

ALASKA CIVIL PROTECTION ORDERS

Survivors across the country seek safety through civil protection orders. Courts use these vital orders to issue stay away orders, or order an abuser pay medical bills, and even make temporary custody decisions. The remedies are important, but jurisdictions often have several types of orders and the distinctions are not always clear. This resource provides a brief overview of the different types of civil protection orders in each jurisdiction, answering vital questions such as: who can apply; and who can be restrained? The orders included in this resource are limited to those where a survivor can apply themselves, other protective measures may exist in your jurisdiction—reach out to VRLC’s TA team if you have questions!

In Alaska, there are 3 types of civil protection orders:

- Domestic Violence Protective Order** is available for individuals seeking protecting from a household member (ALASKA STAT. §18.66.100; §18.66.990).
- Sexual Assault Protective Order** is available for individuals who experienced sexual contact without consent by a non-household member (ALASKA STAT. §18.65.850).
- Stalking Order** is available for individuals experiencing stalking (ALASKA STAT. §18.65.850).

DOMESTIC VIOLENCE PROTECTION ORDER

Who can apply?

Any person who has been a victim of a **domestic violence** offense committed by a **household member**.

ALASKA STAT. §18.66.100(a).

A domestic violence offense includes any of the following or attempts thereof:

- Assault;
- Assault on an unborn child;
- Reckless endangerment;
- Custodial interference;
- Sexual offenses;
- Stalking;
- Harassment and terroristic threats;
- Extortion and coercion (blackmail);
- Criminal mischief (damage to property);
- Criminal trespass;
- Arson or criminally negligent burning;
- Burglary;
- Robbery;
- Homicide;
- Kidnapping;
- Human trafficking;
- Cruelty to a pet;
- Violating a protective order.

ALASKA STAT. §18.66.990(3).

For definition of a **household member** see “Who can be Restrained?”

DOMESTIC VIOLENCE PROTECTION ORDER

<p>Can minors apply?</p>	<p>No, but parents or guardians can request protective orders on behalf of their child. The respondent must have committed a crime of domestic violence against the child and the child must have a household relationship with the respondent. <i>ALASKA STAT. §18.66.100(a).</i></p>
<p>Who can be restrained?</p>	<p>A household member, defined as:</p> <ul style="list-style-type: none"> • Current or former spouses; • Those who currently live or previously lived together; • Those in a dating relationship, or previous dating relationship; • Those who have engaged in a sexual relationship; • Those related within four degrees; • Those currently or formerly related by marriage; • Those with a child in common; • Minor children of anyone in an above-mentioned relationship. <p><i>ALASKA STAT. §18.66.990(5).</i></p>
<p>What types of relief may a court order?</p>	<p>Any protective order can prohibit a respondent from threatening to commit or committing domestic violence against a petitioner. They can require the respondent to stay away and not contact the petitioner, either directly or indirectly.</p> <p>An ex-parte and long-term protective order can additionally grant temporary custody of children to the petitioner, child support (if there is an obligation to support), possession of a home and car, or payment of medical or other expenses.</p> <p>A long-term order can provide the highest level of relief, including prohibiting the respondent from possessing a deadly weapon if one was used during the domestic violence, requiring the respondent to attend substance abuse and anger management classes, and ordering restitution. <i>ALASKA STAT. §18.66.100(c).</i></p>

DOMESTIC VIOLENCE PROTECTION ORDER

<p>How long does the order last?</p>	<p>Emergency order (requested by a Peace Officer with victim's consent): 72 hours. <i>ALASKA STAT. §18.66.110(b).</i></p> <p>Ex Parte (as requested by the Victim or Guardian): 20 days. <i>ALASKA STAT. §18.66.110(a).</i></p> <p>Long Term (as requested by the Victim or Guardian): 1 year. <i>ALASKA STAT. §18.66.100(b)(2).</i></p>
<p>Can the order be renewed?</p>	<p>Yes, starting 30 days before the order expires until 60 days after the order expires. The court will schedule a hearing and provide at least 10 days notice to the Respondent. <i>ALASKA STAT. §18.66.100(f).</i></p>
<p>Is a hearing with the respondent required?</p>	<p>When requesting an Ex-Parte Protective order, no notice is required. The Petitioner only needs to prove by probable cause that they are in a covered relationship, listed above, and that the Respondent committed an act of criminal domestic violence, listed above.</p> <p>10 days notice is needed if respondent requests a Long Term Order. Notice will be served by the police on the Respondent. <i>ALASKA STAT. §18.66.100(b).</i></p> <p>When requesting a Long Term Protective order, the Petitioner needs to prove the same things as for an Ex-Parte Order, but by a preponderance of the evidence (more likely than not).</p>

SEXUAL ASSAULT PROTECTIVE ORDER

Who can apply?	<p>Any adult, non-household member, subjected to an unconsented sexual assault. <i>ALASKA STAT. §18.65.850(a).</i></p> <p>Unconsented sexual assault includes:</p> <ul style="list-style-type: none"> • Sexual penetration or sexual contact without your consent or after you were coerced into giving consent. <p>For the complete list of unconsented sexual assault acts, see ALASKA STAT. §11.41.410-450.</p>
Can minors apply?	<p>No. A parent or guardian may file a petition on behalf of a minor. <i>ALASKA STAT. §18.65.850(a).</i></p>
Who can be restrained?	<p>The respondent cannot be a household member.</p> <p>If the respondent is a household member, request a Domestic Violence Protective Order. <i>ALASKA STAT. §18.65.850(a).</i></p>
What types of relief may a court order?	<p>An order can prohibit the respondent from threatening to commit or committing stalking or sexual assault, contacting the respondent directly or indirectly, direct the respondent to stay away from the residence, school, or place of employment of the petitioner, and order other relief necessary to protect the petitioner or designated household member. <i>ALASKA STAT. §18.65.850(c).</i></p>
How long does the order last?	<p>Emergency order (requested by a Peace Officer with victim's consent): 72 hours. <i>ALASKA STAT. §18.66.110(b).</i></p> <p style="text-align: right;"><i>continued on next page</i></p>

SEXUAL ASSAULT PROTECTIVE ORDER

<p>How long does the order last?</p>	<p>Ex Parte (as requested by the Victim or Guardian): 20 days. <i>ALASKA STAT. §18.66.110(a).</i></p> <p>Long Term (as requested by the Victim or Guardian): 1 year. <i>ALASKA STAT. §18.66.100(b)(2).; ALASKA STAT. §18.65.855.</i></p>
<p>Can the order be renewed?</p>	<p>Yes, starting 30 days before the order expires until 60 days after the order expires. The court will schedule a hearing and provide at least 10 days notice to the Respondent. <i>ALASKA STAT. §18.65.850(f).</i></p>
<p>Is a hearing with the respondent required?</p>	<p>Same as for a Domestic Violence Protective Order. <i>ALASKA STAT. §18.65.850(f).</i></p> <p>When requesting an Ex-Parte Protective order, no notice is required. The Petitioner only needs to prove by probable cause that they are in a covered relationship, listed above, and that the Respondent committed an act of criminal domestic violence, listed above.</p> <p>10 days notice is needed if respondent requests a Long Term Order. Notice will be served by the police on the Respondent. <i>ALASKA STAT. §18.66.100(b).</i></p> <p>When requesting a Long Term Protective order, the Petitioner needs to prove the same things as for an Ex-Parte Order, but by a preponderance of the evidence (more likely than not).</p>

STALKING ORDER

<p>Who can apply?</p>	<p>Any adult, non-household member, subjected to nonconsensual contact two or more times and these contacts made the Petitioner reasonably afraid of death or physical injury, or the death or physical injury of a family member. <i>ALASKA STAT. §11.41.260-270.</i></p> <p>Nonconsensual contact means:</p> <ul style="list-style-type: none"> • Contact that you did not agree to, or is not reasonable under generally accepted social norms. • Contact includes many things including: <ul style="list-style-type: none"> ◦ Calling or messaging you; ◦ Following you; ◦ Tracking you; ◦ Hacking your phone. <p>If the Petitioner and the Respondent are household members, file a domestic violence petition</p>
<p>Can minors apply?</p>	<p>No.</p> <p>A parent or guardian may file a petition on behalf of a minor. <i>ALASKA STAT. §18.65.850(a).</i></p>
<p>Who can be restrained?</p>	<p>The respondent cannot be a household member. If the respondent is a household member, request a Domestic Violence Protective Order. <i>ALASKA STAT. §18.65.850(a).</i></p>

STALKING ORDER

<p>What types of relief may a court order?</p>	<p>An order can prohibit the respondent from threatening to commit or committing stalking or sexual assault, contacting the respondent directly or indirectly, direct the respondent to stay away from the residence, school, or place of employment of the petitioner, and order other relief necessary to protect the petitioner or designated household member.</p> <p><i>ALASKA STAT. §18.65.850(c).</i></p>
<p>How long does the order last?</p>	<p>Emergency order (requested by a Peace Officer with victim's consent): 72 hours. <i>ALASKA STAT. §18.66.110(b).</i></p> <p>Ex Parte (as requested by the Victim or Guardian): 20 days. <i>ALASKA STAT. §18.66.110(a).</i></p> <p>Long Term (as requested by the Victim or Guardian): 1 year. <i>ALASKA STAT. §18.66.100(b)(2).; ALASKA STAT. §18.65.855.</i></p>
<p>Can the order be renewed?</p>	<p>Yes, starting 30 days before the order expires until 60 days after the order expires. The court will schedule a hearing and provide at least 10 days notice to the Respondent.</p> <p><i>ALASKA STAT. §18.65.850(f).</i></p>
<p>Is a hearing with the respondent required?</p>	<p>Same as for a Domestic Violence Protective Order. <i>ALASKA STAT. §18.65.850(f).</i></p> <p>When requesting an Ex-Parte Protective order, no notice is required. The Petitioner only needs to prove by probable cause that they are in a covered relationship, listed above, and that the Respondent committed an act of criminal domestic violence, listed above.</p> <p style="text-align: right;"><i>continued on next page</i></p>

STALKING ORDER

Is a hearing with the respondent required?

10 days notice is needed if respondent requests a Long Term Order. Notice will be served by the police on the Respondent.

ALASKA STAT. §18.66.100(b).

When requesting a Long Term Protective order, the Petitioner needs to prove the same things as for an Ex-Parte Order, but by a preponderance of the evidence (more likely than not).

HOW TO APPLY

Forms are available at the courthouse and online at <https://courts.alaska.gov/forms/index.htm#dv>.

The petition describes in detail the definition and what information must be shared with the court.

SCAN ME!



For specific questions about how to use this guide, or if you have any other questions, VRLC is here to help!

This project was supported by Grant No. 15JOVW-23-GK-05124-MUMU awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the views of the U.S. Department of Justice.