

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA
AT _____

_____)
PETITIONER (protected person),)
Birthdate: _____))
 Petitioner is a child. Who is signing for the child?)
Name: _____ DOB: _____))
Relationship to child: _____))

v. _____))

Case No. _____ CI

_____)
RESPONDENT (restrained person),)
Birthdate: _____ (estimate age if unknown))
 Respondent is or appears to be a minor.)
Name of parent or guardian (if known): _____))

**PETITION FOR
DOMESTIC VIOLENCE
PROTECTIVE ORDER
(ONE PETITIONER)**

1. TYPE OF ORDER. I request the following protective order(s):

If there is a chance you will need protection for more than 20 days, you should request both an ex parte (20-day) order and a long-term (one-year) order by checking both boxes.

20-day protective order ("ex parte" protective order).
[This order can take effect immediately based on only the petition and Petitioner's testimony, before Respondent knows about the ex parte petition. If the ex parte order is granted, the police will serve it on Respondent. If the ex parte order is denied but the court still sets a hearing on your request for a long-term order, the police will serve Respondent a copy of this petition and notice of the long-term hearing date.]

Did you notify Respondent before filing this petition? yes no
Describe your efforts, if any, to notify Respondent before filing this petition:

Long-term protective order (one-year order).
[This order can only be issued after notice to Respondent and a court hearing. It will last for one year, unless the court ends it sooner. You can later ask that it be extended for another year if needed. The police will notify Respondent of the hearing.]

2. HOW ARE PETITIONER AND RESPONDENT RELATED? *[Check all that apply.]*

- a. Married to each other now or in the past
- b. Child together
- c. Living together now or in the past (but not also dating or sexual relationship)
- d. Dating or sexual relationship now or in the past (but not also living together)
- e. Living together **and** dating or sexual relationship now or in the past
- f. Related by marriage now or in the past (such as in-laws)
- g. Other family relationship. Respondent is Petitioner's
 - child or stepchild parent stepparent
 - grandchild grandparent first cousin
 - uncle or aunt niece or nephew sibling
 - other relative *[describe]:* _____
- h. Petitioner is a child of a person in a relationship described in (a) through (g) above

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5. PROTECTIONS REQUESTED. I request that the court order: *[Check all that apply.]*

- a. Respondent not to threaten or commit domestic violence acts, stalking, or harassment.
- b. Respondent not to telephone, send a text message or message on social media, contact, or communicate in any other way, directly or indirectly, with Petitioner.
Exceptions where it would be safe for Respondent to contact Petitioner:
 - no exceptions by email to _____
 - through an attorney by telephone to _____
 - through a third person (such as a grandparent) named _____
 - other: _____
- c. Respondent to leave and stay away from where Petitioner lives.
 - Does Respondent live with Petitioner? yes no
 - Does Respondent know where Petitioner lives? yes no I don't know
 - Do you want Petitioner's address to be confidential from Respondent?
 yes no

[Important: only list Petitioner's address on the line below if you want it written on the protective order as a place for Respondent to stay away from. The address will not be confidential if it is listed here on the petition or on the court order.]

Petitioner's address: _____

- d. Respondent to stay away from and not telephone or contact the following locations:

| <u>Place</u> | <u>Street Address</u> | <u>Distance to Stay Away</u> |
|--|-----------------------|---|
| <input type="checkbox"/> Petitioner's school | _____ | _____ <input type="checkbox"/> ft. <input type="checkbox"/> mi. |
| <input type="checkbox"/> Children's school | _____ | _____ <input type="checkbox"/> ft. <input type="checkbox"/> mi. |
| <input type="checkbox"/> Petitioner's job | _____ | _____ <input type="checkbox"/> ft. <input type="checkbox"/> mi. |
| <input type="checkbox"/> _____ | _____ | _____ <input type="checkbox"/> ft. <input type="checkbox"/> mi. |
| <input type="checkbox"/> _____ | _____ | _____ <input type="checkbox"/> ft. <input type="checkbox"/> mi. |

Exceptions: _____

- e. Respondent not to enter, follow, or interfere with the operation of any vehicle occupied by Petitioner or in Petitioner's possession.
- f. Respondent not to possess or use controlled substances.
- g. Give Petitioner temporary possession and use of the following items, regardless of who owns them:
 - (1) Residence at _____ *[street address]*
 and everything in it.
 - (2) Vehicle and all keys to it. License plate number: _____
Vehicle Description: _____

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- (3) Essential personal items: *[Check all that apply.]*
- house keys garage door opener children's belongings
 - mailbox keys clothes medicine children's medicine
 - toiletries Medicare/Medicaid coupons food stamps
 - pets named _____
 - birth certificates belonging to _____
 - passports belonging to _____
 - immigration documents belonging to _____
 - ANCSA Corp. ID Tribal enrollment card Certificate of Indian blood
 - other: _____

h. Respondent to pay spousal support to Petitioner. How much monthly spousal support is Petitioner requesting and why is support necessary?

i. Respondent not to sell or dispose of any of Petitioner's personal property, any property jointly held by Petitioner, or any disputed property.

j. Other requests for short-term protection:

6. LONG-TERM PROTECTIONS REQUESTED.

In addition to the protections listed above, I request that the following be included in the long-term protective order: *[Check all that apply.]*

Note that these requirements cannot be included in the 20-day order.

- a. Respondent not to use or possess a deadly weapon, including a firearm.
- b. Respondent to surrender any firearm that Respondent owns or possesses.
- c. Respondent to pay to _____ the costs and fees Petitioner paid to file this protective order, in the amount of \$_____.
- d. Respondent to pay Petitioner (or the persons named below) for the following expenses caused by the domestic violence. For example: medical expenses, counseling, attorney fees, shelter, and repair or replacement of damaged property.

| <u>Pay to</u> | <u>Type of Expense</u> | <u>Amount</u> |
|---------------|------------------------|---------------|
| _____ | _____ | \$ _____ |
| _____ | _____ | \$ _____ |
| _____ | _____ | \$ _____ |

e. Respondent to enroll in and complete, at Respondent's expense:

- Program for the rehabilitation of batterers.
- Treatment for substance abuse.

f. Other requests for long-term protection:

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g. I ask to attend the hearing for a long-term order by telephone or Zoom, because:

[Important: If you do not attend in person, you must give the court all your evidence (for example: photos, text messages, or documents) at least 3 business days before the hearing. Fill out form DV-190 (ak-courts.info/dv190) and give it to the court as the first page of your evidence. Evidence must be in a format the court can view. Ask the judge or clerk if you have any questions about this.]

7. CHILDREN. [If Petitioner is not requesting custody or child support, skip to question 8.]

a. I request that I have **temporary** physical custody of the minor children listed below:

(1)

| <u>Child's Full Name</u> | <u>Child's Date of Birth</u> | <u>Petitioner's Relationship to Child</u> | <u>Respondent's Relationship to Child</u> |
|--------------------------|------------------------------|---|---|
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

(2) Have the children lived in Alaska for the past six months? yes no

(3) Who has the children now?

Petitioner. _____.

(4) Is there already a custody order about one or more of the children?

yes no I don't know

If yes, describe each order below:

| <u>Child's Name</u> | <u>State that Issued Order</u> | <u>Case Number (if known)</u> | <u>Order Grants Custody to</u> |
|---------------------|--------------------------------|-------------------------------|--------------------------------|
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

b. **Visitation.**

I request that Respondent have the following visitation with the children listed above:

[The court may only give visitation to Respondent if it is safe for Petitioner and the children. Describe below any safety concerns about visitation. What visitation schedule would work and where should exchanges take place? Please be specific.]

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c. **Child Support.**

I request that Respondent pay child support to _____
Respondent's job: _____
Name of Respondent's employer: _____
Respondent's **monthly** take-home pay is \$ _____
Child support checks should be sent to _____
Mailing address that can be given to Respondent

Important Note: Fill out *Child Support Guidelines Affidavit* (form DR-305, available from the court clerk or online at <https://public.courts.alaska.gov/web/forms/docs/dr-305.pdf>), and bring it to each court hearing, together with proof of Petitioner's and Respondent's income, if available. If you cannot bring an affidavit, bring proof of income anyway. Proof of income includes documents such as paystubs, tax returns, W2 forms, and 1099 forms.

8. OTHER CASES.

a. List all **open** domestic violence criminal cases and **open** civil court cases (such as divorce or custody), in Alaska or elsewhere, that involve either Petitioner or Respondent:

| <u>Type of Case</u> | <u>Court Location</u> | <u>Petitioner/Respondent/Both?</u> |
|---------------------|-----------------------|------------------------------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

b. List all other cases, open and closed, that involve Respondent:

| <u>Type of Case</u> | <u>Court Location</u> |
|---------------------|-----------------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

9. ASSISTANCE FROM LAW ENFORCEMENT.

In addition to the protections listed above, I ask the court to issue an order requiring law enforcement to: *[Check all that apply.]*

- a. Help Petitioner take possession of the **residence** identified in paragraph (5)(g)(1) above. Remove Respondent from the residence if necessary.
- b. Help Petitioner take possession of the **vehicle** identified in paragraph (5)(g)(2) above.
- c. Help Petitioner take possession of the **personal items** listed in paragraph (5)(g)(3) above.
- d. Help _____ *[name]* take custody of the minor **children** named in paragraph (7)(a)(1) above.
- e. Go with Respondent to the residence at _____ *[address]* **once** to recover undisputed personal items, clothing, and _____

Law enforcement must notify Petitioner of the time and date they will take Respondent to the residence. Petitioner may be there. Any item Petitioner objects to Respondent removing, law enforcement will restrain Respondent from removing.

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10. INFORMATION ABOUT RESPONDENT.

Respondent's full legal name: _____

Any nicknames or other names used: _____

Respondent's Address: _____

Email: _____

Phone number: _____

Respondent's Employer: _____

| | | | | |
|-------------------|------|--------------------------|----|----|
| Sex | Race | *Date of Birth* | HT | WT |
| | | | | |
| Hair | Eyes | State ID/Driver's Lic. # | ST | |
| | | | | |
| Other Identifiers | | | | |
| | | | | |

11. INFORMATION ABOUT PETITIONER.

The court needs your mailing address in order to send court papers, including notices of court hearing dates, to you. If it is not safe for you to write your mailing or physical address on this petition, write a "message" address where you can be sure to get court papers. **If you do not have an address, email, or telephone number that can safely be shown to Respondent, ask the court clerk how you can provide this information only to the court, so that it will be kept confidential (secret) and not revealed to Respondent.**

Petitioner's full legal name and any nicknames or other names used: _____

Petitioner's (safe) mailing address: _____

Other (safe) contact methods for Petitioner:

Cell Phone: _____

Other Phone: _____

Email: _____

[Wait to sign the petition until you are in front of a notary public. The court clerk can do this for you for free. Bring a valid photo ID with you. If you do not have access to a notary or a court clerk, or if you do not have ID, attach "Self-Certification (form TF-835) to this petition.]

I swear or affirm under penalty of perjury that everything I wrote in this petition is true to the best of my knowledge and belief.

_____ Date _____ Petitioner's Signature _____ Print or Type Name

Subscribed and sworn to or affirmed before me at _____, Alaska on _____.

(SEAL)

 Court clerk, notary public, or other person authorized to administer oaths
 My commission expires: _____

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CONFIDENTIAL LAW ENFORCEMENT INFORMATION SHEET

Notice to Petitioner: You must supply the respondent's name and birth date, if known. Give as much information as possible. This information will NOT be given to the respondent.

Notice to Law Enforcement: This information is confidential and supplied to assist you in serving the protective order. After serving (or failing to serve) the order, notify petitioner and complete the return of service section on the DV-125.

A. PETITIONER INFORMATION

Full name: _____ Date of birth: _____ Petitioner is a child.
 Petitioner's residence address: _____
 Is this the address respondent is to stay away from? Yes No
 Do you want to be notified when respondent is served? Yes No
 Contact phone(s): cell _____ other _____ Email: _____
 Is it safe for the court to leave messages on this cell? Yes No On the other phone? Yes No
 Is it safe for the court to send paperwork about this case to the email address above? Yes No
 List any specific times in the next 3 days when you are **NOT** available for the judge to call you for a hearing:

B. RESPONDENT INFORMATION

Full name: _____ Nicknames: _____ Respondent is a child.
 Residence Address: _____
 Is this the address respondent is to stay away from? Yes No Last four digits of SSN _____
 Other Addresses: _____
 Contact phone(s): cell _____ other _____ Email: _____
 Where is respondent now (what street address)? _____
 Other information about respondent: _____

 Friends / relatives / phone numbers / hangouts:

 Hazards at respondent's home (dogs, traps, guns):

| | | | | |
|---|------|----------------------------|----|----|
| Sex | Race | *Date of Birth* | HT | WT |
| | | | | |
| Hair | Eyes | State ID / Driver's Lic. # | ST | |
| | | | | |
| Other Identifiers (facial hair, scars, tattoos, etc.) | | | | |
| | | | | |

Describe respondent's house: log frame apartment single family duplex
 1 story 2 story 3+ story main color _____ trim color _____
 Garage: separate attached none 4x4 needed to access address? Y N

Respondent's employer _____
 Employer address _____

 Work phone _____
 Work hours _____
 Respondent's position _____
 Supervisor _____

Respondent's vehicle information
 Make _____ Model _____
 Plate No. _____ State _____
 Year _____
 van pickup canopy camper
 toolbox car 2 door 4 door
 SUV other _____
 Other vehicles respondent is known to drive:

C. OFFICER SAFETY INFORMATION

Previous contact with police by respondent? No Yes Explain: _____

 Any threats by respondent toward petitioner, family, police? Describe: _____

 Weapons accessible to respondent (pistol, rifle, knife, other): _____

 Expected mental state or history of respondent (include alcohol or drug use): _____

 Is a divorce or other legal action pending that involves the respondent (child custody, eviction, bankruptcy, repossession of property)? _____

Draw a map on a separate sheet of blank paper if it will help law enforcement.