

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 1893

Rescinding Probate Rule 20 and Appellate Rule 220; amending Probate Rules 1(b), 2(b)(2), Appellate Rules 204(a)(1), 503.5(b)(3)(A), and 505(a)(1), and Administrative Rule 9(a)(1), 9(b)(2), 9(f) and 37.5(e)(1); and removing notes at the end of Civil Rules 40 and 79, Appellate Rules 204, 210, 212, 213, 508 and 512.5, and Administrative Rule 9, concerning judicial bypass proceedings and appeals.

IT IS ORDERED:

1. Probate Rule 20 and Appellate Rule 220 are rescinded.
2. The Probate Rules are amended to read as follows:

Rule 1. Title—Scope—Construction—Situations Not Covered by the Rules.

* * * *

(b) **Scope.** These rules govern practice and procedure in the trial courts in all phases of proceedings brought under Title 13 of the Alaska Statutes, proceedings related to the release of personal property under AS 12.65.105 and AS 22.15.110(a)(3), and mental commitments under AS 47.30, ~~and proceedings to bypass parental consent to an abortion under AS 18.16.030.~~

* * * *

Rule 2. Appointment and Authority of Masters.

* * * *

(b) **Authority, Order of Reference.**

* * * *

2. The following proceedings may be referred to a master:

* * * *

E. hearings on emancipations; and

F. authorization of emergency life-saving procedures pursuant to AS 13.26.140(f); ~~and~~

~~G. hearings in proceedings to bypass parental consent to an abortion under AS 18.16.030 and Probate Rule 20.~~

* * * *

3. The Appellate Rules are amended to read as follows:

Rule 204. Appeal: Time—Notice—Bonds.

(a) **When Taken—Appeals and Cross-Appeals.**

(1) *Appeals.* The notice of appeal shall be filed within 30 days from the date shown in the clerk's certificate of distribution on the judgment appealed from, unless a shorter time for filing a notice of appeal applies as provided by Rules 216-~~219~~220, or unless a different time applies as provided in AS 23.30.128(g).

* * * *

Rule 503.5. Extensions of Time for Filing Briefs.

(a) **General.** Unless otherwise ordered by the court, this rule applies to extensions of time for filing briefs. This rule also applies to memoranda filed under Appellate Rules 215(g), 216, and ~~216.5, and 220.~~

(b) **Routine Extensions of Time by Notice.**

* * * *

(3) Routine extensions by notice may not be filed in the following matters:

(A) appeals filed under Rules 215, 216, 216.5, 218, and 219, ~~and 220~~;

* * * *

Rule 505. Oral Argument.

(a) **Oral Argument; Requests for Oral Argument.** Unless otherwise ordered by the court, oral argument will be held only as provided in this subsection.

(1) In expedited election appeals under Rule 216.5 ~~and judicial bypass appeals under Rule 220~~, oral argument will automatically be held unless it is affirmatively waived under Rule 216.5(g) ~~or Rule 220(f)~~.

* * * *

4. The Administrative Rules are amended to read as follows:

Rule 9. Fee Schedule.

The fees specified in this rule shall be charged for the services designated herein:

(a) **In the Supreme Court and the Court of Appeals:**

(1) Filing Fees:

* * * *

~~(E) There shall be no fee for filing a judicial bypass appeal (Appellate Rule 220)~~

(EF) There shall be no filing fee charged to a person for filing a written notice of appeal or a petition for review of a decision involving a claim for benefits under AS 23.20 (Employment Security Act).

* * * *

(b) **Filing Fees—Superior Court:**

* * * *

(2) For probate matters:

* * * *

~~(G) There shall be no fee for filing a petition to bypass parental consent to an abortion under Probate Rule 20.~~

(GH) Upon filing any guardianship, conservatorship or other protective proceedings to include all services 100.00

Except: * * * *

(HI) There shall be no fee for filing a petition for involuntary mental or alcohol commitment.

* * * *

(f) **General Provisions:**

* * * *

~~(6) No fee of any kind will be charged to a minor in a proceeding to bypass parental consent to an abortion under Probate Rule 20 or Appellate Rule 220.~~

Rule 37.5. Access to Court Records.

* * * *

(e) **Court Records Excluded from Public Access.**

(1) *Case Records.* The following case records and case-related documents are not accessible to the public:

(A) memoranda, notes, or preliminary drafts prepared by or under the direction of any judicial officer of the Alaska Court System

that relate to the adjudication, resolution, or disposition of any past, present, or future case, controversy, or legal issue;

(B) legal research and analysis prepared or circulated by judges or law clerks regardless of whether it relates to a particular case and written discussions relating to procedural, administrative, or legal issues that are or may be before the court; ~~and~~

(C) documents, information, data, or other items sealed or confidential pursuant to statute, court rule, case law, or court order; ~~and~~
and

(D) documents, information, data, or other items relating to a petition filed by a minor under age 18 to bypass parental notice or consent to an abortion under AS 18.16.030 or an appeal of an order denying or dismissing a petition, all of which remain sealed.

* * * *

5. The following Note, which appears at the end of Civil Rule 40, is removed:

Note: In 1997 the legislature enacted AS 18.16.030(c), which required the court to hold a hearing in a proceeding to bypass parental consent to an abortion within five days after the petition is filed. According to ch. 14, sec. 7 SLA 1997, this provision has the effect of amending Civil Rule 40 by setting a specific timetable for hearing certain cases. Instead of amending individual rules to implement AS 18.16.030, the supreme court has adopted a separate rule on judicial bypass proceedings. See Probate Rule 20.

6. The following Note, which appears at the end of Civil Rule 79, Appellate Rule 508, and Administrative Rule 9, is removed:

Note: In 1997 the legislature enacted AS 18.16.030(m), which provides that a filing fee may not be required of, and court costs may not be assessed against, a minor in a proceeding to bypass parental consent to an abortion. According to ch. 14, sec. 10 SLA 1997, AS

18.16.030(m) has the effect of amending Administrative Rule 9, Civil Rule 79, and Appellate Rule 508 by prohibiting filing fees and assessment of court costs in certain actions. Instead of amending individual rules to implement AS 18.16.030, the supreme court has adopted a separate rule on judicial bypass proceedings in the superior court and a separate rule on judicial bypass appeals. See Probate Rule 20 & Appellate Rule 220.

7. The following Note, which appears at the end of Appellate Rules 204, 210, 212, and 213, is removed:

Note: In 1997 the legislature enacted AS 18.16.030(j), which specifies the procedure for appeal of an order denying a petition to bypass parental consent to an abortion. According to ch. 14, sec. 8 SLA 1997, AS 18.16.030(j) has the effect of amending Appellate Rules 204, 210, 212, and 213 by establishing specific time limits applicable to certain appeals and by instructing the supreme court to modify or dispense with formal requirements applicable to certain briefs. Instead of amending individual rules to implement AS 18.16.030, the supreme court has adopted a separate rule on judicial bypass appeals. See Appellate Rule 220.

8. The following Note, which appears at the end of Appellate Rule 512.5, is removed:

Note: In 1997 the legislature enacted AS 18.16.030(k), which requires that documents and records in a judicial bypass appeal be kept confidential. According to ch. 14, § 9 SLA 1997, this provision has the effect of amending Appellate Rule 512.5 by making certain appellate records and papers confidential. Instead of amending individual rules to implement AS 18.16.030, the supreme court has adopted a separate rule on judicial bypass appeals. See Appellate Rule 220.

DATED: August 10, 2016

EFFECTIVE DATE: August 10, 2016

/s/
Chief Justice Stowers

/s/
Justice Winfree

/s/
Justice Maassen

/s/
Justice Bolger

/s/
Justice Carney