

H B

5 5 6

SB4 2 1

Page 1, line 29, add the following:

The pawnbroker shall give notice of any funds due the pledgor by certified mail within ten days of the sale for the pledged property. If no response from the pledgor is received by the pawnbroker within ninety days after the notice is mailed under this subsection, then the entire amount received for the property shall vest in the pawnbroker.

HCSCSSB 421

Page 1 - Line 29, add the following:

The pawnbroker shall give notice of any funds due the pledgor by mail within ten days of the sale of the pledged property. If no response from the pledgor is received by the pawnbroker within ninety days after the notice is mailed under this subsection, then the entire amount received for the property shall vest in the pawnbroker.

Sofa

Original sponsor: Judiciary Committee

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 421 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to pawnbrokers."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 06.20.330 is amended to read:

9 Sec. 06.20.330. EXEMPTIONS. (a) This chapter does not apply to
10 any person doing business under and as permitted by any law of the
11 state or of the United States relating to banks, savings banks, trust
12 companies, building and loan associations, or credit unions [, PAWN-
13 BROKERS OR LOAN SHOPS WHERE SEPARATE AND INDIVIDUAL LOANS DO NOT EXCEED
14 THE SUM OF \$100].

15 (b) This chapter does not apply to individual loans by pawnbrokers
16 or loan shops where separate and individual loans do not exceed \$200.

17 * Sec. 2. AS 08.76 is amended by adding a new section to read:

18 Sec. 08.76.040. DISPOSITION OF UNREDEEMED PROPERTY. (a) If
19 property bought or received in pledge by a pawnbroker is not redeemed
20 by the pledgor within the redemption period, the pawnbroker shall give
21 notice to the pledgor by mail to his last known address that the
22 redemption period has expired. If the property is not redeemed within
23 ²¹~~30~~ days from the date of mailing of the notice, the title and interest
24 of the pledgor in the property vest in the pawnbroker subject to (b) of
25 this section.

26 (b) If a pawnbroker sells property bought or received in pledge
27 and not redeemed within 30 days after the date of mailing notice under
28 (a) of this section, the pawnbroker shall pay the pledgor one-half of
29 the amount in excess of \$400 received for the property.

1 (c) In this section "redemption period" means the period agreed
2 to in writing by the pledgor and pawnbroker for the holding of property
3 by the pawnbroker without sale to a third party or, in the absence of a
4 written agreement, 60 days.

5 * Sec. 3. AS 45.09.104 is amended by adding a new paragraph to read:
6 (13) to loans by pawnbrokers which do not exceed \$200.

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

Introduced: 5/7/81
Referred: Judiciary

1 IN THE HOUSE

BY BROWN AND PHILLIPS
BY REQUEST

2 HOUSE BILL NO. 556

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to pawnbrokers."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 08.76 is amended by adding a new section to read:

9 Sec. 08.76.040. DISPOSITION OF UNREDEEMED PROPERTY. (a) If
10 property bought or received in pledge by a pawnbroker is not redeemed
11 by the pledgor within the redemption period, the pawnbroker shall give
12 notice to the pledgor by (certified) mail to his last known address that
13 the redemption period has expired. If the property is not redeemed
14 within 10 days from the date of mailing of the notice, the title and
15 interest of the pledgor in the property vest in the pawnbroker.

16 (b) In this section "redemption period" means the period agreed
17 to in writing by the pledgor and pawnbroker for the holding of property
18 by the pawnbroker without sale to a third party or, in the absence of a
19 written agreement, 60 days.
20
21
22
23
24
25
26
27
28
29

21 days
Need
%
interest
limit

May 17, 1981.

Gentlemen:

The Klondike Palace strongly protests House Bill # 556 as it puts a huge burden on the small pawnbroker.

For Example, here are the Klondike Palace Loans given in February 1981..

| | |
|------------------------------------|-----------|
| Total Loans ----- | 110 |
| Picked up before 30 Days ----- | 44 |
| Picked up after 30 Days ----- | 17 |
| <u>Total Loans Picked Up -----</u> | <u>61</u> |

| | |
|--|-----------|
| Put Into Inventory After 40 Days ----- | 39 |
| Still In Pawn At this Date ----- | 10 |
| (Of Intrest Due, See Enclosed Card) | |
| Notification Cards Sent in March ----- | 59 |
| " " " " April ----- | 11 |
| " " " " May ----- | 6 |
| <u> Total Cards Sent -----</u> | <u>76</u> |

Total Cost of Post Cards @ .12¢ ----- \$9.12

Thus the total Cost of Certified Mail would Be, (3\$1.50 Ea.) approximately, \$114.00 !! Plus paid employee time at the Post Office.

In Addition, Example: Loan # 240 Dated May 28, 1980.

If the Pawnee was late paying Interest each month, I would have, at this time a Total of 11 Certified Letters sent out on this particular Pawn Ticket which is still CURRENTLY IN PAWN and this, I'm sure you will concur, hardly seems fair....

I would appreciate if you would forget about House Bill 556 and support Senate Bill # 421.

Thanking you for your time, attention, and courtesy, I am,

Sincerely Yours,

Doris Howarth

Mrs. Doris Howarth, Prop..
Klondike Pawn Palace
711 West 4th. Avenue
Anchorage, Alaska 99501
Telephone : 276-3946

APR 25 1981

ANCHORAGE PAWN SHOP
212 West 5th Avenue
Anchorage, Alaska 99501

April 21, 1981

State Congressman
State of Alaska
Juneau, AK 99811

Congressman *Fred Brown*

I am writing this letter in ~~desparity~~. *desperation*

We in the pawn shop business in the State of Alaska have been placed in the same category as banks and other lending institutions such as Beneficial Finance, etc. We simply cannot exist under these laws (a copy enclosed). We have been in business for over forty years and were exempt from the laws governing other lending institutions. However, the Consumers Protection Agency is trying to force pawn shops to follow the same laws that govern these other lending institutions.

It is my sincere hope that you will take the time to look over the order that Judge Carlson has handed down which will, in fact, close our doors.

The Judiciary Committee has drawn up document Senate Bill 421. This bill will exempt pawn shops from the laws that govern other lending institutions. Our only hope is to have SB 421 pass and made into law.

Thank you.



Walter L. Corey, Mgr.
212 West 5th Avenue
Anchorage, AK 99501

P.S. Time does not permit to write to each of you personally; therefore, I am forwarding copies of this letter to each.

THE ALL AMERICAN SMOKE SHOP
402 Second Avenue
Fairbanks, Alaska 99701

MAR 21 1981

March 12, 1981

The Honorable Fred Brown
Member of the House of Representatives
Pouch V
Juneau, Alaska 99811
(Mail Stop 3100)

Subject: Opinion and Decision of Judge Carlson and a Proposed Bill

Dear Fred:

I am enclosing herewith an opinion and decision of Judge Carlson, which, in a way, is self-explanatory; and also a proposed Bill, which I shall ask you to sponsor, prevailing on as many colleagues as you feel will be interested in the passage of such Bill; to vote on such.

While the opinion written by Judge Carlson is a very learned and enlightening thesis, yet it accomplishes nothing, due to the fact that I believe Judge Carlson misconceives the function and the practical operation of the pawnbroker's business.

I made a rather exhaustive study of the subject starting way back with the origin of pawnbroking, during the Roman period when such originated with the House of the Medicis, who implemented the Institution of Pawnbroking, as signified by the 'three balls', signifying the family escutcheon.

The pawnshop is essentially a 'poor man's banker'. As you may understand it, it generally serves to fill in the gap for the small man, in the event of a delay in receiving a paycheck or unemployment security check, thus bridging the hiatus for household essentials of which a householder may be deprived of by virtue of the lateness in receiving such payments. As you will observe, the limitations on loans in pawnshops is \$100., hardly a fulfillment of a familie's needs in these inflationary periods.

However, as a public representative, you can readily see that a small amount is more critical to the 'man-on-the-street', than a substantial loan is to an upper-class-borrower.

The present pawnbroker's guidelines are sketchy, vague and very uncertain. Judge Carlson has set forth a series of conditions and has made a finding that: A compliance with the law would have to follow the requirement contained in the Small Loan Act; particularly with respect to Notice of Default; Notice of Sale; Publication and numerous other conditions, as you'll see set forth in the opinion.

My experience of 25 years in the pawnbroker's business would easily demonstrate that; statistically, the average loan ranges from \$40. to \$60. The machinery needed to set up with such compliance contained in the Small Loan Act would be cumbersome, costly and actually bring about

an end or incentive to engage in the pawnbroker's business. A decree to close the door of all pawnshops would be tantamount to an attempt to comply with the decision.

In discussing the results of the opinion with Doug Baily, resolves the question that the only solution would be to pass the enclosed Bill which Mr. Baily drafted, instead of any effort to amend, modify, revise or otherwise alter the present chaotic legislation and decisions governing pawnshops.

I, in concert with some of the shops in Fairbanks, are in accord with the sentiments suggested by Mr. Baily, and I am sure would join me in urging the passage of the enclosed Bill.

Should you need any other data material or informative facts, please do not hesitate to call me for such help.

Very sincerely yours,


Lazar Dworkin

LD:mhh

enclosures

cc. to Members of the Legislature

Copy of Proposed Bill

Copy of MEMORANDUM AND DECISION AND ORDER

Copies of Letter to Fred Brown to Members of Legislature

H B
5 72

TO: The House Judiciary Committee

FROM: Suzanne Lombardi
Client Service Coordinator
Valley Womens Resource Center

RE: Testimony for House Bills on Sexual Assault and Violent Crime

The Valley Womens Resource Center has been serving victims of sexual assault and domestic violence in the Matanuska-Susitna Borough for the last year. I would like to thank the Judiciary Committee for this opportunity to express our opinions on the following bills:

HB 473 Regarding Sexual Assault

We are grateful to see that the Task Force has recognized the serious effects of these crimes and are pleased to see this legislation that will enforce stiffer penalties.

We would like to suggest that along with longer sentences that there be mandated treatment programs as well as funds appropriated for treatment not only within the prison system, but for outside as well.

We have found that assailants convicted of sexual assault are usually sentenced to time without parole, and therefore, upon release there is no treatment and no hold upon them. As a result the recidivism rate for this particular crime is extremely high.

HB 572 Domestic Violence/Emergency Injunctive Relief or TRO

We are pleased to see that the breakdown has been recognized between victims being informed of the TRO and the actual carrying through of this process.

At this time we are not sure that more legislation, or more paperwork will solve this gap. The problem in our area seems to be with the original bill. To our knowledge, some women have not been informed of either the Resource Center or the option of filing a TRO.

It is our opinion that more would be accomplished if the original HB 287 was more effectively enforced.

If the victims were made aware of the existence of the Center, and if possible, a call made at the scene of the incident to our advocates, the trained staff would be able to follow through with the action and accompany the person throughout the legal system. This would cut down on police time as well as put the victim in direct contact with the Resource Center for further support systems.

We would emphasize that our situation in the Valley may differ substantially from more inaccessible areas.

CONTINUED OVER →

I would also like to address the difficulty in the process of servicing the assailants. We would like to suggest that legislation be passed that makes it mandatory that all peace officers ^{be} required to serve process so the victims can be protected and not find out upon his appearance that in fact this has not occurred.

HB 573 Tampering with a witness - making this a Class C Felony

We support this bill as in crimes such as domestic violence and sexual assault the only witness is the victim. It is not uncommon to have an assailant threaten or actually assault the victim again in order to have them revoke their testimony.

HB 578 Release on bail after certain crimes

We support this bill as many times victims are reluctant to press charges for fear of retaliation in the time before sentencing or pending appeal. Experience attests to the fact that the victims are in extreme danger, and the crime committed again, before they appear for trial.

HB 576 Regards the videotaping or the exclusion of the public during testimony of young victims of sexual assault or abuse.

We firmly support this bill for the fact that young victims are often traumatized by public testimony.

We would like to suggest that this bill be amended to include all victims of sexual assault.

In addition to this we would ask that crimes of this nature be given first priority on the court calendar.

We have found that both public testimony as well as long, protracted trials traumatize not only the victim under 16, but all victims of sexual assault and/or abuse.

CITY OF KOTZEBUE

P.O. BOX 46
KOTZEBUE, ALASKA 99752

KOTZEBUE POLICE DEPARTMENT
907-442-3351

September 22, 1981

Representative Ramona L. Barnes, Chairman
House Judiciary Committee
P.O. Box 3382
Anchorage, Alaska 99510

Dear Representative Barnes:

I regret I cannot attend personally but would like to present my written comments to the House Judiciary Committee.

☆

I would like to lend my support to all but one of the proposals. I would especially give my highest recommendation to the Governors Drug Bill, House Bill #180, It is badly needed.

My one reservation is in regard to House Bill # 572 on Domestic Violence.

Most often the Police Officer answering domestic dispute calls is acting as an arbitrator and/or mediator. Injecting the Officer further into the dispute by requiring the Officer to assist one party or the other will remove their "impartial" stature and make their job harder in the future as the Officer will be viewed as an adversary by the other party involved.

The Court must be presented the documents before service and I feel the court is the proper place for assistance to be rendered the party seeking injunctive relief.

Donald E. Buehler
DONALD E. BUEHLER
Chief of Police

cc: AS Revisions file
Sgt Jones
Sgt Wallace

DEB/dew

"GATEWAY TO NORTHWEST ALASKA"

PLEASE NOTE: THE FOLLOWING PAGES WERE TREATED
AS A UNIT IN THE ORIGINAL DOCUMENT

INFORMATION AND INSTRUCTIONS FOR COMPLETING THE PETITION
FOR INJUNCTIVE RELIEF FROM DOMESTIC VIOLENCE

I. Who may file a petition for help?

The Domestic Violence Act applies only to conduct among the following people:

- (a) spouses, whether they are living together or not;
 - (b) former spouses, whether they live together or not;
- and
- (c) people who live together in the same household, regardless of their relationship to each other.

II. What is domestic violence?

The types of activities that may constitute domestic violence are those which are crimes under another Alaska statute (AS 11.41.100-530). These are:

- (a) Homicide (murder, manslaughter);
- (b) Assault and Reckless Endangerment (physical injury, threats of injury, or acting in such a way as to create a risk of injury);
- (c) Kidnapping and Custodial Interference (taking and/or holding someone against their will or taking and/or holding a child or ward without a legal right);
- (d) Sexual offenses (rape, other sexual contact by force or threats, sexual abuse of a minor, incest); and
- (e) Robbery, Extortion and Coercion (taking of property by physical force or threats of physical injury or other harm, or making a person do some act by threatening physical or other harm).

III. What can you do?

If you believe you are the victim of domestic violence, you may ask the court for help. You can do this by filing a paper with the court which is called a petition. There is a petition form enclosed with these instructions. You do not need an attorney to file this form or to represent you in court. You may have an attorney if you wish to hire one. You will be called the petitioner. The person you are complaining about will be called the respondent.

IV. What kind of help can the court give you?

In the petition form you can ask the court to issue an order called an injunction. An injunction is a court order that requires a person to do certain things or to behave in a certain way. If the person does not obey this order, he or she can be held in contempt of court. There are two types of injunctions. One is for emergencies and one is for non-emergency situations. The petition form enclosed with these instructions can be used to request either kind of injunction.

V. What kind of orders can a judge make in an injunction?

The judge can make different types of orders depending upon the type of help you may need. For example, the judge can order the respondent to do one or all of the following:

- (a) Not to touch you or in any way harm you;
- (b) Not to communicate with you in any way;
- (c) To leave your home;
- (d) To pay reasonable amounts for your support if he or she already has an obligation to do so;
- (e) To pay reasonable amounts for the support of your children if he or she already has an obligation to do so;
- (f) To pay the medical costs caused by the domestic violence.

The judge may also:

- (g) Give you temporary custody of your child or children; and
- (h) Order that a peace officer help enforce any order of the court.

VI. What court can you go to for help?

If you live in a place that has a superior court, the petition must be filed in that court. However, if you believe your problem is an emergency and you do not live within 50 road miles of a superior court, you can file the petition with a district court. If you believe your problem is an emergency and you do not live within 50 road miles of a district court, you can file your petition with a magistrate.

VII. What does the respondent need to be told about the petition?

A. At the time of filing the petition

(1) Emergency. If you are seeking emergency relief from the court, you must try to tell the respondent that you are seeking emergency help from the court unless it is likely that you would be in danger by even contacting the respondent. You need not contact the respondent in person; you may telephone the respondent or have a friend tell the respondent what you intend to do. (If you use a friend, you should bring that friend to court with you when you file the petition.) If you do not tell the respondent that you are seeking help from the court, the judge will ask you to give the reasons why you were not able to do so, or why it was not safe.

(2) Non-emergency. If you are not in immediate danger and are not asking for an emergency hearing, your hearing will be scheduled for a date several days in the future.

The respondent will then have to be given a copy of your petition and a notice of the hearing. The law requires that the respondent receive ten days notice of the hearing. The judge, however, has the power to shorten the time for notice and to set the hearing sooner than ten days after service of the notice if there is a good reason for doing so.

The court will instruct the troopers or other peace officers to serve the respondent with the petition and notice of hearing. You will have to fill out the form in the packet entitled "Instructions for Service". These instructions will go to the troopers to help them serve the respondent.

B. When the court issues an order

If the court issues an order, the respondent must be notified of it; that is, it is necessary that the respondent be made aware of what the order requires him or her to do or not do. If a hearing is held to decide whether your petition will be granted, and the respondent is present for the hearing and the judge's order, then the respondent will have "notice" of the order. If an order is made without a hearing or if the respondent is not present at the hearing, then the respondent will have to be given a copy of the court's order. The court will request the police or state troopers to give this copy to the respondent, BUT YOU MUST FILL OUT THE FORM TITLED "INSTRUCTIONS FOR SERVICE" which the court will give to the peace officers to help them in this task.

C. Papers you file after you file the petition

Copies of other completed papers that you file with the court after the initial petition and order (such as a Request for Extension of Time) must also be given or mailed to the respondent. These copies may be delivered by a responsible person or sent by regular mail.

VIII. How long can the court orders last?

A. If you have asked for emergency help, the order will normally last for 10 days. The order can be extended by the court for more time if there is a good reason to do so. To get an extension of the order, you must file a request with the court, before the original 10 days are over, asking for an extension. The forms for making this request can be obtained from the clerk.

B. If you have asked for an order in a non-emergency situation, the order can last for 45 days. That order can also be extended by the court for an additional 45 days if there is a good reason. If you want to request the court to extend the order, you must file a request with the court before the original 45 days are over. The forms for making this request can be obtained from the clerk.

IX. How do you ask the court for an extension?

Whether your request is for emergency or regular injunctive relief, you will need to fill out the form in this packet labeled "Request for Extension of Order", and file it with the court. If you do this, you must make sure that a copy of the completed form which you file with the court is given or mailed to the respondent.

X. What will happen after you file the petition?

A. Emergency request

- (1) The court may or may not hold a hearing. The court may decide to grant or deny your request for help on the basis of the petition without talking to you. You will be told by the court personnel whether a hearing will be held.

- (2) If a district court judge or magistrate does issue an emergency order before the respondent has been notified, a superior court hearing will have to be held to review that order. The respondent will have to be given copies of all the completed forms and have 10 days notice (or less if the judge orders it) before the hearing. If the superior court hearing date is after the expiration date of the emergency order, you should ask the court for an extension of the emergency order until the later hearing date by filling out the form entitled "Request for Extension of Time". You can get this form from the court.
- (3) Procedures for holding the hearing will vary in different areas. Court personnel will tell you what procedure will be used in your area.
- (4) If you do not appear at the superior court hearing or request an extension of time, the order you already have will be dissolved (not be in effect any longer).
- (5) The respondent will have the right to ask the court to modify any order that you get. If the respondent makes such a request, however, he or she must give you notice of the request at least two days before the judge decides.

B. Non-emergency request

After you file your petition:

- (1) The court will schedule a hearing;
- (2) The respondent must receive notice of the hearing 10 days before the hearing. (The judge may order that the respondent be given less notice if necessary);
- (3) At the hearing, the superior court judge will listen to both sides and then decide whether to issue an order.

XI. Is the filing of this petition the only kind of help you can ask for?

NO. This kind of petition is a civil action. You can also file criminal charges. To do so, you should discuss the matter with the police or district attorney.

XII. Is there a fee charged for filing this petition?

YES. The fee is \$50. If you cannot afford to pay this fee, you must fill out the form in the packet titled "Request for Exemption of Payment of Fees". The form requests information about your financial situation. The clerk will accept your petition without the fee if you also file the Statement of Indigency." If the court at some later time determines that you are able to pay the fee, it can order you to do so. If such an order is made, you must pay the fee within 30 days after you are told of the order or the court may dismiss the action.

XIII. Instructions for filling out the petition form.

- A. If you have decided to ask for help, you must fill out at least two forms enclosed with these instructions. There may be forms included in the packet that you will not use, or that you may wish to use later. THE ONLY FORMS YOU MUST FILL OUT IN ORDER TO ASK FOR RELIEF ARE THE "PETITION" AND THE "INSTRUCTIONS FOR SERVICE".
- B. Fill in the name of the city or village where you are filing the petition on the heading of the petition. If you are not sure which court it is, the clerk can tell you.
- C. READ THE ENTIRE PETITION FORM CAREFULLY. Mark the box or boxes that best describe your situation with an X. Where you see two words together with a / between them, black out the side that does not apply to you (Example: his/her). YOU MUST ANSWER ALL QUESTIONS TRUTHFULLY AND AS BEST YOU CAN. If you don't know the answer to a question, write "Don't know." Remember, you are the petitioner and the person you believe is hurting you or threatening to hurt you is the respondent.
- D. DO NOT fill in the blanks marked "case no.". The clerk will do that.
- E. You may either type or hand write the petition. If you hand write the petition, write clearly and use ink.
- F. No one at the clerk's office or in the court system will be able to advise you of your rights or on how to fill out the petition. However, the clerk will be able to tell you what court you are filing in if you do not know.
- G. Give the completed petition form and completed "Instructions for Service" to the clerk, along with the filing fee of \$50.00. If you cannot pay this fee without substantial financial hardship, fill out the form entitled "Request for Exemption of Payment of Fees" and "Statement of Indigency". The court will then decide if you may file the petition by paying a reduced fee or no fee at all.
- H. Make sure that you fill out the form in the packet entitled "Instructions for Service". You should give the completed form to the clerk at the time you give the clerk your completed petition.
- I. If you know you will not be able to attend a hearing, that has been scheduled, YOU MUST TELL THE COURT IMMEDIATELY. If for any reason you decide you do not want the court to hold a hearing on your petition YOU MUST TELL THE COURT IMMEDIATELY.

6. As a result of injuries, I have bills for medication, doctors', nurses', and/or hospital services that have not been paid for. Yes No

Type of medical service: _____ Amount _____

7. I have a place to stay where I will be safe. Yes No
7a. If yes, how long can you stay there? _____

8. I believe I need emergency help from the court. Yes No
8a. If yes to #8, please state the reason(s):

8b. If yes to #8, has the respondent been told that you are filing this petition? Yes No
8c. If yes, describe how. If no, please explain why not.

9. There have been children born either of our marriage or of our relationship. Yes No (If no, go to #10)

9a. These children's names and dates of birth are:

| Names | Date of Birth | How long in Alaska | Residence Address |
|-------|---------------|--------------------|-------------------|
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

(If giving your children's address might endanger your children, indicate that on the lines above)

9b. There is a custody order over our children.
Yes No Do Not Know
(1) I have legal custody (by court order) or the following children:

(2) The respondent has legal custody (by court order) of the following children:

10. I need financial assistance from the respondent to help support myself and/or our children. Yes No
(If you answered no, go on to question #11).

10a. I am employed. Yes No
Place of employment: (If you believe answering this question might endanger you, please indicate that instead.)

10b. My monthly income is: 10c. My monthly expenses are:

| | | | |
|----------|---------|---------|-------|
| Sources: | Amount: | Food | _____ |
| _____ | _____ | Housing | _____ |
| _____ | _____ | Other | _____ |
| Total | _____ | Total | _____ |

10d. Respondent's monthly income is _____.
Source: _____.

11. I request an order from the court directing:

- the respondent not to physically abuse or threaten me.
- the respondent to move out of our house.
- the respondent to not communicate or attempt to communicate with me.
- the respondent to pay support for our children in the amount of _____ per _____ (week/month).
- the respondent to help support me by paying me the amount of _____ per _____ (week/month).
- that I be given temporary custody of my children.
- the respondent to pay for medical expenses incurred as described in #6.
- Other: _____

12. I have filed a petition like this one with the court before. Yes No

12a. If yes, where was it filed? _____

12b. If yes, was an order obtained? Yes No

12c. Is the respondent in this petition the same person named in the earlier petition(s)? Yes No

I promise that I have answered all of the above questions truthfully and to the best of my ability.

Date

Petitioner (signature)

(print your name)

NOTICE: Any person who intentionally lies or attempts to mislead the court in this application may be charged with the crime of unsworn falsification which may result in a jail term of up to one year and a fine of \$5,000.00. AS 11.56.210.

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

AT _____

_____,)
 Petitioner)
 DOB: _____)
 vs.)
 _____)
 Respondent)
 DOB: _____)

Case No. _____ DV

INSTRUCTIONS TO PEACE OFFICERS FOR SERVICE

Local Case No. _____ DV

1. Please complete service immediately.
2. Please serve the following documents:

- | | |
|---|--|
| <input type="checkbox"/> Petition for Injunctive Relief | <input type="checkbox"/> Notice to Respondent |
| <input type="checkbox"/> Order on Emergency Petition | <input type="checkbox"/> Order on Petition for Injunctive Relief |
| <input type="checkbox"/> Order for Extension | |
| <input type="checkbox"/> Notice of Hearing | <input type="checkbox"/> _____ (Any other judge's order) |

3. Serve the documents on:

Name: _____
 Address: _____
 Phone: _____

4. Identifying characteristics (If known): Date of Birth: _____
 Sex _____ Race: _____ Height: _____ Eyes: _____ Hair: _____
 Social Security No.: _____ Weight: _____
 Driver's license No.: _____ - State: _____

5. Occupation: _____
6. Place of Business: _____
7. Work telephone: _____

8. Persons who might know the whereabouts of the person to be served:

(1) _____
 (2) _____

9. Other locations where person to be served might be found:

(1) _____
 (2) _____

10. The respondent may have access to a dangerous weapon. Yes No

Type of weapon(s): _____ location(s): _____

 DATE Petitioner

 Petitioner's phone #

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

AT _____

_____,)
)
) Petitioner)
)
) vs.)
)
) _____,)
) Respondent)
)
) _____)

Case No.: _____ DV

NOTICE OF HEARING

Local Case No. _____ DV

TO: _____

ADDRESS: _____

The petitioner has filed a civil action against you under Domestic Violence Act AS 09.55.600 et seq. A copy of the petition is attached.

PLEASE TAKE NOTICE THAT a hearing will be held on _____, 19____, at _____m. The hearing will be before the Honorable _____ in the courthouse at _____, Alaska.

DATE

CLERK/MAGISTRATE/JUDGE

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

AT _____

_____,)
)
 Petitioner)
)
 vs.)
)
 _____,)
)
 Respondent)
)
 _____)

Case No. _____ DV

NOTICE OF ISSUANCE OF ORDER
UNDER AS 09.55.610

TO: ALL LAW ENFORCEMENT AGENCIES AND PERSONNEL

The attached order was issued pursuant to AS 09.55.610 on

_____, 19__ at ____ .m.

You are instructed to serve the respondent with the attached order, notice and petition.

Respondent was served with the attached order on _____, 19__.

DATE

CLERK/MAGISTRATE/JUDGE

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

AT _____

_____,)
)
 Petitioner)
)
 vs.)
)
 _____,)
)
 Respondent)
 _____)

Case No. _____ DV

NOTICE TO RESPONDENT OF ORDER GRANTING INJUNCTIVE RELIEF DOMESTIC VIOLENCE

Local Case No. _____ DV

TO: _____

ADDRESS: _____

The petitioner has filed a civil action against you under the provisions of the Domestic Violence Act, AC 09.55.610. An order called an injunction has been issued against you. An injunction is a court order which requires that a person do certain things or behave in a certain way. The terms of that injunction can be found in the attached copy of the court's order. The injunction becomes effective when you are served with this notice and a copy of the petition and order.

Should you wish to change or terminate this order, you have the right to ask the court to hold a hearing. The petitioner must be given two days notice of the hearing unless the judge orders a shorter time. A form is available from the clerk of the court for your use in requesting a change or termination of the court order. The Court is located at _____.

 DATE

 CLERK/MAGISTRATE/JUDGE

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

AT _____

_____,)
Petitioner)
vs.)
_____,)
Respondent)

Case No. _____ DV

ORDER ON EMERGENCY PETITION

Local Case No. _____ DV

A Petition for Emergency Injunctive Relief having been filed in this court pursuant to the Domestic Violence Act, AS 09.55.610 on _____, 19____, this court makes the following Findings and Order:

FINDINGS

1. The Petitioner is: the respondent's spouse.
 the respondent's former spouse.
 a member of the social unit comprised of those living together in the same household.
 none of the above.
2. The Petitioner (has) (has not) been the victim of domestic violence as alleged in the petition and as defined in AS 09.55.640.
3. An emergency (does) (does not) exist.
4. a. Respondent was notified of the filing of the petition.
 Yes No
 b. A hearing was held at which both parties appeared.
 Yes No
 c. Notice has been given to Respondent prior to the issuance of this order. Yes No
 d. Notice was not given to Respondent prior to the issuance of this order, for the reasons stated below:

- e. There (is) (is not) a substantial likelihood of immediate danger from the Respondent to the health, safety or welfare of the Petitioner or of a minor child in the care of the Petitioner. This finding is based on:
 1. Allegations in the petition
 2. Testimony of petitioner
5. Other: _____

ORDER ON EMERGENCY INJUNCTIVE RELIEF

IT IS HEREBY ORDERED THAT:

1. Petitioner's petition for emergency injunctive relief is DENIED.
2. Petitioner's petition for emergency relief is GRANTED and respondent is ordered to:
- a. Refrain from committing further acts of domestic violence upon the Petitioner.
 - b. Vacate the home of the Petitioner.
 - c. Not to contact, communicate with, or attempt to contact the Petitioner by any means, written or oral.
 - d. Pay the sum of \$ _____ per _____, for the support and maintenance of the Petitioner.'
 - e. Pay the sum of \$ _____ per _____, for each minor child of the parties, for a total of \$ _____ per _____.
 - f. Pay _____% of the medical bills, if any, incurred by the Petitioner as a result of the domestic violence of the Respondent.
3. Petitioner shall have temporary custody of the following minor children: _____
4. Other. _____
5. The above emergency injunctive order shall be in effect for (10) days from the date of its issuance, unless extended for good cause.
6. A hearing will be scheduled by the superior court on the petitioner's request for injunctive relief because this petition was granted without notice to the respondent.
- a. Notice of the hearing will be provided to the parties.
 - b. The hearing will be at:
Address: _____
Date and Time: _____

WRIT OF ASSISTANCE

Peace officers shall use every lawful means to enforce the provisions of the above order. This order shall be served on respondent before enforcement.

THE RESPONDENT MAY REQUEST THAT THE SUPERIOR COURT CANCEL OR CHANGE THE PROVISIONS OF THIS ORDER.

Date

JUDGE/MAGISTRATE

Time

NOTIFICATION CONFIRMATION

To: ALASKA STATE TROOPERS (JUDICIAL SVCS.) DATE: _____
ANCHORAGE POLICE DEPT. (RECORDS)

FROM: ALASKA COURT SYSTEM SUBJECT: DOMESTIC VIOLENCE ORDER
CIVIL DIVISION
() EMERGENCY
() NON-EMERGENCY
() FOLLOW-UP

CASE NUMBER: 3AN-____-____DV

CAPTION: _____

NOTIFICATION ACCEPTED BY: _____ /AST TIME: _____ A.M.
P.M.

NOTIFICATION ACCEPTED BY: _____ /APD TIME: _____ A.M.
P.M.

DEPUTY CLERK

*APD will not be notified by phone of a non-emergency order.

Distribution of copies: 1. Original in file.
2. Alaska State Troopers.
3. Anchorage Police Department.

**PLEASE NOTE: THE PRECEDING PAGES WERE TREATED
AS A UNIT IN THE ORIGINAL DOCUMENT.**