

**Instructions and Information for Requesting a  
Domestic Violence Protective Order  
(in Anchorage, Alaska only)**

***If you need help filling out forms***, ask the clerk or contact the free Family Law Self-Help Center at 264-0851 (in Anchorage) or 866-279-0851 (within Alaska but outside of Anchorage). Hours: Monday - Thursday 7:30 a.m - 6 p.m. Servicios en español: lunes a jueves 9:00 a.m. hasta 6:00 p.m. Website: [www.state.ak.us/courts/selfhelp.htm](http://www.state.ak.us/courts/selfhelp.htm).

***If you need a language interpreter for the hearing***, tell the clerk when you file the petition and ask the court before the hearing begins. Si usted necesita un intérprete de su idioma para la audiencia, dígame al empleado de la corte cuando usted presente su petición y confirme la información antes de que la audiencia empiece.

***If you need to report a crime***, you must contact the police and tell them what happened. *If you are in immediate danger, call 911.* Requesting a protective order is not the same as reporting violence to the police. It does not matter how much time has passed since the crime occurred, you have the right to make a police report at any time. To report what happened, call the Anchorage Police Department: 907-786-8500 or the Alaska State Troopers: 907-352-5401.

***If you and/or your children need help staying safe***, see the list of resources at the end of these instructions. There are also resources available on the internet, at the library, and at local domestic violence and sexual assault programs to help you develop a safety plan and a safe and reasonable parenting plan.

Before you begin filling out any forms, please read this handout. A court clerk can help you fill out the forms. There is no fee for filing the forms.

Throughout these instructions you will notice the words “**petitioner**” and “**respondent.**” You, the person filling out the petition, are the “petitioner.” The person you believe committed the domestic violence crime against you is the “respondent.”

If you believe a person you have a relationship with has committed a crime of domestic violence against you or a household member, you can ask (petition) a judge or magistrate for a protective order. To ask for a protective order, you must fill out a *Petition for Domestic Violence Protective Order*. The petition provides the court with information about what happened and what kind of protection you need. The judge or magistrate will decide whether to issue a “domestic violence protective order” based on the information you provide in the petition. If the judge decides the order is needed, the order will tell the respondent that he or she must stay away from you and not contact you.

You must also fill out two more forms: *Request For Service of Domestic Violence Documents*, and *Law Enforcement Information Sheet*. If the judge or magistrate grants the order, the information on these forms will help the police find the respondent so they can deliver the order.

**If you have access to the internet, you can fill out these forms online, print them, and bring them to the Domestic Violence Customer Service Office at 303 K Street, Anchorage. To fill out these forms you online, go to: <http://www.courts.alaska.gov/forms-subj.htm#dv>.**

**You can also get the forms at the Domestic Violence Customer Service Office at 303 K St. and fill them out there. Print clearly, and use black ink.**

## **Instructions for Filling Out the Petition Form**

***If you want a protection order for just one person, use Form [DV-100-ANCH](#):***

In the space for "PETITIONER," write your name if you are the petitioner. If you are petitioning on behalf of your child, fill in the name and birth date of the child, your name, your date of birth, and the relationship between yourself and the child.

In the space for "RESPONDENT," write the name of the person you or your child needs protection from. Write the respondent's date of birth in the space provided. If the respondent is a child, you must also write in the name of the respondent's parent, guardian, or other person who is legally responsible for the respondent.

Leave the "CASE NO." line blank. This will be assigned by the court clerk.

***If you want a protective order for more than one person (you and your children or only your children), use Form [DV-100-M ANCH](#):***

This form has enough space for you to write in the name, birth date, and relationship for each person needing protection.

In the space for "RESPONDENT," write the name of the person you and/or your children need protection from. Write the respondent's date of birth in the space provided. If the respondent is a minor (less than 18 years old), you must also write (in the space provided) the name of the respondent's parent, guardian, or other person who is legally responsible for the respondent.

Leave the "CASE NO." lines blank. These will be assigned by the court clerk.

### **1. TYPE OF ORDER.**

***Do you need a short-term (20-days) order, a long-term (1 year) order, or both?***

- a. Short-Term (20 Days). Check the first box if you want a short-term (20-day or "ex parte" order). The court can grant a 20-day order without first giving the respondent notice of your request or an opportunity to contest it. The order will be effective for 20 days unless the court dissolves or modifies it sooner. If you check the first box, you must also check one of the two boxes indented after it, explaining any efforts you made to notify the respondent that you are asking the court for a protective order.
- b. Long-Term (One Year). Check the second box if you want a long-term (one year) protective order. A long-term order can only be granted after the respondent is given notice of your request and an opportunity to contest it at a court hearing. The respondent must receive notice of the hearing at least 10 days before the hearing. Most provisions in a long-term order will last for one year. However, the requirement that the respondent not commit domestic violence will last indefinitely, or until the court terminates it.
- c. Both a Short-Term and a Long-Term. Check both boxes if you want both the immediate protection of a short-term (20-day) order and the longer protection of a long-term (one year) order.

## 2. HOW ARE PETITIONER AND RESPONDENT RELATED? (Check all that apply.)

In section 2, check all the boxes that describe your (and your children's) relationship to the respondent. To get a protective order, the person you name as respondent must be a "household member" as defined in Alaska Statute 18.66.990(5). (The statute is reprinted on page 9.) The term "household member" includes a wide variety of relationships. You must check every box that describes how you (and your children) and respondent are related.

### ***What if the relationship with the person I need protection from is not listed?***

If there is no check box for the relationship between you (and your children) and the respondent, or if the person you or your children need protection from is a friend, student at the same school, neighbor, co-worker, landlord or tenant, or someone you do not know, you should fill out a *Stalking or Sexual Assault Petition (CIV-752)* instead of the forms in this packet. Ask the court clerk for the *Stalking or Sexual Assault Packet*, or go to: <http://www.courts.alaska.gov/forms-subj.htm#po>.

## 3. ARE THERE CHILDREN IN PETITIONER'S HOUSEHOLD?

Check the "yes" box in section 3 if any children live with you, whether or not they are your children.

***Before continuing to the next section, please read the following:*** To get a protective order, you must show the court that the respondent has committed or attempted to commit a "crime involving domestic violence."<sup>1</sup> Please read the following information about crimes involving domestic violence.

### *To qualify as a domestic violence crime:*

- a. a crime must have been committed or attempted;
- b. by one household member against another household member (see paragraph 2 above about the meaning of "household member"); and
- c. the crime must be one of the crimes listed in the Alaska statute, or a violation of a similar law of another jurisdiction (another state or city).

### *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 carry out the threat immediately. **NOTE:** You may be able to get a protective order even if the person you need protection from has not physically hit you.<sup>2</sup>

***Burglary*** is when someone enters or remains unlawfully in a building, and plans 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.

<sup>1</sup> "Crimes involving domestic violence" are defined in Alaska Statute 18.66.990(3); the statute is reprinted on page 9.

<sup>2</sup> See Alaska Statute 18.66.990(3), on page 9.

**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.

**Harassment** is when someone: calls on the phone and will not hang-up so another person cannot make or receive calls; or makes repeated telephone calls at extremely inconvenient hours; or makes a call or electronic communication that is anonymous or obscene and/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 your 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, for example, calling in a bomb threat.

**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

#### 4. DESCRIBE THE DOMESTIC VIOLENCE.

- a. Describe what happened. Tell what the respondent did to you, your children, and/or other members of your household, when it happened and where it happened. Be as direct as possible when describing what happened. The court needs a clear picture of the event that brought you to court today.

For example, you might write the following:

On July 7th in the late afternoon, John came into the kitchen, grabbed my arms, and pulled me into the living room. He shoved me onto the couch. He called me a bitch and started to hit me. He used his closed fists and hit me in the eye and the mouth. My four-year-old daughter was in the room and yelled at him to stop.

- b. Check the correct box to let the judge know whether any kind of weapon was used during the domestic violence. Describe the weapon (for example, gun, knife, chair or other object).
- c. Check the correct box to let the judge know if anyone was injured during the domestic violence. If yes, describe the injuries, including who was injured. For example, you might write:

I have a black eye and a cut on my lower lip. My daughter has a bruise on her leg.

- d. Check the correct box to let the judge know if respondent has been involved in other domestic violence in the past. It doesn't matter whether the domestic violence happened to you or someone else. If yes, list the names, dates, and what happened in past incidents of domestic violence.

#### 5. PROTECTIONS REQUESTED. (Check all that apply.)

Check the boxes and fill in the blanks for all the protections you want the judge to include in your protective order. The items in this section can be included in both a short-term order and a long-term order.

#### 6. LONG-TERM PROTECTIONS REQUESTED.

The items in this section can only be included in a long-term order, not a short-term order. Check the boxes for the protections you want the court to order.

#### 7. CHILDREN. (If you are not requesting custody or child support, skip to question 8.)

If you want the court to grant you temporary custody of any children while the protective order is in effect, answer the questions in this section,

- a. List the children and fill in the other information about them. Most of this information is necessary in order for the court to be sure it has the power to make decisions about custody.
- b. The court may allow the respondent to have visitation with the children while you have custody of them as long as you and your children can be kept safe. If you have concerns

about safety, check the 'yes' box. If you do not have concerns about safety, write in a visitation schedule in the space provided. If the court allows visitation, the court can decide where and when the visitation will take place, whether overnight visitation will be allowed, and whether the visitation must be supervised by someone. For some examples of visitation conditions the court can set, see Alaska Statute 25.20.061 (reprinted on page 10).

- c. If there is already a court order about payment of child support, skip this section. If there is no court order about child support, and you want to ask the court to order the respondent to pay child support, fill in this section.

**Important:** The information in this section should be enough for the court to make a decision about temporary child support in the 20-day order. But if you want to ask for child support for the long-term order, you will need to fill out form [DR-305, Child Support Guidelines Affidavit](#), and bring it to the court hearing on the long-term order or file it with the court before that hearing. You can fill out the form online. You must also bring proof of your income and the respondent's income to the long-term hearing. Proof of income includes documents such as paystubs, tax returns, W2 forms, and 1099 forms. Even if you have not filled out the DR-305 form, bring proof of income to the hearing anyway. The respondent will also have to fill out a DR-305 form.

## 8. OTHER CASES.

- a. You must list two types of open court cases involving either you or the respondent:
  - (1) open civil cases such as divorce, dissolution, and child custody cases; and
  - (2) open domestic violence criminal cases. A criminal case is a case brought against a person by a local, state, or the federal government charging the person with a crime. See the list of domestic violence crimes in the boxes on pages 3 and 4, and Alaska Statute 18.66.990(3) on page 9.
- b. If there are other court cases involving the respondent that you want the court to know about (such as previous criminal charges or convictions) list them in this section.

## 9. ASSISTANCE FROM LAW ENFORCEMENT.

If the judge decides that you should get possession of a residence, personal items (including pets), and/or a vehicle, the judge can order law enforcement to help you get those items. The judge can also order law enforcement to help you get custody of minor children. Check all the boxes that apply to your situation.

The judge may also allow the respondent to go home one time to get his/her belongings.

## 10. INFORMATION ABOUT RESPONDENT.

Fill in as much of this information about the respondent as you know. The police need as much information as you can give so they are able to find the respondent to serve the order. The court needs the respondent's mailing address and telephone numbers in order to send paperwork to the respondent and notify him/her about hearings.

## 11. INFORMATION ABOUT PETITIONER.

If possible, fill in an address where the court can send paperwork to you, and a phone number where the court can reach you or where messages can be left for 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.** Do not fill in the phone number if you think it might be dangerous for the respondent to have the number. Instead, give a message address and phone number (for example, a friend's address) where you can be sure you will quickly receive any papers or phone calls from the court.

If you do not have a phone number or address that can be safely revealed to the respondent, ask the clerk how you can provide the information so <http://courts.alaska.gov/forms/dv-125anc.pdf> that it will be kept confidential and not revealed to the respondent.

## SIGNATURE SECTION.

Your signature on the petition must be notarized because you are making your statements under oath. The court clerk will notarize your petition free of charge.

### Other Paperwork

You must fill out two more forms so the court's order and other paperwork can be served on (delivered to) the respondent by a peace officer. These forms are available online at: <http://www.courts.alaska.gov/forms.htm#dv> or at the clerk's office, 303 K Street in Anchorage.

[DV-125 ANCH](#), *Request For Service of Domestic Violence Documents* (one petitioner)

[DV-125-M ANCH](#), *Request For Service of Domestic Violence Documents* (more than one petitioner). Fill in your name and the respondent's name. The clerk will fill in the rest.

[DV-127 ANCH](#), *Law Enforcement Information Sheet*

This form can be filled out online, printed, and brought to the Domestic Violence Customer Service office. Fill in everything on this form. This is a **confidential document** that will be given to the police to help them serve court orders on the respondent and then enforce those orders. Only you and court personnel will be able to look at this form once you have filled it out and filed it with the court.

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.

The Alaska State Troopers will not serve the order outside of Alaska or send it to an outside police agency for service. If you want the order served on the respondent outside of Alaska, you can call State Trooper Judicial Services in Anchorage at (907) 264-0699, and ask for the name, address and any fees charged by a peace officer in the area where the respondent is located. You can then send two certified copies of the order with any fees for service to the officer in the other state.

## **Court Hearings**

The court will set a date for a hearing on your petition for a long-term order. The respondent must be notified of your request and have a chance to appear at the hearing. You may ask the court to allow you to participate in the hearing by telephone rather than in person (for example, if you have reason to be afraid of being in the same room with the respondent).

You have the right to ask for an audio tape or CD of the proceedings at the short-term hearing. Ask the court clerk to how to order the tape or CD.

If you need a language interpreter for the hearing, tell the clerk when you file the petition and ask the court before the hearing begins. Si usted necesita un intérprete de su idioma para la audiencia, dígale al empleado de la corte cuando usted presente su petición y confirme la información antes de que la audiencia empiece.

### **How to Ask the Court to Change the Order (Modification and Dismissal)**

After the court issues the protective order you can ask the court to change (modify) the order. Use form [DV-135 ANCH](#) (for one petitioner), or [DV-135-M ANCH](#) (for more than one petitioner), *Request to Modify or Dissolve Protective Order*. This form is available at the clerk's office or online at <http://www.courts.alaska.gov/forms-subj.htm#dv>.

For example, if you want to change how the respondent may communicate with you, you do not need to ask the court to dissolve the order; you can just ask the court to change the communication provisions in the order.

You can also ask the court for additional orders to protect you or your children if needed.

Before deciding whether or not to grant your request to modify or dismiss the order, the court will be required to hold a hearing. Both you and the respondent must be given an opportunity to appear and participate at the hearing.

## Alaska Statutes

The following are the Alaska Statutes referred to previously in these instructions.

### *Alaska Statute (AS) 18.66.990. Definitions*

- (3) "domestic violence" and "crime involving domestic violence" mean one or more of the following offenses or an offense under a law or ordinance of another jurisdiction having elements similar to these offenses, or an attempt to commit the offense, by a household member against another household member:
- (A) a crime against the person under AS 11.41;
  - (B) burglary under AS 11.46.300 - 11.46.310;
  - (C) criminal trespass under AS 11.46.320 - 11.46.330;
  - (D) arson or criminally negligent burning under AS 11.46.400 - 11.46.430;
  - (E) criminal mischief under AS 11.46.475 - 11.46.486;
  - (F) terroristic threatening under AS 11.56.807 or 11.56.810;
  - (G) violating a protective order under AS 11.56.740(a)(1); or
  - (H) harassment under AS 11.61.120(a)(2) - (4);
- (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;<sup>3</sup>
  - (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[.]

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<sup>3</sup> This includes parents; children; grandchildren; great grandchildren; great, great grandchildren; grandparents; great grandparents; great, great grandparents; brothers and sisters; nephews; grand nephews; nieces; grand nieces; uncles; aunts; great uncles; great aunts; and first cousins.

*Alaska Statute 25.20.061. Visitation in Proceedings Involving Domestic Violence.*

If visitation is awarded to a parent who has committed a crime involving domestic violence, against the other parent or a child of the two parents, within the five years preceding the award of visitation, the court may set conditions for the visitation, including

- (1) the transfer of the child for visitation must occur in a protected setting;
- (2) visitation shall be supervised by another person or agency and under specified conditions as ordered by the court;
- (3) the perpetrator shall attend and complete, to the satisfaction of the court, a program for the rehabilitation of perpetrators of domestic violence that meets the standards set by the Department of Corrections under AS 44.28.020(b), or other counseling; the perpetrator shall be required to pay the costs of the program or other counseling;
- (4) the perpetrator shall abstain from possession or consumption of alcohol or controlled substances during the visitation and for 24 hours before visitation;
- (5) the perpetrator shall pay costs of supervised visitation as set by the court;
- (6) the prohibition of overnight visitation;
- (7) the perpetrator shall post a bond to the court for the return and safety of the child; and
- (8) any other condition necessary for the safety of the child, the other parent, or other household member.

## ***Anchorage Domestic Violence and Sexual Assault Resources***

### **Police (IN AN EMERGENCY, DIAL 911)**

Anchorage Police Department.....	786-8900
APD DV Follow-up Office .....	343-4199
(Mon. 8 a.m. - 7 p.m.; Tues.-Th. 7 a.m. - 7 p.m.; Friday 7 a.m. - 6 p.m.).....	343-4191
Alaska State Troopers <a href="http://www.dps.state.ak.us/Ast/domesticviolence/">www.dps.state.ak.us/Ast/domesticviolence/</a> .....	269-5511
Elmendorf AFB Military Police .....	552-3421
Ft. Richardson Army Base Military Police.....	384-0823

### **Alaska Court System**

Alaska Court System Domestic Violence Customer Service Office.....	264-0616
Family Law Self Help Center .....	264-0851 or
<i>HOURS: Monday - Thursday 7:30 a.m - 6 p.m.</i>	(866) 279-0851
<i>Servicios en español: lunes a jueves 9:00 a.m hasta 6:00 p.m.</i>	(outside Anch.)
<a href="http://www.state.ak.us/courts/selfhelp.htm">www.state.ak.us/courts/selfhelp.htm</a>	

### **Domestic Violence/Sexual Assault**

AWAIC (Abused Women's Aid in Crisis) .....	(24-hr crisis line) .....	272-0100
<a href="http://www.awaic.org">www.awaic.org</a>		
Alaska Family Services (Mat-Su Valley) <a href="http://www.akafs.org/index.html">www.akafs.org/index.html</a> .....		746-6273
Alaska Native Justice Center <a href="http://www.anjc.org">www.anjc.org</a> .....		793-3550
Alaska Women's Resource Center .....		276-0528
Anchorage Domestic Violence Prevention Project .....		743-5708
Anchorage Sexual Assault Response Team .....		343-4697
Elmendorf Sexual Assault Prevention & Response .....		551-2033
Family Advocacy Program Elmendorf Air Force Base.....		580-5858
Fort Richardson Sexual Assault Response Coordinator .....	(24-hr crisis line) .....	384-7272
STAR (Standing Together Against Rape).....	(24-hr crisis line) .....	276-7279 (Anch.)
	(outside Anch.) .....	276-7273
		1-800-478-8999
State of Alaska Adult Protective Services (report abuse of adults).....		1-800-478-9996
<a href="http://www.hss.state.ak.us/dsds/apsreport.htm">www.hss.state.ak.us/dsds/apsreport.htm</a>		
Victim Advocacy Empowerment Program - Fort Richardson.....		230-7572

**Legal**

Alaska Network on Domestic Violence & Sexual Assault Pro Bono Program ..... 1-888-520-2666  
[www.andvsa.org](http://www.andvsa.org)  
Anchorage Municipal Prosecutor’s Office ..... 343-4250  
State of Alaska Victim-Witness Program ..... 269-6300  
Alaska Legal Services Corporation..... 1-888-478-2572

**Children**

Covenant House ..... (24-hr crisis line) ..... 272-1255  
State of Alaska Office of Children’s Services (report abuse of children) ..... 1-800-478-4444  
State of Alaska Child Support Services Division [www.csed.state.ak.us/](http://www.csed.state.ak.us/) ..... 269-6900  
(in AK only) 1-800-478-3300  
TTY/TDD (Hearing/Speech Impaired): 269-6894  
TTY/TDD (Hearing/Speech Impaired) Toll Free (in AK only) 1-800-370-6894

**Disabilities**

Disability Justice Initiative [www.alaskachd.org/justice/](http://www.alaskachd.org/justice/) ..... 272-8270  
1-800-243-2199  
(outside Anch.)  
Disability Law Center [www.dlcak.org/](http://www.dlcak.org/) ..... 565-1002

**Immigrants**

Alaska Immigration Justice Project [www.akijp.org](http://www.akijp.org) ..... 279-2457  
Refugee Assistance Program-Immigration Services ..... 276-5590

**Language Interpretation**

Deaf & Hard of Hearing Center..... 277-6677  
227-0735/TTY  
Language Interpreter Center [www.akijp.org/interpreter.html](http://www.akijp.org/interpreter.html) ..... 279-2457

**Victim’s Rights**

Alaska Office of Victim’s Rights ..... 272-2620 (Anch.)  
<https://www.officeofvictimsrights.legis.state.ak.us/> 1-866-274-2620  
(outside Anch.)  
Victims for Justice ..... 278-0977

**Animals**

Animal Control Dispatch ..... 343-8119  
Friends of Pets..... 562-2535