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# How To Represent Yourself In Alaska's Domestic Violence Protective Order Process

Statewide Version

The original version of this booklet was written in 1998 by the Alaska Legal Services Corporation Family Safety Project for the Anchorage area with funding from the Municipality of Anchorage. With permission from Alaska Legal Services, the Alaska Court System prepared this modified version for statewide use in 1999 and updated it in 2002, 2005 and 2008.

Courts may obtain copies of this booklet from court supply by ordering PUB-22 (2/08).

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## General Information

The information in this handbook is current as of February 2008. Laws and procedures that came into existence after that date are not reflected here. Check with an attorney or other knowledgeable person about whether any such changes affect your case. How the information in this handbook applies to your case depends on the specific facts of your situation.

Most domestic violence cases involve a female victim and a male abuser. Thus, this handbook uses the pronouns “she” to represent the victim and “he” to represent the abuser. The information in this handbook, however, is intended to assist all domestic violence victims regardless of their gender.

### What is the purpose of this handbook?

This handbook is designed to make the domestic violence laws easier to understand and use, so that victims can effectively represent themselves throughout the domestic violence protective order process and get the protection and help available to them under the domestic violence laws.

### Who is this handbook designed to help?

This handbook is intended to help people who are:

- considering whether to get a protective order;
- preparing for protective order hearings;
- modifying their current protective orders;
- reporting violations of their protective orders.

### How does domestic violence impact the custody decision in divorce or custody cases?

On July 1, 2004, the custody and visitation law has changed in custody and divorce cases with any domestic violence between the parents. Under the new law, the parent with a history of domestic violence may not get custody or visitation. However, the parent may get some custody or visitation if he or she meets specific legal requirements.

If there is any history of domestic violence in your relationship, talk with an attorney about how this law will impact your custody or divorce case.

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For more information, please read **FAQs for parents: How Domestic Violence Can Impact Custody Decisions** at [www.state.ak.us/courts/dvlawfaq.htm](http://www.state.ak.us/courts/dvlawfaq.htm).

As is the case with any new law, there are likely to be aspects that are open to interpretation. For this reason, you are strongly urged to talk with an attorney if you have any questions.

## Domestic Violence Protective Order Process

### What is a domestic violence protective order?

Domestic violence protective orders, sometimes called restraining orders, are court orders that prohibit an abuser from threatening to commit or committing domestic violence against another person. Protective orders may

- limit communication and contact,
- grant temporary custody of children and child support,
- grant temporary possession of a residence and vehicle, and
- require abusers to pay for expenses associated with domestic violence.

### What are some important terms to understand?

**Ex parte** is a legal term which in this context means that only the petitioner needs to be present to obtain a 20-day protective order. There is no requirement that the respondent be notified in advance of the 20-day hearing or that he be present.

**Judges, Magistrates, and Masters** work for the court system and preside over domestic violence court proceedings.

**Petitioner** is the person who is asking the court for a protective order. Usually the victim of domestic violence is the petitioner if she asks for the protective order.

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**Respondent** is the person whom the protective order is against. Usually the person who commits the domestic violence is the respondent.

**Service** is a legal term that means that you have delivered a copy of a legal document to the person on the other side of your case.

**The Certificate of Service** is the name of the document that is a written, dated and signed statement telling the judge that you gave or sent a copy to the other side. A copy of every document filed in court must be given to every person involved in the case, including the other side's attorney if they are represented.

In general there are strict rules about how to serve different kinds of documents to make sure that the other party gets a copy of all documents involved in a case. In domestic violence protective order cases, usually the police will serve the *ex parte* and long-term protective orders on the respondent. For requests to modify or other motions filed in protective order cases, the party filing the document needs to serve the other party by mail, unless the judge finds it necessary to have the party served by the police.

### Are there different types of protective orders?

**Yes.** There are three types of protective orders that last for different lengths of time and provide different forms of relief. They are:

1. emergency protective orders which last for 72 hours;
2. *ex parte* protective orders which last for 20 days;
3. long term protective orders which last for one year.

### What is an emergency protective order?

An emergency protective order is obtained by a police officer on behalf of a victim with her consent and lasts for 72 hours. The police officer may call the judge from the victim's location and describe the domestic violence incident that occurred. Neither the victim nor the police officer are required to notify the abuser that she is seeking an emergency protective order. If the judge finds probable cause that a crime of domestic violence has occurred, she can issue an emergency protective order. This order gives the victim 72 hours of protection which provides her with enough time to request a more comprehensive and longer-lasting order.

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It is important to point out that the police rarely request emergency protective orders for victims, despite the fact that the law specifically provides that the police may do so. If the police come to assist you after a domestic violence incident and you think that this type of order would be helpful, you may ask the officer to request an emergency protective order on your behalf.

### What is an ex-parte protective order?

You will most likely begin the protective order process by requesting an *ex parte* protective order. An *ex parte* protective order prohibits the respondent from threatening to commit or committing domestic violence against the petitioner and lasts for approximately 20 days. This order may:

- prohibit or limit the respondent from contacting the petitioner,
- may give the petitioner temporary custody of children, and
- may give the petitioner possession of the residence and vehicle.

You do not have to notify the respondent that you are seeking an *ex parte* protective order. In fact, you may be at an increased risk of danger if you do.

To get an *ex parte* order, you must fill out a petition form (**DV-100**) which is available at the court, on the Internet, at most shelters and possibly through the local police or VPSO. You can download the petition at <http://www.state.ak.us/courts/forms/dv-100.pdf>. If you download the petition, make two copies and file the original and copies with the court.

In the petition, you may also request a long term protective order. If you request a long term order, the judge will set a date approximately twenty days later for a hearing. The *ex parte* order will contain information about the date, time, and location of the long term order hearing.

The *ex parte* order is valid at the time the judge signs it. However, the respondent must be served with, or receive a copy of the order from the police to know it is in effect.

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## What does “being served” with an order mean?

This means the respondent has received a copy of the order, usually from the police, and is notified of all its provisions. Once the respondent has been served, if he does not follow its provisions, he is violating the order and may be subject to arrest or have to return to court.

## Do I have to serve the respondent myself?

**No**, the police will serve him. When requesting your protective order, you will also fill out a form for the police to serve the order on the respondent. On this form, you need to provide an address where the police can serve the respondent a copy of the order. Give as much information as you can on how the police can find him at a home or work address. If the respondent is homeless or moves around frequently, provide a description of where the police might find him. In the Municipality of Anchorage, you will fill out a Law Enforcement Information Sheet (**DV-127**) which is available at the court or on the Internet at <http://www.state.ak.us/courts/forms/dv-127.pdf>. Outside of the Municipality of Anchorage, you will fill out a Request for Service of Domestic Violence Documents (**DV-125**) which is available at the court or on the Internet at <http://www.state.ak.us/courts/forms/dv-125.pdf>.

## What is a long term protective order?

A long-term protective order prohibits the abuser from threatening to commit or committing domestic violence, stalking, or harassing you. An order may contain the following provisions:

- prohibit the respondent from contacting or communicating directly or indirectly with you;
- remove and exclude the respondent from the residence of the petitioner, regardless of ownership of the residence;
- direct the respondent to stay away from the petitioner’s residence, school, or work place, or any specified place frequented by the petitioner or designated household member;
- prohibit the respondent from entering or following a vehicle that the petitioner occupies or possesses;

- prohibit the respondent from using or possessing a deadly weapon if the court finds the respondent actually possessed or used a weapon during the commission of domestic violence;
- direct the respondent to surrender any firearm that he owns or possesses if the court finds that he actually possessed or used a firearm during the commission of domestic violence;
- request a peace officer to accompany the petitioner to her residence to ensure that she safely gets possession of the residence, vehicle, or personal items and is able to safely remove a vehicle or personal items from the residence;
- award temporary custody of children to the petitioner and may arrange for visitation;
- give the petitioner possession and use of a vehicle and other essential items, regardless of ownership of the items;
- prohibit the respondent from consuming controlled substances;
- require the respondent to pay support for the petitioner or child in the care of the petitioner;
- require the respondent to reimburse the petitioner for expenses associated with the domestic violence, including medical expenses, counseling, shelter, and repair or replacement of damages property;
- require the respondent to pay costs and fees incurred by the petitioner in bringing the protective order action;
- order the respondent, at his expense, to participate in a program for the rehabilitation of perpetrators of domestic violence, or treatment for the abuse of drugs or alcohol;
- order other relief that the judge determines necessary to protect the petitioner or any household member.

All provisions in a long-term protective order will be in effect for one year, except for the prohibition against committing or threatening to commit domestic violence which remains in effect indefinitely until dissolved by a judge.

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The most typical way to receive a long-term protective order is to petition the court for both an *ex parte* protective order and a long-term protective order. If you request both types of orders, the judge will schedule a hearing for approximately 20 days later on the long-term order request when he or she decides the *ex parte* order. The respondent will be notified of the hearing for the long term protective order when he is served with the *ex parte* order or the notice of hearing form. The petitioner must appear at the hearing for the long-term order or else the petition is dismissed. If the respondent does not show up for the hearing, the judge will still consider the petition as long as the petitioner is present.

You may also request a long-term protective order without requesting an *ex parte* order, indicating on the petition form that you are only asking for a long term protective order. After receiving the petition, the domestic violence office will schedule a hearing date. It is important to note that without an *ex parte* order, you have no order in place until the court grants a long term protective order.

### **Why get a domestic violence protective order?**

The purpose of a protective order is to give you and your children immediate, temporary legal protection from domestic violence. If the respondent violates a protective order, he may be arrested and charged with a crime or have to return to court.

### **What is the difference between civil and criminal law?**

One of the most confusing things about the legal system is the difference between civil cases and criminal cases. In domestic violence situations there may be both civil and criminal cases occurring at the same time as a result of the same violent act. The major differences have to do with who is the party initiating the case and the reason for the case.

### **What is a criminal case?**

A criminal case is when the government is represented by a prosecutor known as the District Attorney for the State of Alaska, although in some cities there are municipal prosecutors. The “defendant” is the person whom the case is against because it is believed that he committed a crime. In a criminal case, the victim is not a party and does not need to have an attorney. The prosecutor may require the victim to testify as a witness to help prove the case against the defendant, by serving her with a subpoena.

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If the police become involved because someone violates a criminal law, the police may arrest the offender if they find probable cause. The offender who is called the “defendant” must then appear before a judge who will decide whether to put him in jail and set a bail amount, release him to a third party custodian, or release him on his own recognizance (O.R.). The judge will require the defendant to comply with certain conditions if he is released, one of which might be to prohibit him from contacting the victim.

A prosecutor initiates a criminal case because he or she thinks there is enough evidence to prove the defendant has committed a crime.

If the defendant pleads “guilty,” he will be sentenced without trial. If the defendant pleads “not guilty,” the case will go to trial, usually with a jury. Throughout the case, the prosecutor may ask the victim to appear in court. The prosecutor must notify the victim of all hearings and she can choose whether to attend. At the end of a trial, the jury will decide whether the defendant is guilty or not guilty. If the jury decides he is guilty, the judge may order him to go to jail, to do community service, to pay restitution to the victim, and/or to commit no jailable offenses for a period of time. If the jury finds the offender is not guilty, he is free and the case is over.

Frequently, the defendant will plead “no contest,” which means that he is not technically admitting guilt, but is accepting the same consequences of a guilty plea. If he pleads no contest, he will be sentenced without a trial.

### **What is a civil case?**

In a civil domestic violence case, like when requesting a protective order, both parties are private individuals. The government is not involved. The person who begins the case is called the “petitioner” and the person whom the case is against is the “respondent.” The case only moves ahead if the petitioner participates.

In a civil case, the court may enter an order prohibiting specific actions such as committing domestic violence, and may order the respondent to reimburse the petitioner for expenses from the domestic violence, or may prohibit the respondent from contacting the petitioner.

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## Requesting A Protective Order

### Who can ask the court for a protective order?

You are eligible to get a protective order if you

1. are the victim of a crime involving domestic violence, which is described below, and
2. have a “household relationship” with the person who committed domestic violence against you. “Household relationship” has a specific legal meaning that is described below.

### Can children get protective orders?

Parents or guardians can request protective orders on behalf of their child who is under age 18. The abuser must have committed a crime of domestic violence against the child and the child must have a household relationship with the abuser.

### What are crimes of domestic violence?

The most common domestic violence crimes that are the basis for getting a protective order are assault, stalking, and harassment. However, you may get an order as long as the abuser commits or attempts to commit a domestic violence crime. To receive an order, you do not have to state specifically the legal name of the crime the person has committed. You only need to describe in detail what the person did to you and the judge will figure out which, if any, crime he committed.

You may be able to get a protective order even if the abuser has not physically hit you, because not all of these crimes involve actual physical injury. Following is a list of the domestic violence crimes.

- **Homicide** is when someone causes the death of another.
- **Assault** is any kind of physical harm, like hitting. It also includes threats to do physical injury if the threats are capable of being carried out right then.

- **Reckless endangerment** occurs when someone acts to create the danger of another being injured. An example is when the abuser punches the wall next to the victim’s head, creating the danger that abuser might punch the victim in the face.
- **Stalking** occurs when someone engages in repeated acts of non consensual contact with the victim or a family member that places her in fear of physical injury or death.
- **Kidnapping** occurs when someone restrains the victim with the intent to inflict physical injury upon or sexually assault her or places the victim in apprehension that she will be injured. It also occurs when someone moves the victim against her will to a place where she is unlikely to be found. It also occurs when an adult who is not a relative of a child takes that child and keeps him or her away from his or her normal guardians.
- **Custodial interference** occurs when a parent or relative of the child takes the child knowing he/she has no legal rights, or in violation of a court order and keeps that child for an extended period of time. Returning a child an hour or two late from visitation is not considered custodial interference.
- **Sexual offenses** include all forms of sexual assault, incest, unwanted sexual contact, and rape. Sexual offenses can occur even if the parties are married.
- **Robbery** occurs if someone holding a weapon takes an item of property from the victim’s presence.
- **Extortion** and **coercion** are crimes that we commonly consider blackmail. This is when someone threatens a victim with physical harm or threatens someone known to the victim with physical harm, forcing the victim to do something that she does not want to do. An example is if an abuser calls a victim and threatens to beat her unless she agrees to have sexual relations.
- **Burglary** occurs when someone enters or remains unlawfully in a building intending to commit a crime in the building.
- **Criminal trespass** occurs when someone enters or remains unlawfully on land, in a dwelling, or a vehicle.

- **Arson** occurs when someone intentionally damages any property by starting a fire or explosion that places another in danger of serious physical injury.
- **Criminal mischief** occurs when someone recklessly or intentionally damage the property of another in the amount of \$500 or more.
- **Terroristic threatening** occurs when someone knowingly makes a false report that a circumstance dangerous to human life exists and places another in fear of physical injury.
- **Harassment** occurs when someone
  - calls on the phone and will not hang up so that the other person cannot make or receive phone calls;
  - makes repeated telephone calls at extremely inconvenient hours;
  - makes an anonymous or obscene phone call; or
  - makes a call that threatens physical injury.

### May I get a protective order if the abuser was not arrested?

**Yes.** To get a protective order, it is not necessary that the police have arrested or charged the abuser with a crime. You can get a protective order even if the police were never called. In your petition for a protective order, and when you speak to the judge, describe the act that caused you to seek the court’s protection. You are not responsible for knowing exactly what criminal law the abuser violated.

### Who are “household members”?

To get a protective order, you must have a specific relationship with the abuser. The law states that the violence must have been committed by a “household member.” This does not mean that you have to live in a house together. A “household member” includes:

- adults or minors (children under the age of 18) who are current or former spouses;
- adults or minors who live together currently or lived together in the past (covers roommates, whether or not they are in an intimate relationship);

- adults or minors who are dating or who have dated;
- adults or minors who have or had a sexual relationship;
- adults or minors who are related to each other up to being first cousins; adults or minors who are related or formally related by marriage; and,
- people who have a child together.

### Do I have to pay to file for a protective order?

**No.** It is free to file for a protective order.

### How do I begin the protective order process?

You need to fill out a petition for a protective order (**DV-100**), which is available at the local court or shelter or on the Internet at <http://www.state.ak.us/courts/forms/dv-100.pdf>. If you download the form from the Internet, make 2 copies of your filled-out petition and file the original and copies with the court. When you fill out the petition, you may request both an *ex parte* protective order that lasts for 20 days and a hearing for a long term protective order that lasts for one year.

### How do I fill out the petition form?

You need to fill out the petition, which is a fill-in-the-blank form. You may request both an *ex parte* protective order that lasts for 20 days and a long term protective order that lasts for one year. The most important part of the petition is where you will describe the incident that caused you to feel like you need a protective order. The form may not have enough space to state everything you want to tell the judge so you may use additional paper. You also may need to use additional paper when describing any safety concerns you have about the abuser having visitation with the children. In some communities advocates are available to assist you. (See the list of advocate services at the back of this handbook or on the Internet at <http://www.andvsa.org/ak.htm>.)

After you complete the petition, you will give it to the clerk at the front counter who will give it to the judge to review. You will then wait until the judge is ready to consider your request. The judge will only consider the request for an *ex parte* protective order at the time you file the petition but will set a hearing date for a long term protective order approximately 20 days later.

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You do not need to notify the abuser that you are seeking an *ex parte* protective order. In fact, you may be at an increased risk of danger if you notify him.

## Ex Parte Hearing

### When will my hearing for an ex parte protective order happen?

In Anchorage, hearings happen Monday through Friday in the afternoon if you file the petition in the morning. If you file in the afternoon, your hearing will be before 9 p.m., when the domestic violence office closes. On weekends, hearings will be between 5 p.m. and 9 p.m.

In other courts, *ex parte* protective order hearings occur during court hours between 8:00 a.m. and 4:30 p.m. Check with your local court for the hours when the hearings happen. Some courts don't hold *ex parte* hearings and decide whether to grant an order based on the petition.

### How do I present my case for an ex parte protective order?

To get an *ex parte* protective order, you must explain to the judge why you need protection from the abuser. It is important to describe the most recent incidents and provide as much detail as possible. Answer the questions:

- what happened?
- when?
- where?
- who, if anyone, was present?

For example, instead of stating that the abuser hit you, state:

On Tuesday at approximately 10 p.m., we were in the living room arguing. He raised his right arm, made a fist, struck me on the left cheek which threw me back into the recliner, causing me to fall to the floor.

Details are important because the judge was not present when the incident occurred so you must re-create the scene. The judge may ask you questions. You can bring a friend or advocate as support.

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## What type of provisions will the ex parte order contain?

If the judge grants the *ex parte* order, he or she will give you the order which states the things that the respondent is prohibited from doing. The order will state that the respondent is prohibited from committing or threatening to commit domestic violence against you. For the 20 days the order is in effect, it may also:

- list the places where he is prohibited from going such as your home, job, or school;
- prohibit or limit the type of contact and communication he may have with you;
- determine temporary custody, visitation and child support;
- determine spousal support;
- give you possession of the joint residence or a vehicle, regardless of ownership, and
- require the respondent to turn over weapons to the police.

The *ex parte* order is valid when the judge signs it. However, the respondent must be served with a copy of the order to be notified of its provisions. The judge will give you a form to fill out with information about where the respondent might be located so that the police can serve him. In the Municipality of Anchorage, you will fill out a Law Enforcement Information Sheet (**DV-127**) which is available at the court or on the Internet at <http://www.state.ak.us/courts/forms/dv-127.pdf>. Outside of the Municipality of Anchorage, you will fill out a Request for Service of Domestic Violence Documents (**DV-125**) which is available at the court or on the Internet at <http://www.state.ak.us/courts/forms/dv-125.pdf>. You need to provide an address where the police can serve the respondent a copy of the order. Provide as much information as you can on how the police can find him at a home or work address. If the respondent is homeless or moves around frequently, provide a description of where the police might find him.

You may also request police assistance to take possession of your children, the house, the vehicle, or necessary personal items, if the judge ordered those things to you. If the order provides police assistance, be aware that the police will only stay for at most 15 minutes to help you get the ordered items.

Make copies of your *ex parte* order and have a copy with you at all times.

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You may want to give a copy to your employer, school, children's school, or day care if those are places the order prohibits the respondent from going.

### **Will the judge set a date for a hearing on the long term protective order?**

If you also requested a long term protective order which lasts for one year, the judge will set a hearing date for approximately 20 days after the day you receive the *ex parte* order. Unlike the hearing for an *ex parte* order, the respondent will be notified of the long term order hearing, where he will be given the opportunity to present his side.

### **If the judge denies the ex parte order, may I still get a long term protective order?**

If the judge denies your request for an *ex parte* order, you may still request a long-term protective order. A hearing will be scheduled for approximately 20 days from the time you make the request. The respondent will be notified of the hearing, where he will be given the opportunity to present his side.

### **What can I do if the abuser gets an ex parte protective order against me?**

Unfortunately some abusers attempt to turn the system around and petition the court for a protective order against the real victim by providing the judge with misleading or incomplete information. Since the judge issues *ex parte* orders based on the petitioner's version of events, without notice to the respondent, it is possible that an abuser can go to court before you do and get an *ex parte* order against you. If this happens, and you believe that you are the real victim of domestic violence, you can petition the court as soon as possible for your own *ex parte* order.

In your petition, describe the facts that make you the victim of domestic violence and notify the judge that you believe the abuser erroneously received an *ex parte* order against you and of the hearing date for the long-term protective order. Even if the abuser erroneously received an order against you, generally the judge will not dissolve that order until the long-term hearing, when he or she will hear from both sides. If you find yourself in this situation, it is important that you request your own *ex parte* order so that you are eligible to receive the legal protections available only to

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the person filing a petition for a protective order. Examples of these legal protections are temporary custody of the children, and that the respondent be excluded from the residence or vehicle.

## **Long-Term Protective Order Hearing**

### **What should I expect at the long term protective order hearing?**

The judge holds the long-term protective order hearing to determine whether to grant you an order that lasts for one year. The respondent is given notice of the hearing. You can watch one of the hearings before your own to familiarize yourself with the court process. The hearings are open to the public.

There may be other domestic violence cases scheduled at the same time as your hearing so be prepared that many other people may be present. You will wait until the judge calls your case. The petitioner, must show up or the case will be dismissed. If the respondent does not show up, the case proceeds and only the petitioner's side of the case is heard. While the hearing may not take very long, be prepared to be at the court for several hours in the event that your case does not happen until the end of that day's court schedule. Make child care arrangements for this time.

At the beginning of the hearing, all persons who testify will be sworn in which means that they swear or affirm that they will tell the truth. The judge will also ask each person who will testify to state their name, address, and occupation. If you do not want the respondent to know your address, you can tell the court to keep your address confidential and give it to the judge on a piece of paper instead of stating it out loud.

### **Who presents their case first?**

Usually the judge asks the petitioner to present her case first, explaining why she needs a long term protective order. The judge will then hear from the respondent, discussed further below.

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## What types of evidence should I use?

You may use many types of evidence, depending on the specifics of your situation. Evidence may include your testimony, witness testimony, photographs, medical records, damaged items, police reports, bills or estimates.

## How should I testify?

Tell the judge what happened to cause you to seek a protective order. When you are representing yourself, tell your story simply and directly. If you have an attorney, your attorney will conduct what is called a “direct examination” by asking you a series of questions to help you tell your story.

Organize your testimony before the hearing because the judge will give each hearing only a short amount of time, from 15 - 30 minutes in total. You can have a written outline of the points you want to make which you can glance at when testifying. However, you cannot write out your testimony word for word in advance and read it at the hearing.

After being sworn in by the judge, the petitioner will usually speak first. Be specific and tell what happened by answering these questions:

- what happened?
- when?
- where?
- who was present?

The more details you provide, the more credible you will appear. Describe what caused you to seek a protective order, beginning with the most recent incident. For example, describing an assault may sound like the following:

On Saturday night at 11:30 p.m., Mr. Abuser came home and started a fight by yelling at me and calling me names like #\$\$@%^&\*. I was in the kitchen and he pushed me up against the wall near the refrigerator. He then choked me by putting both his hands around my neck and shook me for about two minutes. I could barely breathe and was so scared. He finally stopped and I was shaking. Our two year old son, who was sleeping in the adjacent room, woke up and was crying hysterically.

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If there has been a long history of abuse in the relationship, describe some of the most serious incidents that have occurred in the past. If the respondent has not recently been physically violent, but is currently behaving in a threatening way which puts you in fear because of the past violence, tell this to the judge.

Of all the types of evidence, your testimony is the most important. As the person who actually experienced the abuse, you are in the best position to describe what happened. If your only form of evidence is your testimony, do not be concerned that it may not be enough. Your testimony can be the strongest type of evidence if you are well prepared and appear credible.

## If the respondent has an attorney, will his attorney question me?

If the respondent has an attorney, his attorney may question you after you testify, which is called a “cross examination.” Answer only the question asked, keeping your answer as short as possible while being honest and complete. You may answer “yes,” “no,” or “I don’t know,” if appropriate, or ask that the question be repeated or clarified if necessary. Even if you do not like the way the attorney is characterizing the events that occurred or if you feel like he or she is trying to make you look bad, do not argue with the attorney, the respondent, or the judge.

After his attorney has finished questioning you, you may ask the judge if you can further explain your answers to the attorney’s questions if necessary. The court is often willing to allow additional testimony, especially if you ask respectfully.

## What other evidence may I use in presenting my case?

In addition to your testimony, you may present other witnesses, photographs, damaged items, medical records, and police reports, depending on the specifics of your situation.

### Witnesses

Other people may testify as witnesses, but only if they have personal knowledge of the abuse that you suffered. For example, they saw the respondent strike you or saw bruises on your arms. If there is a witness, tell the judge at the beginning of the hearing that you have a witness who will

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testify that he or she saw what happened. If the judge wants to hear from the witness, he or she will be sworn in and then will describe what occurred.

The judge may choose not to hear from a witness because of the short amount of time given to each hearing. However, even if the judge does not hear your witness's testimony, you may feel more confident bringing witnesses with you because they can provide moral support.

If your children witnessed the abuse, tell the judge that they were present. However, you should seriously consider not having the children testify in court to avoid putting them in the uncomfortable position of possibly testifying against their other parent, especially if the children are young.

### **Photographs**

You may present the judge with photographs of injuries you received from the domestic violence incident. By the time of the hearing, there is a good chance that your injuries may be healed so photographs may help to show the injuries at the time of the incident. If the police got involved and you sustained injuries, they likely will have taken photographs. If bruises appear after the police leave, you can call them and request a follow up report and an officer will likely come back to take more photographs. You can request copies of the photographs from the police photo lab for which you will have to pay. You can also take your own photographs or have a friend do so. Some bruising does not appear immediately or gets darker after a few days so you can take a series of photos as time passes.

Photos may also help to show property damage that resulted from the domestic violence. For example, you may present pictures of holes punched in the walls, broken down doors, or shattered car windshields.

### **Damaged Items**

If items were damaged from the domestic violence and they are small enough to bring to court, you may present them as evidence. For example, if a phone cord was ripped out of the wall and the plastic end pieces broke, or if the abuser ripped your shirt, you may present them to the judge.

### **Medical Records**

If you got medical treatment as a result of the domestic violence, you can get copies of your medical records from the treatment provider and present them to the judge.

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### **Police Reports and Criminal Complaints**

If the police got involved, you can try to get a copy of the police report. Usually you will need a subpoena to get copies of police records or tapes. A subpoena is a legal request signed by a court clerk for the production of some document or witness. You can pick up a subpoena form in the court clerk's office. To get a police report, you will usually need to subpoena the officer who wrote the report to appear in court with the report. This also requires paying a witness fee to the officer.

If the prosecutors have a criminal case going on against the person that was violent to you, you can ask them for a copy of the criminal complaint.

### **When should I begin collecting the evidence?**

Start gathering your evidence as soon as possible. Getting medical records, police reports and photos will take some time. Outline your testimony well in advance of the hearing so you are comfortable with what you will say and will be organized.

### **What should I expect when the respondent presents his case?**

After you present your testimony and any witnesses or evidence you may have, the respondent will present his side. If he is representing himself, he will speak in a narrative. If he has an attorney, the attorney will ask him questions which are called a "direct examination."

There is a good chance that the respondent will say things in court that you may find very upsetting, lies, or exaggerations. For example, the abuser may try to put the focus on you, claiming that you are violent, a liar, mentally ill, an unfit parent, or a drug or alcohol abuser.

If this happens, remember to be respectful while in court. If you would like to explain something to the judge, or clear up something that the respondent stated, you must wait until the respondent is entirely done speaking and then respectfully ask the judge if you may add something. The judge is often willing to allow additional testimony, especially if you ask respectfully.

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## **How should I behave in court?**

Always remember the importance of being respectful in court, even if the respondent states something that is upsetting or false. Always speak to the judge and never respond directly to the respondent. The judge will let you know when it is your time to speak. Do not speak when it is not your turn. Look at the judge and not the other party throughout the hearing.

It is acceptable for you to cry if you are upset or frightened. However, do not yell out in despair, throw your hands up in the air, roll your eyes, or interrupt anyone speaking. Never argue with the respondent, his attorney or the judge. If the judge sees that you are calm, he or she may be less likely to believe the respondent's statements that you are the abuser or the one with the problem.

## **What happens after both parties present their sides?**

After both parties present their cases, the judge will determine whether a "preponderance of the evidence" shows that the respondent committed a crime of domestic violence against you. This means that the judge will weigh out both parties' evidence and determine which side weighs heavier. If the judge finds that a crime of domestic violence occurred, he or she will enter the long-term protective order for one year and address additional relevant issues such as child custody and visitation, spousal and child support, possession of the home and vehicle and the other provisions of the order. If the judge does not find that domestic violence occurred, the case ends and there will be no order in effect.

If you fear for your safety, make sure you have a safety plan ready. An advocate at your local shelter can help you with safety planning. You can find a sample safety plan on the Internet at [www.ncadv.org/protectyourself/mypersonalsafetyplan\\_131.html](http://www.ncadv.org/protectyourself/mypersonalsafetyplan_131.html)

## **What happens if I have a divorce or custody case going on at the same time as a domestic violence protective order case?**

If you also have a divorce or custody case, the domestic violence case file may be reassigned to the judge in your other case. This makes two cases into one case. This is to have the benefit of one judge hearing all the relevant issues, and avoid having two different judges dealing with

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issues that are related and possibly issuing conflicting orders, or presenting evidence more than once. This practice may differ depending on which location in Alaska your divorce or custody case is filed. This may not automatically happen and you will need to alert the judge in the domestic violence case hearing that the other divorce or custody case exists and provide the case number. Also give the judge in the divorce or custody case a copy of the order you receive in the domestic violence case.

## **Children In The Protective Order Process**

### **Will the judge determine temporary custody of our children?**

The judge may determine temporary custody of the children if he or she enters the protective order and there is not already an existing custody order from a previous case. It is very important to alert the judge about a previous custody order. The judge can decide a custody and visitation arrangement, entering an order that should keep everyone safe. The custody provision of the protective order will be in effect for only one year. The judge does not do a comprehensive analysis of what custody arrangement is in the best interests of the children which is required when someone files a custody or divorce case that deals with custody and visitation issues until the child is age 18.

### **Will the court allow the respondent visitation with the children?**

Every case is different, but generally the judge will allow him visitation with the children if both your safety and the children's safety can be protected. The judge may allow visitation with appropriate safeguards in place.

### **How can the visitation be structured to keep you safe?**

To limit safety concerns for you, all visitation transfers should occur away from your residence or the place where you will be present. Before going to the hearing, be prepared with a suggested place for the transfer of the children so that the judge will write it into the protective order. You can be creative and suggest what will work best for you and the children for the one year duration of the order. Visitation transfers can occur at the residence of willing family members or friends, supermarkets, fast food restaurants,

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day care facilities, schools, and at the most extreme, police stations. If it will make you feel safer, you can bring a third party with you during the transfer or have a willing third party do the transfer for you.

### **How can the visitation be structured to keep the children safe?**

Be prepared for the possibility that the judge is likely to allow some form of visitation unless he or she considers the respondent's problems with the children to be very severe. You can request that the visitation be structured to minimize the risks to the children.

You need to alert the judge about any concerns you have regarding visitation so that if the judge allows visitation, he or she will put appropriate safeguards in the order. For example, if the respondent has a drug or alcohol problem, you need to describe how it has affected the children. Tell the court if the respondent has previously passed out when the children were in his care or has driven drunk with them in the car. You can request that the respondent be prohibited from consuming any alcohol or drugs prior to or during the visits. If you are concerned about drug and alcohol use at night or inappropriate exposure of the children to adult activities, you may also ask that there be no overnight visitation.

If the respondent has physically or sexually abused the children, you must describe the incidents to the judge. Tell the judge if he has inappropriately or excessively disciplined or spanked the children or if he has been emotionally abusive to the children, providing specific examples. Tell the judge if witnessing the abuse against you has caused the children to act out in the form of violence against other siblings or children, themselves, you, or pets. Tell the judge if the respondent or his family members are talking badly about you to the children. You can ask the judge to prohibit the respondent from inappropriately disciplining the children or saying anything bad about you to them. You can also request that the visitation only occur in a public or specified place if you are concerned about physical abuse to the children occurring in private.

### **May I request that the respondent have only supervised visitation?**

**Yes.** If you believe that the respondent is a danger to the children and cannot be trusted to follow the order's provisions during visitation, you

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may request that the court order the respondent to have only supervised visitation. This means that the respondent can only visit with the children with a third party present during the entire visit. Supervised visitation may be appropriate when the respondent has a history of physical, sexual, and emotional abuse of the children. Describe to the judge specifically why supervised visitation is necessary for the children's safety. Come to court with the name of a willing family member or friend whom you trust to be the supervisor. You should never be the supervisor for the visitation if you have a protective order. If you cannot find anyone to supervise the visitation, you can ask the judge to allow visitation with a professional supervisor at the respondent's expense. Professional supervisors can be quite expensive so the judge may be reluctant to order this type of supervision, finding it a barrier for visitation between the respondent and the children. Some courts offer supervised visitation programs at reduced rates so check with your local court to see if this is an option.

### **Should I come to court with a specific visitation schedule?**

**Yes.** It is a good idea to come to court with a specific visitation schedule that will work for you and the children for the one year duration of the order and which will allow the respondent reasonable visitation. Offer specific days and times for the visitation. Anticipate any holidays or special occasions which will arise during the order and you can specifically request that you have the children on some of those days in the event that they fall on the respondent's regularly scheduled visitation days. Remember that it is easier to increase visitation by modifying the protective order if the situation is working well than to decrease visitation without good documentation of problems. Additionally, if you plan to file for divorce or custody, the judge may look to the visitation arrangement in the protective order as guidance in deciding what is reasonable visitation in the more permanent divorce or custody case.

### **How can we communicate about the children while there is a no contact order?**

It may be helpful to ask the judge to include in the protective order the name of a third party as a contact through whom you and the respondent can communicate regarding the children. Make sure before the hearing that the third party is willing to assume this role before you suggest this to the judge. This third party is useful if visitation must be cancelled or rescheduled because of unforeseen situations. If you feel comfortable

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talking with the respondent about the children, you can request that the order limit communication to discussing only the children and even specify which issues are appropriate to discuss like just schooling or illness. You should specify how you want to communicate: by telephone, e-mail or through passing a notebook with the children.

### **If the respondent is not supposed to contact me, how can he communicate with the children while they are in my care?**

Most protective orders contain provisions that prohibit the respondent from contacting the victim. However, you may tell the judge that the respondent can contact the children by phone, letters, or email if you are comfortable with that. You can request that this contact be limited though. For example, you can ask that the order state that the respondent can call the children on specified days of the week at specified times and speak for a specified amount of time. That way you are not surprised by answering the phone and finding the respondent on the other end of the line.

### **Who has custody after the protective order expires?**

After the protective order expires, there will be no custody order in effect unless there is a custody order from a divorce or custody case. Without a custody order, both parents have legal rights to the children. Without a custody order, one parent can refuse to return a child and the police will not assist the other parent in having the child returned. To avoid a time period when there is no custody order in effect, consider filing a separate permanent custody action in superior court well in advance of the date your protective order will expire. If you are not married, you would file a custody case; if you are married, you would file for divorce and deal with the custody issues through that case.

### **How does domestic violence impact the custody decision in divorce or custody cases?**

On July 1, 2004, the custody and visitation law has changed in custody and divorce cases with any domestic violence between the parents. Under the new law, the parent with a history of domestic violence may not get custody or visitation. However, the parent may get some custody or visitation if he or she meets specific legal requirements.

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If there is any history of domestic violence in your relationship, talk with a lawyer about how this law will impact your custody or divorce case. For more information, please read **FAQs for parents: How Domestic Violence Can Impact Custody Decisions** at [www.state.ak.us/courts/dvlawfaq.htm](http://www.state.ak.us/courts/dvlawfaq.htm).

As is the case with any new law, there are likely to be aspects that are open to interpretation. For this reason, you are strongly urged to talk with an attorney if you have any questions.

## **Financial Issues**

### **May I request that the respondent pay child support?**

**Yes.** If the judge gives you temporary custody of the children, you are entitled to child support from the non-custodial parent which is based on a formula set by law. You must ask the judge for child support in the petition and again when you appear at the hearings. Some judges award child support when you get the *ex parte* order, although some prefer to wait until the other party has the opportunity to be heard at the long term protective order hearing.

Prior to your long-term protective order hearing, fill out the **DV 101** form, for temporary child support, which is available from the court or on the Internet at <http://www.state.ak.us/courts/shcdv.htm>. You need to fill out all of the information for yourself, as the petitioner, and you can also provide the respondent's information if you know it.

You must sign the **DV 101** form in the presence of a notary public which is available at the court for free, and present picture ID. Present the form to the judge at the hearing, along with three recent pay stubs, if you are employed, and your most recent tax return if you have it. Ask the judge to order the respondent to return the same information to the court within five days. After receiving both parties' forms, the judge should enter a child support amount that the non-custodial parent must pay and notify the parties by mail. You can call the court to see if the respondent turned in the forms on time. If the respondent has not turned in the forms, you can notify the judge by filling out a request to modify form which is available at the court or on the Internet at <http://www.state.ak.us/courts/shcdv.htm>.

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You also need to fill out a **DR-315** form if you want the Child Support Services Division (CSSD) to process the child support. This form is available at the court or on the Internet at <http://www.state.ak.us/courts/forms.htm-dr>. CSSD is a free accounting agency which keeps track of payments made and has the power to garnish the respondent's wages and Permanent Fund Dividend checks.

### **May I request that the respondent pay spousal support?**

**Yes.** The judge may grant you spousal support if you are married to the respondent or in a marriage-type relationship and he has been financially supporting you. It is helpful if you provide proof of your expenses and bring copies of bills such as your mortgage or rent payment, utility bills, car payments, insurance premium, etc. If a divorce case has been filed or will be filed shortly, the judge may not want to spend much time on financial issues, preferring that they be dealt with in the divorce case.

### **May I request that the respondent pay for my medical bills and items he damaged?**

**Yes.** You can request that the judge order the respondent to reimburse you for medical expenses associated with the domestic violence. Provide the judge with copies of the bills and the total amount due. You can also request the judge to order the respondent to reimburse you for items damaged during the domestic violence. Provide the judge with repair bills or estimates and the total cost of the damaged items.

## **Contact/Communication Restrictions**

### **Will the respondent be allowed to contact me?**

Generally, the judge will prohibit the respondent from contacting the petitioner, but may allow some contact if the petitioner states it is acceptable. Often, victims want no communication with the respondent. Some victims agree to limited communication if they feel it is necessary to deal with specific issues such as a divorce or custody case. If you agree to any communication, specify exactly what type of communication and how much you feel is acceptable so that it will be written in the protective order. For example, you can specify

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- the method of communication such as only by phone, fax, letter, e-mail, in a notebook transferred with the children, or through a specified third party;
  - the exact times and duration when communication is permitted such as "Tuesday nights at 8 p.m. for one half hour";
  - the specific subjects that are permitted to be discussed such as "only the children" or "only issues in the divorce case";
  - the location where the communication can occur such as "only in a public place" or a specifically stated location.

If you choose to allow some communication, think about how to construct appropriate limits so that you feel safe and free of intimidation. Remember that it is perfectly appropriate to ask the judge to order no communication if that is what you want.

### **May I get possession of the residence?**

The law provides that the petitioner may get possession of a joint residence and that the respondent be excluded from the residence, regardless of which party owns or rents it. You must request to stay in the home if that is what you want. You may want to request that the respondent continue to pay all or some part of the house mortgage or rent and utilities if he has provided the financial support for the residence prior to the protective order. Give the judge recent copies of the house bills and a total dollar amount necessary to keep all the bills current.

### **May I get possession of a vehicle?**

You may request and get possession of a vehicle, regardless of who owns it. However, you must have a current driver's license and the court may question whether you have car insurance. The court will usually give you only one vehicle if there are two vehicles. If the respondent has been responsible for the insurance and payments prior to the protective order, you can ask the judge to order him to continue making all or part of these payments, supplying the judge with documentation of the amounts requested.

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## Counseling And Treatment

### **Will the court order the respondent to go to counseling?**

If you request that the judge order the respondent to go to a batterer's intervention program, the judge may order that if a program is available. These are programs where the abuser learns about the dynamics of domestic violence, accepts responsibility for his actions, and learns skills in anger management. It is a good idea to ask the judge to order the respondent to check in with the program within five days so that you have a certain date after which you can check to see if he is in compliance with the protective order. The program will disclose the status of the respondent's compliance only to the petitioner. If the respondent has not checked in by the time stated in the protective order, you can ask the program to alert the judge of his noncompliance.

### **Will the court order the respondent to go to alcohol or drug treatment?**

If you request alcohol or drug treatment for the respondent, the judge may order him to attend if the situation shows that treatment is necessary. If you believe the respondent has a drug or alcohol problem, you must specifically describe why you think he has a problem and whether you have concerns about visitation with the children. For example, tell the judge things such as if the respondent drinks daily, passes out when caring for the children, drives drunk, or has a criminal record for drugs and/or alcohol.

## **What To Expect After Receiving A Long Term Protective Order**

Protective orders may be very effective in stopping domestic violence. They can contain a wide range of legal protections for you and your children. There may be serious consequences to the respondent if he does not follow the order's provision.

It is important, however, to recognize the limitations of a protective order. It is most effective when both parties follow its provisions. You must be vigilant in enforcing the order's provisions by reporting every

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violation to the police department or the court. You must continue to use safety planning and good sense after receiving the order. Consider getting counseling for yourself and the children to understand the impact of being in an abusive relationship. Advocates can assist in designing a safety plan and provide counseling services. A list of shelters, victims' services and resource programs is found at the end of this booklet and on the Internet at <http://www.andvsa.org/> If you are in the Mat-Su Valley, Alaska Family Services provides shelter and counseling to women and children: [www.akafs.org](http://www.akafs.org) or call 746-6273.

## **Special Issues For Immigrant Victims Of Domestic Violence**

### **Will I be deported if I report domestic violence to the police, a medical worker or file for a protective order?**

**No.** You will not be deported if you contact the police or you go to the hospital to seek medical care for your injuries. You will also not be deported if you go to the courthouse and seek a protective order. You can ask for a protective order or help from the police no matter what your immigration status is. If a police officer or a judge asks you your immigration status, you are not required to give them this information.

### **Can I receive a green card if I am a married victim of domestic violence but my spouse has not filed the immigration paperwork for me?**

**Yes.** If you are married to a person who has a green card or is a citizen of the United States and you are a victim of domestic violence, you can apply for a green card without the assistance of your spouse. If you do not know if your spouse has a green card or is a United States citizen, you still may be able to apply for a green card. It is very important that you get legal advice from an immigration attorney as soon as possible. Do not get divorced before you talk to an immigration attorney or call the Alaska Immigration Justice Project at 279-2457.

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## If I am an immigrant, should I ask the court for special orders in the protective order?

You can ask the court to order the respondent to:

- not contact the Department of Homeland Security
- not withdraw any immigration documents submitted on the petitioner's behalf
- give the petitioner copies of all immigration documents submitted on her behalf
- not take the children out of Alaska
- give the petitioner or the court passports for herself and the children
- give the petitioner copies of the following documents which may be needed for a future immigration proceeding
  - marriage certificate
  - spouse's birth certificate
  - spouse's green card if he is a lawful permanent resident
  - any rent receipts or utility bills that are addressed to you and your spouse
  - any divorce decrees if your spouse was previously married

Also, you can ask for spousal support if you can't work or receive public assistance benefits because of your immigration status.

Before going to the protective order hearing, contact an immigration attorney or the Alaska Immigration Justice Project at 279-2457.

## Will the court system provide an interpreter if I need one?

The court system will provide you with an interpreter in court if you have difficulty speaking and understanding English. If you ask the judge for an interpreter, and the judge finds that you need an interpreter, the judge will place a phone call to an interpreter who will interpret over the phone for you.

The court system will also provide interpreters if you are disabled and need an interpreter to communicate. For example, the court system will provide you with an American Sign Language interpreter if you are hearing impaired and know sign language.

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Tell the clerk at the court when you file for the protective order and they will note on the file that you are requesting an interpreter. It is best to arrange for the interpreter in advance to be sure you get one and the hearing occurs as scheduled.

## Modifications

### What is a modification?

After the court has granted either the *ex parte* protective order or long-term protective order, you or the respondent may need to request that the order be changed. Only the judge has the power to modify the order. The parties cannot change the order simply by agreeing outside of the legal process. Even if both parties agree to change part of the order, they must still go through the legal system. The change is not enforceable unless it is reflected in an order modified by the court. This means that the police and court will not help you to enforce a change unless you modified through the court. Allowing the respondent to ignore one part of the order could encourage violations of other parts.

### How do I modify my protective order?

To modify a protective order, fill out a form called Request to Modify or Dissolve Protective Order (**DV-135**). The forms are available at the court and on the Internet at <http://www.state.ak.us/courts/shcdv.htm>. You need to fill in the caption with the names of the parties and case number exactly as they are written on the original order. You must check the box to modify and explain in writing how you want the order modified.

For example, you could write that you want to change the current order that allows "reasonable visitation" with the children to "visitation with specified hours from Saturday, 10 a.m. to 6 p.m. and Wednesday, 3 p.m. to 7 p.m." You will also need to state why you want the order changed. For example, in a request to have specific visitation times, the reason might be that "without a specific time schedule, I am unable to predict when the respondent will show up because he comes at different times without warning. Specified times will be emotionally easier on the children and safer for all family members." You must sign and date the request, and give a current mailing address and phone number. Tell the judge if you want your address and phone number to be kept confidential.

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## Will there be a hearing on a request to modify?

If the request is made for modification of an *ex parte* protective order, the court will schedule a hearing on three days notice. If the request is made for modification of a long term protective order, the judge may schedule a hearing within 20 days after the date the request is made. If the judge finds that a request has no merit, he or she may deny the request without a further hearing. The judge may allow the respondent the chance to respond to your request in writing. If the judge holds a hearing, he or she may decide the request in court and give you a written order granting or denying your request. Sometimes the judge issues a decision after the hearing, notifying the parties by mail. If the judge does not hold a hearing, you will receive an order in the mail telling you the judge's decision. In order to be notified of all hearings scheduled in the case, it is very important to inform the clerk at the court if you change your address.

## Violations And Enforcement

### What is a violation?

The respondent violates the protective order if he has been served with it and he purposefully violates the order's provisions. For example, if the order prohibits the respondent from contacting you and he comes to your home or work place, that is a violation.

### What do I do if the respondent violates my protective order?

If the respondent violates the provisions of your protective order, report the violations to the appropriate authority. Alert the police if he violates the criminal parts of the order and alert the judge if he violates the civil parts of the order.

### Which parts of the order are criminal violations?

It is a misdemeanor crime to violate certain parts of the protective order. Since each order is different, here are some examples of criminal violations:

- committing or threatening to commit domestic violence;
- violating provisions that prohibit contact; refusing to leave the home;

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- entering or following the victim's vehicle; and
  - not returning children after visitation.

If the respondent is arrested for violating an order, the State District Attorney's Office will prosecute him if there is enough evidence. He may be sent to jail for up to one year and ordered to pay a fine if convicted.

### Which parts of the order are civil violations?

If the respondent does not follow certain provisions of the order, he may be committing civil violations. This means that the judge may hold him in "contempt of court" for such violations. Examples of civil violations are the respondent:

- refuses to attend counseling,
- refuses to pay child support,
- refuses to reimburse medical bills, or
- refuses to deliver certain personal property to you.

You must report such violations to the judge to get further relief in a Motion to Modify. Modifications are discussed in the previous section of this booklet.

### Who should I contact when the respondent violates my protective order?

If the violation is a crime, call the local police, the Alaska State Troopers, or the VPSO, depending where you live. When you make the call, state that there is a protective order in effect, give the court case number, and describe the violation. Ask for the police officer's name and a report number and write this information down because you may need it later. If there is also a criminal case going on against the abuser from the original incident of domestic violence, call the prosecutor involved in that case.

If the violation is not a crime, but affects you and the usefulness of the protective order, such as the respondent's failure to pay child support or attend counseling, tell the court. There are two ways to do this:

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1. File a Motion to Modify and ask the judge to change the order in a way that you want because the respondent is not obeying the original order, or
  2. Ask the court to hold the respondent in contempt for failing to follow the court order.

## Contempt Of Court

### What is “contempt of court”?

If the judge finds the respondent willfully disobeyed the civil parts of the protective order, he may be found “in contempt of court” and ordered to pay a fine or to go to jail. This may happen if the respondent has not paid medical bills, spousal support, child support, complied with drug and/or alcohol treatment, or attended an anger management program.

To alert the judge of the civil violations, you need to file a “Motion for Order to Show Cause.” Contact a private attorney or Alaska Legal Services if there is an office near you who may be able to assist you with this matter. If you want to file the motion yourself, you can get more information about motions at <http://www.state.ak.us/courts/motions.htm> or call the Family Law Self-Help Center help line at (907) 264-0851 or toll free in Alaska but outside Anchorage at (866) 279-0851.

If the judge finds that your motion has merit, he or she will send the respondent an “Order to Show Cause,” ordering him to appear at a hearing to explain why he has been violating the protective order. You will also need to appear to tell the judge what provision of the order the respondent violated and what remedy you want. As a remedy, the judge may order the respondent to do what he was originally ordered or that he be more restricted than originally ordered. If the respondent fails to show up, the judge may issue a bench warrant for his arrest.

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## Extensions And Denials

### If I get a protective order, can I extend it after one year?

Most provisions in long term protective orders expire after one year. The provision that prohibits the respondent from threatening to commit or committing domestic violence is in effect indefinitely, until a judge rules otherwise.

You cannot automatically extend the entire long term protective order. You need to fill out a new petition and begin the process again. To get an additional order, describe if a new domestic violence incident occurred during the previous protective order or state the reason that you believe you continue to need the court’s protection.

### What happens if the judge denies the protective order?

If the judge does not find enough evidence to grant a long-term protective order, the case will be dismissed and there will be no order in place. You need to prepare for this situation before you go to the hearing. For example, if the respondent has been excluded from the family residence during the *ex parte* order and your request for a long term protective order was denied, you must be prepared for him to move back in and should arrange for alternative housing for yourself and children or go to a shelter. If you feel you are unable to return home, you may want to have a suitcase packed prior to the hearing, including things for you and the children such as clothing and toiletries, important documents, prescription medication, eyeglasses, check books, credit cards, and some money if possible. Contact an advocate to help you with safety planning. See [www.ncadv.org/protectyourself/MyPersonalSafetyPlan\\_131.html](http://www.ncadv.org/protectyourself/MyPersonalSafetyPlan_131.html) for a sample safety plan. Please see the list of shelters, victims’ services and resource programs at the end of this booklet.

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## Protective Orders Issued In Another State

### Will the police and court in Alaska enforce my protective order if the order is from another state?

The police and court system in Alaska will enforce an unexpired protective order that was issued by a court in another state if you file it with the Alaska court. You may need a certified copy of your unexpired protective order from the other state. The Alaska Network on Domestic Violence and Sexual Assault Legal Advocacy Project has detailed information on Domestic Violence Protective Orders: How to Get Out-Of-State Enforcement at [www.andvsa.org/legal/brochures/p.o.pamphlet%2012.05.pdf](http://www.andvsa.org/legal/brochures/p.o.pamphlet%2012.05.pdf). The police, the local court, an advocate, a private attorney, or Alaska Legal Services may also be able to assist you with this matter. You can also contact the Family Law Self-Help Center help line to understand how to register your out-of-state order in Alaska. Call (907) 264-0851 or toll free in Alaska but outside Anchorage at (866) 279-0851.

## Dismissing A Protective Order

### How do I dismiss a protective order?

If the petitioner wants to end a protective order, she may fill out a Request to Modify or Dissolve Protective Order and check the box for “Dissolve” and state why she wants to end the order. If the petitioner asks the court to dissolve the order, the court will dissolve the order and its provisions will no longer be in effect.

If the respondent wants to dismiss a protective order and files a Request to Modify or Dissolve Protective Order before the long term hearing has been held, the court will usually deny the request and tell the respondent to wait until the hearing to present his side of the story. If the Request to Dissolve is filed after the long term hearing, the judge will decide whether a hearing is necessary to hear from both parties regarding the issues raised by the respondent. The judge may decide the Request to Dissolve has no merit and the order will remain in effect.

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## Where To Go For Help – Statewide

In addition to the numbers provided here, you may also contact the nearest courthouse or your local law enforcement office (local police, Alaska State Trooper, or Village Public Safety Officer) for other information and assistance.

Every effort was made to include accurate information on these pages. Please send phone number additions or corrections to: Family Law Self-Help Center, Alaska Court System, 825 West 4th Avenue, Anchorage, Alaska, 99501 or call 264-0877

**In an emergency, call 911.**

### Anchorage

Abused Women’s Aid in Crisis (AWAIC)	
24-hour crisis line	272-0100
Business line	279-9581
Alaska Women’s Resource Center (AWRC)	
Main number	276-0528
Standing Together Against Rape (STAR)	
Toll-free number	1-800-478-8999
Crisis line	276-7273
Business line	276-7279

### Barrow

Arctic Women in Crisis (AWIC)	
Toll-free number	1-800-478-0267

### Bethel

Tundra Women’s Coalition (TWC)	
Toll-free number	1-800-478-7799
Local number	543-3456

### Cordova

Cordova Family Resource Center (CFRC)	
Crisis line	424-4357
Business line	424-5674

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Sound Alternatives	
Local number	424-8300
<b>Dillingham</b>	
Safe and Fear-Free Environment (SAFE)	
Toll-free number	1-800-478-2316
Business line	842-2316
<b>Emmonak</b>	
Emmonak Women's Shelter (EWS)	
Local number	949-1434
<b>Fairbanks</b>	
Interior Alaska Center for Non-Violent Living	
Toll-free number	1-800-478-7273
Business line	452-7273
<b>Homer</b>	
South Peninsula Haven House	
Toll-free	1-800-478-7712
<b>Juneau</b>	
Aiding Women From Abuse and Rape Emergencies (AWARE)	
Toll-free number	1-800-478-1090
Crisis line	586-1090
Business line	586-6623
<b>Kenai</b>	
Lee Shore Center	
Business line	283-7257
<b>Ketchikan</b>	
Women in Safe Homes (WISH)	
Business line	225-9474
<b>Kodiak</b>	
Kodiak Women's Resource and Crisis Center (KWRCC)	
Crisis line	486-3625
Business line	486-6171

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<b>Kotzebue</b>	
Maniilaq Family Crisis Center	
Toll-free number	1-888-478-3969
Crisis line	442-3969
<b>Nome</b>	
Bering Sea Women's Group (BSWG)	
Toll-free number	1-800-570-5444
Business line	443-5491
<b>Palmer</b>	
Alaska Family Resource Center (AFRC)	
Local number	746-6273
<b>Seward</b>	
SeaView Community Services	
Local number	224-5257
Toll-free number	1-888-224-5257
<b>Sitka</b>	
Sitkans Against Family Violence (SAFV)	
Toll-free number	1-800-478-6511
Crisis line	747-6511
Business line	747-3370
<b>Unalaska</b>	
Unalaskans Against Sexual Assault & Family Violence (USAFV)	
Toll-free number	1-800-478-7238
Crisis line	581-1500
<b>Valdez</b>	
Advocates for Victims of Violence (AVV)	
Toll-free number	1-800-835-4044
Crisis line	835-2999

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## Alaska Legal Services Corporation Offices

### Anchorage

1016 West 6th Avenue, Suite 200

Anchorage, AK 99501-1963

Business line 272-9431  
Toll-free number 1-888-478-2572

### Bethel

P.O. Box 248

Bethel, AK 99559-0248

Toll-free number 1-800-478-2230  
Business line 543-2237

### Dillingham

P.O. Box 176

Dillingham, AK 99576-0176

Toll-free number 1-888-391-1475  
Business line 842-1452

### Fairbanks

1648 Cushman Street, Suite 300

Fairbanks, AK 99701-6202

Toll-free number 1-800-478-5401  
Business line 452-5181

### Juneau

419 Sixth Street, Suite 322

Juneau, AK 99801-1096

Toll-free number 1-800-789-6426  
Business line 586-6425

### Ketchikan

306 Main Street

NBA Building #218

Ketchikan, AK 99901-6483

Business line 225-6420

### Kotzebue

P.O. Box 526

Kotzebue, AK 99752-0526

Toll-free number 1-877-622-9797  
Business line 442-3500

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### Nome

P.O. Box 1429

Nome, AK 99762-1429

Toll-free number 1-888-495-6663  
Business line 443-2239

## Other Contact Information

Alaska Court System

(<http://www.state.ak.us/courts/home.htm>)

Anchorage Domestic Violence Office 264-0616

Fairbanks Domestic Violence Office 452-9254

Alaska Immigration Justice Project

([www.akijp.org](http://www.akijp.org)) (Anchorage) 279-2457

AlaskaLawHelp

([www.alaskalawhelp.org](http://www.alaskalawhelp.org))

Alaska Network on Domestic Violence and Sexual Assault

(<http://www.andvsa.org/>)

Business number (Juneau) 586-3650

Alaska Native Justice Center

(<http://www.anjc.org/>)

Business number (Anchorage) 793-3550

Alaska State Troopers

(<http://www.dps.state.ak.us/ast/>)

Batterers' Intervention programs

(<http://www.dps.state.ak.us/CDVSA/approvedbip.aspx>)

Catholic Social Services – Immigration and Refugee Assistance

([http://www.cssalaska.org/international\\_services.php](http://www.cssalaska.org/international_services.php))

Main number (Anchorage) 276-5590

Child Support Services Division

(<http://www.csed.state.ak.us/>)

Toll-free "Kids' Line" outside Anchorage 1-800-478-3300

"Kids' Line" (Anchorage) 269-6900

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Council on Domestic Violence and Sexual Assault

(<http://www.dps.state.ak.us/cdvsa/>)

Business number (Juneau) 465-4356

Denali Kid Care (health insurance)

(<http://hss.state.ak.us/dhcs/DenaliKidCare/default.htm>)

Toll-free (outside Anchorage) 1-888-318-8890

Business number (Anchorage) 269-6529

Family Law Self-Help Center

(<http://www.state.ak.us/courts/selfhelp.htm>)

Toll-free outside Anchorage 1-866-279-0851

In Anchorage 264-0851

Office of Children's Services

(<http://www.hss.state.ak.us/ocs/>)

Child abuse and neglect hot line

Toll-free number 1-800-478-4444

Office of Victims' Rights

(<http://www.officeofvictimsrights.legis.state.ak.us/>)

Toll-free outside Anchorage 1-866-274-2620

Business number 272-2620

Public Assistance

(<http://www.hss.state.ak.us/dpa/>)

Toll-free outside Anchorage 1-888-804-6330

Business line (Anchorage) 269-5777

U.S. Department of State's Office of Children's Issues (international  
parental child abduction and international adoption)

([http://travel.state.gov/family/family\\_1732.html](http://travel.state.gov/family/family_1732.html))

Victims for Justice

(<http://www.victimsforjustice.org/>)

Toll free number 1-888-835-1213

Business number (Anchorage) 278-0977

Violent Crimes Compensation Board

(<http://www.gov.state.ak.us/admin/vccb/>)

Toll-free number 1-800-764-3040

For more information about this publication, please call the  
Alaska Court System Administrative Office at  
(907) 264-8240  
820 West Fourth Avenue  
Anchorage, Alaska 99501