

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 1294

Amending Delinquency Rules 3, 21, and 27 concerning admission to hearings and access to records.

IT IS ORDERED:

1. Paragraph (c) of Delinquency Rule 3 is amended to read:

(c) Admission to Hearings General Public Excluded. The provisions of AS 47.12.110(d) apply to govern admission of the public to adjudication hearings. Disposition hearings, temporary detention hearings, hearings in the nature of an arraignment on a petition, and other proceedings before the court Hearings are not open to the public unless requested by the juvenile. However, the court may, after due consideration for the welfare of the juvenile and the interests of the public, admit specific individuals to a hearing or proceeding, and shall admit victims of the juvenile's offense to hearings or proceedings as required by AS 47.12-110-(b).

2. Paragraph (a) of Delinquency Rule 21 is amended to read:

(a) **Nature of Proceeding.** The adjudication hearing is a trial on the merits of the petition for adjudication. The court will decide the merits of the case unless the juvenile requests a trial by jury. The juvenile must request a jury trial within 10 days of the arraignment on petition or when entering a deny plea, whichever is later. ~~The adjudication hearing is not open to the public unless requested by the juvenile.~~ The

department may not request an adjudication by jury ~~or an adjudication hearing open to the public.~~ Admission of the public to adjudication hearings is governed by AS 47.12.110.

3. Delinquency Rule 27 is amended to read:

The court records of a juvenile proceeding are confidential. Information may not be released and access to the records may not be permitted except as authorized by statute or upon court order for good cause shown under conditions as the court may set, except that:

~~(a) the name of a juvenile and the juvenile's parents may be released to victims by the Department for the purpose of civil restitution proceedings; and~~

~~(b) (a) a A probation officer employed by the Alaska Department of Corrections may review delinquency proceedings records for the sole purpose of preparing a presentence report on the individual whose juvenile record is reviewed. The records may be used in the sentencing proceeding and attached to the probation officer's report.~~

~~(c) (b) a A prosecuting attorney may obtain a certified copy of an adjudication or disposition order entered in a juvenile proceeding based on a written request certifying that the prosecutor needs the order~~

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to establish the elements of a felony offense.  
The prosecutor may not use or disclose the  
order except for this purpose.

DATED: October 29, 1997

EFFECTIVE DATE: January 15, 1998

/s/  
Chief Justice Matthews

/s/  
Justice Compton

/s/  
Justice Eastaugh

/s/  
Justice Fabe

/s/  
Justice Bryner