

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1912

Amending CINA Rule 4 (b)(4) and
(f)(3) regarding immediate review of
master's return or removal orders.

IT IS ORDERED:

CINA Rule 4 is amended to read as follows:

Rule 4. Appointment and Authority of Masters.

* * * *

(b) Authority, Order of Reference.

* * * *

(4) A master's report is not binding until approved by a superior court judge pursuant to Civil Rule 53(d) and paragraph (f) of this rule, except:

(A) a master may enter orders without further approval of the superior court pursuant to Civil Rule 53(b) and (c), and by paragraph (d) of this rule; ~~and~~

(B) a master's order of removal from the home is effective pending superior court review; and

(C) a master's order returning a child to the home is effective pending superior court review unless a party immediately objects, in which case the master's order is stayed pending superior court review.

* * * *

(f) Objections to Master's Report, Recommendations.

(1) *Objections, Reply, Oral Argument.* Objections to a master's report or recommendation must be filed within 10 days of service of the report unless the court requires objection to be filed earlier. In the case of a recommendation rendered orally on the record where a party requests an electronic recording of the recommendation, the time period for objection runs from receipt of the recording. A reply to the objections must be filed within three days of service of the objections. The superior court may permit oral argument, order the taking of further evidence, or grant a hearing de novo.

(2) *Request for Stay, ~~Immediate Review.~~* A party may request that a superior court judge stay the master's order issued under paragraph (d) pending review of the order.

(3) *Immediate Review of Order Removing or Returning the Child from or to the Home.* In addition to the objections permitted under paragraph (f)(1), a master's order removing or returning a child from or to the home ~~which is not stayed~~ must be reviewed by the superior court by the end of the next working day if a party so requests. The superior court's review under this paragraph will be limited to the existing record absent further order of the court. No response shall be made to a request for immediate review unless requested by the court, but the superior court will ordinarily not reject the master's recommendation in the absence of such an invitation.

DATED: June 21, 2017

EFFECTIVE DATE: October 16, 2017

/s/
Chief Justice Stowers

/s/
Justice Winfree

/s/
Justice Maassen

/s/
Justice Bolger

/s/
Justice Carney