

HOW TO GET A DOMESTIC VIOLENCE PROTECTIVE ORDER

If you are in immediate danger, call 911. You can also call the National Domestic Violence Hotline at 1-800-799-SAFE (7233) and 1-800-787-3224 (TTY) or text "start" to 88788.

You can find resources to help you make a safety plan online, at the library, and at your local domestic violence and sexual assault shelter. See <https://andvsa.org/find-help/member-programs/> to find local domestic violence resources and sexual assault shelters.

If you have questions or if you need an interpreter, ask your local court for help.

What is a Domestic Violence Protective Order?

- A protective order is signed by a judge and orders another person to do or not do certain things to keep you safe. For example, protective orders commonly tell the other person to stay away from you and not contact you.
- You can file a petition in court to ask for a protective order if someone committed an act of domestic violence against you. You can also file on behalf of your children or someone you are a legal guardian for.
- Asking for a protective order is **not** the same as reporting a crime to the police. You have the right to report a crime to the police at any time.
- These instructions explain how to ask for a domestic violence protective order. You can find more information at ak-courts.info/pub22.

How do I ask the court for a protective order?

Fillable PDF Forms

- File *Petition for Domestic Violence Protective Order*. For one person, use form [DV-100](#). For more than one person (for example, you and your children), use [DV-100M](#).
- All public domestic violence forms are available online at ak-courts.info/dvforms.

Petition Wizard

- Instead of filling out the petition form directly, you can use the *Petition Wizard*, an internet program that will guide you through the process. At the end, you will receive a petition that you can file in court.
- Available online at ak-courts.info/dvwizard.

How do I fill out the petition?

Petitioner. The "petitioner" is the person who will be protected by the protective order. If you are filling out the petition for yourself, you are the petitioner. If you are filling out the petition for a minor child, the child is the petitioner. Write the child's name, date of birth, and your relationship to the child.

Respondent. The "respondent" is the person you are asking to be protected from. You must provide the respondent's first and last name and, if you know it, date of birth. If the respondent is a minor child, it is helpful to provide the name of the child's parent, guardian, or other person who is legally responsible for the child.

Case Number. Do not write on this line - court staff will assign a number and fill it in for you.

Types of Protective Orders You Can Ask For.

- A **Short-Term Protective Order** (also called an “ex parte” order) gives you immediate protection. It lasts for 20 days unless the judge extends it. The judge is able to grant or deny the petition based only on what you write in the petition and what you testify about at the hearing, if there is a hearing. The judge can grant this protective order without telling the respondent that you filed a petition, and without hearing from the respondent. You do not have to tell the respondent that you are asking for a protective order, but if you did, check the box on the form and tell the judge how you tried to tell the respondent you were asking for the protective order.
- A **Long-Term Order** can last up to one year. A judge can only grant a long-term order after a hearing. The respondent must get at least 10 days’ notice of the court hearing and have a chance to speak at the hearing. If the respondent had notice, but chose not to come to the hearing, the judge can still grant the order. Police officers or troopers are responsible for notifying the respondent about the hearing.
- Both a **Short-Term and a Long-Term Order**. If you want both types of order, check both boxes on your petition. If you request both orders, and your short-term order is granted, the court will schedule a hearing when the judge will decide on the long-term protective order. The respondent has an opportunity to attend the hearing and contest the order. If the short-term order is not granted, the court may or may not schedule a long-term hearing.

Relationship between the Petitioner and the Respondent. To get a domestic violence protective order, you must have a certain type of relationship with the respondent. There is a list of the qualifying relationships on page 5 of these instructions. Check the box on the form that fits your relationship. If you do not have one of these relationships, you may be eligible for a Sexual Assault or Stalking Protective Order. See *Instructions for Requesting a Protective Order against Stalking or Sexual Assault* (form [CIV-751](#)) for more information.

Describe the Domestic Violence. To issue a protective order, the judge must determine whether a crime of domestic violence has occurred. You do not need to know the names of these crimes or which specific one happened to you, but you need to describe in detail what the respondent did to you or your children. Try to include dates and places if you remember them. There is a list of domestic violence crimes at the end of these instructions.

Protections Requested. At a minimum, a protective order tells the respondent not to commit domestic violence, stalking, or harassment against you, or threaten to do so. The petition form lists many examples of other protections you might want to ask for. Some protections are only available in a long-term protective order. Think about what would make you feel safe and what would allow you to resume your life. If you want to ask the judge to order the respondent to pay the costs that resulted from the domestic violence, list the details of each expense and the specific amount of money. Be sure to bring documentation about the costs (medical bills, receipts or estimates of the cost to replace damaged property, etc.) to the long-term hearing.

Child Custody and Child Support. If you and the respondent have children together, you can ask the judge to make some temporary orders about where the children will live. Explain in detail when you think you should have the children and when the respondent should have the children, and how the children will be exchanged between you if a protective order is in place. You can also request that the respondent pay you child support. If you ask for child support, give the judge as much information as possible about the respondent’s income. Try to bring copies of tax forms and pay stubs for both you and the respondent to the long-term hearing.

Assistance from Law Enforcement. If you need help from local police or troopers to return to your home, or to get your personal items, pets, or children, explain to the judge what you'll need help with.

Information about the Respondent. This information will help law enforcement locate the respondent to give the respondent a copy of the protective order and notice about any long-term hearing. If law enforcement officers cannot find the respondent to do this service, then the protective order cannot be enforced, so it is **very important** that you provide as much specific information as possible. The *Confidential Law Enforcement Information Sheet* (form [DV-127](#)) that is attached to the petition gives you space to provide more details. Make sure that you also fill out form DV-127 as completely as you can.

Information about the Petitioner. The court must be able to contact you for court hearings and to provide paperwork, so it is **very important** to give the court your current phone number, an email if you have one, and a mailing address. If you request it, this information can be placed in a special envelope that is only available to court staff and not to the respondent. If you want to keep your contact information confidential, explain this to the court clerk when you file your petition.

Sign and File the Petition. Sign your petition in front of a notary or court clerk. If there is no notary or court clerk available, sign the petition and attach *Self-Certification (No Notary Available)* (form [TF-835](#)). When you sign the petition, you are swearing that everything you wrote in it is true. If you file your petition electronically, save a copy of it if you can do so safely. If you file the petition in person, the court clerk will make a copy for you, which you should also keep if you can do so safely. You can file your petition by email (email directory: <https://courts.alaska.gov/courtdir/efiling.htm#featured-content-1>) or in person at your local court. If you are only asking for a long-term order, you can also mail it in (list of addresses: <https://courts.alaska.gov/courtdir/index.htm>).

What happens after I file my petition for a protective order?

For requests for short-term protective orders, the judge will review it quickly, usually the same day that you file. The judge may or may not hold a hearing. You can ask the court clerk what the usual local procedures are. Be prepared to wait and/or be available by phone for your hearing for several hours after you file. The judge will then enter an order either granting or denying the protective order.

If you only requested a long-term protective order, the court clerk will either give you or mail you a notice of when the long-term hearing will be. The judge will decide whether to grant the order after the hearing takes place.

What happens if the judge denies my petition for a short-term protective order?

None of the things you requested in the petition are in effect. In other words, everything will continue as if you never filed the petition. If you requested a long-term order, the court may set a hearing (usually in 2-3 weeks) to hear from both you and the respondent about whether or not to grant the long-term order.

What happens if the judge grants my petition for a short-term protective order?

Help from Law Enforcement. If the judge ordered the police or troopers to help enforce the order (for example, to help you get property or children), contact your local law enforcement to arrange this.

Serving the Respondent. The court will immediately notify law enforcement about the protective order so that law enforcement can attempt to give the respondent a copy. This is called "serving" the protective order. A police officer, state trooper, or VPSO is responsible for serving the respondent with the protective order. If you want to know whether the order was served, you can call the non-emergency number for law enforcement or check CourtView (it may take up to 72 hours for this information to be updated in CourtView). **Do not serve the respondent yourself.** This can be dangerous for you, and it does not count as service for legal purposes. The order will only be enforceable after it is served by law enforcement.

Violating the Protective Order. Once the respondent has been served with the order, it may be a crime for the respondent to violate it. Report violations of the protective order to your local law enforcement.

Future Hearings. If you asked for a long-term protective order, the court will set a hearing to hear from both you and the respondent about whether or not to grant the long-term order. If you are not sure when the hearing is scheduled, call your local court and ask.

Changing, Extending, or Ending a Protective Order. After the judge issues the protective order, you can ask the judge to:

- change (modify) the order. Use *Request to Modify Protective Order* (form [DV-131](#) or [DV-131M](#)).
- continue (extend) a long-term order. Use *Request to Extend Long-Term Protective Order* (form [DV-132](#) or [DV-132M](#))
- end (dissolve) the order. Use *Request to Dissolve Protective Order* (form [DV-133](#) or [DV-133M](#))

These forms are available in paper copy at the court clerk's office, and they are available online at ak-courts.info/dvforms.

CRIMES INVOLVING DOMESTIC VIOLENCE

To qualify as a domestic violence crime:

- A crime must be committed or attempted; and
- The crime must have been committed by one household member against another household member; and
- The crime must be one of the crimes listed in the Alaska statute, or a violation of a similar law of another city or state.

Definition of "household members" under the Alaska domestic violence laws:

(1) Adults or minor children who are one or more of these:

- current or former spouses
- live together or have lived together in the past
- are in a dating or sexual relationship (or have been in the past)
- are related by blood or adoption up to the "fourth degree of consanguinity"
- are related or formerly related by marriage
- have a child together

(2) Minor children of a person in any of the relationships in section (1).

List of crimes that qualify for a domestic violence protective order:

Assault is when one person physically injures another person, or when one person threatens to physically injure another person and could immediately carry out the threat. If there was a threat, you may be able to get a protective order even if the respondent did not physically injure you.

Arson or Criminally Negligent Burning is when a person damages another person's property by starting a fire or explosion. It is also arson to damage your own property by fire or explosion if it places another person in danger of serious physical injury.

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

Criminal mischief is when one person purposefully damages another person's property. Criminal mischief may still occur if the person jointly owns the property that was damaged.

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

Cruelty to pet is when someone knowingly kills or injures an animal that is a pet, with the intent to intimidate, threaten, or terrorize another person.

Custodial interference is when a family member takes and keeps a child without any legal right to do so, **and** the person intends to keep the child from the lawful guardian for an extended period of time. An example is a parent who takes a child out of state to keep the child away from the other parent for a long time, with no legal right to do so. It is **not** custodial interference when a parent fails to return the child at the agreed-upon time.

Extortion and coercion are crimes that are commonly called "blackmail." They involve someone causing or threatening physical injury or other types of harm to get another person's property, or to make another person do something they do not want to do. An example is someone threatening to post something embarrassing about you on the internet unless you give the person money.

Harassment is when someone, with the intent to harass or annoy another person:

- calls on the phone and will not hang up, so that the other person cannot make or receive calls; or
- makes repeated telephone calls at extremely inconvenient hours; or
- makes a call or electronic communication that is anonymous or obscene, or that threatens physical injury or sexual contact; or
- publishes or distributes photos, pictures, or videos that show the other person's genitals, anus, or female breast, or that show the other person doing a sexual act.

Interfering with a report of a crime involving domestic violence is when a person tries to stop someone else from telling law enforcement about the domestic violence crime that the person committed. An example is someone hiding your cell phone so you cannot call 911 to report that you were assaulted.

Kidnapping is when a person holds another person against that person's will. Usually, it also means the person is planning to physically or sexually assault the other person, creates a significant risk that the other person will be seriously injured, or conceals the other person so that there is a significant risk that the other person will not be found.

Reckless endangerment is when a person's actions create a **high risk** of **serious** physical injury to another person. An example is when you are driving down the highway and the passenger grabs the steering wheel, trying to force you off the road and making it likely that you will get in a serious car accident.

Robbery is when a person uses force, or threatens to use force, to take money or property from another person. The money or property must be physically on or very near the other person when the force is used or the threat is made.

Sexual crimes include all forms of sexual assault, sexual abuse of a minor, incest, and indecent exposure. Sexual assault can occur even if the parties are married. Crimes involving making pornography with minors are included, but other pornography-related crimes generally are not.

Stalking is when someone repeatedly contacts another person without that person's consent, **and** the contacts would reasonably make the other person afraid of physical injury or death.

Terroristic threatening is when someone claims that a life-threatening situation exists that places another person in fear of physical injury. An example is calling you on the phone and threatening to shoot you when you leave the house. It is also a crime if the threat causes evacuation of a building or similar serious inconvenience to a group of people.

Unlawful contact is when one of the following things is true:

- A person contacts or tries to contact a **victim or witness** of a crime when there is a **court order** prohibiting that contact. The court order must be part of a criminal judgment (sentencing after a conviction), a condition of release for bail, or a condition of probation or parole.
- A person is **arrested** for a crime of domestic violence, contacts the **victim** of the crime, **and** this contact happens before the arrested person has a hearing with a judge.

Violating a protective order is when a person does something that the person was prohibited from doing by a domestic violence, stalking, or sexual assault protective order.

What if the crime committed against me or my minor child is not listed above?

If the crime committed is not listed above, then you will need to seek relief another way. The following are not considered domestic violence crimes for purposes of getting a protective order:

- Theft
- Forgery
- Drug or alcohol abuse
- Child neglect
- Violation of court orders (except protective orders and "no contact" orders in criminal cases), including custody, visitation, and support orders
- Slander
- Threats to file a lawsuit or make reports to the police or other government agencies