

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 825

Amending Appellate Rule 218(c),  
(d) and (j) concerning child  
custody appeals

IT IS ORDERED:

Appellate Rule 218(c), (d) and (j) are amended as follows:

(c) Bifurcation of Appeals.

(1) [IF] An appeal from the same final judgment which includes points related to the custody of children and points which do not relate to the custody of children (for example, property division or spousal support) will be treated as a single appellate action under this rule unless the court orders that [,] the appeal [SHALL] be treated as two separate appeals for good cause shown.

(2) If the appeal is bifurcated, [T] the portion of the appeal relating to custody of children shall be treated as a separate appeal under this rule. The remainder of the appeal shall be treated as a separate appeal under the other appellate rules relating to appeals in civil actions generally. For purposes of Rule 203, each portion is a separate action, and the pendency of one portion in the appellate court shall not divest the trial court of jurisdiction over the other portion.

(d) Notice of Appeal and Cross Appeal. The notice of appeal in an appeal under this rule shall be filed with the clerk of the court which entered the order of judgment being appealed, within 15 days after the date shown in the clerk's certificate of distribution on the order or judgment. The notice must indicate that the appeal is being filed pursuant to this rule and subject to expedited appeal, but the supreme court will apply this rule to

cases within its scope whether they are so identified or not. A notice of cross appeal may be filed within 14 days after the notice of appeal is filed.

(j) Waiver. If an appeal is within the scope of paragraph (a) of this rule, the court will not entertain a motion to waive this rule and consider the appeal under the other appellate rules relating to civil actions generally, unless the motion is filed with a timely notice of appeal and [AFFIRMATIVELY INDICATES THAT] all parties to the appeal, including the guardian ad litem, if any, consent to the motion.

DATED: April 30, 1987

EFFECTIVE DATE: August 1, 1987

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Chief Justice Rabinowitz

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Justice Burke

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Justice Matthews

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Justice Compton

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Justice Moore