

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1987

Amending Civil Rule 72, CINA Rules 1, 2, 9, 17.2, and 22, and Delinquency Rules 1 and 2 re Executive Order 2022-121 Naming New Departments and Renumbering Statutes; Correcting Cross Reference in CINA Rule 11; Updating Statutory Reference in CINA Rule 19.2.

IT IS ORDERED:

1. The note to Civil Rule 72 is amended to read as follows:

Notes: Chapter 54 SLA 2005 (HB 95) enacted extensive amendments and new provisions related to public health, including public health emergencies and disasters. According to Section 13(e) of the Act, AS 18.15.390, enacted in Section 8, has the effect of amending Civil Rule 72 by authorizing the Department of Health and Social Services to take immediate control over certain businesses and property in cases of public health disasters. (In 2022, Executive Order 2022-121 reorganized the Department of Health and Social Services and divided it into two separate departments: the Department of Health and the Department of Family and Community Services.)

2. The cross-reference at the end of Child in Need of Aid Rule 1 is amended to read as follows:

Cross References

CROSS REFERENCE: AS 22.15.100(8); AS 47.06.020—AS 47.05.060; AS 47.06.025—AS 47.05.065; AS 47.10.005; AS 47.10.082; Alaska Constitution, Art. IV §15.

3. Child in Need of Aid Rule 2(c) is amended to read as follows:

Rule 2. Definitions.

* * * *

(c) “Department” means the Department of Family and Community Services ~~Health and Social Services~~ of the State of Alaska.

* * * *

4. Child in Need of Aid Rule 9(b)(3)(D)(ii) is amended to read as follows:

Rule 9. Evidence.

* * * *

(b) **Privileges Inapplicable.**

* * * *

(3) Psychotherapist-Patient Privilege.

* * * *

(D) When considering a request to disclose or protect a communication, the court shall consider the following:

(i) the content and nature of the communication;

(ii) the purposes of AS 47.10, as expressed by AS 47.06.020—~~AS 47.05.060~~, and of Evidence Rule 504;

- (iii) whether there is any other effective way to obtain the information; and
- (iv) whether the public interest and need for disclosure outweighs the potential injury to the patient and the patient's psychotherapist relationship.

Before ruling on such a request, the court may inspect records in camera. The court may allow, limit, or prohibit disclosure and use of the communication.

* * * *

5. The cross-reference at the end of Child in Need of Aid Rule 11 is amended to read as follows:

Cross References

CROSS REFERENCE: AS 25.24.310; AS 47.10.050; AS 47.17.290 ~~AS 47.17.170(1), (2) and (5)~~.

CROSS REFERENCE: 25 U.S.C. § 1913(a)

6. The note to Child in Need of Aid Rule 17.2 is amended to read as follows:

Note: Chapter 7, 4SSLA 2016 (HB 27), the Child Protection and Opportunity Act, enacted a number of changes relating to the placement of a child in need of aid. According to section 15 of the Act, AS 47.10.080(l), as amended by section 4, has the effect of amending CINA Rule 17.2, relating to permanency hearings, effective October 24, 2016, by adding a requirement for the court to make findings relating to the permanent placement of a child in need of aid and to the efforts of the Department of Health and Social Services to find a permanent placement for a child. (In 2022, Executive Order 2022-121

reorganized the Department of Health and Social Services and divided it into two separate departments: the Department of Health and the Department of Family and Community Services.)

7. Child in Need of Aid Rule 19.2(d) is amended to read as follows:

Rule 19.2. Extension of Custody or Supervision.

* * * *

(d) **Status Pending Decision.** If the court is unable to decide the extension petition before expiration of the existing disposition order, the court may extend custody or supervision for a reasonable time as defined in AS 47.10.990 ~~AS 47.10.990(28)~~ pending a decision on the extension petition.

8. The note to Child in Need of Aid Rule 22 is amended to read as follows:

Note: AS 47.10.092, added by ch. 98 § 2 SLA 1994, affects CINA Rule 22 by authorizing the parent or legal guardian of a minor subject to a proceeding under AS 47.10.010-.142 to disclose confidential or privileged information about the minor, including information lawfully obtained from a court file, to the governor, the lieutenant governor, a legislator, the ombudsman appointed under AS 24.55, the attorney general, and the commissioners of health and social services, administration, or public safety, or an employee of these persons, for review or use in their official capacities. A person to whom such disclosure is made may not disclose confidential or privileged information about the minor to a person not authorized to receive it. (In 2022, Executive Order 2022-121 reorganized the Department of Health and Social Services and divided it into two separate

departments: the Department of Health and the Department of Family and Community Services.)

9. The cross-reference at the end of Delinquency Rule 1 is amended to read as follows:

Cross References

CROSS REFERENCE: AS 22.10.020; AS 22.15.100(8); AS 47.06.020~~AS 47.05.060~~; AS 47.12.140; Alaska Constitution, Art. IV.

10. Delinquency Rule 2(d) is amended to read as follows:

Rule 2. Definitions.

* * * *

(d) “The Department” means the Department of Family and Community Services ~~Health and Social Services~~ of the State of Alaska.

* * * *

DATED: July 14, 2022

EFFECTIVE DATE: *nunc pro tunc* July 1, 2022

/s/
Chief Justice Winfree

/s/
Justice Maassen

/s/
Justice Carney

/s/
Justice Borghesan

/s/
Justice Henderson