

## **INSTRUCTIONS FOR REQUESTING A PROTECTIVE ORDER AGAINST STALKING OR SEXUAL ASSAULT**

**NOTE:** If you are the one asking for protection, you are called the “petitioner.” The person you are filing against and asking for protection from is called the “respondent.”

**Step 1. Fill out the following two forms:**

1. *Petition for Sexual Assault Protective Order* (form [CIV-750](#)) **or**  
*Petition for Stalking Protective Order* (form [CIV-752](#))
2. *Confidential Law Enforcement Information Sheet* (form [DV-127](#))

These forms are available online to type out and print, or in paper copy from your local court. You can also use the **Petition Wizard** to create these forms—the link is available on the forms page at: [www.courts.alaska.gov/forms/index.htm#stalk](http://www.courts.alaska.gov/forms/index.htm#stalk)

**Step 2. File the forms in court.** You may bring them in person or send them by email. If you are only requesting a long-term (one-year) order, you can also mail it in. Directory of addresses and open hours: [www.courts.alaska.gov/courtdir/index.htm](http://www.courts.alaska.gov/courtdir/index.htm). Email directory: [www.courts.alaska.gov/courtdir/efiling.htm](http://www.courts.alaska.gov/courtdir/efiling.htm).

You **must** file at a court location that is in the same judicial district where (1) you live, or (2) where the respondent lives, or (3) where the sexual assault or stalking occurred. If you do not, the judge will not have the authority to grant the order.

**Step 3. Ex Parte Hearing and Judge’s Decision on Request.** If you request a 20-day (“ex parte”) order, a judge will review your petition soon after you file it (usually the same day) and decide whether to issue the order. You may have to attend a hearing (in person or by phone) and answer questions. If you are not available for this hearing, your petition could be denied. Contact the court clerk for details about your local court’s procedures on hearings and how you need to be available.

If the judge grants your request for a 20-day order, you will get a copy of the order to keep, and the court will give another copy to the local police or troopers to give to the respondent.<sup>1</sup> If you also requested a one-year order, the judge will schedule a hearing on that request and put the date and time on your 20-day order. Even if the judge denies your request for a 20-day order, the judge may still schedule a hearing to decide whether to grant a one-year order (if you requested one).

**Step 4. Long-Term Hearing and Judge’s Decision on Request.** If you asked for a 20-day order, the information about the long-term hearing should be on the order the judge already gave you. If it is not listed or you can’t find it, call the court clerk. If you only asked for the one-year order, the court will schedule a long-term hearing, usually in 2-4 weeks, and send or give you a notice of the specific date, time, and location. The local police or troopers will give this same notice to the respondent.

Both you and the respondent will have a chance to speak at the long-term hearing. You must attend the hearing and explain why you want the order. If you do not attend (or call in if it is telephonic), the judge will deny your request.

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<sup>1</sup> If the respondent lives out of state, the troopers will coordinate service with out-of-state police. Be sure to let the judge and/or court clerk know if this situation applies to you when you first file.

## **Frequently Asked Questions**

### **How do I know when the respondent has been served with the protective order?**

Some police agencies will notify you, but many do not. You can call the non-emergency number for the police or troopers to find out if the respondent was served. You can also check CourtView (available on the court's website) or call the court. There may be a delay of 1-3 days between when service actually happened and when it is reported to the court or shows up in CourtView.

### **What do I do if the respondent violates the order?**

Call your local police or troopers to report violations. They are the ones who will enforce the order, not the court. If there is enough evidence that a violation occurred, the respondent may be arrested and charged with a crime.

### **What do I do to prepare for my long-term hearing?**

The most important thing is to show up (or call in) on time, so that you can testify and answer the judge's questions. If you have things like documents, photos, or text messages to show the judge, have them organized and ready in front of you. If you are not going to be at the hearing in person, make sure that you send these documents or other files to the court at least three days before your hearing.

### **How do I change something in my protective order?**

File a *Request to Modify Protective Order* (form [DV-131](#)). The respondent will get a chance to respond. The court may schedule a hearing on your request. It is important to attend this hearing or your request could be denied. For 20-day orders, the modification hearing will be held within a few days. For one-year orders, the hearing is usually 2-4 weeks from when you file the request.

### **How do I extend the expiration date on my one-year protective order?**

If your order will expire in less than 30 days **or** if it expired less than 60 days ago, file a *Request to Extend Long-Term Protective Order* (form [DV-132](#)). It is best to file at least 10 days before your current order expires, to avoid a gap in protection. The court will schedule a hearing on your request. It is important to attend this hearing or your request could be denied. If your order expired more than 60 days ago, you will need to file a new petition instead.

### **What if I don't want the protective order anymore?**

File a *Request to Dissolve Protective Order* (form [DV-133](#)) to ask that the order be dismissed and end early. Usually, the court will not hold a hearing on this request if it is filed by the petitioner, although in some cases, the judge may want to ask you questions to make sure that you are ending the protective order of your own free choice and are not being threatened or coerced.

### **What if the respondent asks to change or end the order, and I disagree with that?**

You can file a *Response to Request to Modify, Extend, or Dissolve a Protective Order* (form [DV-140](#)). You should also attend the hearing on the request, if one is scheduled. If you are unsure if there is a hearing scheduled, contact your court clerk and ask. It is not required to file a response or attend the hearing, but since you are the person protected by the order, it is important for the judge to hear from you about why you disagree with the request. This will help the judge make a more informed decision.

For more information on the protective order process, see <https://courts.alaska.gov/shc/shcdv.htm>

**IMPORTANT:** Requests to modify, extend, or dismiss protective orders are **not effective until and unless a judge approves them**. Parties must continue to follow the terms of all protective orders in effect until you get paperwork, signed by a judge, that changes them. If you are not sure whether a judge has changed the order, contact the court clerk for a copy of the latest order.

## PROTECTIVE ORDER PROCESS

