

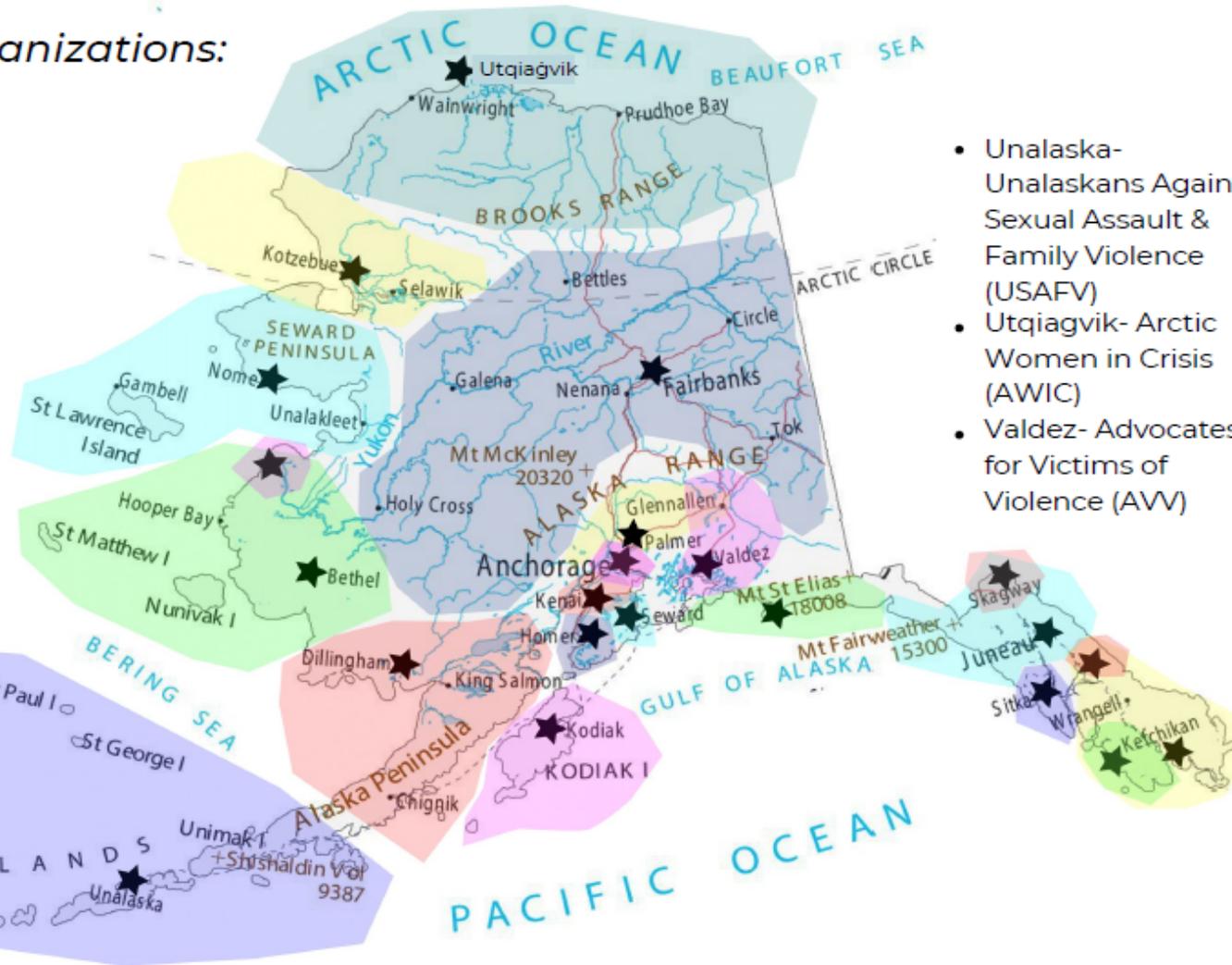


Civil Protection Orders for Victims in Alaska

Christine Pate
ANDVSA Legal Program Director

ANDVSA Member Organizations:

- Anchorage- Standing Together Against Rape (STAR)
- Anchorage- Abused Women's Aid in Crisis (AWAIC)
- Bethel- Tundra Women's Coalition (TWC)
- Cordova- Cordova Family Resource Center (CFRC)
- Craig- Helping Ourselves Prevent Emergencies (HOPE)
- Dillingham- Safe and Fear-Free Environment (SAFE)
- Emmonak- Emmonak Women's Shelter (EWS)
- Fairbanks- Interior Alaska Center for Non- Violent Living (IAC)



- Unalaska- Unalaskans Against Sexual Assault & Family Violence (USAFV)
- Utqiagvik- Arctic Women in Crisis (AWIC)
- Valdez- Advocates for Victims of Violence (AVV)

- Haines- Becky's Place Haven of Hope
- Homer- South Peninsula Haven House (SPHH)
- Hooper Bay- Bay Haven
- Juneau- AWARE shelter
- Kenai- LeeShore Center
- Ketchikan- Women in Safe Homes (WISH)
- Kodiak- Kodiak Women's Resource Center (KWRCC)

- Kotzebue- Maniilaq Family Crisis Center (MFCC)
- Nome- Bering Sea Women's Group (BSWG)
- Palmer- Alaska Family Services (AFS)
- Petersburg- Working Against Violence for Everyone (WAVE)
- Seward- Seward Prevention Coalition
- Sitka- Sitkans Against Family Violence (SAFV)



ANDVSA

Alaska Network on Domestic Violence
& Sexual Assault



Having a civil protection order increased my family's safety by eliminating our constant exposure to my ex's violent and destructive behaviors, his threats to kill himself if we left, his stalking me late at night by driving by my home, and his violent angry explosions at our home. I knew that my daughter was safe with me, in our home, which brought me enormous peace of mind."

Former ANDVSA Client



Why do people stay in DV relationships?

- Safety Concerns
- Housing
- Children
- Love
- Financial Constraints
- Community Pressure
- Shame

Myths

“It is easy to get a protection order”

“People do it to get a leg up in custody court or divorce”

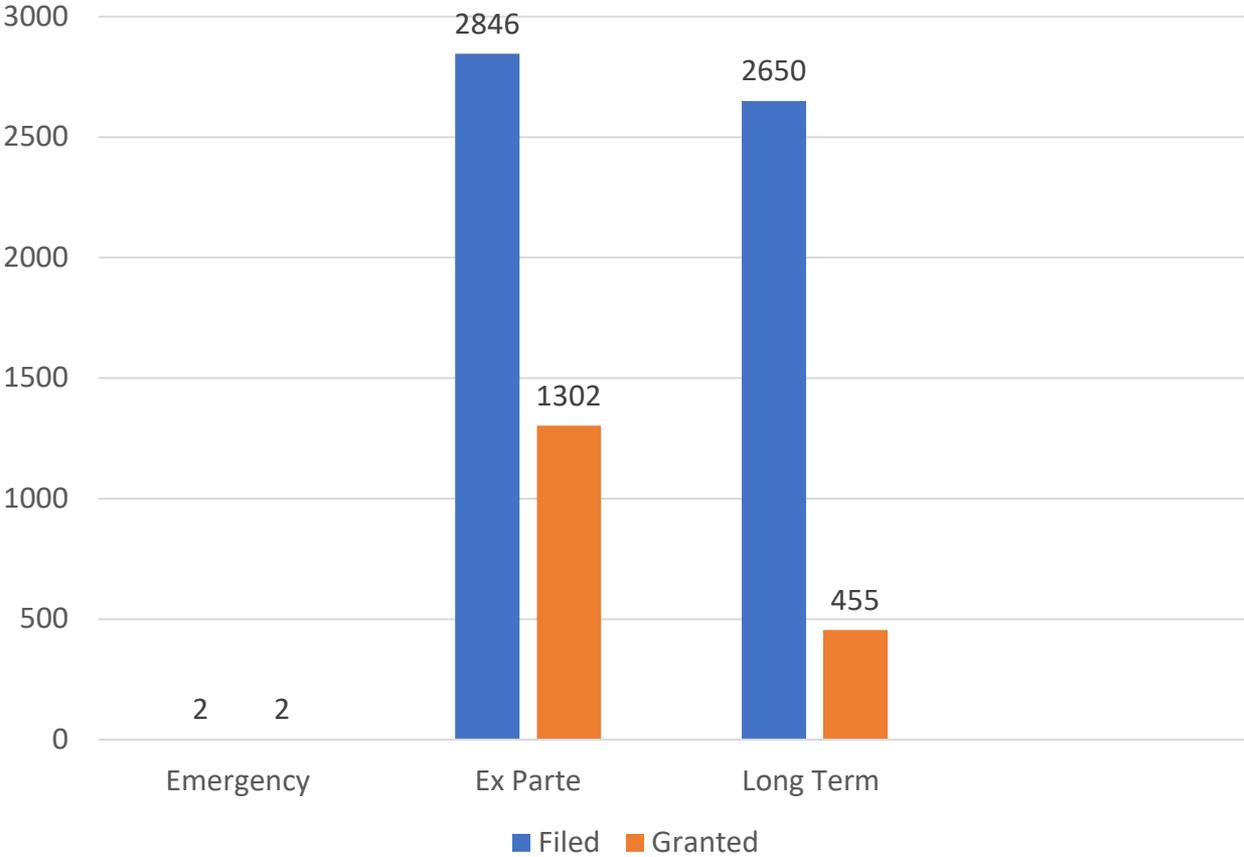
“Firearms are automatically taken if you have a protection order issued against you”

“Most domestic violence is litigated in criminal court” or “Most victims call the police”

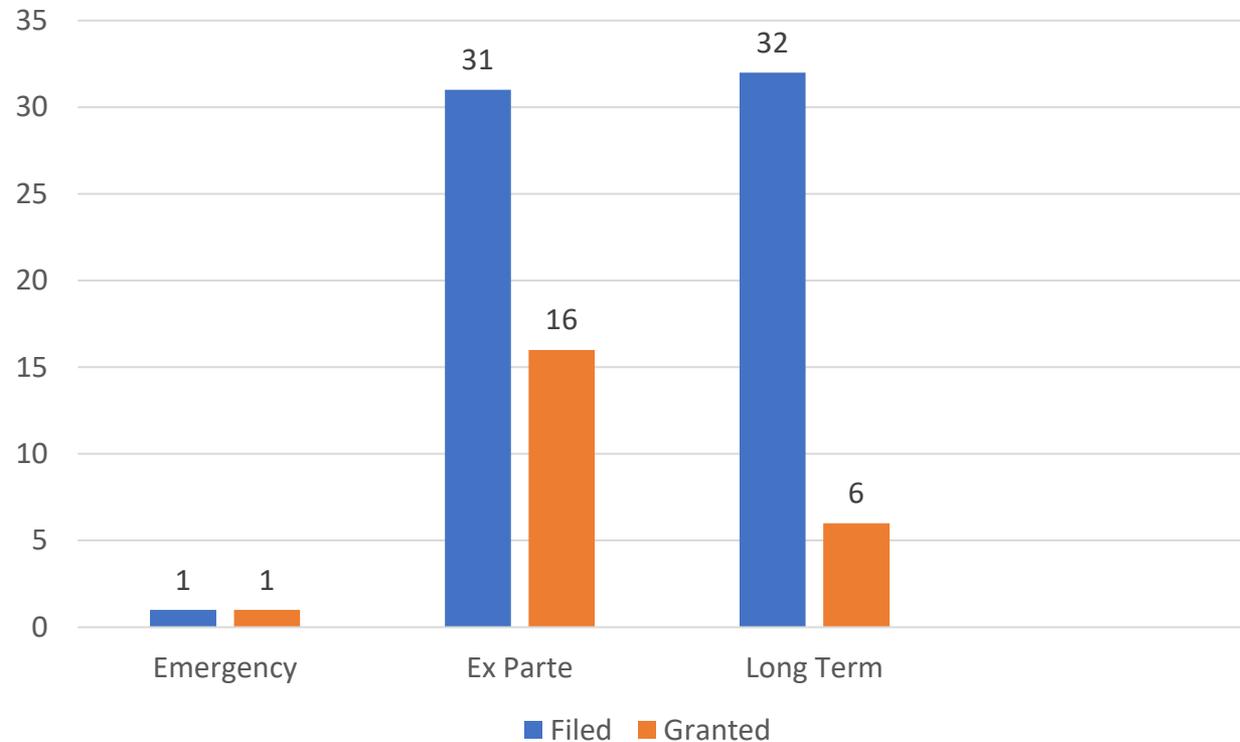
Domestic Violence in Civil Protection Order Cases versus Criminal Cases

	Civil Protection Orders	Criminal Domestic Violence Cases
Who Controls the Case: Brings the Case and Can Dismiss It	Victim	Law Enforcement/Prosecution
Potential Remedies	Expansive including housing, child custody, no contact, child or financial support	Incarceration/limited restitution
Right to Counsel	No	Yes for defendants
Evidence and Privacy	Victim maintains some autonomy over their information	All information about the Victim that state has must be turned over to the defense

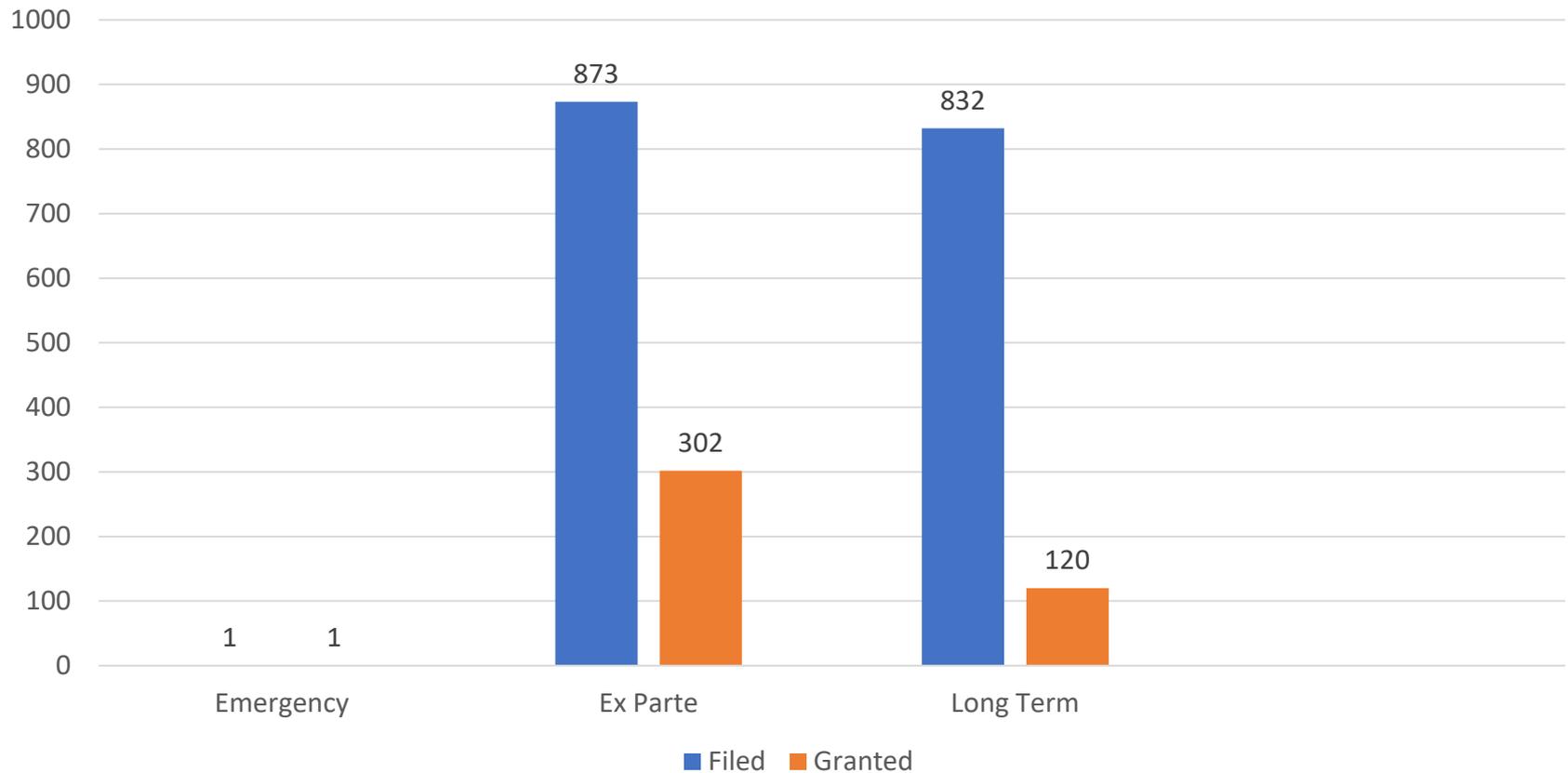
Number of Domestic Violence Protection ACS Orders Filed/Granted 7.1.25-12.31.25



Number of Sexual Assault Protection Orders ACS Filed/Granted 7.1.25-12.31.25



Number of Stalking Protection Orders ACS Filed/Granted 7.1.25-12.31.25



Step by Step – Domestic Violence Protective Orders

Domestic violence protective orders prohibit a respondent from threatening to commit or committing domestic violence against a petitioner and can require the respondent to stay away and not contact the petitioner. They can also grant temporary child custody, child support, possession of a home and car, or payment of medical or other expenses. For more information, **Petitioners read:** [How to Represent Yourself in Alaska's Domestic Violence Protective Order Process](#)
Respondents read: [What to Do When Someone Files a Domestic Violence Protective Order Against You](#)

To request an *Ex Parte Protective Order* (lasts 20 days) or a *Long Term Protective Order* (lasts 1 year) or BOTH, file a [Petition form DV-100](#) for 1 petitioner or [Petition form DV-100-M](#) for multiple petitioners (such as parent and children). Can pick up at the local court or shelter.

For an *Ex Parte Protective Order*, the judge will review petition and may hold a hearing where Petitioner will testify. Petitioner explains why needs protection from Respondent by answering: What happened? When? Where? Who was present? Can bring exhibits (documents, photos) and witnesses to provide additional evidence. Petitioner must prove by a probable cause that (1) Petitioner and Respondent have a specific type of relationship, and (2) the Respondent committed acts of criminal domestic violence set out in the law. If Petitioner asks only for a *Long Term Protective Order*, court will set a hearing within 20 days.

Judge **denies** *Ex Parte Protective Order*

If Petitioner did **NOT** also request a *Long Term Protective Order*, the **case is closed**

If Petitioner also requested a *Long Term Protective Order*, a hearing will be set **within 20 days** (no Order is in effect during that time); Police will serve Respondent with the *Notice of the Long Term Order* hearing

Judge **grants** *Ex Parte Protective Order* – (lasts **20 days**). If Petitioner also requested a *Long Term Order*, court will set a hearing within 20 days.

If Petitioner did **NOT** ask for a *Long Term Protective Order*, *Ex Parte Protective Order* lasts **20 days**

After 20 days, **case is closed**

If Petitioner also requested a *Long Term Protective Order*, a hearing will be set **within 20 days**; Police will serve Respondent with the *Ex Parte Protective Order* which contains notice of the *Long Term Protective Order* hearing date

At the *Long Term Protective Order* hearing, Petitioner **explains** why need protection from Respondent by answering: What happened? When? Where? Who was present? Can bring exhibits (documents, photos) and witnesses to provide additional evidence. Must prove the need for a protective order by a preponderance of the evidence (a more difficult standard compared to an *Ex Parte Order*). Respondent explains their side.

Judge **denies** *Long Term Protective Order* - **case closed**

Judge **grants** *Long Term Protective Order* - lasts **1 year**

After 1 year, **order expires and case is closed, unless court extends the protective order**. Starting 30 days before order expires until 60 days after order expires, Petitioner can file *Request to Extend Protective Order*: [DV-132](#) for 1 petitioner and [DV-132M](#) for multiple petitioners.

If Petitioner files a *Request to Extend Protective Order*, court schedules hearing 10 or more days later. At hearing, Petitioner **explains** why the extension is necessary for their protection.

Judge **denies** extension - **case closed**

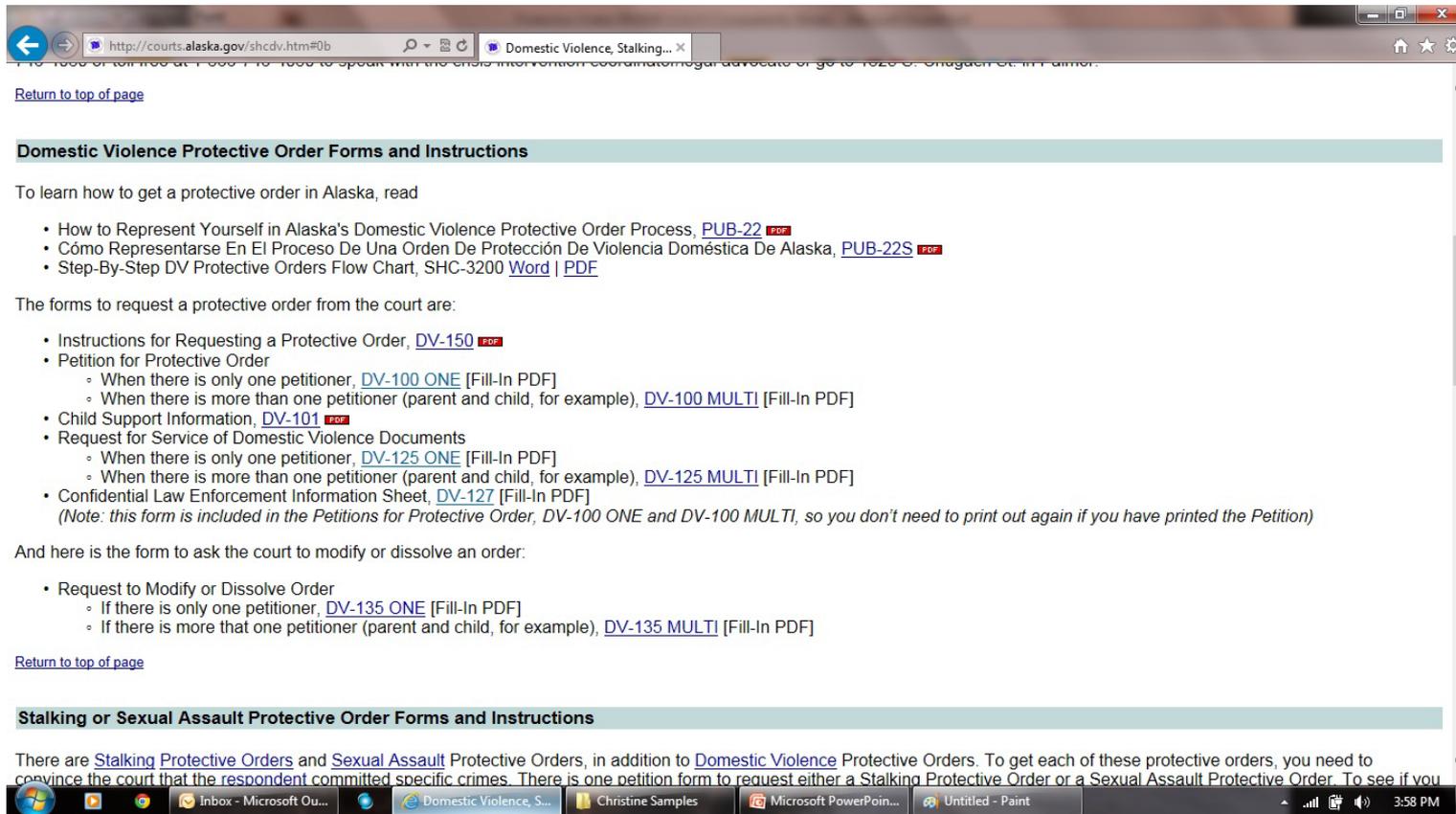
Judge **grants** extension - lasts **1 year**

If you want to ask the court to change or end your *Ex Parte* or *Long Term Protective Order* use the form for your situation under "[Forms to ask the court to modify, extend or dissolve an order.](#)"

For more information about the process, call 907-264-0851 or 1-866-279-0851.

SHC-3200 (2/26)

WHERE ARE THE FORMS?



The screenshot shows a web browser window with the address bar displaying <http://courts.alaska.gov/shcdv.htm#0b>. The page title is "Domestic Violence, Stalking...". The main content area is titled "Domestic Violence Protective Order Forms and Instructions".

[Return to top of page](#)

Domestic Violence Protective Order Forms and Instructions

To learn how to get a protective order in Alaska, read

- How to Represent Yourself in Alaska's Domestic Violence Protective Order Process, [PUB-22 PDF](#)
- Cómo Representarse En El Proceso De Una Orden De Protección De Violencia Doméstica De Alaska, [PUB-22S PDF](#)
- Step-By-Step DV Protective Orders Flow Chart, SHC-3200 [Word](#) | [PDF](#)

The forms to request a protective order from the court are:

- Instructions for Requesting a Protective Order, [DV-150 PDF](#)
- Petition for Protective Order
 - When there is only one petitioner, [DV-100 ONE](#) [Fill-In PDF]
 - When there is more than one petitioner (parent and child, for example), [DV-100 MULTI](#) [Fill-In PDF]
- Child Support Information, [DV-101 PDF](#)
- Request for Service of Domestic Violence Documents
 - When there is only one petitioner, [DV-125 ONE](#) [Fill-In PDF]
 - When there is more than one petitioner (parent and child, for example), [DV-125 MULTI](#) [Fill-In PDF]
- Confidential Law Enforcement Information Sheet, [DV-127](#) [Fill-In PDF]
(Note: this form is included in the Petitions for Protective Order, DV-100 ONE and DV-100 MULTI, so you don't need to print out again if you have printed the Petition)

And here is the form to ask the court to modify or dissolve an order:

- Request to Modify or Dissolve Order
 - If there is only one petitioner, [DV-135 ONE](#) [Fill-In PDF]
 - If there is more that one petitioner (parent and child, for example), [DV-135 MULTI](#) [Fill-In PDF]

[Return to top of page](#)

Stalking or Sexual Assault Protective Order Forms and Instructions

There are [Stalking Protective Orders](#) and [Sexual Assault Protective Orders](#), in addition to [Domestic Violence Protective Orders](#). To get each of these protective orders, you need to convince the court that the [respondent committed specific crimes](#). There is one petition form to request either a Stalking Protective Order or a Sexual Assault Protective Order. To see if you

The taskbar at the bottom shows several open applications: "Inbox - Microsoft Ou...", "Domestic Violence, S...", "Christine Samples", "Microsoft PowerPoin...", and "Untitled - Paint". The system clock shows 3:58 PM.

<http://courts.alaska.gov/selfhelp.htm>

3 Types of Protection Orders – by Substantive Crime

Domestic Violence

Sexual Assault

Stalking



3 Types of Domestic Violence Protective Orders – By Duration

- Emergency order (72 hours)
- Ex parte order (20 days)
- Long term order (1 year)



Emergency Order, AS 18.66.110(b)



Who?

- Requested by law enforcement

How Long?

- **72 hour** duration unless dissolved earlier at request of petitioner

Notice?

- No notice to respondent required

Standard?

- ***Recent*** commission of domestic violence AND **probable cause** to believe that the victim is in ***immediate danger***



Ex Parte Order, AS 18.66.110(a)

Who?

- Victim
- Minor (parent/guardian or appointed)

Notice?

- No notice to respondent required

How Long?

- Expires **twenty days** after issues unless dissolved earlier by court, petitioner or respondent

Standard?

- **Probable cause** to believe that domestic violence occurred, **necessary to protect the petitioner**, petitioner certifies notice, if any to respondent



Long Term Domestic Violence Order, AS 18.66.100(b)

Who?

- Victim
- Minor (parent/guardian or appointed)

Notice?

- Notice to respondent is required, must have **at least ten days' notice** before the hearing

How long?

- Expires **one year** from the date of order unless extended

Standard?

- Proof that respondent committed a crime of domestic violence by a **preponderance of the evidence**



Two Requirements needed to get a Domestic Violence Protective Order?

1. Domestic violence relationship
2. Crime of domestic violence



PROVING THE RELATIONSHIP

- Spouses
- Lived together
- Dating
- Sexual relationship
- Related up to the fourth degree of consanguinity
- Related by marriage
- Child in common
- Minor children of a person in a relationship described above

Now or in the past



CRIMES OF DOMESTIC VIOLENCE

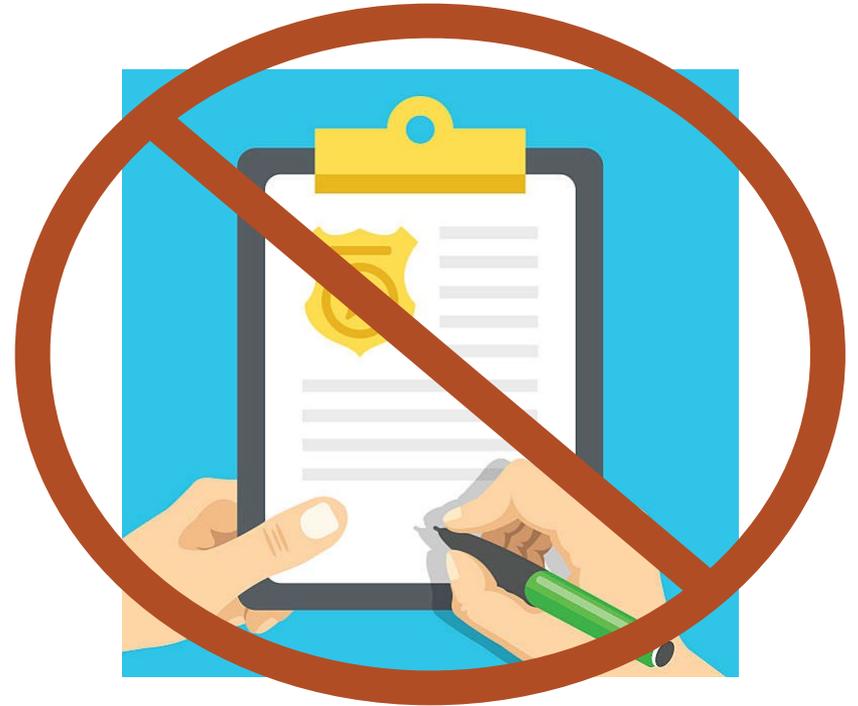
AS 18.66.990(3)

- Homicide
- Assault
- Reckless endangerment
- Stalking
- Kidnapping
- Custodial interference
- Human trafficking
- Sexual assault/abuse
- Unlawful exploitation of a minor
- Indecent exposure
- Robbery
- Extortion
- Unlawful contact (eff. 1/1/25)
- Coercion
- Burglary
- Criminal trespass
- Arson
- Criminally negligent burning
- Criminal mischief
- Terroristic threatening
- Violating a protective order
- Harassment (including NCDII)
- Cruelty to pets
- Interference with reporting DV crime (eff. 1/1/25)



Does the crime have to be reported to law enforcement?

No.



REMEDIES AVAILABLE IN ALL ORDERS

- No threatening to commit or committing domestic violence/stalking/harassment
- No direct or indirect contact with petitioner
- Remove respondent from residence of petitioner
- Stay away from other places frequented by petitioner – school, work, etc.
- Possession and use of vehicle/pets
- Law enforcement assistance



REMEDIES AVAILABLE IN EX PARTE AND LONG TERM ONLY

- All of the above **PLUS**
- Child custody
- Child support
- Respondent to not consume controlled substances



REMEDIES AVAILABLE IN LONG TERM ONLY

- All of the above **PLUS**
- No use or possession of a deadly weapon
- Direct the respondent to surrender firearms owned or possessed if they actually possessed or used a firearm in the commission of the domestic violence
- Respondent to pay the petitioner for expenses associate with the domestic violence expenses
- Respondent to pay petitioners costs and fees in bringing the protection order
- Domestic violence prevention or substance abuse treatment for respondent
- Catchall relief - anything else necessary to protect the petitioner



Domestic Violence versus Stalking/Sexual Assault Protection Orders

Domestic Violence Protection Order

- Household Relationship
- Crime of Domestic Violence (includes Stalking and Sexual Assault)
- Duration: Emergency (72 hours), Ex parte (20 days), and Long term (1 year)
- Expansive Remedies

Stalking and Sexual Assault Protection Order

- **No** Household Relationship
- Crime of Stalking or Sexual Assault
- Duration: Emergency (72 hours), Ex parte (20 days), and Long term (1 year)
- Mostly no contact remedies

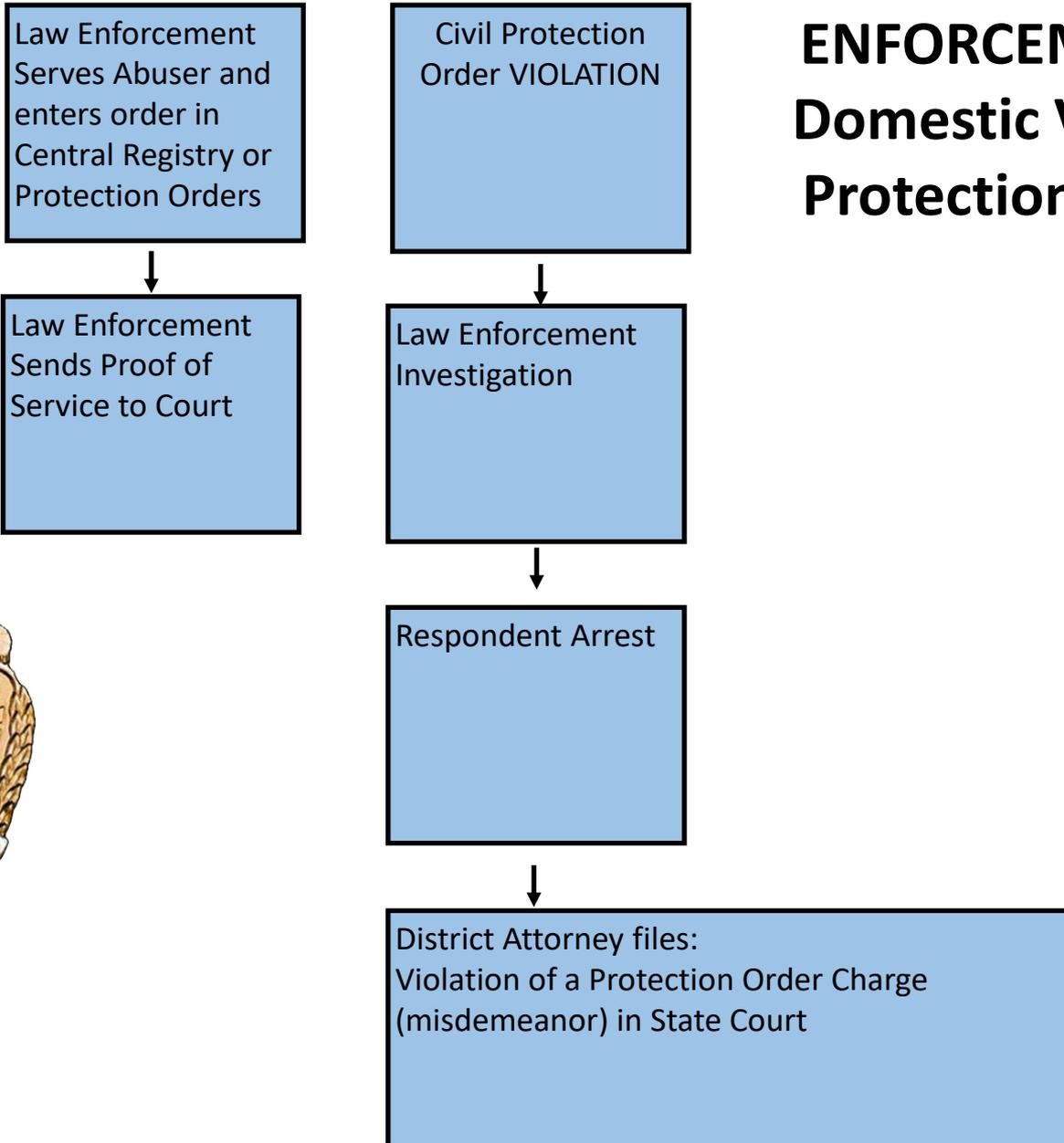
General provisions

- No fee is required for filing
- Contact of petitioner to respondent does not void order
- Parties may not be ordered into mediation
- Generally heard by magistrate judges
- Can be extended for one year if necessary to prevent violence

Enforcement of Protection Orders

- ◎ AS 11.56.740 for law enforcement to make an arrest for a violation of remedies found in AS 18.66.100(c)(1)-(7) – Class A misdemeanor offense.
- ◎ Rest of the provisions are enforceable through civil contempt
- ◎ The more specific an order, the more enforceable it is

ENFORCEMENT of Domestic Violence Protection Orders



Having an
attorney
makes a
difference...

Alaska Court System statistics have shown that only approximately 10% of protection order cases include attorney involvement

But studies have shown that victims are 70% more likely to prevail in a domestic violence protection order case if they are represented

More safety for victims could include:

Require hearings on ex parte orders if they will be denied

Consider extending the duration of orders past one year

Prohibit prevailing respondents from getting attorney fees – SB49 and HB 222

Provide for an ex parte hearing process in extension cases

Provide that the “award of temporary custody” to the petitioner includes physical and legal custody

Consider more teeth to the state firearms restrictions – including a statutory law enforcement writ of assistance to collect firearms

Allow petitioners to file through email for state court electronic filing system

Legislative Evolution of Protection Orders

