

# Chapter 18.66. DOMESTIC VIOLENCE AND SEXUAL ASSAULT

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## Table of Contents

- Article 01. COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT ..... 2**
  - Sec. 18.66.010. Council on Domestic Violence and Sexual Assault; purpose. .... 2
  - Sec. 18.66.020. Membership, terms, vacancies, and disqualification. .... 2
  - Sec. 18.66.030. Compensation and expenses. .... 3
  - Sec. 18.66.040. Meetings and quorum..... 3
  - Sec. 18.66.050. Duties of the council. .... 3
  - Sec. 18.66.060. Qualifications for grants and contracts. .... 4
- Article 02. PROTECTIVE ORDERS ..... 5**
  - Sec. 18.66.100. Protective orders: eligible petitioners; relief. .... 5
  - Sec. 18.66.110. Ex parte and emergency protective orders. .... 7
  - Sec. 18.66.120. Modification of protective orders..... 8
  - Sec. 18.66.130. Specific protective orders..... 8
  - Sec. 18.66.140. Filing and enforcement of protective orders issued in other states. .... 9
  - Sec. 18.66.150. Forms for petitions and orders; fees..... 9
  - Sec. 18.66.160. Service of process. .... 10
  - Sec. 18.66.170. Notification of law enforcement agencies..... 10
  - Sec. 18.66.180. Civil liability. .... 10
- Article 03. CONFIDENTIAL COMMUNICATIONS ..... 11**
  - Sec. 18.66.200. Compulsory disclosure of communications prohibited..... 11
  - Sec. 18.66.210. Exceptions. .... 12
  - Sec. 18.66.220. Waiver. .... 12
  - Sec. 18.66.230. Inference from claim of privilege; instruction. .... 13
  - Sec. 18.66.250. Definitions..... 13
- Article 04. PROCEDURES AND EDUCATION ..... 14**
  - Sec. 18.66.300. Standards and procedures for health care in domestic violence cases. .... 14
  - Sec. 18.66.310. Continuing education for public employees, court system employees, and for prosecuting authorities. .... 14
- Article 05. DOMESTIC VIOLENCE FATALITY REVIEW TEAMS ..... 15**
  - Sec. 18.66.400. Domestic violence fatality review teams. .... 15

**Article 06. GENERAL PROVISIONS**..... 16

    Sec. 18.66.900. Definitions. [Repealed, Sec. 72 ch 64 SLA 1996]. ..... 16

    Sec. 18.66.990. Definitions..... 17

**Article 01. COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT**

**Sec. 18.66.010. Council on Domestic Violence and Sexual Assault; purpose.**

There is established in the Department of Public Safety the Council on Domestic Violence and Sexual Assault. The purpose of the council is to provide for planning and coordination of services to victims of domestic violence or sexual assault or to their families and to perpetrators of domestic violence and sexual assault and to provide for crisis intervention and prevention programs.

**Sec. 18.66.020. Membership, terms, vacancies, and disqualification.**

(a) The council consists of

- (1) four public members appointed by the governor, one of whom shall be from a rural area; the governor may consult with the Alaska Network on Domestic Violence and Sexual Assault, a nonprofit corporation, in appointing the public members under this paragraph; the Alaska Network on Domestic Violence and Sexual Assault shall submit a list to the governor of persons recommended for appointment;
- (2) the commissioner of public safety or the designee of the commissioner of public safety;
- (3) the commissioner of health and social services or the designee of the commissioner of health and social services;
- (4) the commissioner of education and early development or the designee of the commissioner of education and early development;
- (5) the attorney general or the designee of the attorney general; and
- (6) the commissioner of corrections or the designee of the commissioner of corrections.

(b) The term of office of a public member appointed under (a)(1) of this section is three years. A public member appointed under (a)(1) of this section serves at the pleasure of the governor and may not serve more than two consecutive terms. A vacancy on the council shall be filled for the unexpired term by appointment by the governor. The governor may consult

with the Alaska Network on Domestic Violence and Sexual Assault on an appointment of a public member made under this subsection.

(c) A person who receives compensation from or is an employee of the State of Alaska or a domestic violence, sexual assault, or crisis intervention or prevention program may not be appointed as a public member of the council.

(d) In this section, "rural area" means a community with a population of 7,500 or less that is not connected by road or rail to Anchorage or Fairbanks or with a population of 3,500 or less that is connected by road or rail to Anchorage or Fairbanks.

### **Sec. 18.66.030. Compensation and expenses.**

The members of the council receive no salary but are entitled to transportation expenses and per diem in accordance with [AS 39.20.180](#).

### **Sec. 18.66.040. Meetings and quorum.**

The council shall meet at least four times a year. At least one meeting each year shall include a statewide public teleconference hearing. The time and place of a meeting shall be set by the presiding officer or by three members who submit a written request for a meeting to the presiding officer. Five members of the council constitute a quorum.

### **Sec. 18.66.050. Duties of the council.**

The council shall

- (1) hire an executive director, and the executive director may hire staff; the executive director is in the exempt service under [AS 39.25.110](#) and staff members are in the classified service under [AS 39.25.100](#);
- (2) elect one of its members as presiding officer;
- (3) in consultation with authorities in the field, develop, implement, maintain, and monitor domestic violence, sexual assault, and crisis intervention and prevention programs, including educational programs, films, and school curricula on the cause, prevention, and treatment of domestic violence and sexual assault;
- (4) coordinate services provided by the Department of Law, the Department of Education and Early Development, the Department of Public Safety, the Department of Health and Social Services, the Department of Corrections, and other state agencies and community groups dealing with domestic violence, sexual assault, and crisis intervention and prevention, and provide technical assistance as requested by those state agencies and community groups;
- (5) develop and implement a standardized data collection system on domestic violence, sexual assault, and crisis intervention and prevention;

(6) conduct public hearings and studies on issues relating to violence, including domestic violence and sexual assault, and on issues relating to the role of crisis intervention and prevention;

(7) receive and dispense state and federal money and award grants and contracts from appropriations for the purpose to qualified local community entities for domestic violence, sexual assault, and crisis intervention and prevention programs;

(8) oversee and audit domestic violence, sexual assault, and crisis intervention and prevention programs that receive money under this chapter;

(9) provide fiscal and technical assistance to plan, organize, implement, and administer domestic violence, sexual assault, and crisis intervention and prevention programs;

(10) make an annual report to the governor on the activities of the council, plans of the council for new services and programs, and concerns of the council, including recommendations for legislation necessary to carry out the purposes of this chapter; the council shall notify the legislature that the report is available;

(11) adopt regulations in accordance with [AS 44.62](#) (Administrative Procedure Act) to carry out the purposes of this chapter and to protect the health, safety, well-being, and privacy of persons receiving services financed with grants or contracts under this chapter;

(12) consult with the Department of Health and Social Services in the formulation of standards and procedures for the delivery of services to victims of domestic violence by health care facilities and practitioners of healing arts and personnel in those facilities as required in [AS 18.66.300](#);

(13) consult with the Alaska Police Standards Council and other police training programs in the state to develop training programs regarding domestic violence for police officers and for correction, probation, and parole officers;

(14) consult with public employers, the Alaska Supreme Court, school districts, and prosecuting authorities who are required by [AS 18.66.300 - 18.66.310](#) to provide continuing education courses in domestic violence to employees.

#### **Sec. 18.66.060. Qualifications for grants and contracts.**

A local community entity is qualified to receive a grant or contract under this chapter if it agrees to provide services approved by the council to victims of domestic violence or sexual assault or their families or to perpetrators of domestic violence or sexual assault without regard to ability to pay.

## Article 02. PROTECTIVE ORDERS

### Sec. 18.66.100. Protective orders: eligible petitioners; relief.

(a) A person who is or has been a victim of a crime involving domestic violence may file a petition in the district or superior court for a protective order against a household member. A parent, guardian, or other representative appointed by the court under this section may file a petition for a protective order on behalf of a minor. The court may appoint a guardian ad litem or attorney to represent the minor. Notwithstanding [AS 25.24.310](#) or this section, the office of public advocacy may not be appointed as a guardian ad litem or attorney for a minor in a petition filed under this section unless the petition has been filed on behalf of the minor.

(b) When a petition for a protective order is filed, the court shall schedule a hearing and provide at least 10 days' notice to the respondent of the hearing and of the respondent's right to appear and be heard, either in person or by an attorney. If the court finds by a preponderance of evidence that the respondent has committed a crime involving domestic violence against the petitioner, regardless of whether the respondent appears at the hearing, the court may order any relief available under (c) of this section. The provisions of a protective order issued under

(1) (c)(1) of this section are effective until further order of the court;

(2) (c)(2) - (16) of this section are effective for one year unless earlier dissolved by court order.

(c) A protective order under this section may

(1) prohibit the respondent from threatening to commit or committing domestic violence, stalking, or harassment;

(2) prohibit the respondent from telephoning, contacting, or otherwise communicating directly or indirectly with the petitioner;

(3) remove and exclude the respondent from the residence of the petitioner, regardless of ownership of the residence;

(4) direct the respondent to stay away from the residence, school, or place of employment of the petitioner or any specified place frequented by the petitioner or any designated household member;

(5) prohibit the respondent from entering a propelled vehicle in the possession of or occupied by the petitioner;

(6) prohibit the respondent from using or possessing a deadly weapon if the court finds the respondent was in the actual possession of or used a weapon during the commission of domestic violence;

(7) direct the respondent to surrender any firearm owned or possessed by the respondent if the court finds that the respondent was in the actual possession of or used a firearm during the commission of the domestic violence;

(8) request a peace officer to accompany the petitioner to the petitioner's residence to ensure that the petitioner

(A) safely obtains possession of the petitioner's residence, vehicle, or personal items; and

(B) is able to safely remove a vehicle or personal items from the petitioner's residence;

(9) award temporary custody of a minor child to the petitioner and may arrange for visitation with a minor child if the safety of the child and the petitioner can be protected; if visitation is allowed, the court may order visitation under the conditions provided in [AS 25.20.061](#);

(10) give the petitioner possession and use of a vehicle and other essential personal items, regardless of ownership of the items;

(11) prohibit the respondent from consuming controlled substances;

(12) require the respondent to pay support for the petitioner or a minor child in the care of the petitioner if there is an independent legal obligation of the respondent to support the petitioner or child;

(13) require the respondent to reimburse the petitioner or other person for expenses associated with the domestic violence, including medical expenses, counseling, shelter, and repair or replacement of damaged property;

(14) require the respondent to pay costs and fees incurred by the petitioner in bringing the action under this chapter;

(15) order the respondent, at the respondent's expense, to participate in (A) a program for the rehabilitation of perpetrators of domestic violence that meets the standards set by, and that is approved by, the Department of Corrections under [AS 44.28.020 \(b\)](#), or (B) treatment for the abuse of alcohol or controlled substances, or both; a protective order under this section may not require a respondent to participate in a program for the rehabilitation of perpetrators of domestic violence unless the program meets the standards set by, and that is approved by, the Department of Corrections under [AS 44.28.020\(b\)](#);

(16) order other relief the court determines necessary to protect the petitioner or any household member.

(d) If the court issues a protective order under this section, it shall

(1) make reasonable efforts to ensure that the order is understood by the petitioner and by the respondent, if present; and

(2) have the order delivered to the appropriate local law enforcement agency for expedited service and for entry into the central registry of protective orders under [AS 18.65.540](#) .

(e) A court may not deny a petition for a protective order under this section solely because of a lapse of time between an act of domestic violence and the filing of the petition.

### **Sec. 18.66.110. Ex parte and emergency protective orders.**

(a) A person who is a victim of a crime involving domestic violence may file a petition under [AS 18.66.100](#) (a) and request an ex parte protective order. If the court finds that the petition establishes probable cause that a crime involving domestic violence has occurred, it is necessary to protect the petitioner from domestic violence, and if the petitioner has certified to the court in writing the efforts, if any, that have been made to provide notice to the respondent, the court shall ex parte and without notice to the respondent issue a protective order. An ex parte protective order may grant the protection provided by [AS 18.66.100](#) (c)(1) - (5), (8) - (12), and (16). An ex parte protective order expires 20 days after it is issued unless dissolved earlier by the court at the request of either the petitioner or the respondent and after notice and, if requested, a hearing. If a court issues an ex parte protective order, the court shall have the order delivered to the appropriate local law enforcement agency for expedited service and for entry into the central registry of protective orders under [AS 18.65.540](#) .

(b) A peace officer, on behalf of and with the consent of a victim of a crime involving domestic violence, may request an emergency protective order from a judicial officer. The request may be made orally or in writing based upon the sworn statement of a peace officer, and in person or by telephone. If the court finds probable cause to believe that the victim is in immediate danger of domestic violence based on an allegation of the recent commission of a crime involving domestic violence, the court ex parte shall issue an emergency protective order. In an emergency protective order, the court may grant the protection provided by [AS 18.66.100](#) (c)(1) - (5), (8), (10), (11), and (16). An emergency protective order expires 72 hours after it is issued unless dissolved earlier by the court at the request of the petitioner.

(c) A peace officer who obtains an emergency protective order under (b) of this section shall

(1) place the provisions of an oral order in writing on a form provided by the court and file the written order with the issuing court by the end of the judicial day after it was issued;

(2) provide a copy of the order to the petitioner;

(3) serve a copy of the order on the respondent; and

(4) comply with the requirements of [AS 18.65.540](#) for ensuring that the order is entered into the central registry of protective orders under [AS 18.65.540](#) .

(d) A court may not deny a petition for an ex parte protective order filed under (a) of this section solely because of a lapse of time between an act of domestic violence and the filing of the petition.

### **Sec. 18.66.120. Modification of protective orders.**

(a) Either the petitioner or the respondent may request modification of a protective order. If a request is made for modification of

(1) an ex parte protective order under [AS 18.66.110](#) (a), the court shall schedule a hearing on three days' notice or on shorter notice as the court may prescribe; the court shall hear and rule on the request in an expeditious manner; or

(2) a protective order after notice and hearing under [AS 18.66.100](#) (b), the court shall schedule a hearing within 20 days after the date the request is made, except that if the court finds that the request is meritless on its face, the court may deny the request without further hearing.

(b) If a request for a modification is made under this section and the respondent raises an issue not raised by the petitioner, the court may allow the petitioner additional time to respond.

(c) If the court modifies a protective order under this section, it shall issue a modified order and shall

(1) make reasonable efforts to ensure that the order is understood by the petitioner and by the respondent, if present at the hearing; and

(2) have the order delivered to the appropriate local law enforcement agency for expedited service and for entry into the central registry of protective orders under [AS 18.65.540](#) .

### **Sec. 18.66.130. Specific protective orders.**

(a) If a respondent in a protective order issued under [AS 18.66.100](#) - [18.66.180](#) is prohibited from communicating with the petitioner, excluded from the residence of the petitioner, or ordered to stay away from the petitioner as provided in [AS 18.66.100](#) (c)(2) - (5), an invitation by the petitioner to communicate, enter the residence or vehicle, or have other prohibited contact with the petitioner does not waive or nullify any provision in a protective order.



(b) A court may not grant protective orders against the petitioner and the respondent in the same action under this chapter.

(c) A court may not order parties into mediation or refer them to mediation for resolution of the issues arising from a petition for a protective order under [AS 18.66.100](#) - [18.66.180](#).

(d) In addition to other required information contained in a protective order, the order must include in bold face type the following statements:

(1) "Violation of this order may be a misdemeanor, punishable by up to one year of incarceration and up to a \$5,000 fine";

(2) "If you are ordered to have no contact with the petitioner or to stay away from the petitioner's residence, vehicle, or other place designated by the court, an invitation by the petitioner to have the prohibited contact or to be present at or enter the residence, vehicle, or other place does not in any way invalidate or nullify the order."

(e) A protective order issued under this chapter is in addition to and not in place of any other civil or criminal remedy. A petitioner is not barred from seeking an order under [AS 18.66.100](#) - [18.66.180](#) because of the existence of another civil action between the petitioner and respondent.

#### **Sec. 18.66.140. Filing and enforcement of protective orders issued in other states.**

(a) A certified copy of an unexpired protective order issued in another jurisdiction may be filed with the clerk of court in any judicial district in this state.

(b) A protective order filed in accordance with (a) of this section has the same effect and must be enforced in the same manner as a protective order issued by a court of this state.

(c) When a protective order is filed with the court under this section, the court shall have the order delivered to the appropriate local law enforcement agency for entry into the central registry of protective orders under [AS 18.65.540](#).

#### **Sec. 18.66.150. Forms for petitions and orders; fees.**

(a) The Alaska Court System, after consulting with the Council on Domestic Violence and Sexual Assault and other interested persons and organizations, shall prepare forms for petitions, protective orders, and instructions for their use by a person seeking a protective order under this chapter. The forms must conform to the Alaska Rules of Civil Procedure, except that information on the forms may be filled in by legible handwriting.

(b) In addition to other information required, a petition for a protective order must include a statement of pending civil actions or domestic violence criminal actions involving either the petitioner or the respondent. While a protective order is in effect or a petition for protective order is pending, both the petitioner and respondent have a continuing duty to inform the

court of pending civil actions or domestic violence criminal actions involving either the petitioner or the respondent.

(c) The office of the clerk of each superior and district court shall make available to the public under [AS 18.66.100](#) - [18.66.180](#) the forms a person seeking a protective order under [AS 18.66.100](#) - [18.66.180](#) may need and instructions for the use of the forms. The clerk shall provide assistance in completing the forms and filing the forms.

(d) Filing fees may not be charged in any action seeking only the relief provided in this chapter.

### **Sec. 18.66.160. Service of process.**

(a) Unless, on the record in court, the person has already been provided a copy of the court's order, process issued under this chapter shall be promptly served and executed. If process is to be served upon a person believed to be present or residing in a municipality, as defined in [AS 29.71.800](#), or in an unincorporated community, process shall be served by a peace officer of that municipality or unincorporated community who has jurisdiction within the area of service. If a peace officer of the municipality or unincorporated community who has jurisdiction is not available, a superior court, district court, or magistrate may designate any other peace officer to serve and execute process. A state peace officer shall serve process in any area that is not within the jurisdiction of a peace officer of a municipality or unincorporated community. A peace officer shall use every reasonable means to serve process issued under this chapter. A judge may not order a peace officer to serve a petition that has been denied by the court.

(b) Service of process under (a) of this section does not preclude a petitioner from using any other available means to serve process issued under this chapter.

(c) Fees for service of process may not be charged in a proceeding seeking only the relief provided in this chapter.

### **Sec. 18.66.170. Notification of law enforcement agencies.**

When a court issues or accepts for filing a protective order under this chapter, it shall send a copy of the order to the appropriate local law enforcement agency. Each law enforcement agency shall establish procedures to inform peace officers of protective orders. Peace officers shall use every reasonable means to enforce a protective order issued or filed under this chapter.

### **Sec. 18.66.180. Civil liability.**

A person may not bring a civil action for damages against the state, its officers, agents, or employees, or a law enforcement agency, its officers, agents, or employees for any failure to comply with the provisions of this chapter.

## Article 03. CONFIDENTIAL COMMUNICATIONS

### Sec. 18.66.200. Compulsory disclosure of communications prohibited.

(a) Except as provided in [AS 18.66.210](#) or [18.66.220](#), a victim or victim counselor may not be compelled, without appropriate consent, to give testimony or to produce records concerning confidential communications for any purpose in a criminal, civil, legislative, or administrative proceeding. In this subsection, "appropriate consent" means

(1) the consent of the victim with respect to the testimony of

(A) an adult victim; and

(B) a victim counselor when the victim is an adult;

(2) the consent of the victim's parent, legal guardian, or guardian ad litem with respect to the testimony of a

(A) victim who is a minor or incompetent to testify; and

(B) victim counselor when the victim is a minor or incompetent to testify.

(b) Either party may apply for appointment of a guardian ad litem for purposes of (a)(2) of this section.

(c) A victim or victim counselor may not be compelled to provide testimony in a civil, criminal, or administrative proceeding that would identify the name, address, location, or telephone number of a safe house, abuse shelter, or other facility that provided temporary emergency shelter to the victim of the offense or transaction that is the subject of the proceeding, or the name, address, or telephone number of a victim counselor, unless the court or hearing officer determines that the information is necessary and relevant to the facts of the case.

(d) Notwithstanding (a) of this section,

(1) a minor may waive the privilege provided under (a) of this section and testify or give consent for a victim counselor to testify if the court determines that the minor is capable of knowingly waiving the privilege;

(2) a parent or legal guardian may not, on behalf of a minor, waive the privilege provided under (a) of this section with respect to the minor's testimony or the testimony of a victim counselor if

(A) the parent or legal guardian has been charged with a crime against the minor;

(B) a protective order or restraining order has been entered against the parent or legal guardian on request of or on behalf of the minor; or

(C) the parent or legal guardian otherwise has an interest adverse to that of the minor with respect to the waiver of privilege.

### **Sec. 18.66.210. Exceptions.**

The privilege provided under [AS 18.66.200](#) does not apply to

- (1) reports of suspected child abuse or neglect under [AS 47.17](#);
- (2) evidence that the victim is about to commit a crime;
- (3) a proceeding that occurs after the victim's death;
- (4) a communication relevant to an issue of breach by the victim or victim counselor of a duty arising out of the victim-victim counselor relationship;
- (5) a communication that is determined to be admissible hearsay as an excited utterance under the Alaska Rules of Evidence;
- (6) a child-in-need-of-aid proceeding under [AS 47.10](#);
- (7) a communication made during the victim-victim counselor relationship if the services of the counselor were sought, obtained, or used to enable anyone to commit or plan a crime or to escape detection or apprehension after the commission of a crime; or
- (8) a criminal proceeding concerning criminal charges against a victim of domestic violence or sexual assault where the victim is charged with a crime
  - (A) under [AS 11.41](#) against a minor; or
  - (B) in which the physical, mental, or emotional condition of the victim is raised in defense of the victim.

### **Sec. 18.66.220. Waiver.**

(a) A victim does not waive the protections provided in [AS 18.66.200](#) by testifying except that, if the victim partially discloses the contents of a confidential communication in the course of testifying in a civil, criminal, or administrative proceeding, then either party may request the court or hearing officer to rule that justice requires the protections of [AS 18.66.200](#) to be waived to the extent they apply to that portion of the communication. A waiver under this subsection applies only to the extent necessary to require a witness to respond to counsel's questions concerning the confidential communications that were disclosed and only to the extent that they are relevant to the facts of the case.

(b) A victim counselor may not waive the protections afforded to a victim under [AS 18.66.200](#) without the consent of the victim or the consent of a parent, legal guardian, or guardian ad litem authorized to give consent under [AS 18.66.200](#) .

### **Sec. 18.66.230. Inference from claim of privilege; instruction.**

(a) The claim of a privilege under [AS 18.66.200](#), whether in a present proceeding or upon a prior occasion, is not a proper subject of comment by a judge, hearing officer, legislator, or counsel. An inference may not be drawn from the claim of privilege.

(b) In jury cases, proceedings shall be conducted, to the extent practicable, so as to facilitate the making of a claim of privilege under [AS 18.66.200](#) without the knowledge of the jury.

(c) Upon request, a party against whom a jury might draw an adverse inference from a claim of privilege under [AS 18.66.200](#) is entitled to an instruction that an inference may not be drawn from the claim of privilege.

### **Sec. 18.66.250. Definitions.**

In [AS 18.66.200](#) - 18.66.250,

(1) "confidential communication" means information exchanged between a victim and a victim counselor in private or in the presence of a third party who is necessary to facilitate communication or further the counseling process and that is disclosed in the course of victim counseling resulting from a sexual assault or domestic violence;

(2) "sexual assault" means an offense under [AS 11.41.410 - 11.41.470](#) or an offense in another jurisdiction whose elements are similar to the elements of an offense under [AS 11.41.410 - 11.41.470](#);

(3) "victim" means a person who consults a victim counselor for assistance in overcoming adverse effects of a sexual assault or domestic violence;

(4) "victim counseling" means support, assistance, advice, or treatment to alleviate the adverse effects of a sexual assault or domestic violence on the victim;

(5) "victim counseling center" means a private organization or a local government agency that

(A) has as one of its primary purposes the provision of direct services to victims for trauma resulting from a sexual assault or domestic violence;

(B) is not affiliated with a law enforcement agency or a prosecutor's office; and

(C) is not on contract with the state to provide services under [AS 47](#);

(6) "victim counselor" means an employee or supervised volunteer of a victim counseling center that provides counseling to victims

(A) who has undergone a minimum of 40 hours of training in domestic violence or sexual assault, crisis intervention, victim support, treatment and related areas; or

(B) whose duties include victim counseling.

## **Article 04. PROCEDURES AND EDUCATION**

### **Sec. 18.66.300. Standards and procedures for health care in domestic violence cases.**

(a) The Department of Health and Social Services shall adopt standards and procedures for the delivery of services to victims of domestic violence by health care facilities and practitioners of the healing arts and personnel in those facilities. The standards and procedures shall be formulated in consultation with the Council on Domestic Violence and Sexual Assault, the Department of Commerce, Community, and Economic Development, private agencies that provide services for victims of domestic violence, and persons with expertise in providing health care and other services to victims of domestic violence.

(b) The Department of Health and Social Services shall make available to health care facilities and practitioners of the healing arts and personnel in those facilities a written notice of the rights of victims of domestic violence and the services available to them. The notice shall be substantially similar to the notice provided in [AS 18.65.520\(a\)](#).

(c) The Department of Health and Social Services may adopt regulations to implement and interpret this section.

### **Sec. 18.66.310. Continuing education for public employees, court system employees, and for prosecuting authorities.**

(a) Employers of state or local public employees, including employees of public schools, shall, in consultation with the Council on Domestic Violence and Sexual Assault, provide continuing education in domestic violence for the public employees who are required by law to report abuse or neglect of children under [AS 47.17.020](#).

(b) The administrative director of the Alaska Court System shall, in consultation with the Council on Domestic Violence and Sexual Assault, provide continuing education in domestic violence for judicial officers and court clerks who have contact with parties involved in domestic violence.

(c) The Department of Law and other prosecuting authorities in the state shall, in consultation with the Council on Domestic Violence and Sexual Assault, provide continuing

education in domestic violence for prosecuting attorneys and other employees who have contact with persons involved in domestic violence.

(d) The continuing education required under (a) - (c) of this section must include information on the following subjects:

- (1) the nature, extent, and causes of domestic violence;
- (2) procedures designed to promote the safety of the victim and other household members;
- (3) resources available to victims and perpetrators of domestic violence; and
- (4) the lethality of domestic violence.

## **Article 05. DOMESTIC VIOLENCE FATALITY REVIEW TEAMS**

### **Sec. 18.66.400. Domestic violence fatality review teams.**

(a) The commissioner of public safety may establish domestic violence fatality review teams in areas of the state. A municipality may establish a domestic violence fatality review team in a municipality. When the investigation of fatal incidents of domestic violence and incidents of domestic violence involving serious physical injury has been completed or adjudicated by law enforcement or at an earlier appropriate time, a domestic violence fatality review team may review those incidents for the purpose of preventing domestic-violence-related fatalities, improving the response of law enforcement and other agencies to domestic violence, and providing consultation and coordination for agencies involved in the prevention and investigation of domestic violence. The review may include a review of events leading up to the domestic violence incident, available community resources, current laws and policies, actions taken by agencies and persons related to the incident and persons involved in the incident, and other information the team determines to be relevant to the review. The confidential and other records of a department or agency of the state or a municipality relating to the domestic violence incident may be examined by the domestic violence fatality review team or a member of the team. The domestic violence fatality review team and each member of the team shall preserve the confidentiality of any records examined. In this subsection, "serious physical injury" has the meaning given in [AS 11.81.900](#).

(b) The membership of a domestic violence fatality review team shall be determined by the commissioner of public safety or the municipality, as appropriate. Membership may include representatives from

- (1) law enforcement agencies within the area or municipality;
- (2) the district attorney for the area or municipality and municipal prosecutor if created by a municipality;

- (3) the office of the chief medical examiner;
- (4) the Department of Corrections;
- (5) employees of the Department of Health and Social Services who deal with domestic violence;
- (6) local agencies and organizations involved with crime victim and domestic violence protection, reporting, and counseling and assistance;
- (7) other organizations, departments, and agencies determined to be appropriate.

(c) The victims' advocate under [AS 24.65](#) is an ex officio member of each domestic violence fatality review team created under this section and may attend any meeting and review any information available to or considered by a team.

(d) Except for a public report issued by a domestic violence fatality review team that does not contain confidential information, records or other information collected by a team or any member of a team related to duties under this section is confidential and not subject to public disclosure under [AS 40.25.100](#) and [40.25.110](#). Meetings of a domestic violence fatality review team are closed to the public and are not subject to the provisions of [AS 44.62.310 - 44.62.319](#) (Open Meetings Act).

(e) The determinations, conclusions, and recommendations of a domestic violence fatality review team or its members are not admissible in a civil or criminal proceeding. A member may not be compelled to disclose a determination, conclusion, recommendation, discussion, or thought process through discovery or testimony in a civil or criminal proceeding. Records and information collected by the team are not subject to discovery or subpoena in connection with a civil or criminal proceeding.

(f) Notwithstanding (e) of this section, an employee of a state or a municipal agency may testify in a civil or criminal proceeding concerning cases reviewed by a domestic violence fatality review team even though the agency's records were reviewed by a team and formed the basis of that employee's testimony and the team's report.

(g) A person who serves on a domestic violence fatality review team is not liable for damages or other relief in an action brought by reason of the performance of a duty, function, or activity of the team.

## **Article 06. GENERAL PROVISIONS**

### **Sec. 18.66.900. Definitions. [Repealed, Sec. 72 ch 64 SLA 1996].**

Repealed or Renumbered



## Sec. 18.66.990. Definitions.

In this chapter,

- (1) "council" means the Council on Domestic Violence and Sexual Assault;
- (2) "crisis intervention and prevention program" means a community program that provides information, education, counseling, and referral services to individuals experiencing personal crisis related to domestic violence or sexual assault and to individuals in personal or professional transition, excluding correctional half-way houses, outpatient mental health programs, and drug or alcohol rehabilitation programs;
- (3) "domestic violence" and "crime involving domestic violence" mean one or more of the following offenses or an offense under a law or ordinance of another jurisdiction having elements similar to these offenses, or an attempt to commit the offense, by a household member against another household member:
  - (A) a crime against the person under [AS 11.41](#);
  - (B) burglary under AS [11.46.300 - 11.46.310](#);
  - (C) criminal trespass under [AS 11.46.320 - 11.46.330](#);
  - (D) arson or criminally negligent burning under [AS 11.46.400 - 11.46.430](#);
  - (E) criminal mischief under [AS 11.46.475 - 11.46.486](#);
  - (F) terrorist threatening under [AS 11.56.807](#) or [11.56.810](#);
  - (G) violating a protective order under [AS 11.56.740](#) (a)(1); or
  - (H) harassment under [AS 11.61.120](#) (a)(2) - (4);
- (4) "domestic violence program" means a program that provides services to the victims of domestic violence, their families, or perpetrators of domestic violence;
- (5) "household member" includes
  - (A) adults or minors who are current or former spouses;
  - (B) adults or minors who live together or who have lived together;
  - (C) adults or minors who are dating or who have dated;
  - (D) adults or minors who are engaged in or who have engaged in a sexual relationship;

(E) adults or minors who are related to each other up to the fourth degree of consanguinity, whether of the whole or half blood or by adoption, computed under the rules of civil law;

(F) adults or minors who are related or formerly related by marriage;

(G) persons who have a child of the relationship; and

(H) minor children of a person in a relationship that is described in (A) - (G) of this paragraph;

(6) "judicial day" means any Monday through Friday that is not a state holiday and on which the court clerk's offices are officially opened to receive legal documents for filing;

(7) "local community entity" means a city or borough or other political subdivision of the state, a nonprofit organization, or a combination of these;

(8) "petitioner" includes a person on whose behalf an emergency protective order has been requested under [AS 18.66.110](#) (b);

(9) "sexual assault" means a crime specified in [AS 11.41.410 - 11.41.450](#);

(10) "sexual assault program" means a program that provides services to the victims of sexual assault, their families, or perpetrators of sexual assault.