

INSTRUCTIONS FOR REQUESTING A PROTECTIVE ORDER AGAINST STALKING OR SEXUAL ASSAULT

Step 1. Fill out the following forms:

- a. *Petition* ([CIV-752](#))
- b. *Request for Service of Protective Order Documents* ([DV-125](#))
- c. *Law Enforcement Information Sheet* ([DV-127](#))

See instructions on pages 2-4. If you need help, a court clerk can help you.

Step 2. Take the forms to the clerk's office at the nearest court. There is no fee for filing them. Some courts will also allow you to file them by fax.

Step 3. If you are requesting an immediate 20-day "ex-parte" order, a judge will review your petition soon after you file it and decide whether to issue the 20-day order. The judge may need to ask you questions about your petition in a short hearing.

Step 4. If the judge decides to issue the 20-day order, the order must be served on (delivered to) the person who is stalking or sexually assaulting you (called "the respondent") by a peace officer.

Note if the Respondent is Outside Alaska: The Alaska State Troopers will assist with the service of orders on a respondent who resides outside of the State of Alaska. AST will contact a law enforcement agency in the area where the respondent is located to request assistance in service of the order. AST will send a copy of the order to the law enforcement agency for service. If you need assistance in having an order served outside Alaska, you can call Alaska State Trooper Judicial Services in Anchorage at 907-264-0699 or contact your local state trooper post.

Step 5. If you request a long-term order, the court will schedule a hearing to be held before the 20-day order expires. Both you and the respondent will be given a chance to speak at this hearing. You must attend the hearing and explain why you want the order, or no long-term order will be issued.

Court Hearings

The court will notify you of any hearings in your case. You may ask to participate by telephone rather than in person (for example, if you do not want to be in the same room with the respondent).

How to Request a Modification

After the court issues the protective order, the petitioner or respondent can ask the court to change (modify) the order. Use form [DV-131](#), *Request to Modify Protective Order* (also available at the clerk's office).

To decide most requests, the court will hold a hearing and notify the petitioner and the respondent to participate. If the person making the request fails to attend the hearing, the court will deny the request.

How to Request an Extension

A long-term protective order is effective for one year. You can file a request to extend the protective order 30 days before it will expire, or 60 days after it expires, if it is necessary to protect you. The court will schedule a hearing at least 10 days after your request, notifying both you and the respondent to participate. If the court grants the extension, the protective order will be effective for an additional year.

- Step 1. Know when your current protective order expires so you can figure out when it the right time to file a request to extend. If your protective order expires, there will be no protective order in place until the court grants the extension. If you do not have a protective order in place, see <http://courts.alaska.gov/shc/shcdv.htm#0a> for information about resources and safety planning.
- Step 2. File [DV-132](#) to request an extension within 30 days before your current protective order expires, or within 60 days after.
- Step 3. Repeat Steps 1 and 2 if your protective order is expiring and you need another extension because it is necessary for your protection.

Important: Request an extension more than 10 days BEFORE your protective order expires to avoid a gap in having an active protective order. If you request an extension less than 10 days from when your protective order expires, the hearing on the extension will happen after your order expires. This means there will be no protective order in place unless and until the court grants the extension.

How to Request a Dismissal

After protective order has been issued by the court, the petitioner or respondent can ask the court to end (dissolve) the order. Use form [DV-133](#), *Request to Dissolve Protective Order* (also available at the clerk's office).

To decide most requests, the court will hold a hearing and notify the petitioner and respondent to participate. If the person making the request fails to attend the hearing, the court will deny the request.

6. In section 6, describe what the respondent did or is doing to stalk or sexually assault you. For stalking, describe what the respondent is doing or has been doing that frightens you and how respondent's conduct qualifies as "repeated acts of nonconsensual contact". For both sexual assault and stalking, include dates and places. If minors are involved, do not write their names, only initials and dates of birth. **IMPORTANT:** Consult the definition of stalking on page 6-7, or the definition of sexual assault on page 7 to see whether your specific situation qualifies for a protective order.

STALKING

"Nonconsensual contact" means any contact with you without your consent. Some examples are:

- a. following or appearing within your sight,
- b. approaching or confronting you in a public place or on private property,
- c. appearing at your workplace or residence,
- d. entering onto or remaining on property that you own, lease, or occupy,
- e. contacting you by telephone,
- f. sending mail or electronic communications to you,
- g. placing an object on, or delivering an object to, property that you own, lease, or occupy,
- h. following or monitoring you with a global positioning device (e.g., GPS) or similar technology,
- i. using, installing, or attempting to use or install a device for observing, recording, or photographing events occurring in the residence, vehicle, or workplace used by that person, or on the personal telephone or computer used by that person.

AS 11.41.270(b)(4)

SEXUAL ASSAULT

"Sexual assault" means engaged in a sexual act without your consent, and it includes some sexual acts involving minors. Some general examples are:

- a. you did not consent to the sexual act,
- b. you were not capable of giving consent because you were incapacitated,
- c. you were not capable of giving consent because you were unaware the sexual act was taking place, or due to mental disability,
- d. respondent's attempted sexual act resulted in your serious physical injury,
- e. respondent was your legal guardian,
- f. you were under 13,
- g. you were 13, 14, or 15 and the respondent was at least four years older than you,
- h. certain situations where you were under 18, the respondent was over 18, and the respondent was in a position of authority over you (for example, your teacher, coach, employer, or religious leader).

AS 11.41.410 - .450

7. In section 7, check the boxes and fill in the blanks for all the provisions you want the judge to include in your protective order.
8. In section 8, you must list all civil or criminal lawsuits that you know of involving you and the respondent, individually or together, in Alaska or another state. You and the respondent have the responsibility of telling the court of any lawsuits that involve either of you that arise while a petition for protective order is pending and while a protective order is in effect.
9. In section 9, fill in as much of this information about the respondent as you know. The court needs respondent's mailing address and telephone numbers so the court can send paperwork to him/her and notify him/her about hearings.
10. In section 10, if possible, you need to fill in an address where the court can send paperwork to you. **Do not fill in the actual physical address where you are staying if you think it might be dangerous for the respondent to know where you are.** Instead, give a message address (for example, a friend's address) where you can be sure you will quickly receive any papers the court sends to you.

The court also needs a phone number where you can be reached or where messages can be left for you. List a number it is all right for the respondent to know (since the respondent will get a copy of your petition).

If there is no phone number or address that can safely be revealed to the respondent, ask the clerk how you can provide the information so that it will be kept confidential and not revealed to the respondent.

11. Signature Section. Your signature on the petition must be notarized. Do not sign the petition until you are in front of a notary public or a court clerk. A court clerk can notarize the petition for you at no charge.

How To Fill Out Forms For Serving the Order on Respondent

You must fill out the following two forms so the court's order and other paperwork can be served on (delivered to) the respondent by a peace officer:

DV-125, Request For Service of Protective Order Documents

Fill in your name and the respondent's name. The clerk will fill in the rest.

DV-127, Law Enforcement Information Sheet

Fill in everything on this form. This is a confidential document which will be given to the police to help them serve court orders on the respondent and then enforce those orders. Pursuant to Civil Rule 65.1, access to this form will be limited to the petitioner and court personnel.

The police need this information in order to find the respondent and in order to be as safe as possible when they contact the respondent. So, please provide as much information as you can on this form. If the police cannot locate the respondent, they cannot serve the order.

The police also need to be able to contact you.

Alaska Statutes

AS 11.41.270 Stalking in the Second Degree.

- (a) A person commits the crime of stalking in the second degree if the person knowingly engages in a course of conduct that recklessly places another person in fear of death or physical injury, or in fear of the death or physical injury of a family member.
- (b) In this section,
 - (1) "course of conduct" means repeated acts of nonconsensual contact involving the victim or a family member;
 - (2) "device" includes software;
 - (3) "family member" means a
 - (A) spouse, child, grandchild, parent, grandparent, sibling, uncle, aunt, nephew, or niece, of the victim, whether related by blood, marriage, or adoption;
 - (B) person who lives, or has previously lived, in a spousal relationship with the victim;
 - (C) person who lives in the same household as the victim; or
 - (D) person who is a former spouse of the victim or is or has been in a dating, courtship, or engagement relationship with the victim;
 - (4) "nonconsensual contact" means any contact with another person that is initiated or continued without that person's consent, that is beyond the scope of the consent provided by that person, or that is in disregard of that person's expressed desire that the contact be avoided or discontinued; "nonconsensual contact" includes
 - (A) following or appearing within the sight of that person;
 - (B) approaching or confronting that person in a public place or on private property;
 - (C) appearing at the workplace or residence of that person;
 - (D) entering onto or remaining on property owned, leased, or occupied by that person;
 - (E) contacting that person by telephone;
 - (F) sending mail or electronic communications to that person;

- (G) placing an object on, or delivering an object to, property owned, leased, or occupied by that person;
- (H) following or monitoring that person with a global positioning device or similar technological means;
- (I) using, installing, or attempting to use or install a device for observing, recording, or photographing events occurring in the residence, vehicle, or workplace used by that person, or on the personal telephone or computer used by that person;

(5) "victim" means a person who is the target of a course of conduct.

(c) Stalking in the second degree is a class A misdemeanor.

Sexual assault crimes described in AS 11.41.410-.450

"Sexual contact" and "sexual penetration" mean any of the following:

knowingly touching, directly or through clothing, the victim's genitals, anus, or female breast; or knowingly causing the victim to touch, directly or through clothing, the defendant's or victim's genitals, anus, or female breast; or knowingly causing the victim to come into contact with semen; or genital intercourse, cunnilingus, fellatio, anal intercourse, or an intrusion, however slight, of an object or any part of a person's body into the genital or anal opening of another person's body.

AS 11.81.900(61)-(62)

There are at least five types of sex crimes covered by the sexual assault protective order (AS 11.41.410-.450)

1. You did not consent to the sexual act.
2. You were not capable of giving consent due to mental disability, because you were unaware of the sexual act, or because you were incapacitated.
3. Respondent worked for the Department of Corrections or was your legal guardian.
4. Petitioner was under 13. Or petitioner was 13, 14, or 15 and at least four years younger than the respondent.
5. Some situations where you were under 18, the respondent was over 18, and the respondent was in a position of authority over you (for example, your teacher, coach, employer, or religious leader).