

Stalking Protective Order Packet

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If you believe a person is stalking you, you can ask the court to order the person to stop this behavior.

Note: You should fill out a *Domestic Violence Petition* (DV-100) instead of using this packet if the stalker is one of the following:

- your spouse
- your child
- your first cousin
- a person with whom you presently have or previously had a dating or sexual relationship
- someone who lives or has lived with you
- a person related or formerly related to you by marriage (for example a stepparent, stepchild)
- former spouse
- grandchild
- aunt
- uncle
- parent
- brother
- nephew
- grandparent
- sister
- niece

A request for a “protective order” is a civil matter, not a criminal matter.

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Alaska Court System

The forms in this packet are available on the court system's website:

www.state.ak.us/courts/forms.htm

What is Stalking?

Stalking is a crime. It can be either a misdemeanor or a felony, depending on the nature of the conduct.

To qualify as “stalking,” a person’s acts must meet all the following requirements. The acts must be:

- repeated acts
- of contact without your consent
- involving you or a family member
- done knowingly, and
- that place you in fear of either your own death or physical injury or the death or physical injury of a family member

For the complete definition of this crime, see Alaska Statute 11.41.270 on page 5 of the instructions.

INSTRUCTIONS FOR REQUESTING A PROTECTIVE ORDER AGAINST STALKING

- Step 1. Fill out the following forms:
a. *Petition (CIV-752)*
b. *Request for Service of Protective Order Documents (DV-125)*
c. *Law Enforcement Information Sheet (DV-127)*
See instructions on pages 2-4. If you need help, a court clerk can help you.
- Step 2. Take the forms to the clerk's office at the nearest court. There is no fee for filing them. Some courts will also allow you to file them by fax.
- Step 3. If you are requesting an immediate 20-day "ex-parte" order, a judge will review your petition soon after you file it and decide whether to issue the 20-day order. The judge may need to ask you questions about your petition in a short hearing.
- Step 4. If the judge decides to issue the 20-day order, the order must be served on (delivered to) the person who is stalking you (called "the respondent") by a peace officer.

Note if the Respondent is Outside Alaska: The Alaska State Troopers will not serve the order outside Alaska, nor will they send it to an outside police agency for service. If you want the order served on the respondent outside Alaska, you can call State Trooper Judicial Services in Anchorage at (907) 264-0699 and ask for the name, address and any fees charged by a local sheriff or process server in the area in which the respondent is located. You can then send two certified copies of the order with any fees for service to the officer in the other state.

- Step 5. If you request a long-term (6-month) order, the court will schedule a hearing to be held before the 20-day order expires. Both you and the respondent will be given a chance to speak at this hearing. You must attend the hearing and explain why you want the order, or no long-term order will be issued.

Court Hearings

The court will notify you of any hearings in your case. You may ask to participate by telephone rather than in person (for example, if you do not want to be in the same room with the respondent).

Modification and Dismissal

After the court issues the protective order, you can ask the court to change (modify) or dissolve the order. So can the respondent. Use form DV-135, *Request to Modify or Dissolve Protective Order* (available at the clerk's office).

To decide most of these requests, the court will be required to hold a hearing. Both you and the respondent may appear and participate in these hearings.

Fill in the top of the form as shown in the following illustration:

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA	
AT <u>City Where Court is Located</u>	
)	
<u>Your Full Legal Name</u>	
Petitioner	Date of Birth <u>Your DOB</u>
)	
v.	
)	
<u>Stalker's Full Legal Name</u>	
Respondent	Date of Birth <u>Stalker's DOB</u>
)	
)	
CASE NO. _____	
PETITION FOR STALKING PROTECTIVE ORDER	

Print clearly, using black ink.

1. Which Type of Order To Request. Check the appropriate box or boxes in section 1.
 - a. 20-Day. Check the first box if you want an immediate 20-day "ex parte"¹ order. An ex parte order is an order the court can grant without first giving the respondent notice of your request and an opportunity to contest it. An ex parte order will be effective for 20 days unless the court dissolves or modifies it sooner. If you check the first box, you must also check one of the two boxes indented after it, explaining any efforts you have made to notify the respondent that you are requesting a protective order.
 - b. Long-Term. Check the second box if you want a long-term protective order. A long-term order can only be granted after the respondent is given notice of your request and an opportunity to contest it at a court hearing. The respondent must receive notice of the hearing at least 10 days before the hearing. The long-term order will last for six months.
 - c. Both. If you want both the immediate protection of a 20-day order and the longer term protection of a long-term order, check both boxes.
2. In section 2, describe how you know the respondent, if you know the respondent at all.
3. In section 3, check the box or boxes that fit your situation.
4. Description of Respondent's Conduct. In section 4, describe what the respondent has been doing that frightens you. Include dates and places. Describe how respondent's conduct qualifies as "repeated acts of nonconsensual conduct". (See the definition of stalking on page 5.)

¹ "Ex parte" is a Latin expression, meaning from one side only of a dispute, without notice to the other party.

“Nonconsensual contact” means any contact with you without your consent. Some examples are:

- a. following or appearing within your sight
- b. approaching or confronting you in a public place or on private property
- c. appearing at your workplace or residence
- d. entering onto or remaining on property that you own, lease, or occupy
- e. contacting you by telephone
- f. sending mail or electronic communications to you
- g. placing an object on, or delivering an object to, property that you own, lease, or occupy

AS 11.41.270(b)(3)

5. In section 5, describe why respondent’s conduct frightens you.
6. Things To Request. In section 6, check the boxes and fill in the blanks for all the provisions you want the judge to include in your protective order.
7. Respondent's Information. Fill in as much of this information about the respondent as you know. The court needs respondent's mailing address and telephone numbers so the court can send paperwork to him/her and notify him/her about hearings.
8. Petitioner's Information.

If possible, you need to fill in an address where the court can send paperwork to you. **Do not fill in the actual physical address where you are staying if you think it might be dangerous for the respondent to know where you are.** Instead, give a message address (for example, a friend's address) where you can be sure you will quickly receive any papers the court sends to you.

The court also needs a phone number where you can be reached or where messages can be left for you. List a number it is all right for the respondent to know (since the respondent will get a copy of your petition).

If there is no phone number or address that can safely be revealed to the respondent, ask the clerk how you can provide the information so that it will be kept confidential and not revealed to the respondent.

Signature Section.

Your signature on the petition must be notarized. Do not sign the petition until you are in front of a notary public or a court clerk. A court clerk can notarize the petition for you at no charge.

How To Fill Out Forms For Serving the Order on Respondent

You must fill out the following two forms so the court's order and other paperwork can be served on (delivered to) the respondent by a peace officer:

DV-125, Request For Service of Protective Order Documents

Fill in your name and the respondent's name. The clerk will fill in the rest.

DV-127, Law Enforcement Information Sheet

Fill in everything on this form. This is a confidential document which will be given to the police to help them serve court orders on the respondent and then enforce those orders. Pursuant to Civil Rule 65.1, access to this form will be limited to the petitioner and court personnel.

The police need this information in order to find the respondent and in order to be as safe as possible when they contact the respondent. So, please provide as much information as you can on this form. If the police cannot locate the respondent, they cannot serve the order.

The police also need to be able to contact you.

Alaska Statutes

AS 11.41.270 Stalking in the Second Degree.

(a) A person commits the crime of stalking in the second degree if the person knowingly engages in a course of conduct that recklessly places another person in fear of death or physical injury, or in fear of the death or physical injury of a family member.

(b) In this section,

- (1) "course of conduct" means repeated acts of nonconsensual contact involving the victim or a family member;
- (2) "family member" means a
 - (A) spouse, child, grandchild, parent, grandparent, sibling, uncle, aunt, nephew, or niece, of the victim, whether related by blood, marriage, or adoption;
 - (B) person who lives, or has previously lived, in a spousal relationship with the victim;
 - (C) person who lives in the same household as the victim; or
 - (D) person who is a former spouse of the victim or is or has been in a dating, courtship, or engagement relationship with the victim;
- (3) "nonconsensual contact" means any contact with another person that is initiated or continued without that person's consent, that is beyond the scope of the consent provided by that person, or that is in disregard of that person's expressed desire that the contact be avoided or discontinued; "nonconsensual contact" includes
 - (A) following or appearing within the sight of that person;
 - (B) approaching or confronting that person in a public place or on private property;
 - (C) appearing at the workplace or residence of that person;
 - (D) entering onto or remaining on property owned, leased, or occupied by that person;
 - (E) contacting that person by telephone;
 - (F) sending mail or electronic communications to that person;

(G) placing an object on, or delivering an object to, property owned, leased, or occupied by that person;

(4) "victim" means a person who is the target of a course of conduct.

(c) Stalking in the second degree is a class A misdemeanor.

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

_____))
_____))
Petitioner Date of Birth _____))
_____))
v. _____))
_____))
Respondent Date of Birth _____))
_____))

CASE NO. _____

PETITION FOR
STALKING PROTECTIVE ORDER

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

1. I am requesting (check all that apply)

a 20-day protective order. (This order, called an "ex parte" order, can take effect immediately without prior notice to the respondent.)

I understand that I can get a 20-day order without prior notice to the respondent. However, the law requires that I tell the court about any efforts I have made to notify the respondent. I certify that I

have not tried to notify the respondent that I am filing this petition.
 notified or tried to notify the respondent as follows: _____

a long-term protective order. (This order can only be issued after notice to the respondent and a court hearing. This order will last for six months, unless the court ends it sooner.)

NOTE: If there is any chance you might need protection for more than 20 days, you should request both a long-term order and a 20-day order. To do this, check both boxes.

2. The respondent is a former friend neighbor classmate
 co-worker client or former client _____
Describe _____

I do not know and have never been acquainted with the respondent

3. Respondent has been stalking me as described below and this conduct has placed me in fear of:

death or physical injury to me.
 the death or physical injury of the following family member of mine:

Name of family member:
Relationship to me:

4. Description of respondent's conduct. (Explain what respondent is doing, including when,

a. respondent not to follow, approach, confront, watch or stalk me in any other way or threaten to do so.

b. respondent not to contact me by telephone, e-mail or U.S. mail or otherwise communicate directly or indirectly by any means with me or the following members of my household:

c. respondent to stay away from my residence.
Is this also respondent's current residence? yes no

Respondent's residence is unknown to me

within my apartment complex or neighborhood

approximately _____ feet/miles from my residence

Describe: _____

d. respondent to stay away from my school.
Name and location of school:* _____

Is this also respondent's school? yes no

e. respondent to stay away from my place of employment. Name and location of place of employment:* _____

Is this also respondent's place of employment? yes no

If yes, list the hours respondent works (if known) _____

f. respondent to stay away from the following places frequented by me:

* You do not have to provide this information if you do not want the respondent to know the location of your school or place of employment.

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

Respondent's Mailing Address: _____

Respondent's Home Phone: _____ Work Phone: _____

- 8. Petitioner Information. [The court needs your mailing address in order to send court papers, including notices of hearing, to you. If you believe you may endanger yourself by giving your mailing address, write a "message" address where you can be sure you will receive court papers. **If you do not have an address and telephone number that can safely be revealed to the respondent, ask the court clerk how you can provide this information so that it will be kept confidential and not revealed to the respondent.** Civil Rule 65.1]

My mailing/message address is: _____
Street or Box No. City State Zip

My message phone: _____

My full legal name: _____

Any nicknames or other names: _____

Date

Petitioner's Signature

Print Name

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

On _____
(date)

(SEAL)

Clerk of Court, Notary Public or other person
authorized to administer oaths

My commission expires: _____

REQUEST FOR SERVICE OF PROTECTIVE ORDER DOCUMENTS

Court Case No. _____

Court Location _____ Fax # _____

Police Case No. _____

Petitioner's Full Name _____

Respondent's Full Name _____

Please immediately serve the following documents on the respondent. The court hearing on this is scheduled for _____

- Petition and Ex Parte Protective Order (20-Day Order)
- Order Extending Ex Parte Protective Order
- Petition and Notice of Hearing
- Notice of Hearing
- Protective Order (long-term)
- _____

A return of service must be filed with or faxed to the court listed above before the hearing.

RETURN OF SERVICE

I hereby certify that I

served the above-listed documents on the respondent named above by handing to and leaving a true and correct copy with him her; and

turned custody of the minor child(ren) _____ over to ; _____

evicted respondent from petitioner's residence at ; _____

personally at _____

(address, street number, rural route, milepost, etc.)

in _____, Alaska on _____, at _____ .m.

did not serve the above-listed documents on the respondent named above because

Return Date

Signature

Print Name and Title

Distribution: 1. Original to law enforcement agency with jurisdiction over place respondent is located.
2. Copy to court file.

LAW ENFORCEMENT INFORMATION SHEET
(Confidential)

[Note: The DV-125 Request For Service must also be filled out.]

Notice To Petitioner. You must supply the respondent's name and birth date, if known. Fill in as much of the other information as you can to help the police locate the respondent. This information will NOT be given to the respondent.

Notice To Law Enforcement. This information is confidential and is supplied to assist you in serving the protective order. The petitioner needs to be notified if you are unable to serve the order. After serving (or failing to serve the order), you MUST complete the return of service section of DV-125.

Petitioner Information

Name: _____
Residence Address: _____
Contact Address or Phone (Confidential): _____

Respondent Information

Name: _____ Date of Birth: _____
SSN _____ ID/Driver's License No. _____
Sex _____ Race _____ Height _____ Weight _____ Hair _____ Eyes _____
Nickname or Street Name: _____
Scars/Marks/Tattoos: _____ Facial Hair: _____
Home Address: _____ Home Phone: _____
Work Address: _____ Work Phone: _____
Friends/Relatives/Hangouts: _____

Where do you think respondent is now? _____
Vehicle Year: _____ Make/Model: _____ Color: _____
Vehicle License Number: _____ State: _____
Additional Information (Pending Court Dates? On Probation?): _____

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)? _____

Distribution: Original to Police. If the court retains a copy, it must be kept confidential.