

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1937

Amending Administrative Rule 40(a)
concerning the removal of certain
domestic violence, stalking, and sexual
assault protective order cases from the
public index.

IT IS ORDERED:

1. Administrative Rule 40(a)(a) is amended to read as follows:

Rule 40. Index to Cases.

(a) The court system shall maintain an index by last name of every party named in every case filed, regardless of whether a party's true name is protected in the public index under paragraphs (b) or (c) of this rule. The index must show the party's name, the case number, the case caption or title, the filing date, the case type, and other information required for that case type by court rule. The index may show the party's date of birth. The court system shall publish a public version of the index, which excludes only

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(9) domestic violence protective order cases that are
(A) dismissed at or before the hearing without an ex parte order
when a petition is filed under AS 18.66.110 on an ex parte petition, or
(B) dismissed at or before the initial hearing when a petition is
filed under AS 18.66.100, the petitioner did not request an ex parte
order under AS 18.66.110, and the court did not hold an ex parte
hearing,
if the case is dismissed because there is not sufficient evidence that the
petitioner is a victim of domestic violence as defined by AS

18.66.990(3) or there is not sufficient evidence that the petitioner is a household member as defined by AS 18.66.990(5);

(10) stalking or sexual assault protective order cases that are

(A) dismissed at or before the hearing without an ex parte order when a petition is filed under AS 18.65.855, on an ex parte petition or

(B) dismissed at or before the initial hearing when a petition is filed under AS 18.65.850, the petitioner did not request an ex parte order under AS 18.65.855, and the court did not hold an ex parte hearing.

if the case is dismissed because there is not sufficient evidence that the petitioner is a victim of stalking as defined by AS 11.41.270 or sexual assault as defined in AS 18.66.990(9); and

* * * *

2. A new note is added to Administrative Rule 40 that reads as follows:

Note to SCO 1937—amending paragraphs (a)(9) and (a)(10): This rule change applies to cases that were dismissed or closed prior to its effective date.

DATED: September 19, 2018

EFFECTIVE DATE: November 1, 2018

/s/
Chief Justice Bolger

/s/
Justice Winfree

/s/
Justice Stowers

/s/
Justice Maassen

/s/
Justice Carney