

HOW TO GET A DOMESTIC VIOLENCE PROTECTIVE ORDER

Asking for a domestic violence protective order is NOT the same as reporting a crime to the police. You have the right to report a crime to the police, at any time.

If you are in immediate danger, call 911. You can also call the National Domestic Violence Hotline at 1-800-799-SAFE (7233) and 1-800-787-3224 (TTY).

There are many resources available online, at the library, and at your local domestic violence and sexual assault victim advocacy offices to help you develop a safety plan and parenting plan. For resources on how to stay safe, ask the court clerk or go online at: <http://www.andvsa.org/statewide-resources/>.

You can request a protective order if an act of domestic violence has been committed against yourself, your children, and/or a member of your household. You must file a petition in order to request a protective order.

If you have questions, need help filling out the forms, or need an interpreter you can:

- Speak with the court clerk.
- Contact the free Family Law Self-Help Center in Anchorage at (907) 264-0851, or elsewhere in Alaska (toll-free) at (866) 279-0851.

Where to Find the Petition?

1. The petition form is available online at: <https://www.courts.alaska.gov/forms/index.htm#dv>.
2. You can obtain a paper petition from a court clerk at any court location.
3. You can fill-out a petition with *Petition Wizard*, an interactive internet program that will guide you through process. You can find the *Petition Wizard* on the court system website or at: <https://akcipowizard.truefiling.com/>.

What form should you use?

- When asking for an order for one person use [Form DV-100](#).
- When asking for an order for more than one person (you and your children) use [Form DV-100M](#).
- If you are filling out a form using the Petition Wizard, you will not have to ask for a particular version.
- Additional information on how to represent yourself in a domestic violence process is available at: <https://public.courts.alaska.gov/web/forms/docs/pub-22.pdf>.

Filling out the Petition

Petitioner: The “petitioner” is the person who was harmed by domestic violence. When petitioning to protect a minor, the person filling out the form must also write the minor’s name, date of birth and their relationship to the minor.

Respondent The “respondent” is the person who has committed the domestic violence. A petitioner must provide the respondent’s first and last name and, if possible, date of birth. When the respondent is a minor, it is helpful to provide the name of the respondent’s parent, guardian, or other person who is legally responsible for the respondent.

Other court cases: Inform the court of any current or past civil or criminal court cases involving the petitioner and the respondent, including divorce or custody cases.

Describe the Domestic Violence: Explain what the respondent did to you and/or other members of your household. Be specific when describing what happened. It is helpful to write when and where the domestic violence occurred, whether weapons were involved, any injuries, property damage and any additional threats of violence. Tell the judge about other times, if any, that the respondent committed domestic violence against you or a household member. To issue a protective order, the court must first determine whether a crime of domestic violence has occurred. At the end of these instructions there is a list of domestic violence crimes.

Relationship between the Petitioner and the Respondent: To get a domestic violence protective order you must be related to the respondent by blood or marriage; live together (now or in the past); or have had a dating or sexual relationship (now or in the past). If you do not have one of these relationships to the respondent, you may be eligible for a protective order under the Stalking statutes.

Types of Protective Orders

You can ask for:

- a short-term protective order for the next 20 days if you need immediate protection.
- a long-term protective order that can last up to one year.
- both a short-term and a long-term protective order.

Short-Term Order (20 days): The court can grant a 20-day order without notifying the respondent. You must tell the court if you informed the respondent that you are applying for a protective order. Check yes or no to indicate whether you notified the respondent that you are seeking a protective order. You are not required to inform the respondent.

Long-Term Order (one year): A long-term order can only be granted if the respondent has been given notice of the request AND has had an opportunity to contest it at a court hearing. The respondent must be served with the protective order by a law enforcement officer at least 10 days prior to the hearing.

Both a Short-Term and a Long-Term Order: If you want both the immediate protection of a 20-day order and the longer protection of a long-term (one year) order, check both boxes.

How it Works: If you requested both orders, and your short term protective order is granted, the court will schedule a hearing for you where it will decide on the long term protective order. The respondent has an opportunity to attend the hearing and contest the order. If the short term is not granted, a long term hearing is set. The respondent will still be served with petition and the date for the long term hearing.

Child Custody: The court can grant temporary physical custody to the petitioner or respondent. To request temporary custody of a minor in a protective order, you must list the minor's name, date of birth and the minor's relationship to the petitioner and respondent. Tell the court if you have any safety concerns for the children and of any existing or prior court orders for custody or visitation. The court can order the conditions for visitation and exchanges of the children. Describe your proposed visitation and exchange plan.

Child Support: As part of a domestic violence protective order, the court can require a respondent to pay child support. An order for child support is only addressed at a long-term hearing. When requesting child support you must provide as much information as possible about the respondent's income (provide documents such as tax forms and pay stubs).

When filling out the petition, you should consider the following:

- Do you want any form of contact with the respondent (phone, text, email)?
- Do you want protection from the respondent at your residence or other locations? Do you need essential personal items that are in the respondent's possession? If so, please list the items (phone, driver's license, medication, etc.).
- Do you intend to seek reimbursement from the respondent for costs that result from the domestic violence? If so, please list the expenses and provide documentation, if available.

Your signature - By filing the petition you are swearing that everything in the petition is true to the best of your knowledge.

What Happens after a Domestic Violence Protective Order is issued?

Help from law enforcement: If the judge decides that you should get temporary possession of a house, vehicle, or personal items (such as pets), the judge can order the police or troopers to help you get those things. The judge can also order law enforcement to help you get temporary custody of your minor children.

Respondent's Contact Information: After the hearing, law enforcement will be notified of the protective order and will attempt to serve the respondent. A police officer, state trooper or VPSO is responsible to serve the Respondent with the protective order. It is important for you to provide information about the respondent, such as age, identifying features, address, phone numbers, home and work addresses, or other locations where the respondent can be found.

Once the respondent has been served with the order by law enforcement a violation of the order may be a crime. Violations of the protective order should be reported to law enforcement.

Petitioner's Contact Information: A judge may order the respondent to stay away from your residence, workplace and other locations. Inform the court if you want to keep confidential the address of your residence, other locations or your phone number. The court must be able to contact you for court hearings and to provide paperwork. Provide the court with your current phone number and, if possible, an address to mail paperwork. At your request, the information will remain confidential and not available to the respondent.

How to change, extend, or end a protective order: After the court issues the protective order, you can ask the court to:

- change (modify) the order. Use form [DV-131](#), *Request to Modify Protective Order*.
- continue (extend) the order. Use form [DV-132](#), *Request to Extend Protective Order*.
- end (dissolve) the order. Use [DV-133](#), *Request to Dissolve Protective Order*.

These forms are also available at the clerk's office, and they are available online at <http://www.courts.alaska.gov/forms/index.htm#dv>.

CRIMES INVOLVING DOMESTIC VIOLENCE

To qualify as a domestic violence crime:

- a. a crime must be committed or attempted; and
- b. by one household member against another household member¹ (see the note at the bottom of this page about the meaning of "household member"); and
- c. must be one of the crimes listed in the Alaska statute, or a violation of a similar law of another jurisdiction (another city or state).

The following are some examples of crimes that qualify:

Assault is when one person physically harms another person, or when one person threatens to physically harm another person and could immediately carry out the threat. **NOTE:** You may be able to get a protective order even if the person the petitioner needs protection from has not physically hit the petitioner. (See AS 18.66.990(3) for more information.)

Burglary is when someone enters or remains unlawfully in a building planning to commit a crime in the building.

Criminal mischief is when one person purposefully damages another person's property.

Criminal trespass is when someone enters or remains unlawfully on land, in a home, or in a vehicle.

Cruelty to pet is when someone knowingly kills or injures an animal that is a pet, with the intent to intimidate, threaten, or terrorize another person. (See AS 11.61.140(a) for more information.)

Custodial interference is when a family member takes or keeps a child without any legal right to do so, and intends to keep the child from the lawful guardian for an extended period of time. An example is when a parent leaves the state with a child without providing any contact information and without the other parent's knowledge. It is NOT custodial interference when a parent fails to return the child at the agreed-upon time.

Extortion and coercion are crimes that are commonly called "blackmail." They involve someone causing or threatening physical injury, or other types of harm to get another person's property or to make another person do something they do not want to do. An example is someone threatening to beat you up unless you have sex with them.

¹ According to AS 18.66.990(5), "household member" includes:

- (A) adults or minors who are current or former spouses;
- (B) adults or minors who live together or who have lived together;
- (C) adults or minors who are dating or who have dated;
- (D) adults or minors who are engaged in or who have engaged in a sexual relationship;
- (E) adults or minors who are related to each other up to the fourth degree of consanguinity, whether of the whole or half blood or by adoption, computed under the rules of civil law;¹
- (F) adults or minors who are related or formerly related by marriage;
- (G) persons who have a child of the relationship; and
- (H) minor children of a person in a relationship that is described in (A) - (G) of this paragraph[.]

(CRIMES INVOLVING DOMESTIC VIOLENCE *CONTINUED*)

Harassment is when someone:

- calls on the phone and will not hang-up so another person cannot make or receive calls;
- makes repeated telephone calls at extremely inconvenient hours; or
- makes a call or electronic communication that is anonymous or obscene, or threatens physical injury or sexual contact.

Kidnapping is when a person holds another person against their will. Usually, it also means the person is planning to physically or sexually assault the other person, or creates a significant risk that the person will seriously injure the other person.

Reckless endangerment is when a person's actions create a high risk of serious physical injury to another person. An example is when you are driving down the highway and the passenger grabs the steering wheel, trying to force you off the road.

Robbery is when a person uses force to take property that another person is carrying.

Sexual crimes include all forms of sexual assault, incest, and rape. Sexual crimes can occur even if the parties are married.

Stalking is when someone repeatedly contacts or follows another person against their will, and anyone in a similar situation would believe they are at risk of physical injury or death.

Terroristic threatening is when someone makes a false report of a life-threatening situation that places another person in fear of physical injury.

Violating a protective order is when a person who has a protective order against them does something that violates part of the protective order.

What if the crime committed against me or my minor child is not listed above? The following may not be domestic violence crimes for purposes of getting a protective order, unless they are part of one of the crimes listed above, and you may need to seek relief a different way:

- Theft
- Forgery
- Drug or alcohol abuse
- Child neglect
- Violation of court orders (except protective orders), including custody, visitation and support orders (unless the violation amounts to custodial interference)
- Slander
- Threats to file a lawsuit, or to make reports to the police or other governmental agencies