



*Alaska Network on Domestic Violence and Sexual Assault  
Legal Advocacy Project*

---

**The Impact of Domestic Violence on  
Your Legal Practice: Current Issues and  
Federal/State Laws**

Thursday, March 25, 1999

9:30 AM – 5:00 PM

&

Friday, March 26, 1999

8:30 AM – 3:30 PM

Hilton Hotel  
Anchorage, Alaska

*Presented in cooperation with the  
Alaska Bar Association*

This CLE program #1999008 has been approved by the  
Alaska Bar Association for 9.75 CLE CREDITS

# AGENDA

Thursday, March 25th

9:30 – 10:15 AM

**Welcome and Introduction to the  
ANDVSA Pro Bono Project**  
*Seth Eames*  
*Christine McLeod Pate*

10:15 – 11:15 AM

**Basic Nuts and Bolts of Child Custody Divorce Cases  
Involving Domestic Violence**  
*Michael Gershel*  
*Keith Levy*  
*Allison Mendel*  
*Christine McLeod Pate*

Interim Orders– protections for victims of domestic violence; child custody factors including recent Alaska case law; child support guidelines; effectively working with guardians ad litem and child custody investigators; visitation in proceedings involving domestic violence; and sample pleadings and affidavits.

11:15 – 11:30 AM

**Break**

11:30 AM – 12:30 PM

**Basic Nuts and Bolts of Child Custody Divorce Cases  
Involving Domestic Violence**  
*Michael Gershel*  
*Keith Levy*  
*Allison Mendel*  
*Christine McLeod Pate*

Settling cases and use of mediation; trial strategy including expert witnesses and documentary evidence of domestic violence; modification of child custody or visitation; interstate custody disputes and the UCCJEA.

12:30 – 2:00 PM

**Lunch on your own**

2:00 – 3:30 PM

**Confidentiality Concerns for Victims of Domestic Violence  
and Alaska's Protective Order Process**  
*Robin Bronen*  
*Stephanie Leib Migdal*  
*Kari Robinson*

Alaska's confidentiality statute protecting communications between victims of domestic violence and sexual assault and program advocates; safety issues during child custody and divorce proceedings; what information to keep confidential; and Alaska's protective order process.

3:30 – 3:45 PM

**Break**

3:45 – 5:00 PM

**Working with Domestic Violence Advocates  
And Other Resources**  
*Stephanie Leib Migdal*

What is domestic violence? What is the role of an advocate? Support issues faced by domestic violence victims and effectively assisting victims to access services.

# AGENDA

Friday, March 26th

8:30 – 9:30 AM

**A Survey of Recent State and Federal Laws Affecting  
Victims of Domestic Violence and Sexual Assault**

*Kari Robinson*

1994 Federal Violence Against Women Act; Full Faith & Credit Mandate; Firearms and Domestic Violence; and Alaska's 1996 Domestic Violence Prevention & Victims Protection Act.

9:30 – 11:00 AM

**Parental Abduction, The PKPA and New UCCJEA**

*Andy Harrington*

Initial child custody jurisdiction under the UCCJEA-home state jurisdiction priority; exclusive continuing jurisdiction; and jurisdiction to modify child custody determination. Significant protections of Alaska's UCCJEA relating to domestic violence including temporary emergency jurisdiction; inconvenient forum; jurisdiction declined by reason of conduct; and information to be submitted to the court.

11:00 – 11:15 AM

**Break**

11:15 AM – 12:15 PM

**Effectively Screening Clients. Interviewing and  
Safety Planning with a Victim of Domestic Violence**

*Shelley Owens*

Client interview; safety at home, at work and in court.

12:15 – 1:45 PM

**Lunch on your own**

1:45 – 3:15 PM

**Immigration Issues Affecting Immigrant  
Survivors of Domestic Violence**

*Robin Bronen*

Undocumented women; conditional permanent resident; lawful permanent resident; and U.S. citizen. Violence Against Women Act provisions to protect battered immigrant women & children including self-petition for undocumented battered women. Power and control tactics used against immigrant women.

3:15 – 3:30 PM

**Conference Closing**

# TABLE OF CONTENTS

## **ALASKA NETWORK ON DOMESTIC VIOLENCE & SEXUAL ASSAULT (ANDVSA) PRO BONO MENTORING PROJECT**

Summary of Legal Advocacy Project Pro Bono Mentoring Project	1
Brochure of Legal Advocacy Project	3
ANDVSA Program List	5
ANDVSA Philosophy	7

## **BASIC NUTS AND BOLTS OF CHILD CUSTODY DIVORCE CASES INVOLVING DOMESTIC VIOLENCE**

Interim Orders & Custody Materials	11
Sample Motion for Temporary Orders	13
Sample Complaint for Custody	23
Petition for Award of Child Custody AS 25.20.060	27
Visitation in Proceedings Involving Domestic Violence AS 25.20.061	29
Modification of Child Custody or Visitation AS 25.20.110	33
Article: Supervised Visitation and Family Violence	35
Article: The Impact of Spouse Abuse on Children and Its Relevance in Custody and Visitation Decisions in New York State	59
Article: Identifying the Assaultive Husband in Court: You Be the Judge	91
Civil Rights Remedy for Gender-Motivated Violence	95

---

Settling Cases and the Use of Mediation	101
Custody Settlement Issues	107
Property Settlement Issues	109
Sample Property, Child Custody, and Child Support Agreement	111
Civil Rule 100. Mediation and Other Forms of Alternative Dispute Resolution	125
AS 18.66.130 Specific Protective Orders	127
AS 25.20.080 Mediation of Child Custody Matter	129
AS 25.24.060 Mediation	131
AS 25.24.140 Orders During Action	133

## **MEDIATION MATERIALS**

Mediation Checklist	137
Interview Questions for a Mediator	143

# TABLE OF CONTENTS

## MEDIATION MATERIALS

Report from the Toronto Forum on Woman Abuse and Mediation	147
The Ability to Mediate & Equity in Mediation Process	185
Article: Gentle Jeopardy: The Further Endangerment of Battered Women and Children in Custody Mediation	187
What is Mediation?	195
Judges Should Not Mandate Mediation in Cases Where Family Violence Has Occurred	199
Model Code on Domestic & Family Violence-Mediation	203

## CONFIDENTIALITY CONCERNS FOR VICTIMS OF DOMESTIC VIOLENCE AND ALASKA'S PROTECTIVE ORDER PROCESS

### CONFIDENTIALITY

AS 18.66.200-250 Confidential Communications	209
Legislative History Materials on AS 18.66.200-250	213
AS 25.20.060 Petition for Award of Child Custody (Address and Telephone Number Be Kept Confidential)	219
AS 25.27.275 Nondisclosure of Information in Exceptional Circumstances (CSED)	221
Policy Change Makes it Easier for a Battered Woman to Obtain New Social Security Number	223
Article: Recognizing and Protecting the Privacy and Confidentiality Needs of Battered Women	229

### ALASKA'S PROTECTIVE ORDER PROCESS

AS 18.66.100-180 Protective Orders	249
AS 18.66.990 Definitions	255
AS 18.65.530 Mandatory Arrest For Crimes Involving Domestic Violence, Violation of Protective Orders, and Violation of Conditions of Release	257
AS 11.56.740 Violating a Protective Order	259
Memorandum Opinion and Judgment from Court System Lawsuit Authorizing Three Separate Types of Domestic Violence Protective Orders	261
Protective Order Booklet on Out-of-State Enforcement	281

# TABLE OF CONTENTS

## **WORKING WITH DOMESTIC VIOLENCE ADVOCATES AND OTHER RESOURCES**

Power and Control Wheels	295
Equality Wheel	299
Types of Domestic Violence	301
Continuums of Family Violence	303
Social and Environmental Abuse	305
Domestic Violence Resource Network	307

## **A SURVEY OF RECENT STATE AND FEDERAL LAWS AFFECTING VICTIMS OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT**

Federal Laws: 1994 Violence Against Women Act	315
1996 Domestic Violence Prevention and Victim Protection Act	367

## **PARENTAL ABDUCTION, THE PKPA AND NEW UCCJEA**

Alaska's Uniform Child Custody Jurisdiction & Enforcement Act	419
UCCJEA with Prefatory Note and Comments	435
Alaska Rulings Partially Superseded by the UCCJEA	509
Article: The ABC's of the UCCJEA: Interstate Child-Custody Practice Under the New Act	515
Article: Child Custody and Full Faith & Credit	533

## **EFFECTIVELY SCREENING CLIENTS. INTERVIEWING AND SAFETY PLANNING WITH A VICTIM OF DOMESTIC VIOLENCE**

Personalized Safety Plan for Victims of Domestic Violence	561
Domestic Violence Safety Plan	565
Multidisciplinary Responses to Domestic Violence	571

## **IMMIGRATION ISSUES AFFECTING IMMIGRANT SURVIVORS OF DOMESTIC VIOLENCE**

Power & Control Tactics Used Against Immigrant Women	579
Immigration Materials	583
Creative Use of Protection Orders in Battered Immigrant Cases	595

# TABLE OF CONTENTS

## **OTHER RESOURCE MATERIALS**

Internet Sites

621