

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 1398

Amending CINA Rule 10 concerning
temporary custody hearings.

IT IS ORDERED:

1. Paragraph (a) of CINA Rule 10 is amended to read as follows:

(a) Time of Hearing. (1) At the request of the petitioner, the court shall schedule a temporary custody hearing:

(A) within 48 hours, including weekends and holidays, of when the court is notified by the filing of a petition that emergency custody was taken pursuant to CINA Rule 6(a) or (b); or

(B) within a reasonable time following the filing of a petition when emergency custody has not been taken.

(2) The court may continue a temporary custody hearing at the request of a parent or guardian upon a showing of good cause for why the parent or guardian is not prepared to respond to the petition. A continuance must be requested before or at the outset of the hearing.

2. Paragraph (b) of CINA Rule 10 is amended to read as follows:

(b) Conduct of Hearing.

* * * *

(2) *Advice of Rights.* The court shall advise the parties of their right to counsel, including the right to court-appointed counsel if applicable; the child's right to a guardian ad litem; their right to a hearing at which the state is required to present evidence to prove the allegations in its petition; their right to confront and cross-examine witnesses at such a hearing, to present witnesses on their own behalf, and to compulsory process to compel these witnesses to attend; and their privilege against self-incrimination. In cases involving an Indian child, the court shall also advise the parties of an Indian custodian's or tribe's right to intervene. If the hearing is being held because emergency custody was taken pursuant to CINA Rule 6(a) or (b), the court shall also advise the child's parents or guardian, if they are present at the hearing, that they each have the right to request a continuance of the hearing if they are not prepared to respond to the allegation that the child is a child in need of aid.

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Effective Date: October 15, 2000

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DATED: August 23, 2000

EFFECTIVE DATE: October 15, 2000

Chief Justice Fabe

Justice Matthews

Justice Eastaugh

Justice Bryner

Justice Carpeneti