

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 1826

Adding a new Civil Rule 16.2 and note concerning informal trials in domestic relations cases.

IT IS ORDERED:

1. A new Civil Rule 16.2 is adopted that reads as follows:

Rule 16.2. Informal Trials in Domestic Relations Cases.

(a) Scope. Informal trials may be held to resolve some or all issues in actions for divorce, property division, child custody, and child support, including motions to modify. This rule applies to trial proceedings and does not modify other Civil Rules.

(b) General. An informal trial is an alternative trial procedure to which the parties, their attorneys, and the court voluntarily agree. Under this model, the court may admit any evidence that is relevant and material, despite the fact that such evidence might be inadmissible under formal rules of evidence, and the traditional format used to question witnesses at trial does not apply. In most cases, the only witnesses will be the parties. In the discretion of the court, other relevant witnesses may be called.

(c) Election. In a case that is proceeding to trial, the court may at any time offer the parties the option of electing the informal trial process. If the parties make that election, the court will explain the process and obtain their consent. The election of a formal or informal trial process does not diminish the court's authority to question witnesses or otherwise manage the proceedings in the interests of justice.

(d) Withdrawal. The court may allow a party to withdraw an informal trial election as long as the other party would not be prejudiced by the withdrawal. The court will not allow a withdrawal of an election that has the effect of postponing the trial date absent a showing of good cause. The court may at any time direct that a case proceed under the formal process, even if the trial or hearing has already commenced using informal procedures.

(e) Trial Procedures. An informal trial will proceed as follows:

(1) The court will ask each party or the party's attorney for a summary of the issues to be decided.

(2) Each party will be allowed to speak to the court under oath concerning all issues in dispute. Only the court may question the party to develop evidence required by law. The court will ask each party or the party's attorney whether the party wishes the court to ask follow up questions or inquire about other issues. The court will offer each party the opportunity to respond to the factual information provided by the other party.

(3) Each party may offer any relevant documents or other evidence that the party wishes the court to consider. The court will determine whether to accept the items into evidence and what weight, if any, to give each item. Letters or other submissions by the parties' children that suggest custody or parenting preferences are discouraged. The court may require additional documents or testimony from other witnesses to supplement the record.

(4) Expert reports may be admitted into evidence without supporting testimony. If the expert is called as a witness, the

expert may be questioned by the parties, their attorneys, or the court.

(5) The court will offer each party or the party's attorney the opportunity to make a closing statement.

2. A note is added to Civil Rule 16.2 that reads as follows:

Note to SCO 1826: At the end of three years, the Administrative Director will report to the Supreme Court on the efficacy of informal trials in domestic relations cases under Civil Rule 16.2 and make recommendations.

DATED: November 25, 2014

EFFECTIVE DATE: April 15, 2015

/s/
Chief Justice Fabe

/s/
Justice Winfree

/s/
Justice Stowers

/s/
Justice Maassen

/s/
Justice Bolger