, except upon the order of the

presiding judge upon good and sufficient
cause shown upon a hearing on the record.

EFFECTIVE DATE: October 14, 1970.

/s/George F. Boney
Chief Justice

/s/John H. Dimond
Justice

/s/Jay A. Rabinowitz
Justice

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