

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 1295

Amending Civil Rules 4, 5, 35,
52, 58, 78, 90.1, and 90.3,
Evidence Rule 901, and Alaska
Bar Rule 3 to incorporate
changes made by ch. 87 SLA
1997.

IT IS ORDERED:

1. The following note is added at the end of Civil Rule 4:

NOTE: Section 132 of ch. 87 SLA 1997 adds AS 25.27.265(c) which authorizes the court to allow CSED to serve a party by mailing documents to the last known address on file with the agency. This is permitted only if the court finds that CSED has made diligent efforts to serve documents in the appropriate manner. According to § 153 of the Act, § 132 has the effect of amending Civil Rules 4 and 5 by allowing service at the opposing party's last known address on file with the child support enforcement agency in certain circumstances.

2. The following note is added at the end of Civil Rule 5:

NOTE: Section 132 of ch. 87 SLA 1997 adds AS 25.27.265(c) which authorizes the court to allow CSED to serve a party by mailing documents to the last known address on file with the agency. This is permitted only if the court finds that CSED has made diligent efforts to serve documents in the appropriate manner. According to § 153 of the Act, § 132 has the effect of amending Civil Rules 4 and 5 by allowing service at the opposing party's

last known address on file with the child support enforcement agency in certain circumstances.

3. The following note is added at the end of Civil Rule 35:

NOTE: Sections 38 and 41 of ch. 87 SLA 1997 amend AS 25.20.050 relating to paternity actions. According to § 149 of the Act, §§ 38 and 41 have the effect of amending Civil Rule 35 by requiring the court to order genetic testing in contested paternity actions in certain circumstances and preventing the court from ordering such testing if good cause is shown.

4. The following note is added at the end of Civil Rule 52:

NOTE: Sections 41, 43, 45, and 46 of chapter 87 SLA 1997 amend AS 25.20.050(n), AS 25.24.160(d), AS 25.24.210(e), and AS 25.24.230(i), respectively, to require that an order or acknowledgement of paternity, a divorce decree, a petition for dissolution of marriage, and a dissolution decree include the social security number of each party to the action and each child whose rights are being addressed. According to § 151 of the Act, these provisions have the effect of amending Civil Rules 52, 58, 78, and 90.1 by requiring the court to include social security numbers, if ascertainable, of parties and children in certain petitions, pleadings, and judgments.

5. The following note is added at the end of Civil Rule 58:

NOTE: Sections 41, 43, 45, and 46 of chapter 87 SLA 1997 amend AS 25.20.050(n), AS 25.24.160(d), AS 25.24.210(e), and AS 25.24.230(i), respectively, to require that an order or acknowledgement of paternity, a divorce decree, a petition for dissolution of marriage, and a dissolution decree include the social security number of each party to the action and each child whose rights are being addressed. According to § 151 of the Act, these provisions have the effect of amending Civil Rules 52, 58, 78, and 90.1 by requiring the court to include social security numbers, if ascertainable, of parties and children in certain petitions, pleadings, and judgments.

6. The following note is added at the end of Civil Rule 78:

NOTE: Sections 41, 43, 45, and 46 of chapter 87 SLA 1997 amend AS 25.20.050(n), AS 25.24.160(d), AS 25.24.210(e), and AS 25.24.230(i), respectively, to require that an order or acknowledgement of paternity, a divorce decree, a petition for dissolution of marriage, and a dissolution decree include the social security number of each party to the action and each child whose rights are being addressed. According to § 151 of the Act, these provisions have the effect of amending Civil Rules 52, 58, 78, and 90.1 by requiring the court to include social security numbers, if ascertainable, of parties and children in certain petitions, pleadings, and judgments.

7. The following note is added at the end of Civil Rule 90.1:

NOTE: Sections 41, 43, 45, and 46 of chapter 87 SLA 1997 amend AS 25.20.050(n), AS 25.24.160(d), AS 25.24.210(e), and AS 25.24.230(i), respectively, to require that an order or acknowledgement of paternity, a divorce decree, a petition for dissolution of marriage, and a dissolution decree include the social security number of each party to the action and each child whose rights are being addressed. According to § 151 of the Act, these provisions have the effect of amending Civil Rules 52, 58, 78, and 90.1 by requiring the court to include social security numbers, if ascertainable, of parties and children in certain petitions, pleadings, and judgments.

8. The following notes are added at the end of Civil Rule 90.3:

NOTE to Civil Rule 90.3(h)(1): Section 44 of ch. 87 SLA 1997 amended AS 25.24.170(b) to allow support to be modified without a showing of a material change in circumstances as necessary to comply with federal law. Federal law eliminates the need for a showing only in cases being enforced by CSED that are being reviewed under CSED's periodic review and modification program. According to § 152 of ch. 87 SLA 1997, the amendment to AS 25.24.170(b) has the effect of amending Civil Rule 90.3 by changing the standard for certain modifications of a support order.

NOTE: Section 41 of ch. 87 SLA 1997 amends AS 25.20.050 relating to paternity actions. According to § 150 of the Act, § 41 has the effect of amending Civil Rule 90.3 by requiring the court in a paternity action to issue a temporary child support order upon a showing by clear and convincing evidence of paternity.

9. The following note is added at the end of Evidence Rule 901:

NOTE: Section 41 of ch. 87 SLA 1997 adds AS 25.20.050(j) which provides that invoices and other standard documents showing charges for medical and related costs of pregnancy, childbirth or genetic testing are admissible in an action to establish paternity without testimony or other foundational evidence from the medical provider or third party payor. According to § 154 of the Act, this provision has the effect of amending Evidence Rule 901 by limiting the discretion of the court to exclude documentary evidence of specified costs in a paternity action.

10. Section 2 of Alaska Bar Rule 3 is amended to read:

Section 2. Any person seeking admission to the practice of law shall file with the Executive Director at the office of the Alaska Bar Association an application in the form provided by the board. The application shall be made under oath and contain such information relating to the applicant's age,

residence, addresses, citizenship, occupations, general education, legal education, moral character and other matters as may be required by the Board; however, the application must contain the applicant's social security number. Any notice required or permitted to be given an applicant under these rules, if not personally delivered shall be delivered to the mailing address declared on the application unless notice in writing is actually received by the Board declaring a different mailing address. Any notice concerning the eligibility of the applicant sent by certified mail to the last mailing address ~~to~~ provided shall be deemed sufficient under these rules. Every applicant shall submit two 2-inch by 3-inch photographs of the applicant showing a front view of the applicant's head and shoulders. The application shall be deemed filed only upon receipt of a substantially completed form with payment of all required fees. Applications received without payment of all fees or which are not substantially complete shall be promptly returned to the applicant with a notice stating the reasons for rejection and requiring payment of such additional fees as may be fixed by the Board as a condition of reapplication.

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Effective Date: January 15, 1998
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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