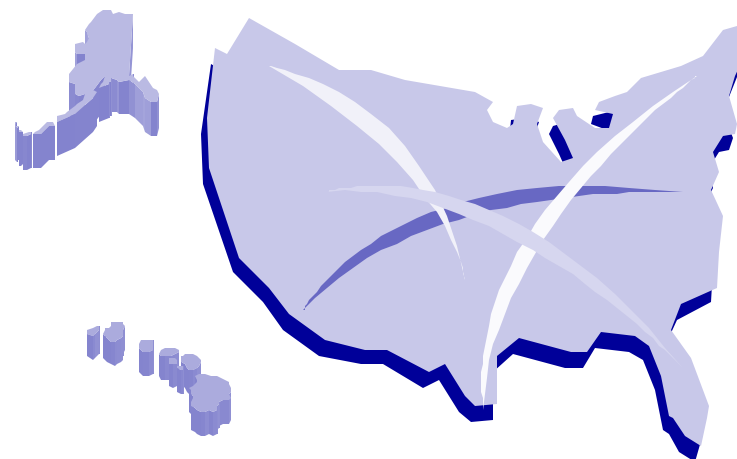


ALASKA'S DOMESTIC VIOLENCE & SEXUAL ASSAULT PROGRAMS

Program	Location	Local Phone Line	Toll Free
AVV	Valdez	(907) 835-2999	1-800-835-4044
AWAIC	Anchorage	(907) 272-0100	*
AWARE	Juneau	(907) 586-1090/TTY	1-800-478-1090/
AWIC	Barrow	(907) 852-0267	1-800-478-0267
AWRC	Anchorage	(907) 276-0528/TTY	
BSWG	Nome	(907) 443-5444	1-800-570-5444
CFRC	Cordova	(907) 424-4357	1-866-790-4357
IAC	Fairbanks	(907) 452-7273	1-800-478-7273
KWRCC	Kodiak	(907) 486-3625	*
LeeShore Center	Kenai	(907) 283-7257	*
MFCC	Kotzebue	(907) 442-3969	1-888-478-3969
SAFE	Dillingham	(907) 842-2316	1-800-478-2316
SAFV	Sitka	(907) 747-6511	1-800-478-6511
SCS	Seward	(907) 224-3027	1-888-224-5257
SPHH	Homer	(907) 235-8943	1-800-478-7712 8:30-5pm
STAR	Anchorage	(907) 276-7273 (907) 278-9988/TTY	1-800-478-8999
TWC	Bethel	(907) 543-3456	1-800-478-7799
USAFV	Unalaska	(907) 581-1500	1-800-478-7238
NISH	Ketchikan	(907) 225-9474	1-800-478-9474

Domestic Violence Protective Orders:



How to Get Out-of-State Enforcement

Your Protective Order is Enforceable Anywhere in the United States

This is a publication of the Alaska Network on Domestic Violence & Sexual Assault's Legal Advocacy Project (907) 586-5643

Special thanks to the Kentucky Domestic Violence Association for permission to adapt their brochure on Domestic Violence Protective Orders and Out-of- State Enforcement.

This project was supported by Grant No. 00-WF-VX-0002 awarded by the Violence Against Women Grants Office, Office of Justice Programs, U.S. Department of Justice. Points of view in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

December 2005

The laws in this area have changed rapidly. Always check with an advocate to make sure you have the most current information. The information in this booklet is current as of December 2005.

THE VIOLENCE AGAINST WOMEN ACT Makes it Possible to Get Your Domestic Violence Protective Order Enforced in Other States

The Violence Against Women Act is a law that was passed by Congress in 1994. It says that all state and tribal courts shall enforce protective orders no matter which court or which state issued the order. All protective orders are good anywhere in the United States as long as they meet the following conditions:

- ?? The court order was given by a judge or magistrate after a person who was abused by a family or household member filed a petition with the court asking for protection;
- ?? The court that issued the order had jurisdiction over the people and case;
- ?? The abuser had notice of the order and had a chance to go to court to tell his/her side of the story;
- ?? In the case of emergency orders, the abuser will have a chance to go to court to tell his/her side of the story at a scheduled hearing.

Each state must enforce out-of-state protective orders in the same way it enforces its own orders, and also apply the same penalties that it applies to its own orders. This is also referred to as “full faith and credit.” This pamphlet gives you general information about how to get your protective order enforced in a state other than the one that granted the order. It also gives you specific information about how to get your order enforced in Alaska.

IMPORTANT PHONE NUMBERS

Court Clerk

Enforcing State _____

Issuing State _____

Domestic Violence/Sexual Assault Program/ Hotline

Enforcing State _____

Issuing State _____

State Police

Enforcing State _____

Issuing State _____

Local Police

Enforcing State _____

Issuing State _____

Attorney

Enforcing State _____

Issuing State _____

**NATIONAL DOMESTIC VIOLENCE HOTLINE
(24 HOURS) 1-800-799-SAFE (7233)
1-800-787-3224 (TTY)**

What if the Court That Issued My Order Contacts Alaska and Says That My Order Has Been Changed or is Not Good?

If the court in Alaska gets notice from the state that gave you the protective order that your order has been changed in some way, the court in Alaska will notify you. If your order has been changed without your knowledge, you will have to go back to the state that gave you the order to do something about it. You may need an attorney or an advocate to help you. If your order has been revoked, you cannot have it enforced by law enforcement in Alaska. The Alaska court clerk or an advocate can explain how to get a protective order in Alaska.

GETTING DOMESTIC VIOLENCE PROTECTIVE ORDERS ENFORCED IN OTHER STATES

How Do I Get My Domestic Violence Protective Order Enforced by Another State?

Court orders from other states are often referred to as “foreign” orders. The federal law does not require you to take any special steps to get your protective order enforced in another state, but many states have laws or regulations (rules) about enforcement of out-of-state orders. These rules differ from state to state, so it is important to find out what the rules are before you try to get your protective order enforced in another state. For example, a state may require you to “register” or file your order so that the court and the police know about it. Some states have rules that require them to notify the abuser if you register your order in that state. *Although knowing the state rules can make enforcement easier, filing and/or registration is not required under the federal law for enforcement of a valid unexpired domestic violence protective order.* A domestic violence protective order is enforceable on its face regardless of whether it has been registered or filed in the new state. *It is important to keep a copy of your protective order with you at all times.* It is important to know the rules of states you will be living in or visiting, so you can make a good decision about how to get your order enforced and whether or not you should register it in that state.

How Can I Find Out What the Rules Are in Another State?

?? Before you move to or visit another state, you can call a domestic violence program in that

state and ask what their laws are for enforcing out of state orders and what assistance they can provide you in helping you get your order enforced in that state.

- ?? If you do not know how to contact a domestic violence program in your area, or in the area that you are planning to travel to, call the **National Domestic Violence Hotline at 1-800-799-7233**. Phone numbers for Alaska domestic violence/sexual assault programs are listed at the end of this booklet.
- ?? The court clerk, the local prosecutor, or the United States Attorney located in your area may also be able to help you.

Do I Need to Get Someone to Help Me Get My Order Enforced in Another State?

It is not necessary to have anyone assist you in getting your order enforced in another state. However, since this is a new law there are still many people who do not know about it, and you may want to contact an attorney or an advocate from a domestic violence program. Advocates for victims of domestic violence and sexual assault know the laws and rules about getting orders enforced and they know how the court system works. In Alaska, each domestic violence/sexual assault program has a designated legal advocate who is knowledgeable about laws that affect battered women. You may also want to hire an attorney, but in most instances an advocate will be able to assist you. In some places, it may be difficult to get your out-of-state order enforced without an advocate.

Alaska protection orders). It is important to get a copy of your file stamped order and keep a copy on your person at all times, in case there is any delay in the order getting entered into the Alaska Central Registry for Protective Orders.

Once I File My Out-of-State or Tribal Order, How Do I Get it Enforced by Local Law Enforcement or State Troopers in Alaska?

1. Immediately call any local law enforcement agency or state trooper office if the abuser violated the order.
2. When the police get there, you should show them a copy of your filed order. They will check your order to see whether it has been filed with the Alaska Court System. The officer is required by law to enforce the order just as if it were issued in Alaska.
3. If you do not have a copy of your filed order with you, a local law enforcement officer or state trooper can get the information they need to enforce your order from the Alaska Public Safety Information Network (APSIN). When you file your order with a court clerk's office in Alaska, the State of Alaska will enter the order into the Central Registry for Protective Orders which is contained in APSIN. However, it is still very important that you always have a copy of your filed order with you.
4. If the abuser violates the order and you have not filed it with the Alaska Court System, you should still call a law enforcement agency immediately.

GETTING OUT-OF-STATE DOMESTIC VIOLENCE PROTECTIVE ORDERS & TRIBAL ORDERS ENFORCED IN ALASKA

Can the State Prosecute for a Violation of an Out-of-State or Tribal Order?

Under Alaska statute 11.56.740, only if a copy of your out-of-state or tribal order is filed with the court. However, even if the out-of-state order was not filed with the court, law enforcement may be able to enforce certain parts of the order such as obtaining your personal belongings from the abuser. Law enforcement can make an arrest if the abuser commits another offense (violation of Alaska law) such as assault, trespass, etc. If you are concerned about an abuser tracking down your location from filing the protective order with the court closest to you, contact your local domestic violence/sexual assault program. They can assist in filing the order with another Alaska court and safety planning.

How Do I File My Out-of-State or Tribal Order with the Court System?

Clerks of court (and magistrates in locations lacking a clerk) accept out-of-state and tribal orders for filing. When presented with an out-of-state or tribal order, the clerk reviews it to determine that it is a certified copy and that it appears on its face to be unexpired. As a matter of policy, the clerk will not contact the issuing jurisdiction for more information. The clerk will file stamp the order and assign it an Alaska Court System civil case number. The clerk next will distribute the order to the appropriate local law enforcement agency for entry into the central registry (the same distribution procedure used for

What Things Will I Need to Get My Domestic Violence Order Enforced in a New State?

In most places, you will need a certified copy of your protective order. A certified copy says it is a “true and correct” copy, is signed or initialed by the clerk of court that gave you the order, and usually has some kind of court stamp. If your copy is not a certified copy, call or go to the court that gave you the order and ask for a certified copy. If you have already re-located to a different state and do not have a certified copy, you can request assistance from a court clerk, advocate, or attorney in the new state to get a certified copy from the court that gave you the order. If you are moving to a new state, it may be helpful to take phone numbers for the court clerk in the state that issued the order and the number of the nearest domestic violence program in the new state. Some states maintain computerized registries of protective orders in their state. If the state that gave you the protective order has a registry, try to get the phone number of the registry manager, or the number of the local or state law enforcement agency that has your order on file.

What If My Order is a Temporary Ex-Parte Order and is Only Good for a Short Time?

Temporary ex-parte orders can be enforced by other states just as any regular protective order granted after notice and a hearing, as long as the abuser has been served and the abuser will have the opportunity to have a court hearing set before your temporary order expires.

The state where you are going cannot extend the date of a domestic violence protective order that was issued by another state. If you need to extend

an out-of-state order you will have to contact the state that issued the order and arrange to be at the hearing telephonically or in person. In some states, you may be able to obtain another domestic violence protective order from the state where you have moved.

What Types of Protective Orders Are Available in Alaska?

Three types of protective orders are available to victims of domestic violence/sexual assault in Alaska.

1. Emergency 72-Hour Protective Order This type of order must be requested by a peace officer for you with your permission. The peace officer makes the request to a judicial officer either orally or in writing. The protections granted stay in effect for 72 hours.

2. Ex Parte 20-Day Protective Order This type of order is requested by you, usually with the assistance of an advocate or the court clerk or both. Usually, no prior notice is given to the abuser before the order is granted at a hearing with you present. The protections granted stay in effect for twenty days.

3. Regular Protective Order This type of order is requested by you. It requires both notice to the abuser and a hearing. This order is often called the one year order because protections remain in effect for one year unless modified or dissolved by the court. **However, the part of the order that prohibits the abuser from threatening to commit or committing domestic violence, stalking, or harassment of the victim remains in effect indefinitely unless modified or dissolved by the court.**

Each type of order provides a different type of protection. You can contact an advocate or court clerk to find out more about the protections available in Alaska's protective orders.

Could I Have Problems Getting My Protective Order Enforced in Another State?

There are sometimes problems getting new laws enforced until everyone knows about the law and knows what they are supposed to do to enforce it. Some of the things that might come up include:

?? *State Rules.* Some state rules can put women in danger, such as requiring that the abuser be notified when the protective order is registered.

?? *Lack of Knowledge.* In some states judges, clerks and law enforcement officers may not know about this law. Although all states are required to enforce the federal law, you may need an advocate or attorney to help you.

?? *Confusion.* The law is not clear about whether other states can use the Violence Against Women Act to enforce parts of protective orders dealing with child custody. There are other laws which govern child custody orders: the Uniform Child Custody Jurisdiction Act (UCCJA), the new Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) and the Parental Kidnapping and Prevention Act (PKPA). If your order gives you temporary custody of your children it is very important for you to contact an advocate and/or an attorney to make sure that your order meets the requirements of these laws.