

**IN THE SUPREME COURT OF THE STATE OF ALASKA**  
**ORDER NO. 1955**

Amending Civil Rule 90.6(a) and  
Commentary to Civil Rules 90.6  
and 90.7 concerning appointment  
of court child custody  
investigators.

**IT IS ORDERED:**

1. Civil Rule 90.6 and the Commentary is amended to read as follows:

**Rule 90.6. Appointment of Child Custody Investigator.**

(a) **Appointment.** In an action under AS 25.20, AS 25.24, or AS 18.66, the court may appoint an expert under Evidence Rule 706 to investigate custody, access, and visitation issues and provide an independent opinion concerning the child's best interests. ~~If the parties cannot afford a private custody investigator, the court may appoint the court custody investigator to conduct the investigation and provide an expert opinion.~~

\* \* \* \*

(i) **Compensation.** Fees and costs for a ~~private~~ custody investigator will be divided equally between the parties unless the court finds good cause to change this allocation.

**Commentary.**

\* \* \* \*

*When a ~~private~~ custody investigator is being appointed, the court may ask the parties to suggest individuals for appointment.*

*A full custody investigation should usually include all of the elements listed in paragraph (e). Some of these elements may be dispensed with if the court has limited the scope of the*

*investigation, either by narrowing the issues that the custody investigator should address or by limiting the tasks that the investigator should perform. ~~If the court has appointed a private custody investigator, for~~ For example, the court may agree to dispense with some of the elements of a full investigation in order to reduce the cost to the parties. ~~In addition, for budget reasons, the presiding judge of the judicial district may enter an administrative order limiting the tasks that court custody investigators will routinely perform.~~ Even when the court has requested a full investigation, the custody investigator has discretion to dispense with interviews or record checks that are clearly unwarranted in a particular case.*

\* \* \* \*

2. The Commentary to Civil Rule 90.7 is amended to read as follows:

**Rule 90.7. Appointment of Guardian Ad Litem in Child Custody Proceedings.**

**(a) When Guardian Ad Litem May Be Appointed.**

\* \* \* \*

**Commentary.**

\* \* \* \*

*Courts should not routinely appoint guardians ad litem in custody, support, and visitation proceedings. In most instances, the child's best interests are adequately protected and presented by the parties. In most contested proceedings in which professional input is warranted, a child custody investigator ~~(whether public or private)~~ should be appointed instead of a guardian ad litem. The child custody investigator can provide the court and the parties with an independent analysis of the dispute and may serve as a catalyst to settlement without adding another party to the proceeding.*

\* \* \* \*

**(f) Duty to Investigate.**

\* \* \* \*

***Commentary.***

\* \* \* \*

*Paragraph (m) requires a guardian ad litem to seek court approval before hiring a ~~private-custody~~ investigator to conduct an investigation. ~~If the parties cannot afford a private-custody investigator, the court may appoint the court-custody investigator to conduct the investigation. See Civil Rule 90.6(a).~~*

\* \* \* \*

DATED: January 8, 2020

EFFECTIVE DATE: *nunc pro tunc* January 1, 2020

/s/  
Chief Justice Bolger

/s/  
Justice Winfree

/s/  
Justice Stowers

/s/  
Justice Maassen

/s/  
Justice Carney