



Key Legal Updates

March 30, 2020

Court response

All non-essential court hearings are postponed until after May 1, 2020.

Motions involving all cases – essential and non-essential, are still being heard by the trial courts.

Criminal Cases

All jury trials are suspended until after May 1st, with limited criminal cases being deemed essential including felony first appearances, arraignments, bail hearings and change of plea and sentencing hearings.

Bail

The Court of Appeals issued an order stating that the Covid-19 virus was “new information” permitting defendants awaiting trial to get a bail review hearing. This **could** lead to defendants incarcerated awaiting trial to be released, especially for crimes that are less likely to affect the public safety, however it will be up to the trial court to weigh the “health safety risk posed by the continued incarceration of pretrial defendant in crowded correctional facilities with any community safety risk posed by a defendant’s release.” **Karr et al. v. State of Alaska, A-13630/13639/13620, March 24, 2020.**

The Court issued a new presumptive bail schedule which states that bail for DV/SA defendants awaiting arraignment remains the same in that they will not be released prior to arraignment.

Domestic Violence protection orders

Domestic violence, sexual assault and stalking protection orders are essential proceedings and are being heard.

Many courts – including courts in Fairbanks, Bethel and Southeast, are allowing petitioners to e-file petitions or fax petitions. The Court has put together a form to allow petitioners to self-notarize their petitions. See the Alaska Court System website for addresses.

All courts are allowing petitioners to appear telephonically for short and long term hearings. See the Alaska Court system website for court location call-in telephone numbers

Domestic Relations Matters including Child Custody

Domestic relations hearings such as divorce and custody hearings are non-essential hearings. Hearings scheduled prior to May 1st will be rescheduled. The court will hear ONLY emergency child custody matters.

Child custody orders should remain in force unless a party is in mandatory quarantined the other parent is exercising court-ordered custody/visitation. If this happens, the non-quarantined parent should keep the child until the other parent is out of quarantine the quarantined parent should be allowed to get make up time. If a parent tests positive for the virus, the parties should follow the advice of their health care providers. These guidelines are merely guidance, and parties are advised to work together to resolve unique problems and memorialize their agreements in writing if they do.

ANDVSA Legal Help

- The ANDVSA Legal Program remains open for intake. Please send applications to mlowrance@andvsa.org or 907-747-7547.
- The Information and Referral Hotline remains open providing brief legal information to survivors. Next Hotline dates are April 14th – 5-7 pm and April 28th 12-2 pm. **1-888-988-3725.**
- ANDVSA Legal Office Hours by Zoom, every Friday, 1-2pm. Call in with legal updates and to share information about legal trends affecting survivors around the state. <https://zoom.us/j/933379071>