

Alaska Youth Law Guide: A Handbook for Teens and Young Adults

This publication is a public education resource presented by the Alaska Bar Association Law-Related Education Committee to help young Alaskans understand the law and how it may affect them. You will find general information about many of the legal issues teens and young adults are likely to encounter, and some resources for getting more information or assistance. We hope you find it helpful!

Please note that this is a PDF copy of the live version current as of June 2017. The PDF version is published once a year. If you need more updated information, please check the website.

Important Information about Using the Alaska Youth Law Guide

This guide is not a substitute for having a lawyer. It does not provide specific legal advice and you cannot rely on the information presented here to solve a legal problem for you. Every legal problem is different, and there may be something about your situation that makes the general information presented here not applicable to you.

There is no attorney-client relationship between you and the staff of the Alaska Bar Association or the Law-Related Education Committee. You are strongly encouraged to seek the services of an attorney for legal advice and strategy.

The information presented here was accurate to the best of the Committee's knowledge at the time it was posted. However, laws change frequently. Therefore, some of the information you read may be inaccurate or incomplete based on changes in the law since the Guide was written.

Topics

Law Enforcement

- **Encounters with law enforcement:**
 - Stops
 - Searches
 - Arrests and your rights in criminal proceedings
 - Security guards
- **The juvenile justice process:**
 - Informal proceedings
 - Formal proceedings:
 - Pre-adjudication
 - Guardians ad litem
 - Adjudication
 - Disposition
 - Appeal
 - Review
- **Adult criminal proceedings**
- **Reentry: getting help after a prison sentence**
- **If you are a victim of a crime**
- **If you witness a crime**
- **Behaviors that are a crimes:**
 - Shoplifting and theft
 - Leash law violations
 - Vandalism and graffiti
 - Curfew violation
 - Disorderly conduct
 - Assault
 - DUI
 - Breath test refusal
 - Electronic Bullying

Sex, Drugs, and Rock n' Roll

- **Alcohol:**
 - Penalties for drinking or possessing alcohol
 - DUI
 - Other alcohol-related crimes in Alaska
- **Tobacco**
 - E-cigs (coming soon)
- **Narcotics and drugs:**
 - Marijuana
 - Synthetic drugs
 - Seeking medical help for overdose

Entering the “Real World” (Continued)

- **Fraud and Consumer Protection**
- **Housing:**
 - Renting an Apartment
 - Roommates and subleases
 - Living in the Apartment
 - Problems with the apartment
 - Eviction
 - Moving out
 - Public housing
- **Jury duty**
- **Voting**
- **Student Loans & Financial Aid**

Cars and Guns

- **Driving in Alaska:**
 - Kinds of driver's licenses
 - Financial responsibility and mandatory insurance
 - Other laws related to driving
- **Guns, knives, and other weapons**
- **Fireworks**
- **Crossing the Canadian border**
- **Hunting and fishing in Alaska**

Family Life

Family Law Glossary of Legal Terms

- **Marriage**
- **Divorce and dissolution:**
 - Property division
 - Child custody
 - Child support
- **Domestic violence and stalking**
- **Parents' rights and responsibilities:**
 - Duty to support children
 - Right to children's wages
 - Liability for actions of children
- **Ending parental rights and responsibilities:**
 - Emancipation
 - Child in Need of Aid (CINA) procedures:
 - Emergency protective custody
 - Non-emergency temporary custody

- **Sexual Relationships:**
 - Birth control
 - Same-sex relationships
- **Sexual crimes:**
 - Rape or sexual assault
 - Statutory rape; age of consent
 - Sexting
- **Pregnancy:**
 - Abortion, parental consent, and judicial bypass of parental consent requirement
 - Adoption
 - Establishing paternity
 - Child support
- **Tattoos, body piercing, and tanning**

Entering the “Real World”

- **Age of majority and emancipation**
- **Going to work:**
 - Limits on jobs minors can have
 - Minimum wage and overtime
 - Paycheck deductions
 - Social security numbers
 - Getting fired
 - Benefits: breaks, vacation, sick leave
 - Drug, alcohol and lie detector tests
 - Worker’s compensation and unemployment insurance
 - Discrimination and sexual harassment
 - Pregnancy and disabilities
 - Family Medical Leave Act (FMLA)
- **Registering for selective service**
- **Entering the military**
- **Money:**
 - Contracts
 - Bank accounts
 - Credit cards
 - Debit cards
 - Credit reports

- Termination of parental rights
- Rights in CINA cases

- **Guardian ad litem**
- **Reporting child abuse and neglect**
- **Accessing public benefits:**
 - Alaska Temporary Assistance Program (ATAP)
 - Food stamps
 - Denali Kidcare
 - Section 8/Public Housing

School Days

- **Attendance**
- **Physicals/Vaccinations**
- **Rights**
- **Dress Code**
- **Phones & Computers**
- **Privacy & Searches**
- **Discipline:**
 - Types of discipline
 - Discipline procedures
- **Electronic Bullying**

The Courts

- Lawsuits and non-criminal court procedures
- The Right to Appeal
- Youth Court

Resources for Assistance

- Alaska Court System: Family Law Self-Help Center
 - Alaska Legal Services Corporation
 - www.lawhelp.org
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Law enforcement

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Crime and the Criminal Justice System

This section explains important parts of what may happen if law enforcement officials think you have or are committing a crime. Here you can find out when police can stop you, search you, or arrest you, and what your rights are if any of these things happen to you. This section also explains criminal proceedings, beginning with the juvenile justice system. Juvenile justice may be informal or may involve formal proceedings, including the stages of pre-adjudication, adjudication and disposition. But if you are over 18 or if a judge has decided you should be tried in adult court, you will go through adult criminal proceedings which have some important differences from the juvenile justice system. You can find more information about the justice system in Alaska and how it may affect juveniles at www.beforeyouplea.com/ak.

This section also explains some kinds of help you can get if you are the victim of a crime or if you are a witness to a crime. Finally, this section tells you about some kinds of crimes and what behavior can make you guilty of those crimes.

Important Note: In this section, the word “police” or “law enforcement officers” includes city or borough police, Alaska State Troopers, or Village Public Safety Officers (VSPO’s).

Encounters with Law Enforcement

Stops

When can a law enforcement officer stop me or my car?

In Alaska, police can come up to you and talk to you whenever they want to. You can always refuse to talk to them, or walk away. But to “detain you,” which means to prevent you from leaving when you want to leave, police must have a “reasonable, articulable suspicion” that a crime has occurred or that you might be involved in recent serious harm to persons or property. “Reasonable, articulable suspicion” means an officer must have a good reason that he or she can clearly explain to justify the stop. This means that police can’t just stop you on the side of the street at any time and make you talk to them.

Do I have to answer a police officer’s questions?

You must give the police your name and identifying information if they ask. You don’t have to answer other questions. That means you don’t have to answer if the police ask questions like “Where are you kids coming from tonight?” or “Do you know anyone around here?” You don’t have to volunteer any information. You can ask “Am I free to go?” If they say you are free to go, then you can leave.

What are my rights if the police question me?

Police can continue to question you if don’t object and are willing to answer. If police officers say you are not free to go, and ask you more questions, you can ask “Am I under arrest?” If you are under arrest, police must tell you that

- you have the right to remain silent;
- anything you say can be used against you in court;
- you have the right to talk to a lawyer (also called an *attorney*) and have the lawyer with you to help you when police question you; and
- if you cannot afford a lawyer, the court will appoint one for you at public expense.

This information is called the Miranda warning. When a police officer gives you this information, it is called *reading you your Miranda rights*. The information in this section explains what your rights are. [View more information and a card that you can carry with you.](#)

You also have the right to have a parent or other adult present. It is important to tell the police officers that you do want an attorney or your parents to be there for you, because police will stop the questioning until you get an attorney or a parent.

If the police stop me and ask questions, are they recording me?

Most likely, yes. Alaska police officers almost always carry voice recorders in the chest pockets of their uniforms, so your conversation with them is most likely being recorded. They do this to make a record of what you say and what they say, so there is evidence if someone says this questioning happened differently. That means that anything you say to the police (even before they read you your rights) will be recorded, and if you end up going to court, the prosecutors can play it, and ask the jury to consider it to find you guilty of a crime. Because anything you say to a police officer may be eventually played for your lawyer, your parents, a judge, or a jury, you should keep it respectful.

Searches

Do police get to search me whenever they want to?

No. You have the right to be free from what the law calls “unreasonable searches and seizures.” This means that the police can't search your clothing or your things unless it is “reasonable” for them to do so. Generally, the police are allowed to search you:

- if they have your permission;
- if they have a search warrant;
- if there is an emergency;
- if you are under arrest; or
- if they think you have a weapon on you.

The legal rules about searches are complicated, so there are also other situations when police may be allowed to search you. One important thing you should know is that if you consent, police can search anything at all. In other words, if you agree to allow them to search, you give up your right to be free from unreasonable searches. Police officers will often ask you if they can search your things. If this happens, you have the right to say no. The police cannot use your refusal as evidence that you are guilty or that you have something to hide. If you do give your permission, you should be clear about what is okay to search. For example, you could say, “You may search my backpack, but not my body.”

What is a search warrant?

If you don't agree to let the police search you, they may get a *search warrant* that allows them to search you, your backpack, your car, your home, or other places specified in the search warrant. The police have to apply for a search warrant by explaining to a judge, in writing, why they think they need to search you. The judge is responsible for deciding whether the reasons the police give in asking for a search warrant are enough under the law to justify a search of your or your things. If police obtain a search warrant, it should describe specifically what they are allowed to search.

What if the officer wants to search my car or my backpack or my pockets?

If you haven't consented and you think the officer is making an improper search, you should politely object. If the officer says he or she has a search warrant, you have a right to see it and read it. If the officer insists on searching without a warrant and without your permission, you should remain cooperative and polite. Remember as much as you can about what happened and tell your lawyer. If the search was illegal, your lawyer may ask the court to *suppress* anything the officer finds. If a court rules that the search was illegal, any *suppressed* items will probably not be allowed as evidence in court.

Arrests and your rights in criminal proceedings

How do I know if I am under arrest?

If you are **not** allowed to leave, then you are under arrest. If you don't know if you are under arrest, you should politely ask the officer: "Am I under arrest?" If you have been arrested, you can ask the officer what you have been arrested for.

When can the police arrest me?

If a police officer has probable cause to believe that you have just committed a crime, the officer can arrest you on the spot. Probable cause requires only a good reason to think that you have been doing something that is a crime. Usually, to make a legal arrest, the officer must be able to show that at least one of the following is true:

- The officer witnessed you commit or try to commit a crime;
- The officer has a court order to arrest you;
- The officer has probable cause to believe that you have violated conditions of release or probation;
- You have escaped from lawful custody;
- You were lawfully detained by a private citizen;
- You are a runaway or a minor who is abused, abandoned, or in immediate danger.

If the police officer suspects you of committing a crime, a police officer may write up a complaint and bring it to a judge. The judge will decide if there is probable cause to believe that the crime has been committed and that you are the one who committed it. The judge will issue either a summons or an arrest warrant. If the court issues a summons, law enforcement officers will not take you into custody, but you must appear in court on the date and at the time the summons says. If you don't, the court will issue an arrest warrant for you.

If the court issues an arrest warrant, police officers will attempt to find you, take you into custody, and book you into jail. It is important not to try to run or resist the officers when they arrest you. If you do, you could be charged with additional crimes like resisting arrest or assaulting a police officer.

If the police have been investigating you for a crime, especially if the crime is a serious one called a *felony*, the prosecutor could decide to present the evidence against you to a *grand jury* and obtain an *indictment*. An indictment is a determination by a grand jury that there is enough evidence against you for the case to continue. A grand jury is a group of community members who look at the evidence against a suspect and decide if there is probable cause to believe that person committed the crime. If the grand jury decides to indict you, the court will then issue either a summons or an arrest warrant.

What will happen if I am arrested?

If you are arrested, you will be taken to jail and will go through the booking process. Your belongings will be taken from you for safekeeping. You will be allowed to contact an attorney and a friend or family member. Again, the officers may ask to interview you while you are in jail. You do not have to answer their questions. If you clearly request an attorney, the officers must stop questioning you.

Criminal proceedings, including juvenile delinquency proceedings for a person under 18, generally begin with an arrest. Read the links in this section on juvenile justice proceedings or adult criminal proceedings for more information about what will happen after your arrest.

What legal rights do I have if I am arrested?

A person arrested for a crime has legal rights that are intended to make sure the criminal process is fair. If officers want to ask you questions after you are arrested, they must tell you about your rights by giving you information that is called the *Miranda warning*. The exact words of the *Miranda warning* may differ, but the arresting officer must tell you that

- you have the right to remain silent;
- anything you say can be used against you in court;
- you have the right to talk to a lawyer (also called an attorney) and have the lawyer with you to help you when police question you; and
- if you cannot afford a lawyer, the court will appoint one for you at public expense.

These rights are explained more completely below. **You should listen carefully and do your best to remember these rights.** Even if the officers forget to read these rights to you, in some cases, they could still use anything you say against you in court.

Do I have a right to make a phone call?

You have the right to make two phone calls --one to your lawyer and one to a friend or family member.

What does “the right to remain silent” mean?

The *right to remain silent* means that you do not have to answer the officer’s questions or talk to the officer at all. If you do decide to answer the officer’s questions, you are waiving your right to remain silent, and anything you say could be used as evidence against you in a trial in court. This is true even if you have already said that you did not want to answer questions. By voluntarily starting to talk, you are waiving your right to remain silent. But even if you decide at first to talk to the arresting officer, you can change your mind. You can stop talking or answering questions at any time.

What does it mean to “waive my rights?”

The officer may ask you if you wish to *waive* your rights. That is, do you voluntarily choose to give up your rights? You should talk to a lawyer, or to your parents or guardian, before you write anything, sign anything, or waive any of your rights.

If I refuse to talk to the police, won’t I look guilty?

The police **cannot** use your silence against you. This means that they cannot argue in court that you are guilty because you refused to talk to them or answer questions.

What does the right to have a lawyer mean?

If the police ask you questions, you have the right to talk to a lawyer. You can tell the police you want to have a lawyer and a parent or guardian with you when you answer questions. You have the right to

a court-appointed lawyer if you or your family cannot afford a lawyer. You will not have to pay a court-appointed lawyer, but you will have to show the court that you really do not have the money to pay a lawyer.

Asking for a lawyer has an important effect even though the lawyer will probably not meet with you immediately. If you ask for a lawyer, the police must stop talking to you entirely. If you just remain silent, but don't ask for a lawyer, the police can keep talking to you and asking you questions.

If I ask for a lawyer, won't I look guilty?

The fact that you asked for a lawyer cannot be used against you in court. Whether you are guilty or innocent, a lawyer can do many things to help you. A lawyer can steer you through the criminal process and help protect your rights. A lawyer is an expert in the law and the processes that you will go through. The lawyer may think of things that you did not consider. Even if you think you didn't do anything wrong, the process can be confusing and frightening, and it is always a good idea to have someone who understands the processes on your side.

What if my parents want me to talk or refuse to get me a lawyer?

It is your choice whether to follow your parents' advice, but you should think carefully before giving up any of your rights. Your parents may not understand the situation, or you may not agree on what is best for you. You should ask your lawyer whether it is a good idea to answer police questions. If your parents won't get a lawyer for you, you can ask the court to appoint one for free. Even if your parents hire or pay for your lawyer, they cannot tell your lawyer what to do. Your lawyer represents your interests only.

What if I didn't do it or the officer made a mistake in arresting me?

No matter what has happened, don't act angry or rude. Do **not** resist arrest by yelling, cursing, refusing to follow orders, or becoming violent with the officer. Resisting arrest is a separate offense and you could get in trouble for it, even if you didn't do what the arresting officer thinks you did. Officers are allowed to use whatever force is necessary to arrest you. If you resist, you could be injured or even killed. If you think your arrest was illegal, you should tell your lawyer. Your lawyer will advise you about objecting to the arrest later on in court. If you think there was a simple misunderstanding, you can calmly try to explain yourself to the officer. But remember that it may be a good idea to remain silent, since anything you say can be used against you in court.

Security guards

Can a security guard stop, search and arrest me?

Security guards are usually employed by a store or other private business. The security guard patrols or watches the place of business and protects against theft, vandalism, or destruction of goods or property. Security guards have to be licensed in Alaska, but they are not police officers. Still, a security guard can stop and reasonably search you for the same reasons as other law enforcement officials. Security guards can arrest you to recover stolen or shoplifted property.

The juvenile justice process

Will I be treated differently in court if I am under age 18?

If you are under the age of 18, you are considered a *juvenile* for the purposes of criminal proceedings. If you are accused of doing something that would be a crime for an adult, you could be involved in a special court proceeding called a *delinquency* hearing. Juvenile delinquency cases may include the whole range of crimes from shoplifting to murder. A juvenile has many of the same rights as an adult, but the processes for delinquency cases are different than for adult criminal proceedings. This section explains what you can expect at each stage of the juvenile delinquency process and what your rights are during the process. It also gives some tips on what to do and how to act during the process.

What happens in juvenile proceedings?

Like other criminal proceedings, juvenile delinquency proceedings begin with investigation and arrest. Law enforcement officers respond to crimes by trying to find out what happened. The officers may gather evidence and question witnesses and suspects, either before or after they arrest a suspect. Juvenile Probation Officers may also perform some of these tasks.

Why are juvenile proceedings different from adult criminal cases?

In juvenile proceedings, the rules are flexible because the goal is to *rehabilitate*, rather than *punish* the minor who commits a crime. In other words, the primary objective is to guide you back into behaving and living in a way that is socially and legally acceptable. Therefore, the law enforcement and juvenile justice people involved are allowed to be flexible in the decisions they make. For example, a police officer may decide that an act of delinquency is not serious enough to require arrest and may instead give you a warning. However, the officers and the court must also consider public safety, and must work to prevent criminal behavior.

What will an officer do after arresting me?

An officer who arrests you and finds out that you are a juvenile has several options.

- The police officer could release you with a warning or citation. A warning does not require you to do anything else. A citation may require you to either pay a fine or go to court to contest the fine. Citations are most common for minor violations, such as traffic offenses and littering.
- The police officer could release you, but the Division of Juvenile Justice may later file a *petition for delinquency*. If the court decides that there is enough evidence to support the petition, then you will have to go through formal delinquency proceedings.
- The officer could take you into custody and request that the Division of Juvenile Justice detain you. The Division can later release you without taking you to court. The court must hold a hearing within 48 hours after your arrest to decide whether there is probable cause to keep you in custody.

Do my parents have to know if I am arrested?

If you are arrested or adjudicated as a juvenile delinquent, your parents or guardians have the right to know about it. They have a right to attend all court hearings with you and are expected to be present. In some cases, the court may order your parents or guardians to assist in your disposition, probation, or rehabilitation. This can include financial support.

Why are some juveniles treated as adults in criminal proceedings?

Sometimes, juveniles are tried as adults. State law establishes the rules about when juveniles can be tried as adults.

You **will** be tried as an adult if you are 16 or older **and** you have been accused of one of the following serious crimes:

- any unclassified (the most serious kind) felony;
- a Class A felony against a person;
- a Class B felony against a person that involves a deadly weapon if you have committed this offense before;
- first degree arson;
- misconduct involving a weapon in the first degree.

You **will always** be tried as an adult for the following offenses:

- minor traffic offenses,
- offenses relating to tobacco possession or use,
- fish and game violations, and
- offenses related to parks and recreational facilities.

You may be tried as an adult if you are 16 or older **and** you have been accused of any felony against a person. This usually only happens if you have committed similar offenses before. You **may** be tried as an adult for some less serious offenses related to possessing or consuming alcohol, and for offenses related to city curfew violations.

You **may** be tried as an adult for any crime, if the court finds probable cause to believe that you committed the offense **and** that you are *not amenable to treatment*. Not amenable to treatment means that, in the court's opinion, you probably cannot be rehabilitated by the time you turn 20 years old. The court will consider the seriousness of the charged offense, your history of delinquency, the probable causes of your delinquent behavior, and the facilities and programs available for rehabilitation.

Why would I be treated as a juvenile if I've already turned 18?

If you were less than 18 years old when you committed the offense, you may still go through juvenile delinquency proceedings, even though you have turned 18 since then. However, if you are adjudicated delinquent, you could be put in prison with adults instead of in a juvenile facility. If you are 18, your parents or guardians do not have the right to participate in the proceedings and you do not have the right to their financial support. Parents or guardians can attend hearings and assist you if they want to and you agree.

Informal juvenile proceedings

Why are some juvenile justice proceedings informal?

If you are arrested for a crime when you are under 18, you may be eligible for informal proceedings. If you are arrested or accused of an act of delinquency, you will be referred to the Division of Juvenile Justice (DJJ). If you admit committing the offense, the DJJ may choose to handle your case informally without ever going to court. Another possibility, depending on the offense you are charged with, is that you could go through youth court where other teenagers are the lawyers and judges. See Section 7 of this Guide for more information about Youth Court.

What can happen in informal proceedings?

The DJJ could let you go with a warning, or could choose to divert you from the formal court process. This might include community work service, restitution, referral to treatment, and/or informal probation. On informal probation, you could be subject to a curfew, or could be required to attend classes or participate in drug or alcohol assessments. You could be required to perform community service, or pay *restitution*. Restitution could mean paying for something you stole or vandalized, or for a victim's hospital bills or injuries.

Your parents or guardians are usually responsible for helping you complete informal probation. Informal probation typically requires you to stay out of trouble at school and at home, so actions that may not be illegal (such as getting detention at school or being grounded by your parents) could be considered violations of informal probation. Your parents or guardians should discuss your informal probation requirements with you and with DJJ. You and any parents or guardians involved in the process should be sure you understand what DJJ expects while you are on probation.

Informal probation usually lasts 3-6 months, but it may be longer. If you complete all of your probation requirements and don't get into trouble during your probationary period, your case will be over. DJJ will not file a formal delinquency petition in the court.

If I'm guilty, shouldn't I just confess so I won't have to go to court?

It depends. There are no guarantees that DJJ will give you a warning or informal probation just because you confess. DJJ will consider the seriousness of your offense, your history with the police, your record at school, your age, your attitude, and many other factors. If you admit to committing the offense, you could still go to court, and you may hurt your case by confessing. You should talk to your lawyer and your parents or guardians before you decide what to do. You can find more information about some consequences to think about at www.beforeyouplea.com/ak.

Formal proceedings

What happens if DHSS decides against informal proceedings for me?

If DJJ officials decide not to handle your case informally, they may file a *petition of delinquency*. A petition of delinquency is a formal document filed in court. The petition identifies the offense you are accused of committing, and the evidence that makes police or investigators believe you committed that offense. If the judge agrees that there is *probable cause* to support the petition, then the judge will begin juvenile delinquency proceedings. Probable cause does **not** mean the judge thinks you are guilty, but only that, in the judge's opinion, there is enough evidence to go forward with formal delinquency proceedings. Formal delinquency proceedings have three stages: pre-adjudication, adjudication, and disposition.

At any stage of juvenile delinquency proceedings, the court may issue orders about what you must do or not do. You should read these orders carefully and make sure to ask questions if you do not understand what they require you to do. It is very important to follow court orders because you could be charged with another offense if you violate them. While you are in the community and under these court orders you will be supervised by a juvenile probation officer.

Pre-adjudication

What happens in the pre-adjudication stage of formal delinquency proceedings?

The pre-adjudication phase includes court hearings or other processes that come before the court actually decides if you committed the offense. The pre-adjudication stage includes the arraignment, and can include a detention hearing, and one or more evidentiary or status hearings. You have many decisions to make in this stage.

What is an arraignment?

Your first appearance in court is called an arraignment, an advisement, or an *initial hearing*. At an arraignment, the judge will tell you what you are accused of, and explain your rights in court. The judge will then ask you whether you committed the offense. All you have to say is that you *admit* or you *deny* the charges against you. This is like pleading *guilty* or *not guilty* in adult court. Unless you have decided, with the help of a lawyer and your parents or guardians, to admit the charges, it is best to say "deny." You can change your mind later. If you cannot afford a lawyer, the court will usually appoint one for you at the arraignment. If you can afford a lawyer but don't have one yet, you can ask the court for a reasonable amount of time to find a lawyer before you decide anything.

What is a detention hearing?

If the court keeps you in detention after your arraignment, you will have a detention review every 30 days. These are similar to bail hearings for adults. At a detention hearing the judge will decide if you should stay confined until the next hearing but no longer than 30 days without a review. The judge will consider a number of factors, such as the seriousness of the offense you are accused of, whether keeping you confined is necessary to protect the victim or the public, and how likely it is that you will run away or not show up for your court hearings if you are released.

If the court decides to release you, you may be released to the *custody* of your parents or guardians or to the custody of the Division of Juvenile Justice. The court will also set *conditions of release*. These are extra rules that you have to follow when you are released. If you violate any of your conditions of

release, you could be sent back to detention or have the conditions of your release modified. Common conditions of release include requirements to:

- comply with a curfew;
- attend school and stay out of trouble there;
- stay away from drugs or alcohol; and
- be restricted to your house unless you have adult supervision.

What is an evidentiary hearing?

Another common type of court hearing is an *evidentiary hearing*. At this kind of hearing, your lawyer may argue that certain pieces of evidence should not be allowed when the prosecutor tries to prove you committed the offense. For example, if you think the police searched you illegally, there might be a hearing to decide whether evidence found in the search can be used at your adjudication. If you confessed because you think the police threatened you, the hearing might be about suppressing the confession.

Do I have choices in the pre-adjudication stage?

At this stage, you have many decisions to make, including:

- Do you want to admit that you committed the offense you are accused of?
- Do you want to accept a *plea deal* the prosecutor offers to reduce the charges against you to a less serious offense, or to recommend a lesser punishment if you admit that you committed the offense you are charged with?
- Do you want your case to be decided by a judge or a jury?
- What witnesses do you want to testify for you?
- Do you want to testify yourself? What will you say if you testify?
- Do you want your adjudication to be open to the public?

You should always talk to your lawyer and your parents or guardians to make sure you understand the consequences of each decision. Sometimes there are special court hearings about one or more of these issues.

There are also *status* hearings about routine things, such as whether the lawyers are ready and what date the adjudication will occur. You have a right to attend every court hearing about your case, but you may not have to be there if you don't want to be. You should ask your lawyer what will happen at each hearing and whether you need to be there.

What legal rights do I have in the pre-adjudication phase?

The court should tell you your rights during arraignment. The most important rights you have at this stage of the proceeding are:

- The right to have a lawyer represent you in court;
- The right to have a lawyer appointed for you if you or your parents cannot afford one;
- The right not to incriminate yourself;
- The right to have the charges against you written down and explained. This includes the right to have enough time to prepare your defense to the charges after you know what they are.

What is the right against self-incrimination?

The *right against self-incrimination* is similar to the right to remain silent. It means you do not have to talk about what happened. The exception is that you must answer whether you admit or deny the charges against you. Your lawyer cannot answer that question for you. You may also be required to answer “yes” or “no” when the judge asks you whether you understand your rights.

What if I don’t want a lawyer?

You have the right to refuse a lawyer and represent yourself, but the court will consider carefully whether your decision is *voluntary and intelligent*. This means that nobody has forced you to make the decision and that you understand the consequences of not having a lawyer. If you are charged with a felony level offense, you must at least talk with a lawyer before deciding to represent yourself. The right to a lawyer is yours so it is important that the lawyer talk to you, in addition to your parents.

Guardians ad litem

What is a guardian ad litem?

A *guardian ad litem* (often known as a “GAL”) is a person the court may appoint to speak for your best interests during a court case. In juvenile proceedings, the court might decide to appoint a GAL at one of the pre-adjudication hearings. The GAL may be a lawyer, but has a different job than a lawyer hired or appointed to represent you. A lawyer who represents you will argue for you in court and advise you on the law, but will not make big decisions for you (for example, whether to confess or whether to testify). The GAL has the power to make recommendations in regard to what they believe would be in your best interests. A GAL may be appointed for you when the court finds that neither you nor your parents or regular guardians are capable of making decisions in your best interests. The court will consider your age, intelligence, mental health, the capabilities of your parents or guardians, and any other relevant factors. Having a GAL does not mean the court thinks you are unintelligent or immature. It may mean that the court thinks that getting advice from someone who is not your parent or regular guardian would be helpful to you. If you have a GAL, you should discuss any decisions with him or her and try to reach agreement as best you can. Remember that the GAL is doing what he

or she thinks is best for you. For more information about GALs, see Section 5 of this Guide.

Adjudication

What happens in the adjudication phase of formal delinquency proceedings?

Adjudication is similar to a criminal trial for adults. In an adult trial, the judge or jury decides whether the accused is guilty or not guilty. In adjudication, the judge or jury will decide whether you are *delinquent* or *not delinquent*. At the adjudication, a prosecutor, also known as the District Attorney (DA) will try to prove that you committed the offense you are charged with. Any victim of the offense also has a right to testify; that is, to tell their story in court. But you should know that the prosecutor represents the state, not the victims, so the victims do not tell the DA what to do.

Do I get to have a jury decide my case?

You can request a jury, but most adjudication occurs in front of a judge or a *master*. A master is similar to a judge but with limited authority though they carry out many of the same tasks that a judge would do during adjudication. The only difference is that, at the end of adjudication, a judge must approve recommendations of the master before they are final.

What does “presumption of innocence” mean?

During adjudication, the state has the burden of proving *beyond a reasonable doubt* that you committed an act of delinquency. The *presumption of innocence* means that you come into court with a blank slate. The DA must start from the beginning and present evidence that proves you committed the offense. The fact that you are accused of something, or that the police have investigated you does not prove you are guilty. If the DA does not have enough evidence to prove that you committed the crime, you do not have to present any evidence at all. Of course, you also have the right to present evidence that supports your defense. In most cases, you **will** present evidence in your own defense.

What legal rights do I have during adjudication?

In addition to the rights you have in pre-adjudication, you have the right to confront the witnesses against you. This means that everyone who has something to say about you or your case must testify under oath in open court. You have a right to ask those witnesses questions that may show they are mistaken or untruthful in their testimony. This is called cross-examination. If you have a lawyer, your lawyer will cross-examine the witnesses who testify against you.

Do I have to testify?

You also have the right to testify on your own behalf or not to testify. You can tell your story if you choose. Or you can remain silent and not incriminate yourself if you choose. The fact that you choose not to testify cannot be held against you. In other words, your silence is not evidence that you are guilty. You should talk to your lawyer about what might happen if you testify or don't testify. Your lawyer can give you advice about what you should do, but your lawyer cannot make the decision for you. It is your decision alone.

Is my juvenile delinquency adjudication open to the public? Who can come?

Unless the court orders otherwise, the following people have a right to attend your adjudication hearing: DJJ representatives, your parents or guardians, your *guardian ad litem*, if you have one, and the victims of the alleged offense. The rules on whether the hearing is open to the public are complicated. Generally, juvenile delinquency proceedings are closed to the public, but either you or the DA can ask the court to open the hearing. The judge will decide whether to allow this. If you have any questions about who can attend your hearings, you should ask your lawyer or the judge.

Disposition

What happens in the disposition phase of formal delinquency proceedings?

If you are found **not** to be delinquent, then you must be released right away, and your case is over. If you **are** found to be delinquent, then the court will schedule a *disposition hearing*. At the disposition hearing, the judge decides the consequences. You do not have the right to ask for a jury during disposition.

When does the disposition happen?

If you are found delinquent for a minor offense when confinement is not being considered, the judge may hold a disposition hearing right after the adjudication. But usually the court will wait for DJJ to prepare a *predisposition report*, which may take several months. DJJ will collect information about you and the community where the offense occurred, and will interview you, your family and friends, your teachers, your doctors, any victims of your offense, and any others who may have knowledge about how best to treat you. Using the research and interviews, DJJ will then recommend a treatment plan for you. The judge will consider this report seriously, but does not have to follow it. You can present evidence against the report if you want to. At the disposition hearing, the judge will consider your evidence, the evidence in the report, and possibly other evidence from the state.

Will I be confined between adjudication and disposition?

During the time between adjudication and disposition, the judge may confine you to a juvenile facility or release you with behavioral conditions and under the supervision of a juvenile probation officer. The judge will consider many of the same factors considered in a detention hearing before your adjudication. It is more likely that you will be confined at this stage, because you have been found delinquent. You may get credit for any time spent in confinement during this period. For example, if you spent three months in a detention facility before the disposition hearing, and then the court orders one year of detention, you would only have nine months of detention left.

What consequences can be imposed on me if I am found delinquent?

The judge has flexibility to decide what is most likely to rehabilitate you. Some options that a judge may consider at a disposition hearing include the following:

- probation,
- restitution,

- community service,
- incarceration in a juvenile corrections facility,
- juvenile work camp,
- participation in an adventure-based education program,
- attendance at a correctional school,
- drug or alcohol treatment, or
- confiscation of your driver's license.

If the judge decides you should be *committed to custody*, you will be confined in some way. Usually the confinement is in a correctional facility for juvenile delinquents, but it could also be in a treatment center for drug and alcohol abuse or psychiatric problems, or a foster care placement. DHSS may transfer you between facilities whenever they believe it is in your best interests. They are required to notify your parents or guardians, and your lawyer if you have one, whenever they move you. The judge cannot order you confined with adult prisoners.

If you are placed on probation and remain in your parent's custody under the supervision of DJJ you will be allowed to remain with your family as long as you obey the court-ordered conditions imposed by the court. If you fail to do so you may be arrested by your probation officer and returned to court.

How long can my treatment plan last?

The time limit for any treatment plan whether incarceration, custody, or supervision is two years or until you turn 19, whichever happens first. Supervision can be extended by court order for up to two more years, as long as it ends before you turn 19. If it is in your best interests **and** you agree to it, the court can extend the period of supervision up to age 20. Your supervision can also be closed before two years if you complete the requirements of your treatment plan and are following rules.

What happens if I don't follow the plan?

Whatever the court decides, you must follow the treatment plan carefully. If you violate any of the court orders, you could get a more restrictive treatment plan. For example, if the judge releases you on probation with a curfew, and you violate that curfew, you could be confined in an institution. If you are confined in a residential treatment facility, it is important to understand the rules of that facility, because violating the rules means you could be charged with a new act of delinquency. In serious cases of not cooperating with the treatment plan, where a new act of delinquency is charged, the court could decide you are *not amenable to treatment* and try you as an adult, with the result that you might end up in an adult prison for many more years.

Will I have a criminal conviction on my record if I am adjudicated delinquent?

No. A finding of delinquency is not the same as a conviction. For example, a juvenile record does not count as a past conviction for an adult crime that is a felony when the person charged has a past

conviction. If a job or college application asks if you have ever been convicted of a crime, you can answer “no.” This is also true for private employer and landlord background checks. However, some government entities, such as law enforcement agencies and the military, **do have access to juvenile records**. Therefore, if you commit a crime as an adult, the court can consider your juvenile record in deciding how long to sentence you to prison. If you have any questions about whether you are required to disclose a juvenile record on a government application or form, you should ask a lawyer for advice.

Will my delinquency record be public?

Juvenile delinquency records are confidential; only people with a *legitimate interest* can view them. This can include court personnel, parents or guardians, potential foster parents, and the victims of the delinquent act. Just before you turn 18, the records are sealed and may only be viewed in extremely limited circumstances. Evidence and testimony from your juvenile delinquency adjudication cannot be used in any other court case. The fact that you have a juvenile record can’t be used to impeach your testimony in another court case.

Will my case be reported in the news?

In most delinquency cases, your name and picture and your parents' or guardians' names cannot be published in the newspaper or the internet, or mentioned on the TV or radio. This rule is one of the differences between juvenile proceedings and adult criminal or minor offense proceedings. When you are tried as an adult, the records are open to the public, so traffic offenses or fish and game violations are not confidential or sealed. There are, however, limited circumstances where the DJJ must disclose some information concerning your identity and the offense.

Appeal

Do I have the right to an appeal?

You have the right to appeal the adjudication result, the disposition result, or both. This is not mandatory; it is up to you to choose whether to appeal. An appeal is heard by three different judges -- not the one who conducted your adjudication. An appeal is limited to what already happened at your adjudication or disposition hearing. You can argue that errors were made, that the evidence was not sufficient, or that your constitutional rights were violated. Appeals are complicated and can take a long time. You should talk to your lawyer, who can tell you whether or not you are likely to succeed in an appeal. You can find more information about appeals in Section 7 of this Guide.

Review

Do I have the right to a review?

In all juvenile delinquency cases where the treatment plan lasts one year or more, the same judge who handled your adjudication and disposition must review the treatment plan every year. This yearly review is mandatory. At other times, you, your lawyer, or your parents or guardians can request a review for good cause. At a review hearing, the judge will look at how the rehabilitation is going and consider whether the treatment plan should be adjusted or changed. A review can be broad and

flexible, and the judge can consider new facts and new evidence. If you are doing really well, the judge may even decide you have been rehabilitated and release you early.

Adult criminal proceedings

How are criminal proceedings for adults different from juvenile proceedings?

The main differences are that juvenile proceedings are more flexible, involve your parents and other people, don't occur in public, and are aimed primarily at rehabilitation or treatment. In adult court, criminal proceedings include pre-trial proceedings, the trial, and sentencing. Everything is public, your parents do not have a right to be involved, and the goals of sentencing include punishment and protection of the public as well as rehabilitation.

When am I subject to adult court proceedings instead of juvenile proceedings?

The general rule is that you become an adult for purposes of any criminal proceedings when you turn 18. Even before you turn 18, you can be charged in adult court for certain serious crimes, or crimes connected with certain "adult" activities, such as driving offenses, fish and game offenses, and alcohol-related offenses.

What happens at an arraignment or initial appearance?

At your first court appearance several things may happen.

If the officer who arrested you did not have an arrest warrant at the time of the arrest, the judge must first determine if there was probable cause to arrest. The arresting officer must make a record of the reasons for the arrest either in a written complaint or in an oral statement under oath. The judge will examine the stated reasons to be sure your arrest was justified.

Next the judge will explain the charges against you as well as your right to remain silent and to be represented by an attorney. If you don't already have an attorney and you believe you cannot afford one, the judge will ask you to answer financial questions. If the judge decides you cannot afford to pay an attorney, the judge will appoint a public defender to represent you.

You may also be required to enter a *plea* at your initial appearance. This is more likely to happen if you are charged with a misdemeanor. If you have been charged with a felony but the prosecutors have not yet obtained an indictment against you, the judge will not make you enter a plea at your initial appearance. Instead, the judge will explain your right to a preliminary hearing, and will give you a chance to talk with your attorney. You will enter a plea at a later hearing.

What does "enter a plea" mean?

When the judge asks how you plead, you may say "not guilty," "guilty," or "no contest." If you plead "not guilty," the judge will set a trial date. If you plead "guilty" or "no contest," the judge will make sure you understand that you are waiving your right to a jury trial and your right to confront the

witnesses against you. The judge will ask you questions to make sure that you do understand what your plea means, and that you are freely choosing to enter that plea. If you plead “guilty” or “no contest,” the court may sentence you immediately, or may schedule your sentencing at a later date.

Can I be released from jail until the trial?

At your first hearing, the court may determine if you can be released from custody until the trial. For a less serious crime, the judge might simply release you from custody with directions to appear in court for all scheduled hearings, obey all laws, and maintain contact with your lawyer. The judge can also release you subject to conditions such as home confinement during certain hours, or a third-party custodian who is obligated to watch over you while you are waiting for trial. The judge may also require you to *post bail* or a *bond*. This means you must give or promise to give money or property to the court to guarantee that you will show up at your scheduled court hearings.

What is a preliminary hearing?

If prosecutors have not obtained an indictment against you within 10 days if you are in custody, or 20 days if you are released subject to conditions until trial, then they must schedule a preliminary hearing. An indictment is a grand jury’s determination that there is probably cause, or enough evidence against you for the case to continue. When there is no indictment, a judge determines at a preliminary hearing whether there is enough reason to keep you in custody or continue the conditions of your release until trial. You have a right to have your attorney at a preliminary hearing.

If the prosecutors show probable cause to believe that you committed the crime you are charged with, the judge will allow the case against you to go forward. If the prosecutors fail to establish probable cause, then you must be released from custody or from any bail requirements or other conditions of release. But even if you are released after a preliminary hearing, the prosecutors could still obtain an indictment against you and arrest you again.

What is a plea agreement?

Your attorney can learn what evidence the prosecutors have against you through a process called *discovery*. After you and your attorney review the evidence against you, you may decide to enter into a formal agreement called a *plea agreement* or a *plea bargain* with the prosecutors. A plea agreement will require you to change your plea to “guilty.” In a plea agreement, the prosecutor may reduce the charge against you to a lesser charge, and agree to recommend a shorter sentence, or other lesser punishment than you might receive if convicted after a trial. The judge has the final word on whether or not to accept the agreement.

How do I prepare for trial?

Your attorney may file pretrial motions that challenge the indictment or ask to suppress certain evidence that may have been obtained illegally.

What happens during trial?

When it is time for trial, the prosecutor and your lawyer will select a jury. In jury selection, both the prosecutor and your lawyer will have an opportunity to challenge some prospective jurors, who seem likely to have biases or unfavorable opinions. After the jury is selected, the lawyers will begin the

trial by summarizing their cases. Then the prosecutors will present their evidence against you by calling witnesses and offering exhibits like photos, documents and objects. You or your lawyer can cross-examine the witnesses against you. After the prosecutors finish presenting the case against you, you can present evidence in your defense. You have the right to testify during your trial, but you do not have to do so. After the jury hears all the witnesses and evidence, the lawyers give closing arguments. Then the jury will deliberate and issue its verdict. If the jury finds you not guilty, you are free to go. If the jury finds you guilty, the judge will schedule a sentencing hearing at a later date. At the sentencing hearing, the judge will decide your sentence based on specific sentencing laws.

What penalties can be imposed for committing a crime?

In addition to or instead of imposing jail time, the judge can order you to do one or more of the following: pay a fine, perform community work service, participate in programs like alcohol counseling, anger management counseling, or batterers' accountability programs. The judge can also order payment of restitution, jail costs, and surcharges.

How does the judge decide what the sentence will be?

The judge must base your sentence on a number of sentencing factors that are spelled out in Alaska Statutes. Put in simple language, these factors include the seriousness of the offense;

- your criminal history;
- how likely it is you can be rehabilitated;
- the circumstances of the offense;
- the harm the victim suffered;
- the danger to public safety or order;
- what punishment should be imposed to deter you and others from committing like offenses;
- what punishment should be imposed to express the community's condemnation of the criminal act; and
- what punishment should be imposed to restore the victim and the community.

You can read the precise language of the sentencing factors in Alaska Statutes at AS 12.55.005.

Reentry: getting help after a prison sentence

If I serve time in prison, is there any help available when I get out?

The Alaska Department of Corrections (DOC) has a number of programs and services to help you get back on your feet and live successfully in the community after release from prison. Some of the programs and services designed to help you succeed after a prison term begin while you are still behind bars. Some programs are available after your release.

What assistance programs are available before I am released from prison?

Before you are released from one of the DOC prisons, you will be tested to determine your risks and needs, and a plan will be prepared for you. Your plan may include referrals to services that deal with mental health, substance abuse, anger management, education, criminal thinking, and job goals.

Can you give me an example?

One specific program is the Alaska Reentry Course developed by the DOC to improve a prisoner's readiness for release. If you are ready for release, this course helps you with four main goals:

- Finding safe and appropriate housing;
- Finding a job;
- Building healthy relationships with family and acquaintances; and
- Getting help to prevent drug and alcohol abuse.

This course also includes helping eligible prisoners

- get identification cards, birth certificates, social security cards and other important documents;
- learn how to find housing and understand lease agreements;
- understand and develop personal budgets, and pay bills;
- learn how to search for a job, fill out job applications, write resumes, and prepare for job interviews.

The DOC also works to develop an *Individualized Reentry Plan (IRP)* for all high-risk felony offenders. The IRP includes a summary of program and service needs that include appropriate referrals in the key areas of housing, employment, education, and medical and social support.

Is any help available for me after release?

Specialized services the DOC provides to people being released from prison include:

- IDP: a program that works directly with felony prisoners with a psychotic disorder who are being released;
- APIC: a program that links individuals to community mental health treatment services, including medication, to which they are entitled;
- Substance abuse treatment and aftercare.

The DOC has also developed partnerships with several community organizations to focus on services after release. Services include:

- Mentoring;
- Probation violation and re-offense prevention;
- Mental health and substance abuse treatment;
- Housing;
- Employment;
- Transportation;
- Guidance counseling.

These community partners are listed below:

- [Akeela](#)
 - [Alaska Mental Health Trust Authority](#)
 - [Alaska Native Justice Center](#)
 - [Cook Inlet Tribal Counsel's Chanlyut](#)
 - [New Life Development, Inc.](#)
 - [Nine Star](#)
-

If you are a victim of a crime

If you are the victim of a crime, you have some specific rights immediately after a crime has been committed. You are entitled to:

- Receive immediate medical assistance;
- Receive transportation to a safe house or shelter;
- Apply for a 72-hour domestic violence protective order;
- Be notified of and allowed to go to the defendant's arraignment or initial appearance before a magistrate or judge when the defendant's bail conditions are set.
- Be informed about the Alaska Office of Victims' Rights (OVR), an agency that helps victims of crime with their legal rights and their contacts with prosecutors and criminal justice agencies. The OVR serves as an advocate for victims both in court, and in situations where the victim believes criminal justice agencies have violated his or her rights. [View more information about this agency.](#)

In addition to the immediate help you should receive as a victim of a crime, you also have certain rights throughout the legal proceedings against a person accused of committing the crime against you. You are entitled to:

- Be treated with dignity, respect and fairness;
- Be protected from the defendant; for your protection, the court should set appropriate bail or conditions of release for the period of time after the arrest or summons until the end of the trial or the case, and for any period when a convicted defendant is released pending appeal;
- Be allowed to speak with the prosecution;
- Be informed promptly of what has happened in a case after an arrest;
- Be informed about, and allowed to attend, all criminal or juvenile proceedings where the defendant has a right to be present; and
- Receive restitution from a defendant who is found guilty.

Each District Attorney's Office and each municipal prosecutor's office has coordinators specially trained to work with victims during a prosecution. The coordinator can help you report a crime and ask police to help stop anyone who is abusing, harassing, or trying to intimidate you. The coordinator can answer your questions about the criminal justice system and your case, and help you in court. The coordinator can give you information about violent crimes compensation, restitution, return of property, problems with your employer, witness fees, and with travel and hotels if you come from out-of-town. The coordinator can tell you about agencies that can provide shelter and services for your legal, medical, social, and mental health needs. Your contact in the district attorney's office can tell

you how to exercise your right to be interviewed for the presentence report, and how to be heard at the defendant's sentencing. If you need an interpreter, the district attorney's office will provide one at no cost to you.

Where can I get more information about help available for victims of crimes?

The Alaska Judicial Council has produced a helpful brochure for victims: [*A Handbook for Victims of Crime in Alaska*](#). This handbook describes what happens after a crime occurs, and after conviction. It has an extensive directory of victim services available in Alaska communities at the time of publication.

Information to help crime victims is also available in a number of languages through the [Department of Law](#).

Information on victim services provided by the Department of Corrections, including how you can be notified of the pending release of the defendant in your case through their automated victim notification system, VINE. [View more information.](#)

Some additional links to resources for victims are listed below:

- [Alaska Council on Domestic Violence and Sexual Assault](#)
- [Alaska Network on Domestic Violence and Sexual Assault](#)
- [Mothers Against Drunk Driving](#)
- [Sex Offender Registry](#)
- [Victims for Justice](#)
- [Violent Crimes Compensation Board](#)
- [Victims' Rights](#)

If you witness a crime

If you are a witness to a crime, the police may ask you questions about what happened. You do not have to give a statement to the police. You should be polite and identify yourself, but you can decline to make a statement.

You may also be ordered to come to court to testify by a written order called a *subpoena*. If you receive a subpoena, you must come to court at the time and place identified in the subpoena. In court, you will be asked to swear or affirm that what you say is true. This is also called *testifying under oath*. It is important to know that if you testify under oath, you must not lie. Making a false sworn statement that you do not believe to be true is a crime called *perjury*, a class B felony.

Behaviors that are crimes

A few of the crimes that young people are often involved with are described below in this section. Some other crimes, including sexual assault, sexual abuse of a minor, misconduct involving a

controlled substance, and driving under the influence of drugs or alcohol (DUI) are covered in section 2 of this guide.

Shoplifting and theft

What is shoplifting?

Shoplifting means taking any item from a store or business by concealing it so that you obtain it for yourself or for someone else without paying for it. In Alaska's criminal law, shoplifting is a *theft*, which may also be called *larceny*. Theft can also be committed by obtaining services without paying for them. A theft under this law can be in the first, second, third, or fourth degree, depending on the value of the stolen goods and certain other facts, such as whether the shoplifter has previous convictions for similar actions, and what kind of things are stolen.

What is the punishment for shoplifting?

Shoplifting is often a misdemeanor, which is a less serious crime than a felony. But even when shoplifting is a misdemeanor, the maximum penalties allowed under the law are substantial. The penalties for felonies are greater. The chart below shows the crime that may be charged and the maximum penalty based on the value of the stolen property. Maximum penalties will probably not be imposed for a first offense, but repeat offenses will be punished more severely. The punishment may also be greater for certain items such as a firearm, a vehicle, survival equipment, or a credit card, regardless of the value.

If the value of the stolen property is	The theft is	Punishment can be
Less than \$50	In the 4 th degree, and is a Class B misdemeanor	a fine up to \$2,000 and a sentence of up to 90 days in jail.
More than \$50, but less than \$500	In the 3 rd degree, and is a Class A misdemeanor	a fine up to \$10,000 and a sentence of up to one year in jail.
More than \$500, but less than \$25,000	In the 2 nd degree, and is a Class C felony	
More than \$25,000	In the 1 st degree; and is a Class B felony	

What will happen if I am arrested for shoplifting?

If you are a minor (under 18), and you are arrested for shoplifting, you may be offered an opportunity to go through Youth Court, discussed in Section 7 of this Guide. You might be sentenced to perform a certain number of community service hours, or to take an anti-shoplifting class where you will learn about property crimes and their negative impact on society.

Leash Law violations

What is a leash law?

Local laws, such as those in Anchorage and Juneau, may require you to keep your pet on a leash. Anchorage municipal law requires you to restrain your dog in public places unless you are in a designated off-lease dog park. Fines for violations can range in from \$75 to \$150 in Anchorage, and from \$20 to \$100 in Juneau.

Vandalism and Graffiti

What is vandalism?

Vandalism, sometimes referred to as criminal mischief, includes reckless or intentional action that harms or destroys another person's property. One specific kind of vandalism is marking any public or private property with *graffiti*. Graffiti usually means spray- painting words or pictures on property without permission of the owner. Even if you think graffiti is "art," or you think it looks better than a plain wall, you can be subject to penalties and responsibility for removing the graffiti. If you are a minor, your parents may also be responsible. In Anchorage, the penalty for a first graffiti offense is \$500; the penalty for second and subsequent offenses is \$1,000. Penalties collected are deposited into an anti-graffiti fund that is used for rewards to persons who provide information that leads to the actual payment of a fine.

Curfew violations

What is a curfew?

A curfew is a law that prohibits people from being in public places during certain hours, generally late at night. In Alaska, state law allows each municipality to establish its own curfew law for minors (those under the age of 18), and sets a maximum fine of \$250 for an offense.

Anchorage, for example, has adopted a curfew law that makes it an offense for a person under the age of 17 years to be in a public place during curfew hours, and for the owner of an establishment to allow a minor to remain there during curfew hours. The curfew hours are 1 a.m. to 5 a.m. on weekends and each night from June through August. For the rest of the year, the curfew hours each night other than Friday and Saturday are 11 p.m. to 5 a.m. Exceptions in the law include under 17 year olds who have parental consent, who are directly on their way to work, or who are married or emancipated.

Your town or village may have different curfew rules than Anchorage, so be sure to check the rules for your own community.
disorderly conduct

Disorderly conduct

What is disorderly conduct?

Disorderly Conduct can be committed by several different kinds of conduct that intentionally disturb or create a hazard to others. You could be charged with disorderly conduct for actions including

- disturbing others by making unreasonably loud noise if you intend to disturb others, or if you continue after being told that you are disturbing others;
- refusing to comply with a lawful order of a peace officer to disperse;

- challenging another person to fight or fighting when not in self-defense;
- recklessly creating a hazardous condition for others by an act which has no legal justification or excuse; or
- “mooning” another person, or similar offensive act.

Assault

What is assault?

Generally, assault is a crime that involves causing physical injury or threatening to cause injury to a person. Alaska law defines 3 different degrees of assault, ranging from a Class B felony to a Class A misdemeanor. The seriousness of the assault charge can depend on whether the assault is intentional, reckless, or criminally negligent; whether a dangerous instrument is used in the assault; whether a child is injured; and whether the assault involves repeated acts.

Driving Under the Influence (DUI)

What is driving under the influence?

You probably know that you can be arrested for driving a vehicle while under the influence of alcohol. But there is more! You can also be charged with DUI if you are operating a boat or an aircraft while under the influence of an inhalant (“huffing”) or controlled substance (roughly, any illegal drug or a legal drug taken without a prescription). Furthermore, even if you do not feel impaired, you can be guilty of this crime if your blood alcohol measures more than .08 percent (80 milligrams or more of alcohol per 100 milliliters of blood, or .08 grams or more of alcohol per 210 liters of breath). You should also know that you are considered to be “operating a vehicle” if you are in control of the vehicle, even if you are not driving it. For example, you could be convicted of this crime if you are sitting in the driver’s seat with the keys between the seats. You can read more about DUI and other alcohol-related crimes in Section 2 of this Guide.

Breath Test Refusal

Do I have to give a breath test if a police officer arrests me for DUI?

Yes. If you are lawfully arrested for DUI and you refuse to give a breath test, you can be charged with breath test refusal. Breath test refusal carries the same penalties as a DUI. In fact, you can be convicted of both DUI and refusal from the same incident.

Electronic Bullying

Is it illegal to send rude or threatening text messages, emails, or other electronic messages?

Possibly. If you repeatedly send texts, emails, Facebook messages, or other electronic posts or messages to someone under 18 that insult, taunt, or intimidate (frighten) that person you may have committed the crime of harassment. These messages (known as cyberbullying) will be considered criminal harassment if the messages are written in a way that makes the person receiving them reasonably afraid he or she might be physically injured. If you send such messages you may be charged with a crime.

Sex, Drugs, and Rock n' Roll

- **Alcohol:**
 - [Penalties for drinking or possessing alcohol](#)
 - [DUI](#)
 - [Other alcohol-related crimes in Alaska](#)
 - **Tobacco**
 - **Narcotics and drugs:**
 - [Marijuana](#)
 - [Synthetic Drugs](#)
 - [Seeking medical help for overdose](#)
 - **Sexual Relationships:**
 - [Birth control](#)
 - [Same-sex relationships](#)
 - **Sexual crimes:**
 - [Rape or sexual assault](#)
 - [Statutory rape; age of consent](#)
 - [Sexting](#)
 - **Pregnancy:**
 - [Abortion, parental consent, and judicial bypass of parental consent requirement](#)
 - [Adoption](#)
 - [Establishing paternity](#)
 - [Child support](#)
 - **Tattoos, body piercing, and tanning**
-

Alcohol

How old do I have to be to drink or possess alcohol in Alaska?

In Alaska, it is generally against the law for anyone under the age of 21 to buy, possess, drink, or serve any alcoholic beverage. There are serious and long-term consequences for drinking while underage or being caught with alcohol in your possession.

If I am over 21, are there any limits on my right to buy alcohol?

Alcohol is a heavily regulated product in Alaska. Bars and liquor stores are not allowed to serve you if you are drunk. If you are drunk, it is against the law to go into a place with a liquor license, such as a bar or restaurant.

There are some places in Alaska, such as “dry” villages, that prohibit drinking or possessing alcohol altogether.

Are there any exceptions to the drinking age of 21 years?

Not many. If you are under 21, your parent, guardian, or spouse who is 21 or older may give you a drink as long as you are not at a place that has a liquor license (like a bar or restaurant that serves alcohol). For example, your parent can give you a beer at home for you to drink yourself, but cannot legally let you take a drink from his or her glass of wine or beer at a restaurant.

Another exception is that a licensed nurse or doctor may legally furnish an alcoholic beverage as part of medical treatment.

If someone gave me alcohol legally, can I give it to someone else?

No. If you have alcohol that a parent, guardian, or spouse over age 21 legally gave to you, it is still against the law for you to sell, give, or serve it to any other person under 21. So even if your parents gave you a case of beer, you may not legally share it with underage friends.

If I am not old enough, can I get someone else over 21 to buy alcohol for me?

It is generally a crime to give alcohol to anyone under 21 years old. So if you ask a person over 21 to buy alcohol for you, you are asking that person to commit a crime. Except when a parent, guardian, or spouse over 21 legally gives alcohol to you, it is against the law for any person who knows you are under 21 to give alcohol to you, even in that person's own home. The penalties for providing alcohol to an underage person can be very stiff.

What happens if I drink at a school event?

It is against the law for anyone to drink at the site of a school event during the event, regardless of where the alcohol comes from or the age of the person who sells or drinks the alcohol.

If I am under 21, can I go into a restaurant or bar that serves alcohol just to eat?

Generally, if you are under 21, you must be with your parent, guardian, or spouse who is at least 21 years old to enter or remain at any business that sells or serves alcohol.

However, if you are 16 or older but under 21, you can legally go into a business that is licensed as a "restaurant," even though it serves alcohol, if you go in only to eat. If you are under 16 years old, you can go into a business that is licensed as a "restaurant," even though it serves alcohol, if you go in only to eat, if someone over the age of 21 goes with you, and if you have the consent of your parent or guardian.

Restaurants have the right to, and often will, add their own restrictions about allowing persons under 21 to enter. They may designate special areas for underage diners.

If I am under 21, can I work in a restaurant or other place that serves alcohol?

- If you are under 21, you cannot work in a bar.
- If you are under 21, but over 17, you can work in a hotel, restaurant, or other eating place that has a license to sell alcohol, but only if your job does not involve serving, mixing, delivering, or dispensing any alcohol.

- If you are 16 or 17, you can work in a restaurant, hotel, or other eating place that serves alcohol, but you must have written consent from your parent or guardian, and an exemption granted by the Department of Labor and Workforce Development.

Penalties for drinking or possessing alcohol

What are the penalties if I drink or possess alcohol while I am under 21?

Penalties for a first offense may include probation with conditions set by a community diversion program such as Youth Court. (See the discussion of Youth Court in Section 7 of this Guide). Conditions during probation could include going to counseling, taking alcohol education courses, going into alcohol treatment, doing community work service, and paying certain fees.

The penalties get worse for repeat offenses. For a second offense, the minimum penalties increase to a mandatory \$1,000 fine (\$500 could be forgiven if you follow all other conditions), 48 hours of community work service, losing your driving privileges or license for three months, and other conditions.

For a third offense, the minimum penalty can include jail time, fines, and or probation until age 21; 96 hours of community work service; and losing your driving privileges for 6 months. The court may require you to pay for and successfully complete alcohol treatment. The court may tell you that you cannot drink any alcohol or use inhalants while on probation, and may order other conditions.

DUI

What does DUI (Driving Under the Influence) mean?

DUI (driving under the influence) means operating a vehicle, including a boat or an aircraft, while you are *impaired by* (that means your behavior is affected by) alcohol, any illegal drug, a legal drug taken without a prescription, or an inhalant (anything that is “huffed.”) You are “operating a vehicle” if you are in control of the vehicle, even if you are not driving it. For example, you could be convicted of this crime if you are sitting in the driver’s seat with the keys between the seats.

Even if you do not feel impaired, you can be guilty of this crime if your blood alcohol measures more than .08 percent (80 milligrams or more of alcohol per 100 milliliters of blood, or .08 grams or more of alcohol per 210 liters of breath). The level of alcohol in your blood can be determined by a chemical test of your breath test or your blood, but police can charge you with DUI even without a test.

What will happen if I am charged with DUI?

Driving while under the influence of alcohol or drugs is a serious matter, with severe penalties. If you are stopped and charged with DUI, you will be treated as an adult *even if you are under 18*. You will be subject to the same penalties as an adult. Even for a first offense, you will definitely be sentenced to some jail time. You will also have to pay a fine, and your license will be taken away or you will not be allowed to drive for a period of time. The penalties get even tougher for repeat offenses.

The good news is that you also have all the rights and privileges of an adult offender, including the right to a court-appointed attorney if you cannot afford to pay an attorney. Often it is in your best interest to ask for a lawyer right away and wait until you have met with your lawyer before you say or

admit to anything.

Section 1 of this guide describes your rights if you are stopped, searched, or arrested by a police officer for any kind of crime. That advice also applies if you are stopped, searched, or arrested for DUI, so check that part of this guide for very important information. Also check the suggestions below in this section.

Other alcohol-related crimes in Alaska

Are there other crimes related to alcohol in Alaska?

Yes. Some other alcohol-related crimes are described here. Most of these crimes are Class A misdemeanors. A misdemeanor is a less serious crime than a felony, but a Class A misdemeanor is the most serious kind of misdemeanor. For more information about classes of crimes and the range of penalties, See the definitions in Section 8 of this guide.

- **Contributing to the delinquency of a minor.** If you are 19 years old or older and you encourage or help anyone under age 18 to do any act that is against state law, such as drinking alcohol, you may be charged with contributing to the delinquency of a minor. Even if you are younger than 19, but you are emancipated or otherwise legally entitled to be treated as an adult, you could be charged with this crime.
- **Furnishing alcohol.** If you give or deliver an alcoholic beverage to a person under 21, you may be charged with this offense.
- **Minor in possession; minor consuming.** If you are under 21, and you drink or possess alcohol, you may be charged with this offense. If you have previous convictions, the charge may be more serious.
- **Purchasing or delivering to a person under age of 21.** If you are under 21, you have broken the law if you:
 - buy alcohol for yourself or for someone else;
 - ask another person to buy alcohol for you or someone else;
 - influence another person to give alcohol to an underage person by falsely stating that person is 21 or older;
 - buy or receive alcohol for the purpose of delivering it to someone under 21;
 - give false information about your age to obtain alcohol.

The penalty for breaking this law varies. But in addition to any criminal penalty, you may have to pay a civil penalty of \$1,500 plus costs and attorney fees to any establishment where you got the alcohol illegally. You are entitled to be told in advance in writing if anyone is asking the court to order you to pay this penalty.

- **Refusal to Submit to an Alcohol Test after Arrest.** If you are arrested for DUI, you will be asked to take a test to analyze the amount of alcohol in your system. Under Alaska law, if you have a driver's license, you have already agreed to take a test for intoxicants if you are arrested for DUI. Therefore, you must give a sample of your breath or blood for alcohol testing. Refusing to give a sample is as serious an offense as the DUI itself. It has similar

mandatory penalties. In fact, you can be convicted of both DUI and refusal to take a test. You could then get two sentences, one added to the other.

- **Open container.** A person may not drive when there is an open bottle or can or other vessel containing alcoholic beverage in the passenger compartment.
- **Local option violations.** Selling alcohol without a license is a class A misdemeanor with a ten-day mandatory minimum sentence. Alaska law also lets communities decide if they want to limit alcohol sale and possession. If you bring alcohol into a community that has elected to limit alcohol, and you plan to distribute the alcohol to others, you may be charged with a felony. The penalties increase depending on the amount of alcohol involved.

What should I do if I am charged with an alcohol offense?

Section 1 of this Guide describes your rights if you are stopped, searched, or arrested by a police officer for any kind of crime. Here is a summary of what to do if you are stopped, searched, or arrested for an alcohol-related crime.

- Be polite and respectful to the police officer but don't provide evidence against yourself by trying to explain or provide excuses. The police are there to collect evidence of crimes, and they may not be sympathetic to you at all.
- Don't make matters worse by hiding evidence, lying, resisting arrest, or trying to get anyone else to change their story to help you out. These actions are additional, separate crimes of tampering with evidence, providing false information to the police, resisting arrest, assault, or witness tampering.
- Listen carefully to warnings you are given. If you are arrested, you should be warned that anything that you say can and will be used against you in a court of law. You should be informed that you do not have to answer questions until a lawyer is present and you can have a lawyer appointed for free if you cannot afford one. Protect your rights by telling the officer clearly that you want your rights – this is called “invoking your rights.” Remain silent until you talk to an attorney.
- Even if you aren't warned, know your rights. You do not have to talk to the police except to give your name and identifying information. Ask for a lawyer. Ask to make a phone call so that you can call someone to help you to set up bail so you can get out of jail.
- Consult a lawyer as soon as you can. Even if you decide not to keep the lawyer, you are better off knowing what exactly is charged, what possible legal defenses exist to help your case, what evidence has been collected, whether you can get a good deal from the prosecutor, and if you are better off going to trial or taking a deal. A lawyer can tell you whether it is possible to keep evidence from being presented in court that might otherwise cause you to be convicted.
- If the police release you (let you go), carefully follow your release conditions. If you don't follow all the conditions of your release (which may include not leaving town, or other conditions), you are committing the additional crime of violating conditions of release.

What if I tried to commit an alcohol offense but didn't succeed?

If you try to commit a crime such as purchasing alcohol when you are underage, but don't succeed, you have committed an offense anyway. An attempt to commit an offense is also an offense. It is usually one step below the seriousness of a completed crime.

If you are charged with trying to commit an alcohol-related crime, the prosecutor would have to prove that you intended to commit the crime, and took a substantial step towards committing the crime; in other words, that you definitely tried to commit the crime. If you are under 21, and you tell police that you tried to buy a bottle of gin but the store would not sell it to you, you have confessed to an attempt to possess alcohol. Your statement would be a confession that the prosecutor can use to prove your guilt at a trial. The clerk at the store could also testify that he or she refused to sell you a bottle because you looked too young. The police could find out your age from your license, or birth records, or your parents. This evidence together is likely to be accepted as proof beyond a reasonable doubt that you attempted to possess alcohol while underage in violation of the law.

Tobacco

How old do I have to be to smoke in Alaska?

In Alaska, you have to be 19 years old to smoke legally. If you are under 19, it is against the law to knowingly possess a cigar, cigarette, tobacco, or any product containing tobacco.

What does "tobacco" mean?

"Tobacco" includes any product that has tobacco in it. If you have a clove cigarette or bidi cigarette, or any other product that contains tobacco, it's tobacco.

Can I get in trouble for giving someone else a cigarette or tobacco product if I don't smoke it myself?

If you are 19 years old or older, and you *negligently* sell, give, or exchange a cigarette, cigar, or a product containing tobacco to someone under 19, you have broken the law. Generally, this means you have to make a careful effort to find out if a person is old enough before you sell or give tobacco to that person.

Can I maintain a vending machine that sells tobacco if I don't use any of the products?

Alaska law does not allow vending machines that sell tobacco in most places. There are a few exceptions. A liquor store or a business that has a liquor license may have a vending machine that sells cigarettes or tobacco products if the machine is as far as possible from the entrance and is always watched. A vending machine in a break room or controlled area of a private work place may sell cigarettes or tobacco products if a sign posted nearby warns that the law prohibits anyone under 19 from possessing tobacco.

Narcotics and Drugs

Is it against the law in Alaska to have drugs?

Generally speaking, it is against the law to *distribute* drugs (to give or sell drugs to others) in Alaska unless you are a medical provider or licensed to dispense drugs. It is against the law to possess drugs unless you are authorized to distribute them, or have a prescription for any drug that you have. You can be charged with *misconduct involving a controlled substance* if you possess certain drugs. For example, oxycodone is only legal when a person has a legal prescription. Some drugs, such as methamphetamine, heroin, and cocaine, are against the law for anyone to possess.

Where can I find the list of drugs that are illegal to possess or distribute?

Illegal drugs, called *controlled substances*, are divided into categories according to how dangerous they are. You can find the list of controlled substances in Alaska Statutes at AS 11.71.140 – AS 11.71.190. Schedule IA lists the most dangerous drugs; Schedule VIA (which lists marijuana) lists the least dangerous.

Can I give someone a pill from my prescription if that person needs help with medical symptoms like mine?

If your prescription is a controlled substance, it is a crime to share even a single dose of it with someone else.

What if someone sells a drug that turns out to be a fake? Is it illegal to sell it? To possess it?

It is illegal to make, deliver, or possess an imitation controlled substance. To do so is a Class C felony.

How serious is a drug offense?

In Alaska, drug offenses range from simple violations to the most serious level offense, punishable by up to 99 years in jail. Any drug crime will probably have serious consequences. Under Alaska law, some drug offenses carry a sentence of five years in jail for a first offense. The more dangerous the drug and the greater the amount a person has, the more severe the penalties will be. If the person intends to sell drugs to others, the penalties will be more severe than if the drug is for a person's own use. The penalties are more severe for selling or giving drugs to a person under age 18, or for dealing drugs near a school. Possession of some types of drugs such as heroin or methamphetamine for purposes of distribution is punishable by up to 99 years in jail.

If I am charged with a drug offense in state court, can I also be charged in federal court?

If you commit a drug offense in Alaska, you have probably violated both state and federal law. Both federal and state law make use, possession, and trafficking in drugs illegal. You can be convicted under both federal and state law, and get two separate punishments, which could be added together. The penalties under federal law can be much more severe than for a drug offense under state law.

Usually, however, the federal and state prosecutors will talk to each other about a bust and decide which office will handle the case. Most often the federal authorities will take the more serious cases.

Marijuana

Can I legally smoke or possess marijuana anywhere now?

No. Although *state* law has changed to allow personal use of marijuana under certain conditions, *federal* law regarding marijuana has not. It is still a federal crime, for example, to possess and use even small amounts of marijuana. It is up to federal law enforcement whether or not to prosecute these crimes.

There are also a variety of federal regulations specifically prohibiting marijuana use or possession near schools and other places. These laws designed to protect children or certain other groups of people may be more likely to be enforced.

In addition, property owners may prohibit the use or possession of marijuana on their properties. So if you are renting an apartment, the property owner may prohibit you from having marijuana there. And employers may prohibit marijuana on their property.

Also, remember that marijuana use or possession is still a crime under many state laws, so if you are travelling out of state with marijuana you could be arrested or fined in a different state.

When is marijuana use not a crime under Alaska state law?

If you are 21 or older, state law allows you to use and possess up to one ounce of marijuana, unless the use is prohibited by a property owner or other specific rule.

Can I use marijuana in public?

No. It is against the law to use marijuana in public. In addition, marijuana plants may not be visible to the public and they must be kept in a secure place to protect those who are not authorized under state law to use marijuana.

Does Alaska state law allow me to sell or give marijuana to others?

No persons under 21 may sell, give, or possess marijuana. Even if you are over 21 you may not sell marijuana unless you have a business properly registered with the state and authorized to sell marijuana. However, you may give small amounts of marijuana, up to an ounce and six immature plants, as a gift to someone over 21. The state is in the process of developing regulations that will clarify the rules on using, buying, and selling marijuana.

Can I drive after using marijuana?

Not while you are under the influence of marijuana. Driving under the influence of marijuana remains illegal.

Can my employer prohibit me from using marijuana?

Yes. Testing positive for marijuana may be a violation of workplace policies or regulations, so you could be fired from a job for using marijuana. This could happen even if the use was outside of workplace hours and did not otherwise violate state law.

Synthetic Drugs

Synthetic means that something is artificially created, or not naturally occurring.

A synthetic drug is a drug created to have the same effects as a drug listed by the State as a controlled substance, but is not itself listed as a controlled substance by the State. These can come in many forms. It may be powder or crystals, as a tablet, in a capsule, or loose. It may also be plant material which is powdered, loose leaf, liquid, or a food additive.

How do I know if I have or see an *illicit* synthetic drug?

If something is considered illicit, it is unlawful or illegal. Whether a synthetic drug is illicit depends on its labeling and whether it is like a drug in certain ways.

The first question is whether a label is "false or misleading;" does not list the ingredients; or does not have the name and location of the manufacturer, packer, or distributor on it.

If you answered yes to any of the above, you must look at the product itself.

A product may be considered spice if it has one of the above labeling problems and is drug-like in some way. If you can answer yes to two or more of these, it is probably an illicit synthetic drug:

- The images or words on the label say or hint that using it will somehow get you high, or that it can act like a drug by causing effects like relaxation, hallucinations, or mood alteration.
- Other products advertised for the same or similar purpose cost noticeably less than this product.
- There is a warning label saying or implying that the product meets State controlled substances law.
- The products looks like a drug, whether it is on a microscopic level or eye level.
- The product is advertised for a particular purpose, but one of the ingredients seems completely unrelated to this purpose.

If someone I know, or I, get caught with spice, can we get in trouble?

Yes. You may be convicted of violating the law and be fined up to \$500 if you have, offer, display, market, advertise, or sell an illicit synthetic drug.

Seeking Medical Help for an Overdose

If I try to get medical help or help from the police for a friend suffering a drug overdose, could I be charged with a drug crime if the police find out I've been using illegal drugs?

No, not if evidence of your drug use is discovered only because you tried in good faith to get help for the person overdosing. Good faith means that the reason you called medical providers or the police was to get help for someone else, and not to avoid criminal charges for your own drug use. Overdose means someone is suffering a life-threatening emergency caused by illegal use of a drug. However, these immunity protections only apply to charges of possession of controlled substances. They do not apply to charges of manufacturing or distribution. In addition, the protections only apply to evidence obtained by the police as a result of the person seeking medical or law enforcement assistance.

In order to avoid being charged with a drug crime in this situation, you must:

- remain with the person suffering an overdose until medical help or the police arrive, and
- (2) cooperate with the police or medical personnel who arrive, and
- (3) provide your identification.

If I suffer an overdose while using illegal drugs and try to get medical help, could I be charged with a drug crime?

No, not if evidence of your drug use is discovered only because you tried to get medical help. In this situation, overdose means that you are suffering a life-threatening emergency caused by illegal use of a drug. Again however, these immunity protections only apply to charges of possession of controlled substances. They do not apply to charges of manufacturing or distribution. And again, the protections only apply to charges based on evidence obtained by the police as a result of your efforts to get medical or law enforcement assistance.

Getting or Giving a Drug Overdose Prevention Medicine

Is there medication I can get to help myself or someone else recover from a Heroin or other opioid drug overdose?

Can a pharmacist give me medication that I can use to reverse an overdose?

Yes. In Alaska, pharmacists who have the proper training may prescribe a drug to reverse opioid drug overdoses to someone who is at risk of suffering an opioid overdose. They can also prescribe it for a family member, friend, caregiver, or other person who may be in a position to help a person at risk of opioid overdose.

Can I be sued if I give a medication to someone else to stop an overdose and they become more ill or die?

No, as long as you are reasonable in thinking that the person is experiencing an overdose emergency from the use of heroin or other opioid drugs and needs the medication, *and* you are reasonably careful in giving them the drug you will not be held responsible. You can only be sued if you intended to harm the person or acted with gross negligence or recklessness. Gross negligence or reckless would be acting in a way that is extremely different from how an ordinarily careful person would behave. An ordinary mistake would not make you responsible.

What drugs are considered opioids?

Opioids are opium and drugs made from opium, such as Heroin.

Sexual Relationships

Relationships with others are very important in your teen-age years and throughout life. Sexual relationships, including same-sex relationships, require responsible behavior, including using birth control, and avoiding illegal and abusive sexual relationships. Some things you should know about sexual relationships are discussed in this section.

Birth control

Do I need my parent's permission to get birth control?

No. The U. S. Supreme Court has ruled that the right to privacy includes an interest in making certain kinds of important decisions – including those related to birth control and whether or not to have a baby.

A minor (a person under the age of 18) does not need to notify parents or have permission to get a prescription for birth control. When you visit a medical clinic, you have a right to keep your medical records private and confidential, and your parents will not be informed of your visit. However, if a doctor suspects a minor patient is a victim of abuse or neglect, the doctor is legally required to report these findings to the police. Some insurance companies may also have differing confidentiality rules. If you are covered by your parent's health insurance, be sure to ask the clinic and your insurance company about their specific parental notification and nondisclosure policies.

What kinds of birth control can I get?

There are a variety of methods of birth control (for example, the Pill, NuvaRing, or an Intrauterine Device (IUD)). A medical professional can help you decide the best type of birth control for you. Using a barrier method (like a condom) and a back up form of birth control can help prevent unplanned pregnancies and protect your health. There are no age restrictions on the sale of condoms in Alaska. Condoms are available at grocery stores, from your local medical clinic, school nurse, or even online. Some types of birth control are also approved by the FDA to serve as emergency contraception (IUD, the Pill). You may want to your doctor about this option.

I had unprotected sex and I'm not on birth control. Can I get emergency contraceptives without my parent's permission?

Yes. Emergency contraceptives can help prevent pregnancy up to five days (120 hours) after unprotected sex. They work better the sooner they are taken. You may receive emergency contraceptives from a pharmacy without a prescription (be sure to bring an ID). Again, if you go to a health center seeking emergency contraceptives, your medical records will be private and confidential, and your parents will not be informed of your visit. However, if you purchase the prescription with your parent's insurance, be sure to ask about the insurance company's privacy policy.

Same-Sex relationships

I am in a gay/lesbian (LGBT) relationship. Is that against the law?

No. In Alaska, your right to choose who you live with and have a relationship with is protected. But you do not have the same legal protections that married people have, like the right to file tax returns together, and the right to inherit property from each other without a will.

Can I get married to my same-sex partner?

Yes. The United States Supreme Court decided in 2015 that same sex marriages are legal throughout the country. This means both that same sex couples can get married in Alaska and that same sex couples who are married in another state will have their marriage recognized in Alaska. Indeed, there is reason to believe that with this change in the law certain “partner benefits” previously provided by the State of Alaska or local governments to same sex couples will no longer be available unless the couple is married. You should check with the appropriate government agency to determine what its policy is with regard to benefits for unmarried couples, regardless of whether you are in a same sex or opposite sex relationship.

Can I get any benefits of marriage in Alaska?

Alaska does not recognize same-sex marriages, but courts have held that the State of Alaska must treat domestic partners like married people for state benefits. For example, state employees must get the same benefits, such as health insurance, for their partners that married employees get. Other state benefits, like tax exemptions and dependent benefits, may also be guaranteed to domestic partners. This area of the law is also changing quickly. You should check first before you assume that you or your partner cannot get a benefit.

Can I do anything to give my partner rights or power that a spouse would have?

Yes, but you have to take action yourself. You and your partner can give each other a power of attorney to make decisions if one of you is disabled or unavailable. You can find a form and instructions for a Power of Attorney online. [View the form.](#)

You can also find a form to allow your partner to make medical decisions for you if you are unable to do it for yourself. [View the form.](#)

You may also be able to find forms online for a will, but these general forms may not do exactly what you want. If you need a will, you should talk to a lawyer. It is important not to fill out and sign any legal document you do not understand. Information about your legal rights in general can be found at www.nclrights.org.

Can I be fired if my employer finds out I am gay, lesbian, or transgender?

Unfortunately, your employer might be able to fire you. There is no clear protection in Alaska from employment discrimination against gays, lesbians, and transgenders. However, existing laws may protect you if you are fired because of the way you look (like too feminine or too masculine) or

because you do not fit the stereotype of the person they want in the job. And local governments can enact laws prohibiting discrimination on the basis of sexual orientation, even if there is no state law doing so. You can contact the State Human Rights Commission if you think your rights have been violated <http://humanrights.alaska.gov/>

Can people at my school harass or bully me for being gay, lesbian, or transgender?

The law is supposed to protect you from bullying at school. In addition, many school districts have specific policies that protect gay, lesbian, and transgender students from being harassed or bullied. Unfortunately, bullying and harassing often happen anyway. Tell responsible adults about what is happening, and keep telling people until you find someone who will act to protect you. [View helpful information about safety at school.](#)

Can I get legal help if my relationship breaks up?

Yes. The Alaska courts will hear cases about the break-up of relationships even if a couple is not married. These relationships are called “domestic partnerships” and can apply to both same sex and opposite sex relationships. You may need to talk to a lawyer to find out what to do, because there are no court forms for domestic partnerships. However, if you have children together, you can use the court’s forms for child custody cases. [View the forms.](#)

You can also find help at the Alaska Court System [Family Law Self-Help Center](#).

Can I get legal help if I am the victim of domestic violence?

Whatever sex you are, you can get court protection from a partner who hits you or threatens you, or commits other acts of domestic violence. See Section 5 of this Guide for more information on domestic violence. To ask for court protection, you can find forms and instructions online. <http://courts.alaska.gov/shcdv.htm#0b>

You can also contact the following organizations at the phone numbers below or online.

- [STAR \(Standing Together Against Rape\)](#)
Anchorage Crisis Line: 907-276-7273
Statewide Crisis Line: 1-800-478-8999
- [AWAIC \(Abused Women's Aid in Crisis\)](#)
24-hour crisis line - 907-272-7244

Sexual Crimes

Rape or Sexual Assault

What is rape or sexual assault?

Rape is:

- having sex with a person who does not want to have sex with you
- forcing someone to have sex with you
- threatening to injure someone to make them have sex with you
- having sex with a person who is unconscious
- having sex with a person who is affected by drugs or alcohol and may not be able to say no.

Having sex with someone in these kinds of situations is also called sexual assault.

Someone had sex with me while I was drunk (or high or unconscious). Was that rape?

Sexual assault occurs when: “the offender engages in sexual penetration with another person without consent of that person.” To determine if consent has occurred, the court looks at “whether the victim was temporarily incapable of understanding that they were engaged in sexual penetration with the defendant.” If an individual was drunk, high, or unconscious when the sexual act occurred, it is more likely the court will find that that individual was unable to provide consent and a sexual assault occurred.

Rape is never the fault of the victim. However, you can take common sense measures to make it less likely you will be the victim of a sexual assault. Do not walk alone at night, always tell someone where you are going, be aware of your surroundings, and do not wear headphones. When going to a party, keep an eye out for your friends and make sure they know where you are. Do not leave your drink unattended.

Statutory rape; age of consent

What is statutory rape?

Having sex with a person who is under the age of consent is a crime called statutory rape. It is statutory rape even if the person seemed willing to have sex with you. The law is very specific about what ages are illegal. This crime is also called sexual abuse of a minor.

What does the “age of consent” mean?

“Age of consent” means the minimum age a person must be before the law considers that person old enough to agree to have sex. In part, this depends on the age of the other person. Having sex with someone under the age of consent is a very serious crime. If you are sexually active, be very sure about the age of the other person before having sex.

What is the age of consent in Alaska?

Two people who are both 16 or older can agree to have sex with each other. When a person involved in sex is under the age of 16, Alaska law looks at the difference in ages to decide whether that person is legally able to agree to sex.

- No one over 16 can have sex with someone who is 13 or younger.

- No teenager can have sex with someone who is 4 or more years younger.

The law also makes it a crime for a person in a position of authority over a younger person (such as a teacher or minister) to have sex with the younger person.

Does it matter if the person I have sex with is my girlfriend or boyfriend, or if the person told me he or she was older?

Generally, it is still against the law to have sex with a person who is too young, even if you are dating or if the person lied about his or her age. You may not be guilty of illegal sexual activity if you can show that you tried to find out the person's age and really believed he or she was old enough to agree. But it's hard to prove those things. It is better to avoid illegal sexual relationships than to try and get out of being charged with illegal sexual conduct.

Are there different rules for males and females?

No, both males and females have to be old enough to have sex. Punishment is the same for males and females if they are found guilty of illegal sexual conduct. It does not matter if the person accused of illegal sexual conduct is male or female or the victim is male or female.

What is the punishment for having sex with someone under the age of consent?

Punishment for having sex with someone who is too young under the law is very serious. Depending on the situation, the punishment could be as much as 5 to 8 years in prison for a first offense. Also, a person convicted of any sexual crime may have to register with the police as a sex offender.

Sexting

What is sexting?

Sexting means producing and distributing sexually explicit images or messages. What can seem as harmless flirting may have far reaching consequences. Naked photos can easily be copied and distributed on the internet, and personal messages can be repeated across Facebook and Twitter. Once a picture or text is on the internet, it is virtually impossible to erase. Currently, Alaskan law does not protect you if your naked picture ends up on the internet. Be careful what you share and with whom you share it.

Sexting can also have significant legal consequences. The production and distribution of indecent images of a minor is called child pornography. Possession of child pornography can result in very serious charges and significant time in prison (no less than five years for your first offense, and up to 15). You could also end up listed on a sex offender registry. Even if you are under 18, if you take or pass along a photo of another teen, you can still be charged with a crime. In Alaska, you must be 16 to consent to sexual activity, but you must be 18 to take or possess naked pictures. Because of the relatively new technology, the law is still evolving on this issue and may change.

Pregnancy

I think I'm pregnant. Now what do I do?

An unplanned pregnancy can be a frightening and confusing experience. A trusted adult, parent, teacher, or school nurse can help direct you to local medical providers who will assist you in determining if you are pregnant and help you decide how to proceed. Three options you may want to consider are terminating the pregnancy (abortion), adoption, or keeping and raising the baby yourself. Some clinics (commonly referred to as “crisis pregnancy centers” or “pregnancy resource centers”) will not provide information regarding abortion or provide birth control. They may also discourage you from pursuing an abortion. If you would like information regarding these options, contact a licensed community health center, Planned Parenthood of the Great Northwest, or a Tribal clinic. [View the list that provides information on health care providers throughout the state.](#)

Abortion, parental consent, and judicial bypass of parental consent requirement

Is it legal for me to get an abortion in Alaska?

Yes. The United States Supreme Court ruled that a woman has a right to an abortion in the United States. But the states are allowed to adopt some rules related to getting an abortion. Alaska law now requires an unemancipated minor who is pregnant to notify a parent or have parental consent before having an abortion.

If I want to get an abortion, do I need my parents' consent?

If you are under 18, unmarried and unemancipated, a doctor licensed in Alaska is prohibited by law from performing an abortion unless

- one of the your parents, or your guardian or custodian, has been notified or has agreed in writing to allow you to have an abortion; or
- you have a court order giving you permission to have an abortion without notice to or the agreement of a parent, guardian or custodian; or
- five days have passed without court action after you file a legal form (called a petition or complaint) asking the court to give you permission to have an abortion without notice to, or consent of, a parent, guardian or custodian.

What do I have to do to get court approval for an abortion?

If you are under 18, and not married or emancipated, you can apply for a court order allowing you to have an abortion without notice to or consent of your parent, guardian or custodian. This process is known as "judicial bypass." You must turn in a form (also called filing a complaint) to the superior court asking for this approval. You can get the form and instructions about how to fill it out and turn it in either online or from the superior court. The completed form can be sent to the court by fax or e-mail. There is no charge for submitting this form.

If you cannot hire a lawyer to help you, the court must appoint one for you.

Where can I get the forms I need to file for court approval?

In Anchorage you can get the Judicial Bypass Packet at the Probate/Children's Division of the Superior Court, located at the Boney Courthouse, 303 K Street, Second Floor, Anchorage, Alaska 99501. The

phone number in Anchorage is (907) 264-0433. In other parts of Alaska, the forms and instructions are available at the Alaska court office nearest to you.

You can also find the forms and instructions online. [View the Alaska Court System Judicial Bypass forms site.](#)

You can find the 3 forms that you need at this site. The 3 forms are:

- Form P-500 explains your rights;
- Form P-501 has detailed instructions and gives court locations and phone numbers;
- Form P-505 is the complaint form.

Print out the forms and fill them out. You can call 1-855-724-0615 for assistance in filing by fax or e-mail.

Adoption

What does it mean legally if I give up my child for adoption?

If you are a biological or other legal parent, and you give up a child for adoption, all your legal rights and responsibilities as a parent come to an end. The judicial process of adoption creates a new parent-child relationship with the adopting parent or parents. The adopting parents then have all legal, financial, and other responsibilities for the child. An adoption creates the same permanent parent-child relationship as if the adopter and adoptee were biological parent and child. This means there is no legal difference between an adopted child and a biological child of the adopting parent.

Who can adopt?

A husband and wife, an unmarried adult, and the unmarried parent of the person to be adopted can adopt. Under certain circumstances, a married person can even adopt without the other spouse. In Alaska, the most common adoptions are by other relatives, including step-parents who adopt step-children, or grandparents who adopt grandchildren.

Is adoption only for children?

No. An adult can adopt another adult as long as the person to be adopted is not married to the adopter.

Who must consent (agree) to an adoption?

Persons who must agree to an adoption include:

- the mother;
- any person lawfully entitled to custody;
- the spouse of a minor to be adopted;
- the father if he was married to the mother at conception or any time after conception, if he previously adopted the child, or if he said that the child is his;
- the spouse of a married adult to be adopted;
- the guardian or conservator of an incapacitated person to be adopted;

- the person to be adopted if he or she is ten years of age or older.

All agreements to be adopted must be in writing and must be witnessed and stamped to prove the documents are valid.

When are consents not required for an adoption?

An adoption can be completed without a parent's agreement if the parent

- has abandoned the child for at least six months;
- has failed to keep in touch with the child for one year; or
- has failed to provide for the child's care and support for one year.

If my girlfriend had a baby but I didn't marry her or say the child is mine, is my consent to an adoption required?

No, your consent is not required.

If I agree to the adoption of my child, can I change my mind later and take back my agreement to an adoption?

You have ten days after agreeing to an adoption to change your mind and withdraw or take back your agreement. If you change your mind, you must say this in writing.

After the ten day period is over, you can only take back your agreement to an adoption with a judge's permission after a court hearing. You will have to persuade the judge that withdrawing your consent to adoption is in the best interests of the child or other person to be adopted. This RARELY happens.

If I give up my child for adoption, will anyone investigate to see if the adopting parents are qualified?

There will be an investigation unless the adoption is by other family members, or is the adoption of an adult, or is an adoption in which the Alaska Department of Social Services has been involved. The court will appoint the person to do the investigation. Either the Department of Social Services or a specially trained person can do the investigation. When there is an investigation, the adoption will not be final until the investigation is completed.

If I agree to my child being adopted, do I have any rights to see my child?

Under Alaska law, visits between an adopted child and his or her biological parent are possible. But if your child's adoptive parents agree that you can visit with your child, this agreement is valid only if it is mentioned in the adoption petition, the consent you sign, and the adoption decree.

Are adoption proceedings confidential?

Yes. The process is private. The proceedings are held in a closed courtroom and the court file is not available to the public.

Is the law different if the child to be adopted is Alaska Native?

Yes. For the adoption of a Alaska Native or a member of an Indian tribe, a federal law called the Indian Child Welfare Act (ICWA) must be followed. For an ICWA adoption, it is best to consult with an attorney experienced in ICWA issues.

Establishing paternity

What does “establishing paternity” mean?

“Establishing paternity” means determining who is the legal father of the child. There are a number of situations in which it is necessary to identify the father and determine legal responsibility for a child. For example:

- when the state intervenes in a family and takes custody of a child, that child’s legal parents have a right to be notified;
- for a child to be adopted, both legal parents must consent to the adoption or have their rights terminated by a court;
- if a man is ordered to pay child support for a child that the man does not believe is his biological child, the man can contest the child support order by attempting to prove that he is not the father.

How does the law determine if a man is the legal father of a child?

A man will be legally considered the father of a child, and have complete rights and responsibilities of a parent toward that child if:

- the man is married to the mother of the child at the time the child is born;
- the man is not married to the mother at the time the child is born, but is believed to be the father and later marries the mother (unless another man has said he is the father). In this situation, the parents should request a substitute birth certificate from the Alaska Bureau of Vital Statistics;
- a mother who is unmarried at the time the child is born and a man both sign a legal document which says the man is the father and file the document with the Alaska Bureau of Vital Statistics; this document is called an *affidavit of paternity*;
- a court determines that a man is the father of a child and issues a *judgment of paternity*.

Can a state child support agency also determine paternity?

The Alaska Child Support Services Division (CSSD) can establish paternity for a child of unmarried parents. CSSD will notify the man who might be the child’s father and ask him to admit that the child is his, or to take a paternity test.

If the man receives the notice, but does not respond and does not deny paternity, CSSD can enter a default order with the court stating that the man is the father of the child. With a default order, CSSD can begin to charge that man for child support.

If the man does not admit paternity but a paternity test shows a 95% or greater chance that the man is the child’s father, CSSD will set a date for a conference with that man to discuss parental rights and responsibilities including child support obligations. If follow-up tests confirm that man is the father, CSSD will enter an order with the court establishing paternity and charging the man for child support.

Is there a way for a man who is considered the father to show that he is not?

If a man has been caring for a child but has never admitted he is the father of the child, he may not be the legal parent. Within certain time limits and under certain conditions, a state court or the CSSD may determine that a man is not the legal father of a child. This is called *disestablishing* a man's paternity of a child. If a state-approved paternity test shows that a man has less than a 95% chance of being the child's father, the results of that test can be offered to the court to support an order that the man who was believed to be the child's father is in fact not that child's father.

If a man's legal fatherhood is disestablished, the man no longer has future legal rights or responsibilities toward the child. However, the man may still owe child support from the past period when he did have legal responsibilities toward the child.

When would it be necessary to disestablish paternity?

In situations in which the legal parent must be identified, it may be necessary to disestablish the paternity of a man who has been thought to be the parent. The state Office of Children's Services (OCS) can ask a court to disestablish paternity if, based on the results of a paternity test, the man who was presumed or believed to be the child's father is in fact not the biological father of that child. Usually, OCS asks a court to disestablish paternity so that OCS can search for the child's biological father or free the child for adoption.

How is paternity disestablished?

The CSSD can disestablish paternity by an administrative process. If a court never entered an order establishing paternity, the man never admitted he was the father, and genetic tests never confirmed the man's paternity, then that man can ask CSSD to disestablish his paternity. But there is a three year time limit. If a man has reason to know he is thought to be the child's father, and he doesn't ask CSSD to disestablish his paternity within three years, then he can't ask to be disestablished later on.

Child Support

If I have a child, am I legally required to support that child?

Yes. The law says that parents must support their child from the time the child is born until the child turns 18. If you have a child--even if you didn't know about a child that you fathered--you can be required to pay child support from the time of the child's birth. Even if the mother deliberately kept you from knowing about the child, you could be sued for past and current child support at any time up to two years after your child turns eighteen.

How long does my responsibility to support my child last?

In Alaska, the obligation to support your child typically lasts until the child turns 18 years of age. But if your child is still in high school, or in an equivalent vocational school when he or she turns 18, your child support responsibility continues until your child graduates or turns 19 years old – whichever comes first. Your child support obligation ends if your child dies or is emancipated.

If I become a parent before I graduate from high school or turn eighteen, do I have to support my child?

Even though you are a minor, you must support your child. You are responsible for paying for food, clothes, a place to live, education, medical care, and other necessary things until the child turns 18.

But I don't have a job because I'm still in high school, so how can I pay?

Most Alaska teenagers receive an Alaskan Permanent Fund Dividend. Some Alaskans also receive monetary benefits from their Native corporations. These funds would be used to figure out how much your child support payment should be. If both parents are minors, the grandparents may be ordered to pay child support for their grandchild.

Who determines the amount of child support?

The Alaska Superior Court or the Child Support Services Division (CSSD) can determine the amount of child support that a parent must pay. A court rule called Alaska Rule of Civil Procedure 90.3 explains how the amount of child support is calculated. You can read more about how child support is determined in Section 5 of this Guide.

Is there is a mandatory minimum for child support?

In Alaska, the mandatory minimum child support is \$50.00 per month or \$600.00 per year. A parent may also be responsible to pay for health care expenses not covered by insurance or a government benefit program.

Tattoos, Body Piercing, and Tanning

If I am under 18, can I get a tattoo?

No. It is illegal for a tattoo artist to perform a tattoo on a minor, even if his or her parent gives permission.

If I am under 18, can I get a piercing?

Ask your parents. Teens may only get a body piercing if they have written permission from their parent or legal guardian before the piercing. The parent or legal guardian must also be present during the body piercing procedure.

If I am under 18, can I go to a tanning salon?

Maybe. Alaska currently has no law barring minors from tanning. However, some other states have laws that restrict minors from tanning salons. Alaska law may change to reflect growing concerns about the harmful effects of ultraviolet lights.

Many tanning salons do have age restrictions for clients, so you should call in advance to learn about a particular salon's rules.

Entering the “Real World”

- Age of majority and emancipation
- Going to work:
 - Limits on jobs minors can have
 - Minimum wage and overtime
 - Paycheck deductions
 - Social security numbers
 - Getting fired
 - Benefits: breaks, vacation, sick leave
 - Drug, alcohol and lie detector tests
 - Worker’s compensation and unemployment insurance
 - Discrimination and sexual harassment
 - Pregnancy and disabilities
 - Family Medical Leave Act (FMLA)
- Registering for selective service
- Entering the military
- Money:
 - Contracts
 - Bank accounts
 - Credit cards

- [-Debit cards](#)
 - [-Credit reports](#)
 - [**Fraud and Consumer Protection**](#)
 - [**Housing:**](#)
 - [-Renting an Apartment](#)
 - [-Roommates and subleases](#)
 - [-Living in the Apartment](#)
 - [-Problems with the apartment](#)
 - [-Eviction](#)
 - [-Moving out](#)
 - [-Public housing](#)
 - [**Jury duty**](#)
 - [**Voting**](#)
 - [**Student Loans & Financial Aid**](#)
-

Age of majority and emancipation

What is the age of majority in Alaska?

In Alaska, the age of majority is 18. This means that an 18 year old is considered an adult for most legal purposes. An important exception is that an 18 year old does not have the right to possess and consume alcohol, which is legal only for those who have reached the age of 21. Another exception is that persons under the age of 19 are not legally allowed to buy or use tobacco.

What restrictions on legal rights apply to minors?

Minor is a legal word used to mean a person who has not yet turned 18. Some of the things a minor is not allowed to do are:

- Vote
- Join the military
- Sign contracts
- Buy or sell real estate
- Sign a lease to rent a house
- Serve on a jury
- Buy and use tobacco or alcohol
- Get a tattoo

A minor needs a parent's permission to:

- Get married
- Go to a doctor or dentist, except in certain circumstances
- Get a driver's license
- Get a body piercing

What does emancipation mean?

Emancipation is a process that gives a person who is between the ages of 16 and 18, the legal status of an adult for many purposes. An emancipated minor is no longer subject to the authority of a parent or guardian, and has the legal right to do certain things—but not drink alcohol or use tobacco-- that are otherwise prohibited for a person under the age of 18. Emancipation also takes away some benefits of being a minor, such as the right to parental support. A minor may become emancipated by going to court for an order of emancipation, or by getting married.

For more information about emancipation, including rights that are affected, when you may be eligible for emancipation, and the court process to become emancipated, [see Family Life](#).

Going to work

Limits on jobs minors can have

Why are minors prohibited from doing some jobs?

Some laws limit the kinds of work minors can do, and set rules about working hours and conditions. These laws, generally called child labor laws, are intended to protect the health of young workers by keeping them away from dangerous work or exploitation.

What kind of work are minors prohibited from doing?

If you are under 18, state law limits what types of work you can do and the hours you may work. If you are younger than 18, you cannot work at all in hazardous excavation, underground in mines, as a hoisting engineer in mines, or generally in any occupation that is dangerous or that might be bad for your health. You also cannot work more than six days a week. Certain exceptions may apply. [Contact the Alaska Wage and Hour Administration for more information.](#)

After you turn 18, you can work in jobs that require you to do hazardous tasks such as handling explosives, using power-driven cutting machinery, logging, mining, roofing, and meat processing. It is important that you have a realistic understanding of your skills and physical abilities and be aware how an employer can take advantage of you, because the law will no longer prevent you from performing dangerous work.

Are there any limits on the work I can do after I turn 18?

If you are over 18 but not yet 21, you can work at a hotel or restaurant that is licensed to sell alcohol, but you cannot sell, serve, deliver, or dispense alcoholic beverages. You may not sell tobacco or tobacco products before you turn 19. If you are under 21, you may not sell pull-tabs.

What work rules apply if I am 16 or 17?

If you are 16 or 17, you may work at a hotel, restaurant, or eating place that serves alcohol if your job does not require you to serve, mix, deliver, or dispense alcoholic beverages and you have the written consent of your parent or guardian.

If you are under the age of 17, you must have a work permit issued by the Alaska Department of Labor. For some jobs, federal law requires even 17-year-old workers to have a permit. In addition, you must have the consent of your parent or guardian. You must get a new work permit each time you get a new job.

What rules apply if I am under 16?

If you are younger than 16, you may work only between 5:00 a.m. and 9:00 p.m. When school is in session, you may not work more than nine hours of school and work combined in one day, and no more than 23 hours outside of school hours in a week. During school vacations, you cannot work more than 40 hours a week, and your hours must be between 5:00 a.m. and 9:00 p.m. You cannot work more than six days a week. You may not work in an establishment that serves alcohol.

You also cannot work on fishing boats unless your parent operates the boat. Federal law may be more restrictive.

Can I have any kind of job if I am under 14?

If you are younger than 14, you may only work in the following jobs:

- Newspaper sales and delivery.
- Babysitting, handiwork, and domestic employment in or around private homes.
- Jobs in the entertainment industry, with an approved work permit from the Alaska Wage and Hour Administration.
- Casing cans in a cannery under competent supervision.

Minimum wage and overtime

What is the minimum wage in Alaska?

The Alaska minimum wage is \$7.75 per hour for all hours worked. This amount does not include tips or gratuities. All tips belong to you as the employee and your employer cannot take them, unless your tips go into a pool to share with other employees. There are a few jobs that do not require that you be paid minimum wage, including apprenticeships, job training programs, and jobs for certain physically or mentally handicapped persons. The full list of these types of jobs is found in Alaska Statutes (AS) 23.10.055.

Does my boss have to pay me for working overtime?

You must be paid for working overtime whenever you work more than eight hours in a day or 40 hours in a week. Overtime pay is 1½ times your usual hourly wage. Again, there are some exceptions to the overtime requirement, such as certain mining, dairy, or agricultural jobs.

How often do I get paid?

You and your boss may agree when you first start a job that you will be paid once a month. If you didn't make such an agreement when you first started work, you have the choice of getting paid monthly or semi-monthly (approximately every two weeks).

Pay check deductions

I thought I earned \$500 last pay period, but my paycheck is for much less. What are these deductions?

The law requires your employer to *deduct* part of your pay for taxes and other purposes, and pay this money to the federal government or others entitled to receive it. Paycheck *deductions* include money that is *withheld* for federal income tax and FICA. FICA is short for the Federal Insurance Contributions Act, also known as Social Security. Nearly all employees in the United States pay FICA tax to provide retirement, disability, and death benefits to workers. The employer pays half of this tax and you pay the other half. You can collect Social Security if you ever get hurt and cannot work, and when you retire.

In states that have an income tax (Alaska does not!), there will be a state income tax deduction from your paycheck. If you belong to a union, union dues may also be deducted.

These payroll deductions are mandatory, but your employer should not deduct anything else from your pay unless you authorize it in writing. An employer may not deduct losses (like money missing from the cash register or broken equipment) caused by your dishonesty or willful misconduct unless you agree in writing that you are responsible.

My employer didn't deduct anything from my paycheck. Is that OK?

If your employer does not deduct anything from your paycheck, you should ask why. Does your employer consider you an independent contractor? If so, you will be responsible for all the taxes yourself. This may shock you when it is time to file your tax return!

What is an independent contractor?

An independent contractor is a self-employed person who provides services for others, but controls his or her own methods for doing the work. An example may be a person who has a business of designing web pages for others. Whether a person is an employee or an independent contractor can be complicated because it depends on many different facts. Among other things, an independent contractor gets to decide his or her own hours and where to work.

If you have questions about wage and hour issues, call the Alaska Department of Labor, Wage and Hour Administration at (907) 269-4900, visit their website at www.labor.alaska.gov/lss; or contact the U.S. Department of Labor at 1 (866) 487-2365 toll free.

Social Security numbers

Do I have to give my Social Security number to my employer?

Yes. In general, all employees, including minors, must have a Social Security number to get a job. Your employer must report your wages to the Internal Revenue Service (IRS), the agency that collects federal taxes. Your employer must also pay the federal income tax and FICA that it withholds from your paycheck to the IRS. The IRS uses your Social Security number to keep track of what you earn and the taxes paid on your earnings through withholding. For more information, check with your

local Social Security office, go to www.ssa.gov, or call 1 (800) 772-1213.

Getting fired

What rights do I have if my employer fires me?

Generally, in Alaska, you are employed *at will*. This means your boss may fire you without any advance notice, for any reason or for no reason, except that you cannot be fired for a reason that is illegal discrimination, or violates public policy. Illegal discrimination means being treated differently from other employees because of your sex, marital status, change in marital status, pregnancy, parenthood, race, religion, color, or national origin, or because of a physical or mental disability. In most private companies, the employer does not have to give you warnings about unsatisfactory work, or the chance to do better at your job. You can be fired at any time and without any reason.

In contrast, after a probationary period, most public employers can fire you only for *good cause*. (Public employers are city, state, or other government offices or agencies). The same is true for most union jobs. *Good cause* means the reason to fire or discipline a worker is not an arbitrary, capricious, or illegal reason, and is based on substantial facts that the employer reasonably believes to be true. *Good cause* to fire an employee can also be defined in the union agreement or the employer's personnel rules. But the employer doesn't have to show *good cause* to terminate temporary hires or a person who has an individual contract without any expectation of long term employment.

If you are fired, your employer must pay you the rest of the wages you have earned within three working days after you are fired. If you quit your job, your final wages are due at the next regular payday that is at least three days after your last day worked.

Benefits: breaks, vacation, sick leave

Do I get breaks during the workday?

If you are younger than 18 and you are scheduled to work six consecutive hours, you are entitled to a 30 minute break during the workday. If you work five consecutive hours, you are entitled to a 30 minute break before continuing work. An employer does not have to give breaks for employees 18 and over. An employer that allows breaks of less than 20 minutes must pay you for time spent on the break. An employer that allows meal periods (like a lunch break) does not have to pay you for the meal period if it lasts more than 20 minutes and you do not work during that time.

How much vacation or sick leave do I get?

An employer is not required to pay you for vacation time or sick leave. An employer only has to pay these benefits if it has a policy to pay them or has made a promise or a contract with you to pay them. An employer must treat all like employees alike.

Drug, alcohol and lie detector tests

Can my boss make me take a drug or alcohol test?

It depends on the kind of work you do. Generally, an employer may test you for the presence of drugs or for alcohol impairment, but must follow a very detailed set of guidelines and make a written copy of

its policies and procedures available to you. All drug and alcohol testing must be at the employer's expense and during work time. In other words, if your boss makes you take a drug or alcohol test, you must be paid for the time the test takes.

Can my boss make me take a lie detector test?

An employer or prospective employer may not require you to take a lie detector test as a condition of employment, except in the case of police officers.

Workers' compensation and unemployment insurance

What is *Workers' Compensation* insurance?

Workers' Compensation insurance, often called *workers' comp*, is insurance that will cover your medical expenses if you are injured or develop an occupational disease while you are working at your job. Workers' Comp is not the same as health insurance; it does not cover your medical expenses if you get sick or are injured when you are not working at your job. Most employers are required by law to carry workers' comp insurance, but there are a few exceptions, mostly jobs that are part-time or transient. Also, a person who hires an *independent contractor* does not have to carry workers' comp on that person.

Can my employer fire me if I file a workers' comp claim?

Your employer cannot prohibit you from filing a workers' comp claim, or fire you for filing one. If you are supposed to be covered by workers' comp and are injured on the job, but your employer does not carry a policy, the State of Alaska has a special fund, called the Workers' Compensation Benefits Guaranty Fund, to help cover your injuries. [Learn more about this fund, and whom to contact.](#)

When am I eligible for unemployment insurance?

Unemployment insurance pays you for a time if you are laid off from a job through no fault of your own. But you may be penalized if you quit without good reason or are fired for misconduct. You are not entitled to unemployment insurance if you cannot work due to illness or are out of state and are not job hunting. If you are laid off, you may apply for unemployment benefits by calling an Unemployment Insurance Claims Center or login to myalaska.state.ak.us and click on "Unemployment Insurance Benefits."

Discrimination and sexual harassment

I think that my boss is discriminating against me. What can I do?

It is against the law for an employer to refuse to give you a job or to discriminate against you because of your race, religion, color, national origin, age, physical or mental disability, sex, marital status, changes in marital status, pregnancy. Unfortunately, it may be very difficult to prove that the employer's reason is an illegal one. If you experience discrimination in the workplace, you can contact the following local, state or federal agencies for help:

- Visit the [Anchorage Equal Rights Commission website](#) or call (907) 343-4342.
- Visit the [Alaska State Human Rights Commission website](#) or phone (907) 274-4692.

- Visit the [Equal Opportunity Employment Commission website](#) or phone (800) 669-4000.

What is sexual harassment?

Sexual harassment is another form of discrimination that is against the law. In general, it means unwelcome sexual behavior in the workplace by a supervisor, co-worker, or client. This might include sexual comments, pressure for sexual favors, inappropriate touching, or even a sexual assault. It also might be one employee subjecting another to frequent unwelcome sexual jokes or hanging degrading posters of women or men. If you are being sexually harassed, you generally will have to file a report with your employer. If your report does not stop the harassment, if the person who is harassing you is the head of the company, or if your employer retaliates against you for your complaint, you can make a report to one of the Commissions listed above. You can find more information, including definitions of *discrimination*, *retaliation*, *hostile environment*, *sexual harassment*, and other terms in more detail on the websites listed above.

Pregnancy and disabilities

What are my rights if I am pregnant?

An employer cannot terminate you for getting pregnant, cannot refuse to give you a reasonable period of maternity leave, and cannot force you to take maternity leave for an unreasonable period of time. Your employer must treat maternity leave the same way it treats other illnesses. As a general rule, when you return to work from pregnancy leave, you must be put back in your original job or in an equivalent position with equivalent pay and accumulated seniority. If you think you have been discriminated against because of a pregnancy, contact the Anchorage Equal Rights Commission, the Alaska State Human Rights Commission, or the Equal Opportunity Employment Commission at the phone numbers or websites listed above.

What are my rights if I am disabled?

Title I of the Americans with Disabilities Act of 1990 (often called the ADA) requires employers to provide *reasonable accommodation* to qualified persons with disabilities who work or want to work for them, unless the employer would experience undue hardship as a result. Generally, this means an employer must change the work environment or the way things are customarily done so that the person with a disability can have the same job opportunities as others and can perform the essential functions of the job.

If you decide to ask for an accommodation, you can simply let the employer know you need a change due to a medical condition. You do not need to specifically mention the ADA. However, the employer does not necessarily have to make the change you ask for. Your request is the first step in an informal process between you and the employer, who may ask you questions to help understand your needs. The employer may ask for reasonable documentation from your medical provider about your disability, the limits to work you can do, and any accommodation that you ask for. The employer also can suggest different accommodations or argue against those you propose. But the employer cannot refuse a reasonable accommodation unless it can show that providing it would be an undue hardship.

Family Medical Leave Act (FMLA)

What is the Family Medical Leave Act (FMLA)? Am I covered?

If your employer has at least 50 employees and you have worked for the company for at least 12 months (which don't have to be continuous), including at least 1,250 hours of service during the 12-month period immediately before the leave starts, then you may be covered by the FMLA. The State of Alaska also has a family leave act, and some private companies may offer leave, but they do not have to follow the FMLA.

Under the FMLA, you may take up to 12 workweeks of leave during any 12-month period for one or more of the following reasons:

- the birth of a child, and time to care for the newborn child;
- adoption of a child or a foster care placement, and time to care for the child;
- your spouse, son, daughter, or parent has a serious health condition, and needs your care; or
- you have a serious health condition that makes you unable to perform at least one essential function of your job.

During FMLA leave, an employer must maintain your existing level of insurance coverage under a group health plan. Generally, an employer must take you back into the same or an equivalent job at the end of the FMLA leave. You may be required to provide information, including current updates, verifying the serious medical condition that led to the leave.

[\(Back to top\)](#)

Registering for Selective Service

What is Selective Service, and why is it required?

Selective Service is the system the United States military uses to identify potential soldiers. The government keeps a registry of all men between the ages of 18 and 25 who could be summoned to military service quickly—in a fair and random order—in the event of a national emergency. If Congress passed a draft law, also known as a *conscription* act, it would probably require the military to use a lottery to identify citizens for mandatory service. Currently, there is no draft law in effect, but Selective Service registration is still required.

Do I have to register for military service even if I don't want to enlist?

If you are a male U.S. citizen or male immigrant living in the United States, you generally must register with the Selective Service System within 30 days of your 18th birthday. Women are exempt, but all eligible young men ages 18 through 25 must be registered.

If you fail to register, you could be punished with a maximum \$250,000 fine and/or five years in prison. You must be registered to qualify for federal jobs, federal job training, and federal student financial aid. State employment or student financial aid also requires selective service registration. If you are an immigrant between the age of 18 and 25, you must register to remain eligible for citizenship.

How do I register?

You can:

- Register online at www.sss.gov;
 - Pick up a form at your local post office, complete it, and mail it in;
 - Mail in a completed Selective Service reminder card (a card is sent to most young men around their 18th birthdays);
 - Check the appropriate box on a Federal Student Financial Aid form; the Department of Education will then supply the necessary registration information to the Selective Service;
 - Register at your local high school; many high schools have staff members who are Selective Service Registrars; or
 - Register at any U.S. embassy or consular officer if you are living overseas.
-

Entering the military

How do I join the military?

Joining the military is a serious commitment. Before signing any document to enter the military you should read the document carefully and talk to someone you trust if there is anything you don't understand. If you want to join the military, you start by choosing between serving as an enlisted service member or as an officer.

What are enlisted service members?

Enlisted service members make up the majority of the military forces and perform much of the hands-on work. To enlist, you must be 18 years old. You may also enlist if you are 17 and have your parents' consent. You must also have graduated from high school, although a General Educational Development (GED) certificate is sometimes acceptable.

What is the process for enlisting?

Once you have talked to a recruiter and made a commitment to serve, you set a date to visit a Military Entrance Processing Station (MEPS) to finish the enlistment process. The MEPS is a joint-service organization that determines candidates' physical qualifications, aptitude, and moral standards as set by each branch of military service. There are MEPS located all over the country. When you go to the MEPS, you should:

- bring a Social Security Card, birth certificate, and driver's license;
- remove any body piercings, and make sure your clothing does not have obscene images;
- bring glasses or wear contacts, and bring along an eyeglass or contact lens case and solutions;
- get a good night's sleep, and arrive early.

Candidates officially complete the process of joining the military once they meet all of the requirements at the MEPS. The process may take up to two days. Food and lodging are usually provided for candidates. At the MEPS, the candidate can expect to:

- take the Armed Services Vocational Aptitude Battery;
- have a physical examination;
- meet with a counselor and determine a career; and
- take the oath of enlistment.

After processing at the MEPS, the new recruit will either report for basic training immediately or, if the recruit is enlisting before finishing high school, take basic training within a year.

What do officers do and how can I become an officer?

Officers are the managers of the military, planning or directing operations or acting in professional roles in fields such as medicine and law. Officers have generally completed a four-year college degree or more advanced education before serving, though it is possible to advance through the enlisted ranks and complete officer training later. An officer's education often determines what career he or she will have in the military. Usually the candidate will meet with a military advisor or career counselor during college to select a potential job specialty.

If you are interested in serving as an officer, you have four options:

- attend a Senior Military College or Academy;
- enroll at a traditional college or university with a Reserve Officer Training Corps (ROTC) program;
- attend Officer Candidate School (OCS) after graduating from college; or
- receive a direct commission after earning a professional degree.

Some enlisted service members are promoted to officer rank. Most branches of the armed forces have programs, including additional training, that help service members make the change. A commanding officer may recommend an enlisted service member with the right qualifications for OCS or ROTC (if they plan to go back to school). A warrant officer (who ranks between the highest enlisted service members and the lowest commissioned officers) may be promoted from the enlisted ranks for technical expertise. A high-ranking enlisted service member who has been given officer-like authority by his or her superiors may become a non-commissioned officer (NCO).

Money

Understanding your rights and responsibilities under legal agreements that you may enter, and using the many money management tools that are available today are important skills for young persons nearing adulthood. This guide covers some basic information about contracts, debt and credit cards, credit reports and your rights.

Contracts

What is a contract?

A contract is an agreement between two or more persons who make promises to each other that are legally enforceable. A contract can be a written document, or just an oral agreement, but it cannot be for an illegal purpose. Contracts are part of many everyday transactions like buying a car, leasing an apartment, buying insurance or accepting the terms of a new job. A contract will require you to fulfill obligations that you agree to. So if you are considering signing a contract, make sure you understand everything it requires you and the other party to do.

What do I need to think about before I sign a contract?

- Read the contract completely before signing it.
- Don't sign anything until you are sure you understand it.
- If you don't agree with something in the contract, talk to the other party about changing or taking it out.
- Do not sign a contract with blank spaces — either fill them in or cross them out.
- Be sure to keep a complete, signed copy of the contract.

What happens if I don't follow a contract because I didn't understand it?

If you are 18 or older, you probably cannot get out of a contract that you signed without reading or understanding it. You are responsible for reading and understanding the terms of the contract before you sign it. Breaching a contract — failing to pay a debt when and how the contract requires, for example — can lead to serious consequences. You could be sued and may need to hire an attorney to protect your interests. If you lose your case, you may have to pay a money judgment plus interest and, sometimes, if the contract requires it, the other side's costs and attorney fees. Failing to pay money you owe under a contract can also have a bad effect on your credit score.

Is a contract with a minor under 18 enforceable?

With some exceptions, a contract with a person under the age of 18 cannot be enforced. A minor may be able to *rescind* or cancel the contract at any time for any reason. This rule of law is designed to protect minors from being talked into contracts they do not have knowledge or experience to fully understand. This rule does not apply to student loan agreements or contracts for necessities such as food, clothing, shelter, and some medical services. If an adult co-signs an agreement with a minor, the adult may have to comply with the contract even if the minor does not.

I am fifteen and I bought a motorcycle that I agreed to pay off by making monthly payments. My parents did not sign the contract and say I can't keep the motorcycle. Can I take the motorcycle back and cancel the contract?

Yes. You can rescind the contract because you are a minor and your parents did not co-sign it. But you must return the motorcycle. If the motorcycle has been used or damaged, you probably will not get back all of any money you have already paid.

Bank Accounts

Can I open my own bank accounts if I am under 18?

Some banks may let you open a checking or savings account on your own even if you are under 18. But not all banks will do this. If a bank will not allow you to open an account on your own, you may be able to open a joint account with your parent. If you have a joint account with your parent, he or she will have complete access to money in the account. If the account is in your name alone, your parent cannot control or take the money from the account.

To open an account, you will also need to make sure you have the forms of identification the bank requires.

What are some good questions to ask before opening a bank account?

You should ask, and understand the answers to, questions like these:

- Do I have to keep at least a certain amount of money—called a *minimum balance* -- in the account?
- Does the bank pay interest on the money in the account?
- What fees does the bank charge and how often?
- Does the bank have automated teller machines (ATMs) and will I be charged a fee to use them?

What happens if my check bounces?

First of all, be aware that writing a check when you don't have enough money in your account to pay it may be a crime. If you do write a check for more than the amount you have in your checking account, the bank may handle it in several different ways:

- The bank may return the check to the person or the business that attempted to cash it. That person may notify you and charge up to three times the amount of the check in penalties.
- The bank may pay the check (and require you to make a deposit to cover the difference). The bank will charge you a fee or a penalty if this happens.

How long does it take for a check to clear?

The process could be virtually instantaneous. Some stores now use electronic check conversion, which allows the sales clerk to pass your check through a machine and immediately transfer the funds from your bank account electronically. The sales clerk will then return the actual check to you. In addition, current laws now allow banks to process check payments electronically even before the actual paper check gets back to your bank for payment.

If I deposit a check someone else gave me, can my bank refuse to give me the money?

If you deposit a check another person gave you, your bank may not give you the money right away. Your bank has a right to wait a reasonable period of time to be sure the check *clears*. That means your bank gets the money because the account on which the check was written in fact has the money to pay the check. Even if your bank tells you the check has cleared, you will have to pay the money back if it turns out that the check is no good. So, be very careful about accepting checks from a person you do not know and trust.

Be especially careful if someone gives you a check for more than you expect, then asks you to give them cash back for the extra amount. **DON'T DO IT!** This is a common scam, and you may find that you have to pay the entire amount back to your bank.

Also note that a bank does not have to cash any check that was dated more than six months before you present it to the bank.

Credit Cards

What is a credit card?

When you use a credit card, the bank or store that issues it makes a loan to you in the amount of the purchase you make. At the end of the billing period (usually a month), the credit card company sends you a statement showing all the charges you have made using that credit card in that billing period, plus any outstanding balance from previous billing periods. You can pay the entire amount shown on the statement, or a minimum payment of about 2 percent of the balance, or any amount in between. The credit card company will charge you interest on any unpaid portion of the bill, and will add that interest to the balance due on your next statement. When you make a payment, it will first be used to pay the interest that you owe. Only the remaining part of the payment will reduce what you owe for the items you charged on the card.

Before you get a credit card, you should think carefully about how you plan to use it. If you faithfully pay the full balance of each monthly bill before the due date, a credit card can be a very convenient substitute for cash or checks, and can help you establish good credit. But if you use a credit card to pay for things you cannot afford, you can get deeply in debt and will end up paying far more for your purchases in the long run.

If you are ready to apply for a credit card, shop carefully and take time to compare the interest rates, fees and terms offered by different credit card issuers. [View more information about credit cards.](#)

What is a credit card agreement?

The credit card agreement is the contract between you and the credit card issuer. It describes all the terms and conditions of your credit card, including the interest rate and fees you will be charged, when your payments are due, and any other responsibilities you agree to take on. Read your credit card agreement carefully. Credit card issuers can change the terms of the agreement by notifying you of the changes, so be sure you read any notices you get from your credit card company.

What is a credit limit?

The credit limit is the maximum amount the bank will allow you to charge on your credit card. Your credit card issuer may charge you a penalty if you charge more than your credit limit.

If you are just starting to establish credit, your credit limit will usually be a small amount, maybe just one or two thousand dollars. Over time if you consistently make your payments on time and maintain good credit, your credit card company may be willing to increase your credit limit.

What interest rates and fees can a credit card company charge me?

Interest is the amount of money the bank charges for loaning you money. Credit card issuers calculate the amount of interest using a rate called an Annual Percentage Rate (APR). The APR divided by 12 is the monthly interest rate. When you are shopping for a credit card it is important to ask the following questions:

- What is the APR? Credit card companies may charge different interest rates for different types of transactions. For example, the rate for new purchases may be different from the rate for balance transfers or cash advances.
- Will the APR ever change? Credit card issuers may offer a fixed interest rate that will never change, or they may offer terms that allow them to increase the interest rate at any time. Some credit cards will offer an introductory APR that is lower, but goes up after a specified amount of time. Credit card issuers might charge a higher interest rate, called a *penalty APR*, if you make a late payment, if you charge more than your credit limit, or if the check you send to pay your bill is returned unpaid.

Does it cost more if I spread out credit card payments over a long time?

Yes, it will cost you a lot. Let's say you charged \$500 on your credit card and the APR the bank charges is 15 percent. You will end up paying a lot more than \$500 if you spread the payments out over a long time. Compare what happens:

- If you pay only the minimum payment of \$15 per month, and you don't charge anything else, it will take you 44 payments (3 years and 8 months) to pay off the \$500 with interest the card issuer charges. You will have paid \$160 in interest in addition to the original amount you charged for a total of \$660.
- If you decide to pay \$50 dollars a month instead of the minimum payment, and charge nothing new, you will pay off the \$500 debt within a year, and will have paid only \$37 in interest charges, for a total of \$537.
- If you pay the entire balance of \$500 before the due date on the first bill you get after you charge the \$500, you will pay no interest at all, and will have a balance of \$0 if you make no new charges.

So if you pay more than the minimum each month, it makes a big difference in paying down debt. You can find reliable credit calculators online that can help you see how much you are paying in interest on top of your debt, and help you figure out how much you need to pay each month to get out of debt.

What if my credit card is lost or stolen?

If your credit card is lost or stolen, you should report it to the credit card company immediately. Once you have reported the card lost or stolen, you cannot be held responsible for any unauthorized charges made on it. If someone makes unauthorized charges using your credit card before you have reported it lost or stolen, you are only responsible for charges of up to \$50.

What if I my credit card bill shows charges I didn't make?

If your credit card bill shows a charge you didn't make, or the wrong amount, or other errors, you can contact your credit card company to dispute the charge. However, to be protected under a federal law

called the Fair Credit Billing Act, you must contact the credit card company in writing within 60 days. Once the credit card company receives your letter it is required to reasonably investigate the disputed charges and has 90 days to fix the error or explain why the bill is correct.

Debit Cards

What is a debit card? How is it different from a credit card?

A debit card looks like a credit card but works like an electronic check. Instead of loaning you the amount of the purchase you make, the debit card company immediately deducts the payment from your checking or savings account. If you use a debit card at a retail store, you or the cashier can run your card through a scanner. The scanner allows the store to electronically verify that your bank account has the funds and approve the transaction. Most debit cards also can be used to withdraw cash at ATMs (automated teller machines). Usually you have to enter a PIN number when you make a purchase or withdrawal. Be careful when carrying or using a debit card. Because a pin number is not always required to use a debit card, a thief could use your card and empty your bank account.

What should I do if my debit card is lost or stolen?

It is important to report lost or stolen debit cards right away. Your liability for unauthorized withdrawals or purchases made on your debit card depends on when you report your card lost or stolen.

- If you report your card missing within two business days of your loss, your maximum liability is \$50.
- If you report the loss after two business days but within 60 days of your bank sending you a statement showing unauthorized withdrawals or purchases, your maximum liability is \$500.
- If you don't report that your card was lost or stolen within 60 days of receiving a statement showing unauthorized withdrawals or purchases, there is no limit on your liability.

Credit Reports

What is a credit report?

A credit report provides a record of your credit activities. It summarizes your loans and credit card accounts, your payment history, and whether any action has been taken against you for failing to make payments.

A credit report is created by a credit reporting agency or credit bureau that gathers information from your creditors on an ongoing basis. Credit reporting agencies store your information and supply it, for a fee, to individuals and businesses that have a permissible purpose to review your credit report. There are three major credit bureaus: Trans Union, Equifax, and Experian.

What kind of information is in my credit report?

Your credit report contains a lot of information about you, including:

- Personal information compiled from your credit applications. This includes your name, social security number, birth date, current and previous addresses, and current and previous employers.
- Credit information that includes accounts you have with banks, retailers, credit card issuers, utility companies and other lenders. Accounts are listed by loan type and creditor, and the information reported includes the date the loan was opened, the credit limit or amount of the loan, payment terms, current balance and your payment history. Information may stay on your credit report for seven to eleven years depending on the account type.
- Public records information may include state and federal bankruptcy actions, tax liens, and monetary judgments against you. This information generally stays on your credit report for seven years.
- Credit report inquiry records provide information about who has asked to see your credit report. Inquiry records remain on your report for up to two years.

What is my credit score?

Your credit score is calculated based on information contained in your credit report, but is not part of your credit report. Your credit score (also called your credit rating) is important because it may affect your chance to be approved for a loan, rent an apartment, or get a job. A poor credit score will limit your financial opportunities. Protect and improve your credit score by making payments on time and by limiting your debt.

Can I get a copy of my credit report?

You can request a free copy of your credit report each year. A federal law called the Fair Credit Reporting Act (FCRA) requires the three major credit bureaus to give you one free copy of your credit report each year. You can also request a free copy of your credit report within 60 days after any company takes adverse action against you—such as denying your application for credit, insurance, or employment—based on your credit report. You can request a copy of your credit report online at www.annualcreditreport.com. Beware of other websites and companies that offer "free" credit reports. They often require you to pay for services in order to receive a free copy of your report. Because your credit report is updated on an ongoing basis, it is important to review and check it for errors regularly.

What can I do if my credit report has inaccurate or incomplete information?

Under the FCRA, consumer reporting agencies and the businesses that provide them with your credit information are responsible for correcting inaccurate or incomplete information in your credit report. But it is up to you to let them know the information is wrong. To protect your rights under the FCRA, notify the credit reporting agency immediately if you dispute any information in your credit report. A reporting agency that receives notice that you dispute information in your credit report has 45 days to remove or correct the inaccurate information.

Who can see my credit report?

Under the FCRA, your credit report can only be released for a permissible purpose. Permissible purposes include:

- your own written instruction to release your report;

- evaluation of your applications for credit or insurance;
 - evaluation for employment, promotion, reassignment, or retention, if the employer advises you that it will request the report, and you consent in writing;
 - evaluation of your eligibility for government licenses or other benefits;
 - other legitimate business needs, such as evaluating your suitability for a rental lease, security clearance, or a potential business partnership.
-

Fraud and consumer protection

In today's world, there are many scams or fraudulent activities such as identity theft, "phishing" schemes, or other activities that may cost you a lot of money if you are not a savvy consumer. Here are some "red flags" that should warn you about possible scams:

- Wire transfers. If you are told to wire money through Money Gram or Western Union or another service, DON'T do it unless you are absolutely sure about the purpose of sending the money this way. Once you've wired money, you can't get it back.
- High pressure tactics. Beware of phrases like: "You will lose out if you don't act now."
- Up front payment. If you are told you must pay up front to receive your prize or winnings, it's a scam. If you've won something, it's yours and you should not have to pay anything in advance.
- Refusal to provide written information. If the person or company contacts you but refuses to give information in writing, don't do business with them.
- Unrealistic profits. Don't believe claims that you can make lots of money quickly with no risk, or with no experience or training.

An excellent source of information to help you avoid problems with consumer fraud is the website of the Consumer Protection unit of the Alaska Department of Law. . The Department's website www.law.state.ak.us/consumer has consumer alerts about new scams that periodically arise, and links to a form for filing a consumer complaint.

Housing

As you get ready to support yourself, you may be eager to rent an apartment of your own. Alaska law protects the rights of both *landlords* (the property owners) and *tenants* (the renters), so there are responsibilities and potential problems in renting an apartment. This section covers some of the important things you should know.

- [Get a copy of "Alaska Landlord Tenant Act: What it means to you" from the Consumer Protection Unit of the Alaska Attorney General's Office.](#)
- [View more information in a publication on the Alaska Landlord Tenant Act available from the Alaska Court System at court clerks' offices.](#) This publication also contains sample forms that you can use to tell your landlord about problems with your apartment, or that you want to move out. But remember that if you are facing complicated legal issues about problems at your

apartment, or a potential eviction, you should consult with an attorney to get advice on your specific situation.

Renting an Apartment

If I am under 18, can I rent an apartment on my own?

If you can find a landlord to rent to you, you may be able to rent an apartment. But if you decide after two weeks you want to move out, you will probably not be able to cancel the contract because housing is considered a necessity.

What should I look for when renting an apartment?

It is critical to know how much you can afford to pay, and find an apartment that fits in your budget. Be sure you understand whether the landlord requires a security deposit, and whether the utilities (electricity, gas, water and sewer, garbage pickup) are included in the monthly rent. Utility bills may be additional costs you have to pay. Of course, the apartment should be well maintained and in a safe and convenient location, but don't rent an apartment that you can't afford.

Do I have to pay a security deposit?

The purpose of a security deposit is to protect the landlord in case you damage your apartment or leave without paying rent. Alaska law allows a landlord to charge a security deposit up to two times the amount of the monthly rent. In other words, if your rent is \$1,000 per month, the landlord could require a security deposit of \$2,000. Some landlords ask for *last month's rent* instead of, or in addition to, a security deposit. *Last month's rent* is essentially the same as a security deposit. The landlord is not violating the law as long as the last month's rent and the security deposit do not add up to more than twice your monthly rent. But many landlords only require a security deposit equal to one month's rent, or even less.

What else do I need to know before I rent the apartment?

To avoid any misunderstanding about your responsibilities as a tenant, you need to understand the landlord's rules, or terms and conditions, for renting the apartment. You can have a verbal agreement to rent an apartment, but it is better if the terms and conditions are set out in a written agreement so there won't be an argument later on about what you agreed to. A written agreement to rent an apartment is called a lease.

What should be in a lease?

A lease is a written agreement between the landlord and the tenant. It gives the tenant the exclusive right to occupy the property for a period of time (like a month or a year). Usually the tenant can continue to stay longer if he or she keeps paying the rent.

Nothing in Alaska law says exactly what has to be in a lease. But generally a lease should include: the amount of the rent;

- who is responsible for paying rent (one or more people who sign the lease);
- who can live in the apartment (how many people including children);

- when the rent is due, and how or to whom it is to be paid;
- when any late fee will be charged and how much it will be;
- how long the lease lasts, and whether it is automatically renewed or continues;
- the name and address of the landlord and property manager, if there is one;
- whether you can sublease the apartment (rent the apartment to someone else);
- who pays for utilities (the landlord may pay for some and the tenant for others);
- the amount of the security deposit;
- a list of any furniture or other property supplied with the apartment;
- any rules or restrictions on use of the apartment (like whether smoking or pets are allowed); these rules can be in a separate document so long as it is mentioned in the lease.

Alaska law prohibits a lease from having certain terms that are considered unfair to tenants. A lease may not:

- require the tenant to waive (or agree to give up) any rights given by Alaska's landlord-tenant law;
- authorize a court judgment (called a *confession of judgment*) without any due process;
- limit the liability of the landlord (or the tenant);
- require the tenant to pay the landlord's attorney's fees;
- agree that the landlord can keep the renter's personal property if rent is not paid.

Is there anything else I should do before moving in?

One common problem when a tenant moves out is that a landlord and tenant disagree about whether the tenant caused damage to the apartment. So it is a good idea to inspect carefully and take pictures of anything in your new apartment that you consider to be damaged. For example, take a picture of any holes in the wall, loose light fixtures, or anything else that the landlord might later think you damaged. Sometimes a landlord will require a new tenant to sign a checklist describing the condition of the apartment. If you sign this kind of list, be sure it is accurate! If you signed a list that said the kitchen was in perfect condition when you moved in, it will be hard to prove later that cabinet doors were already broken.

If things in the apartment need to be fixed, write them down and take pictures. Then ask the landlord to sign the list of broken items and give you a written promise to fix anything important. You should do this right away when you rent the apartment, before you actually move in. If the apartment is not ready when your move in date comes, you may be able to cancel the lease. But be sure to take pictures of the problems, in case the landlord refuses to return your rent or security deposit.

Roommates and subleases

What if I want to have my friends on the lease?

Young people often rent an apartment together and split the rent. You might be able to afford a more expensive but nicer apartment if you share with one or more roommates. This has some legal effects you should understand.

If you rent an apartment with roommates, everyone who signs the lease is financially responsible for the full amount of the rent. If the rent isn't paid, then the landlord can (and usually does) sue everyone

who signed the lease to collect the unpaid rent and evict them. If your roommates don't pay their share of the rent, the landlord won't just evict them and charge you less; you will all be evicted. And what if you move out and one or more roommates stay in the apartment but don't pay the rent? If your name is still on the lease, the landlord could sue you for eviction and the unpaid rent. Even if you don't live in the apartment any more, you might have to pay the rent, and might be evicted by court order. You might find it harder to rent an apartment in the future if you have ever been evicted. On the other hand, if you stay in the apartment and one (or more) of your roommates moves out, you are still responsible for the full amount of the rent. You cannot pay just your part of the rent and tell your landlord to get the rest from your former roommate. You are all on the lease, and each of you can be responsible for the full amount of rent.

If you or one or more roommates move out, you can ask the landlord to create a new lease just for the remaining tenant. The landlord doesn't have to do this, but may be willing if the remaining tenant has enough income to pay the monthly rent.

Can I rent (sublease) my apartment to someone else?

If you want to move out and find someone else to take your place temporarily by renting your apartment, this is a sublease. Your lease should say if it is OK for you to sublease your apartment. You must have the landlord's agreement, in writing. Often, the landlord will want to approve any new tenant and can require the same information that any new tenant must furnish.

Subleasing may be a good idea if you are going to be away for a few months and want to come back to the same apartment. But if you are not planning on returning to your apartment, you probably want to see if you can have someone take over your lease, and free you of any further responsibility. This is called *assigning* your lease. If you sublease, you are still responsible to the landlord for paying rent. If your landlord allows you to assign the lease to someone else, then that person is responsible for the rent from that time on.

Living in the Apartment

Do I really have to obey all of the apartment rules?

Yes. When you sign a new lease, a landlord sometimes gives you a list of apartment rules that are considered part of the lease. You might even be evicted if you do not follow the apartment rules. During the period when your lease is in effect, the landlord cannot make any significant changes to the rules. If you are on a month-to-month lease, then the landlord can change the rules with one month's notice.

Your lease agreement or the apartment rules may answer many questions about what you can do when you live in the apartment. Here are some common questions.

Can I hang pictures on the wall?

You will be responsible for any damage you cause to the apartment. Talk to your landlord before hanging pictures or making any other changes to the apartment that the landlord might consider to be damage, even if you think you are improving the apartment. Some landlords do not care if you hang pictures because nail holes are usually easy to fix. Just be aware that you may have to pay for those nail holes or other changes you make to the apartment.

Can the landlord raise my rent?

The landlord cannot raise your rent during the term of your lease. In other words, if you have leased your apartment for a full year, then the landlord cannot increase your rent during that year. If you have a month-to-month lease, then the landlord can raise your rent by giving you notice of the increase at least one full month in advance. This gives you the option of deciding whether you want to stay and pay the increased rent or whether you want to try to find a new place to live.

Can I have pets in my apartment?

Your lease, or rules mentioned in the lease, should tell you whether you can have pets, and any restrictions if some pets are allowed. Unless you have a medical need for a pet, such as a seeing-eye dog or a therapy animal, a landlord is not required to allow pets. Some landlords do not allow pets at all. Others allow you a limited number of pets or only pets smaller than a certain size. Others require you to pay an additional security deposit to have pets. This is all legal. Having a pet in your apartment when your lease does not allow it could be a cause for eviction.

Can I let friends come live with me?

Check your lease. Many leases limit the number of days guests can stay in your apartment. Yes, this applies to boyfriends and girlfriends too. If someone is staying in your apartment when your lease does not allow it, the landlord might be able to evict you. You might be able to get your landlord's permission to let you have friends stay longer than the lease allows if you ask. If your landlord agrees, get permission in writing if you can.

When can I be charged a late fee?

Unless your lease allows a grace period, your rent is due in full on the day specified in the lease – usually the first day of the month. Your landlord might give you a couple of extra days to pay the rent, but does not have to do this.

A landlord can charge a late fee, either a reasonable flat fee or a small daily amount. But a late fee cannot be imposed merely as a penalty; the amount must reasonably reflect the cost to the landlord of late rent payments.

Can I use my security deposit to pay my rent?

No. Even if you have paid a security deposit or “last month's rent,” you cannot skip a monthly rent payment and just assume the landlord will use the security deposit to pay your missing rent. The purpose of the security deposit is to protect the landlord against both unpaid rent and damages to the apartment. The security deposit is set aside and only used when you move out. If you do not pay your rent, the landlord can evict you for non-payment of rent even if you have enough money in your security deposit to cover the unpaid rent.

Can my landlord come into the apartment?

There are only a few reasons a landlord can come into your apartment, and, unless it is an emergency, the landlord must give you 24 hours notice and come at a convenient time. The reasons a landlord may enter your apartment are:

- to make repairs or perform maintenance;
- to supply necessary or agreed services;
- to inspect for damages;
- to show the apartment to prospective buyers, renters, or contractors; or
- to remove any personal property of the landlord's that is not covered under the rental agreement.

Can the landlord bill me for damage to the apartment?

You can't be charged for wear and tear caused by *normal nonabusive living*. But your landlord can bill you for damage you cause, even if it was an accident or caused by your guest. The landlord may keep enough of the deposit to repair such damage.

If the tenant has purposely destroyed the landlord's property (by throwing a rock through the window, writing on the walls, or smashing the furniture, for example), the tenant may be guilty of criminal mischief and could face up to five years in prison and a \$50,000 fine, and still have to pay for the damage.

Problems with the apartment

What should I do if something is broken in my apartment?

A landlord has to maintain safe and healthy living conditions in an apartment. So if something breaks that creates a serious safety and health threat in your apartment, the landlord has to fix it. This means problems like broken appliances, large holes in the wall or ceiling, leaking water, or a lack of utilities. It does not mean cosmetic things like scrapes on the paint or stains on the carpet.

If you discover a problem that you consider a health or safety threat, you should let your landlord know right away. Even if the problem is less serious, let your landlord know. Unless it is a really simple fix, don't try to fix things yourself. If you make things worse, you will be responsible for any resulting damage. Any notice to your landlord about problems in the apartment should be in writing. Make sure that your letter to your landlord has a date on it, so you can prove when the landlord knew of the problem.

Most cities in Alaska have building codes that provide minimum standards for maintaining an apartment. If your problem is a really serious threat to health or safety, your city government might be able to send out an inspector to determine if your apartment is up to code. The law prohibits your landlord from harassing you if you report potential code violations. But you should know that, if the inspector finds that your apartment is not up to code and condemns it, you may have to move out.

Can I withhold rent if there are problems with my apartment?

You can only withhold rent if your utilities (water/sewer, hot water, heat, electricity) in your apartment are not working. But you can't withhold rent if the utilities are off because you failed to pay any utility bill that was your responsibility. Before you withhold rent, you have to give written and dated notice to the landlord. You must give the landlord a reasonable amount of time to fix the problem.

You have a couple of other options if your utilities are not working. You can pay for the utilities or repairs yourself and deduct the amount from your rent. You can move into a reasonably-priced hotel temporarily and not pay rent for that time period; you can also sue the landlord for the difference if your hotel costs more than your average daily rent, which almost certainly it will. With either of these options, you have to first give written notice to the landlord of your intent either to pay for the utilities or go to a hotel. You must give the landlord a reasonable time to fix the problem.

If you have problems like these, you can read more about what you can do in the court system's [Landlord Tenant Act Publication](#).

The problems with my apartment have not been fixed. Can I move out?

If problems with your apartment affect your use and enjoyment of the apartment, you can give the landlord a written notice that if he or she does not fix the problems within ten days, you will move out not less than ten days later (in other words not less than 20 days from the date of your notice). This can be an effective tool to get landlords to fix problems in your apartment. But you have to be ready to find another place to live if the landlord does not fix the problems. So, don't give the landlord this type of notice unless you are really sure you want to move if the problems are not fixed.

If a fire or some natural disaster makes your apartment impossible to live in, you can immediately end your lease. Your landlord will have to return the remaining portion of your rent and any security deposit. If only part of the apartment becomes unlivable, then your rent should be reduced to reflect the diminished value of living in the apartment.

I think I am being discriminated against. What can I do?

A landlord cannot refuse to rent to someone because of sex, race, religion, national origin, color, physical or mental disability, or pregnancy. It is also illegal for a landlord to refuse to rent to someone because of marital status or change in marital status, because of a disabling disease that is not easily contagious (such as cancer or AIDS) or because a tenant has children. Some of these restrictions only apply to apartment buildings with more than four units. Others apply no matter what the size of the apartment building is.

Of course, it can be hard to prove discrimination, so try to figure out if the landlord is treating other people differently from you. If you already live in the apartment, talk to your neighbors to see how they are being treated. If you are trying to rent an apartment, have a friend who is a different race or religion (or different in whatever way you think you are being discriminated against) try to rent the apartment and see how they are treated. If your neighbors and friends are being treated differently, then it is possible that the landlord is discriminating against you. Or it could just be that you and the landlord have a personality conflict that has nothing to do with race, religion, or any other protected characteristics. If you do decide that you have a good case for discrimination, contact the Alaska State Commission for Human Rights (humanrights.alaska.gov; 274-4692 in Anchorage and 1-800-478-4692 outside of Anchorage); the Anchorage Equal Rights Commission (www.muni.org/departments/aerc; 343-4342) or the U. S. Department of Housing and Urban Development (www.hud.gov/complaints/index.cfm; 907-677-9800).

Are mobile homes different than apartments?

Yes. If you are renting a mobile home from someone else, then that rental will be the same as any other apartment. But if you own a mobile home, you may be renting a space in a mobile home park. Because mobile homes are hard to move, they can be evicted from rented space for only a few reasons, and they have more time to move off the premises. The owner of the mobile home park can always evict a mobile home if the space rent is not paid. The mobile home park owner can also evict a mobile home if the occupant commits a crime that threatens the safety of other people in the park, if there is a serious lease violation, or with 270-day's notice if the park is being converted to a different use. But the park owner cannot evict a mobile home because of the age of the mobile home.

Eviction

What does eviction mean?

An eviction is a court authorized way for a landlord to remove a tenant from the leased premises. The court procedure for eviction is also known as a Forcible Entry and Detainer (FED) action. You can get more detailed information about the FED procedures, and arguments you could make, in a court publication available online at www.courts.alaska.gov/forms/civ-720.pdf.

What can I be evicted for?

Alaska law sets out a number of reasons that a landlord can evict a tenant. These reasons include

- nonpayment of rent or utilities;
- intentional damage to the dwelling;
- illegal use of the premises;
- violation of the lease agreement;
- the landlord's choice to end the tenancy if your lease has expired.

How do evictions work?

Before a landlord begins an eviction, he or she must give the tenant a notice to quit. The notice must give the tenant at least 7 days to pay past due rent or move out, or a specified date to fix a problem explained in the notice. When an apartment is rented on a month to month basis, the notice to quit must give the tenant notice a full month before the rent due date. If the tenant has not moved out or fixed the problem by the date specified in the notice, the landlord can begin an eviction proceeding by filing a complaint in court, and serving it on the tenant.

An eviction proceeding has two parts. The first part is a hearing about who has a right to possession of the apartment. The possession hearing is scheduled very quickly, but no later than 15 days after the complaint is filed. If the court issues an order to evict the tenant, it can be enforced by police or law enforcement officers.

The second part is a hearing on any damages, including back rent that the tenant may owe. The tenant may file an answer to the complaint within 20 days, and may counterclaim for any damages the tenant has suffered.

How do I get my things out of my apartment if I've been evicted?

The landlord does not have a right to keep your things, but if you make no effort to collect them, the landlord can dispose of them. If the landlord believes your things are abandoned, he or she can give you notice that they will be sold or disposed of, depending on the value, within 15 days. You may be responsible for the costs of storage. So don't delay in making arrangements to pick them up.

Moving out

What should I think about when I am ready to move out?

Be sure you give your landlord enough notice that you intend to move out. If you have a month – to month rental agreement, you must give 30 days' notice. If you rent on a weekly basis, you must give at least 14 days notice. Check your lease for any specific notice requirements including where to send the notice.

How do I tell my landlord that I want to move?

Use one of the forms of Notice to Landlord of Termination of Tenancy in the court's Landlord/Tenant Act publication at <http://www.courts.alaska.gov/forms/pub-30.pdf>.

Or you can just write a letter telling the landlord when you will move out and the address where you can be contacted after you move out. Be sure you date the letter and keep a record of how you delivered it to the landlord.

Can I stay longer if I need extra time?

No. If you stay beyond the date you said you would move, the landlord may sue to evict you. If you cause the landlord damages by overstaying, the landlord may also sue for 1-1/2 times actual damages. This could happen, for example, if the landlord has a new tenant waiting to move in, but the new tenant finds a different place to rent when you don't move out, leaving the apartment unrented for another month or more.

What do I have to do to get my security deposit back?

If you have paid all rent when due, given adequate notice, and returned the apartment in a clean and undamaged condition, you are entitled to get your security deposit back.

Public housing

See the [Family Life section](#) of this guide for information on public housing and the Section 8 housing program.

Jury duty

Am I automatically eligible to serve as a juror when I turn 18?

To qualify as a juror in Alaska, you must be:

- a citizen of the United States;
- a resident of Alaska;
- at least 18 years old;
- of sound mind;
- able to speak or read; and
- not be under the supervision of the justice system because of a felony conviction.

How are potential jurors selected?

Jury selection begins when the local court calls a random group of people on a list developed from Permanent Fund Dividend recipients, voter registration, and other mailing lists available to the court, such as hunting, fishing, and driver's licenses.

Not everyone who is called will serve on a jury. The court brings in more prospective jurors than will be needed. Judges can excuse prospective jurors for a number of reasons, including having a financial interest, or having family members or friends involved in the case. The judge can also excuse people who show prejudice or bias, or have formed an opinion about the case, or who would suffer hardship from serving on the jury. In a process called *voir dire*, lawyers for each side of the case ask prospective jurors questions. The lawyers are allowed to remove (strike) a certain number of potential jurors to get a jury they think will be fair to their clients.

If I'm summoned for jury duty, do I have to respond?

Yes. If you don't respond to a jury summons, you can be held in contempt of court and be fined or imprisoned or both. Read the summons that you receive to find out how to respond. The summons will instruct you how to contact the court if you do not meet the eligibility requirements, or if jury service would cause undue hardship for you, or for certain other reasons. You can ask for one postponement if you cannot serve on the date in your summons. Whatever your circumstances, however, do not just ignore the jury summons.

What if I can't get time off work to report for jury service?

Employers are required to give employees time off for jury duty. (Depending on your employer, however, you may lose wages during that time.) Also, it is against the law for an employer to fire or harass you for reporting to jury duty as long as you have given the employer reasonable notice. If this occurs, notify your local jury office or the judge assigned to your trial. There are also laws allowing students to be excused from classes to fulfill their jury service.

Will I be paid if I serve on a jury?

People who are called for jury duty receive a small payment for their services.

What happens if I'm not selected to serve on a jury?

If you are not chosen as a juror on the first day of your jury service, you will be excused and cannot be summoned back for such service for at least one year. If you are chosen to sit on a jury, you will be expected to serve as a juror throughout the trial. Once the trial concludes, however, you will not be summoned back for at least a year. Trials can range from a day or two in length to months or, in rare cases, even longer. However, the judge in the case will have some idea of

what to expect. And if serving as a juror in a long trial would be extremely difficult for you, you will have an opportunity to explain your situation to the judge. For more information on jury service, see <http://courts.alaska.gov/jury-trial.htm#pt1> or http://www.akd.uscourts.gov/faq_jury.htm.

Voting

To vote in Alaska a person must be:

- a citizen of the United States;
- at least 18 years old;
- a resident of Alaska and the election district for at least thirty days just before the election;
- registered at least thirty days before the election; and
- not registered in more than one district.

If I forget to register, can I just show up to vote?

No. You cannot register at the polls. You must be registered at least 30 days before the election.

I am registered to vote in Alaska, but I am leaving for college and will not be back until after the elections. Can I vote?

Yes. For federal and state elections, you may apply for an absentee ballot by following the instructions on the [website of the Alaska Division of Elections](#).

City and borough elections are conducted by the local government. To vote an absentee ballot in these elections, apply directly through your city or borough clerk.

Student Loans & Financial Aid

Financial Assistance for College or Career Training Programs: Student Loans and Financial Aid

When you go to college or train in a career program, you pay the costs now as an investment to increase your earning power in the future. Most people need financial aid to pay for college or career programs. Two-thirds of students take out student loans for their post high school education. Unfortunately, today's students have to borrow more than any earlier generation to get a college degree or career training. Currently, student borrowers in the U. S. owe more than \$1 trillion in student loan debt. The default rate on these student loans is at an all time high.

So, to make a wise lifetime investment in your financial future, you need to make smart economic choices about financing your education. The kind of financial assistance you get, and the amount and repayment terms of debt you take on for your education, can affect your financial life for many years. If you make poor choices about financial aid, you could take on overwhelming debt that wipes out the financial benefits of your professional and career training.

It's important to fully investigate every type of financial assistance you may be eligible to receive. The time for making smart financial aid decisions begins before you enroll in college or a career program. Fortunately, all the information you need to make smart economic choices about your education is available as long as you take the time to investigate and educate yourself.

What kind of financial aid for students is available?

Exploring what is available is one of the first and most critical steps in choosing financial aid wisely. Student financial aid sources include the federal government, state programs, individual schools, private lenders, scholarships, and other programs.

Some financial aid offers are scholarships or grants that do not have to be repaid. Take advantage of as much financial aid as you can from grants, scholarships, and other sources that are not loans and do not have to be repaid.

But if, like most students, you have to take out student loans, you want to know what kinds of loans you qualify for. Various kinds of student loans have very different repayment terms, including the rate of interest, the length of time for repayment, the possibility of extending the repayment time or re-financing at a lower interest rate, and the possibility of having the loan forgiven or discharged. Borrow first on loans with the lowest costs and best repayment terms. Only by knowing all of your available options can you be certain you are receiving the most affordable and desirable financial aid package available to you.

If you plan to borrow for education costs by taking out a loan, you have essentially two choices: federal or state government student loans, and private loans. Although government loans are generally preferable and easier to obtain than private loans, be sure you understand that these are debts and therefore the borrowed money must be repaid in the future.

For most borrowers, government student loans are the best option. Federal and state student loans almost always cost less than private student loans and have more protections when it's time for repayment. When you start to pay back your government loans, the interest rate will be fixed, which will help you predict your payments after graduation. Many types of government loans, with different qualifying criteria, are available. The qualification criteria may include: your family's financial circumstances, and your credit score. In some cases, your parent must co-sign and be liable on your student loan obligation. In some cases, the federal government will pay the interest on your loans while you are in school; these loans are called subsidized loans.

Private student loans are often available in addition to government loans. The most common private student loans are offered by banks. These loans usually have variable interest rates, which means the interest rates and your payments can go up over time; rates on some private loans have been as high as 16% over the past couple of years. With a variable interest rate loan, it is hard to determine what your future payments will be and when it is time to repay. Private loans don't offer as many options to reduce or postpone payments.

How do I find out more about student financial aid?

The U.S. Department of Education provides \$150 billion in federal money for grants, loans and work-study each year. To find out what forms of federal assistance you are eligible to receive, you must

complete the *Free Application for Federal Student Aid* (FAFSA). Many individual schools also base their financial aid and scholarships on the FAFSA form, so it is a good idea to complete this form. You can find federal financial aid information, instructions and the application for FAFSA at <https://studentaid.ed.gov>. This website is also a good place to begin learning about the various types of student loans and the long term cost differences between loan types.

You can find out about Alaska state financial aid programs at Alaska Commission on Postsecondary Education <http://akadventure.alaska.gov>. This website has a loan comparison chart that is also useful in learning about loans.

Should I pay for help in finding financial aid and scholarships for school?

Don't be scammed! There are companies that offer, for a fee, to find you financial aid or to help in filing out the FAFSA. Don't let them take advantage of you. These types of companies may pretend to have an inside track on obtaining financial aid. In reality, they are offering to sell you what you can find for free just as easily from many sources. Furthermore, you know best what is uniquely special about you that may qualify you for a scholarship, such as your special talents, your involvement in community and school activities, your ethnic background. Therefore you are more capable than any company in researching and discovering available scholarships.

Sometimes companies offering to assist you with financial aid are not even legitimate companies. They are scams to obtain your personal identify information. **You should never pay** for help in finding financial aid or help in completing the FAFSA, which is a free application and **you should never give out any personal information** in applying for financial aid unless you are 100% confident you are providing it to a reliable and legitimate entity.

How do I protect myself from the hazard of student loans I can't afford?

While student loans are a necessary form of financial assistance for most students, they can also be a financial trap in the future. These loans may be easy to get while you are in school, but they must be repaid. It is easy to lose track of the actual amount that you will have to pay in the future.

Today you often hear that the amount of loans students have borrowed to meet the ever-higher costs of college and career programs has skyrocketed. Many students successfully complete their college and career programs only to discover that they cannot afford to pay back their student loans. Instead of celebrating a new phase of independence in their life, they find themselves immediately debt-stressed, forced to make living arrangements and life choices they don't desire and didn't anticipate. The burden of excessive student loans can be impossible to overcome. Unlike other overwhelming debt, student loans cannot be relieved through bankruptcy (except under rare circumstances). Sometimes the burden of student debt falls on parents who have been required to co-sign on your student loans.

But if you make informed borrowing and money management decisions while in school, you can avoid a rude economic awakening after you leave school. Limit what you borrow, budget while you are in school, control your expenses, borrow only what you absolutely need to complete your education, and follow the rule of "know before you owe." This rule is: before you take out any student loan, be sure you know

- the terms of the loan,

- what the interest rate is,
- whether the loan is subsidized or is accruing interest,
- what is the length of the repayment term.

The bottom line is: don't borrow more than you will be able to pay back. The total amount of the student loan debt you take on while in school is important, but in practical terms what will matter most to you is whether you can make the monthly payment after you finish your education. You need to consider your necessary living expenses as well as your monthly student loan payments. Below is a very rough formula for determining what you can afford. Make this calculation each time you consider borrowing money through a student loan.

For each loan you consider taking, calculate the monthly payment that will be due after you leave school. The loan documents should tell you the monthly payment for that loan, but you should also be sure you calculate for yourself and clearly understand what the total monthly payments will be on all your student loans. The monthly payment for any loan depends not only on the interest rate, but also on the repayment period. For example, the most favorable federal student loan currently available has a fixed interest rate of 4.66% but the repayment period for student loans at this interest rate may be anywhere from 10 to 25 years. Although the interest rate is the same, the length of the repayment period will greatly impact the monthly payment due on the loan. If you borrow \$50,000 at 4.66% to be paid over ten years, your monthly payment will be \$522.00. If you borrow \$50,000 at 4.66% to be paid over twenty five years, the monthly payment will be \$282.00.

If you have only government loans, with a fixed interest rate, you should know almost exactly what your total monthly repayment amount will be. If you have any private loan, the interest rate may change over the loan repayment period. Review the terms of the loan and determine the highest interest rate that your loan allows. Assume this highest rate will be the applicable interest rate and calculate the monthly amount on this basis. If you need help to calculate the monthly amount that you will owe, numerous educational websites have tools that will help you.

Then determine if your estimated income will cover all your expenses, including your student loan payments. Compare your expected monthly loan payments and living expenses, such as housing, food, and clothing, to what you reasonably anticipate earning at an entry level position in the career fields for which you are attending school. Research expected salary ranges for entry-level positions that are available in your field. Be realistic and conservative. To get a reasonable estimate of monthly pay, divide estimated annual salary ranges by 12 months. Then deduct at least 17% for mandatory withholdings for social security, Medicare, and taxes, or other anticipated withholdings such as medical insurance. But don't overestimate your income immediately after you finish school. You may earn more than you estimate, and you are likely to earn more over time. If you earn more, you can make larger payments to pay off your student loans more quickly.

If this formula tells you that the monthly payments on your student debt are too much to be paid along with other necessary living expenses, then don't borrow more student loans! You need to make different choices about financing your education before you get deeper into student loan debt.

How can I learn more about budgeting and financial planning for school?

Here is a list of online Money Management Courses, Articles and Tips for Students that can assist you to learn more about budgeting for College or a Career Program.

High School Financial Planning Program—Students Section
<http://hsfpp.nefe.org/students/index2.cfm?deptid=15>

Student Money Management Cash Course
<http://www.cashcourse.org/unt/>

Manage your Money
<http://mappingyourfuture.org/money/>

Financial Literacy for College Students
<http://www.igrad.com/FinancialLiteracyForCollegeStudents/?fl>

Care One Debt Relief Program—Student Money Management Articles
<http://www.careonecredit.com/knowledge/students.aspx>

Young Money Online Magazine
<http://www.youngmoney.com/>

The Dollar Stretcher: Living Frugal
<http://www.stretcher.com/index.cfm>

The Campus Debit Card Trap
<http://www.studentpirgs.org/reports/sp/campus-debit-card-trap>

Financial Literacy Guide
<http://mappingyourfuture.org/downloads/financialliteracyguide.pdf>

Cars and Guns

- [Driving in Alaska:](#)
 - [Kinds of driver's licenses](#)
 - [Financial responsibility and mandatory insurance](#)
 - [Other laws related to driving](#)
 - [Guns, knives, and other weapons](#)
 - [Fireworks](#)
 - [Crossing the Canadian border](#)
 - [Hunting and fishing in Alaska](#)
-

Driving in Alaska

What do I need to know about getting a driver's license in Alaska?

It is illegal to drive without a valid driver's license or permit in your possession. That means you must carry the actual license or permit with you. Knowing the number of your permit or license is not enough.

[View more information to help keep you safe while learning to drive.](#)

Kinds of Driver's Licenses

In Alaska there are several different kinds of driver's licenses. The ones that young drivers need to know about are:

- an instruction permit (also known as a learner's permit);
- a provisional driver's license;
- a minor's driver's license; and
- a regular driver's license.

What is an instruction permit?

An instruction or learner's permit allows you to learn to drive under direct supervision of another responsible person. To get an instruction permit, you must:

- be 14 years old;
- have your parent's consent;
- pass a written knowledge test;
- pass a vision exam;
- furnish your social security number, proof of your residence address, your date of birth and your name; you can find a list of the kind of documents that will satisfy this requirement in the [State of Alaska Driver Manual](#).
- pay a fee.

When you drive with an instruction permit, an adult licensed driver must sit in the passenger seat next to you. The adult driver must be at least 21 years old and have at least one year of driving experience. A learner's permit from another state is not valid in Alaska; you must obtain an Alaska instruction permit before driving in Alaska. An instruction permit is valid for two years.

What is a provisional driver's license?

You must be at least 16 years old to be eligible for a *provisional* driver's license. However, even if you are 16, you must have held a valid instruction permit for at least six months and have forty hours of driving experience before you can apply for and obtain a provisional driver's license. If you have been convicted of any traffic law violations, you will have to wait six months before you can apply for the provisional license.

To obtain a provisional driver's license, you must:

- be at least 16 years old;
- have your parent's consent;
- have held an instruction permit for at least six months;
- have at least 40 hours of driving experience;
- pass an alcohol and drug awareness knowledge test;
- pass a road skills test;
- furnish your social security number, proof of your residence address, your date of birth and your name; you can find a list of the kind of documents that will satisfy this requirement in the [State of Alaska Driver Manual](#).
- pay a fee.

When you drive with a provisional license, you may not carry passengers under the age of 21, except siblings. You may not drive between the hours of 1:00 a.m. and 5:00 a.m. Once you reach the age of 18, these restrictions no longer apply to you. You may but are not required to obtain a minor's driver's license after you have held a provisional license for six months.

Are there penalties for violating a provisional license?

Yes, the penalty for violating the restrictions of a provisional license is a \$200 fine. Also, a 2 point violation will appear on your driving record.

What is a minor's driver's license?

After you have held a provisional license for at least six months, you can graduate to a regular driver's license unless you have been convicted of any traffic violations or illegal use of drugs and alcohol laws. If you have been convicted of any of these laws, you will have to wait another six months before you can apply for the regular license. If you are under 21 when you get a regular driver's license, you will be issued a minor's license that expires 90 days after your 21st birthday. After you turn 21, you must pass the drug and alcohol awareness test to renew your license and be issued an "over 21" driver's license.

To graduate to a regular driver's license and remove the provisional license restrictions, you must:

- be at least 16 years old;
- have your parent's consent;
- hold a provisional license for at least six months;
- furnish your social security number, proof of your residence address, your date of birth and your name; you can find a list of the kind of documents that will satisfy this requirement in the [State of Alaska Driver Manual](#).
- pay a fee.

Are the rules different if I live in rural Alaska?

Some drivers living in certain rural communities in Alaska do not have to get an instruction permit. If you live in a rural community and are at least 16 years old, you can get a provisional driver's license or an Off-Highway License, which is not subject to the restrictions that apply to provisional licenses. You do not have to pass a road skills test to get an Off-Highway License.

If you have an Off-Highway license and then successfully complete all the required tests, including the road test, you can get a regular driver's license or a Valid Without a Photo License. A Valid Without Photo License is available if you live in rural Alaska and cannot easily get to an office of the Department of Motor Vehicles (DMV).

Financial Responsibility and Mandatory Insurance

Do I have to buy car insurance?

If you own or drive a car, you must have automobile insurance on the car. You must also carry proof of insurance (an insurance card) at all times.

Alaska's financial responsibility law requires a vehicle owner or driver to have *liability insurance* to protect others if you cause an accident that hurts another person or damages their property. The smallest amount of liability insurance allowed by Alaska law is \$50,000 per person, \$100,000 per accident for bodily injury or death and \$25,000 for property damage per accident. Certain rural areas in Alaska are exempt from these mandatory insurance requirements.

The person driving the vehicle is the person responsible for making sure the vehicle is insured before driving the vehicle. If you drive without insurance, or without proof of insurance in your possession, you may be fined or your driver's license may be suspended. Your insurance company can provide extra cards so that every driver in a family has one with them.

When you apply for auto insurance, the company may ask for a credit report and use your credit history in part to set the rate. Automobile insurance can be expensive in Alaska. It is a good idea to find out how much insurance will cost *before* you buy a car because having insurance is part of the price of driving a car.

What do I do if I am in an accident?

First, STOP. In Alaska, you must stop after an accident that results in injury, death, or damage to property. You must help any injured person at the scene of the accident. You also must exchange names, addresses and vehicle license numbers with the driver of the other vehicle. If you do not do these things, you may be charged with a crime called leaving the scene of an accident. You could be fined or imprisoned for leaving the scene of an accident.

Will my parents have to pay if I cause an accident that damages another car?

When parents consent to a child under 18 getting a driver's license, they agree to accept liability for damages the minor child may cause by driving a vehicle. That means that you and your family will have to pay for any damage you cause.

Other laws related to driving

Do I have to wear a seat belt when I drive? What if I am a passenger in a car?

Yes. Alaska law requires everyone in the vehicle to use a seat belt.

Can I use my cell phone or smart phone when I drive?

It is against the law to drive with a visual screen device in operation. This includes a computer, a DVD player, or a smart phone playing a video or using a map app. You can answer your smart phone and talk, but you cannot text while driving.

What is reckless driving?

Reckless driving means driving in a way that creates a substantial and unjustifiable risk of harm to a person or to property. Another definition is willfully disregarding the safety of persons or property while you are driving.

If you are convicted of reckless driving, your driver's license will be revoked.

What is the law about littering and unsecured loads?

Littering means throwing or discarding waste material on private or public property or water. Driving with an unsecured load is a kind of littering that means driving or moving a vehicle on a public highway or right-of-way when it is not constructed, loaded, or covered to prevent its load from dropping, leaking, or otherwise escaping from the vehicle. Both these actions are against the law in Alaska. The penalty for littering in Alaska is a fine of up to \$1000. A person who litters or allows unsecured materials to escape from a vehicle can also be sentenced to clean up litter for a period of time.

What can happen if I drive after I have been drinking?

If you are under 21, it is against the law for you to consume alcohol. If you are under 21 and you consume alcohol and then operate a vehicle, you can be arrested or cited for the offense of a minor operating after consuming alcohol. If you refuse a chemical breath test, or if your breath test shows any quantity of alcohol, your driver's license or permit to drive will be revoked.

If you operate a vehicle and have a breath or blood alcohol concentration of .08 or more, you are presumed to be driving under the influence (DUI). If you drive in Alaska, you have consented to a chemical test of your breath to determine the alcohol concentration of your blood or breath. You are also DUI if you are under the influence of a controlled substances or inhalant. The DMV will revoke your driver's license or privilege to drive or obtain a license.

You can read more about the crimes of DUI, breath test refusal, and other alcohol-related crimes in Sections 1 and 2 of this Guide.

Guns, knives, and other weapons

If I am a minor, can I own a gun in Alaska?

Alaska law forbids anyone under 16 from possessing a firearm of any kind without permission from a parent or guardian. "Possess" means you have control of the gun. You can be in control of a gun even if you do not have it with you at the moment. For example, you can be in possession of a gun hidden under your mattress at home.

If you are over 16 years old, you may generally possess a firearm, but there are some limits. You may not possess any guns on school property. This rule means, for example, that you may not have a hunting rifle in your vehicle in the school's parking lot! You may not have a gun at a day care center, at a courthouse, where liquor is sold, or in a bar. You may not have a gun in your possession if you are drunk or high. If you are on parole after being convicted of a felony, or are adjudicated delinquent for some serious offenses, you may not carry any firearm. Probation terms often limit possession of firearms, especially guns that can be concealed (like handguns or very short-barreled shotguns or rifles).

If you are carrying a gun and come in contact with any law enforcement officer, you must immediately tell the officer that you are in possession of a firearm.

If you are in a federal park or wildlife refuge in Alaska, you may carry a gun, but you cannot fire the gun, show off any weapon (including a gun) in the view of others, or use a gun in any other way. Park rules also prohibit you carrying a gun into a ranger station or park administrative office.

If I am a minor, can I buy a gun in Alaska?

Not from a dealer. Under federal law, you must be 18 years old to purchase a shotgun or rifle, and you must be 21 years old to purchase a handgun from a federally licensed firearms dealer (like a gun shop, pawn shop, or Fred Meyer store). These age restrictions also apply to buying ammunition. Federal law also prohibits unlicensed sellers from selling handguns or handgun ammunition to anyone under 18.

In Alaska, you do not need a special state permit to buy a gun if you meet the age requirements described above. But you may be prohibited from purchasing any firearms if you have been convicted of a felony, or adjudicated a delinquent minor.

Do I need a permit to carry a concealed weapon in Alaska?

No, but you must be at least 21 years old to carry a concealed weapon. Alaska law does not require a permit to carry a concealed weapon, but the State of Alaska does issue concealed carry permits to persons over 21. These permits are useful if you want to take a handgun to another state that requires a permit to carry a concealed weapon.

If you are under 21, Alaska law forbids you from knowingly possessing a deadly weapon when the weapon is concealed on your person and you are away from your own dwelling or land. The rule does not apply to an ordinary pocketknife or a “defensive weapon” like mace spray. There is also an exception if you are engaged in a lawful outdoor activity, like hunting, fishing, or trapping, that necessarily requires use of a deadly weapon for personal protection.

Can minors possess knives in Alaska?

There are no specific state laws on possessing knives. If you are under 21, you may not carry a “deadly weapon” if it is concealed on your person, or in certain places like schools. A knife may be considered a “deadly weapon.” Many schools forbid all knives from school grounds, including school buses.

Are some weapons always illegal in Alaska?

Switchblades, gravity knives, and metal knuckles are all illegal in Alaska.

Fireworks

Can I set off fireworks in Alaska?

Usually local governments, not the state, set the rules for fireworks. Bigger towns and developed areas are more likely to regulate or entirely prohibit fireworks. In Anchorage and the Mat-Su Borough, fireworks are illegal all year except in limited areas on New Year's Eve, if the risk of fire is low. The City of Houston, which allows fireworks, is an exception. In Fairbanks, you generally need a permit to discharge fireworks. In Juneau, some areas allow fireworks and some areas ban them, so be sure to ask before you set off any fireworks. Outside regulated communities, you may still face penalties in state and federal parks or refuges, especially in fire season.

Keep in mind that you, or your parents if you are a minor, may have to pay for damage you cause by setting off fireworks. This may include the cost of fighting wildfires.

Crossing the Canadian Border

Unless you fly to Juneau, the only way to or from our capital city is to drive through our neighbor to the east – Canada. Since July 2009, a law called the Western Hemisphere Travel Initiative requires more documentation to travel through Canada. The rules for travelling through Canadian waters are much the same.

What do I need to go through Canada?

If you are 16 years of age or older, you need one of the following: A passport, a US passport card, an enhanced Tribal Card, a Merchant Mariner's card, an enhanced drivers' license (if you live in a border state that has them available), or a trusted traveler card like NEXUS, FAST, or SENTRI. If you are under 16 and you are traveling with a parent who has proper documents, you can present an original birth certificate. If you are under 18, your parents can apply for a passport for you; if you are 18 or older, you can apply for a passport yourself.

When you get to the border, present one of the above. You will also need proof of US citizenship to reenter Alaska. Canada won't allow you across the border if you don't have the documents needed to leave Canada. As long as you don't have any outstanding warrants in the USA or Canada, or any criminal convictions in either country, you will be granted access. If you have been convicted of DUI – even as a minor – you will not be allowed to enter Canada.

What do I need to drive through Canada?

Canada will recognize your minor's or regular Alaska drivers' license. As in Alaska, you must have proof of insurance with you. Your Alaska proof of insurance card is adequate, as long as you are a tourist.

You also need to understand speed limits and distances posted in kilometers per hour. The rural road speed limit is 100 km/h, about 62 miles per hour.

What are the rules about taking guns across the border?

The rules about guns in Canada are strict. All handguns, bear spray, pepper spray, or mace brought into Canada must be listed on the Canadian National Handgun Registry before you bring them in. You must have an Authorization to Transport (ATT) permit obtained in advance from a Provincial or Territorial Chief Firearms Officer.

Trying to bring an unregistered handgun across the border is a serious offense. If you are caught doing so, the following will happen.

- You will be detained at the Canadian border station and will be turned over to the custody of the Royal Canadian Mounted Police.
- You will have the right to speak to an attorney and also the right to speak with a representative from the U.S. consulate. But the nearest US consulate is in Vancouver – a long way from the Border at Beaver Creek, Yukon Territory.
- Your car will be impounded. You will have to pay a significant fee to have it released.
- You also will have to pay a minimum fine of \$1,000.
- Your handgun will be confiscated and you WILL NOT be able to regain possession of it.
- It is also likely that you will be barred from re-entry into Canada.

If you are traveling to Canada with a hunting rifle or shotgun to go hunting, you must obtain a proper Canadian hunting license and declare your firearm. The fee for a Firearms Declaration is \$50. Visitors who borrow a firearm must first obtain a Non-Resident's 60-Day Possessor License (\$30). U.S. residents should register weapons with U.S. Customs before traveling to Canada to assure that you can reenter the US with the gun. Hunters are allowed to bring 200 rounds of ammunition; shooters entered in a competition can bring 1,500 rounds of ammunition. All hunting guns must be properly secured and stored.

Weapons that are prohibited include fully automatic guns, converted automatics, assault-type weapons and handguns with a barrel length less than 105mm (4 inches), and replicas of such weapons. Certain knives are also prohibited. A complete list can be found at the Canada Border Services Agency website. Canadian customs officials will automatically confiscate prohibited firearms. They will not be returned, and will ultimately be destroyed. The gun owner is not given the option to withdraw the request to enter Canada and return to the U.S. in order to retain possession of the prohibited firearm.

What are the rules about taking drugs across the border?

No illegal drugs are permitted. Yes, marijuana is illegal in Canada.

Any prescription drug brought across the border must be accompanied by a valid prescription and must be in the original packaging. If you can't prove your prescription drug is legal by showing the prescription and original packaging, it is likely to be confiscated. You might have to pay a fine.

What are the rules about taking alcohol and tobacco across the border?

You are allowed to bring alcohol and tobacco with you on your trip to Canada if you are over 21 years old. But there are limits on the amounts allowed. Usually you have to stay a minimum of 24 hours to bring alcohol or tobacco into Canada.

Alcohol you can take into Canada is limited to 40 ounces of liquor, 1.6 quarts (about 2 bottles) of wine, or 9 quarts of beer or ale (about 24 12-ounce cans of beer). You must be 21 years old to bring alcohol

back into the USA, and the amount is very limited (1 liter). Check with US Customs before you leave.

In Canada, the legal drinking age varies from province to province. In the two provinces on the Alaska border, Yukon Territory and British Columbia, the legal drinking age is 19.

If you are 21 years old, you can bring up to 50 cigars, 200 cigarettes, 6.4 ounces of tobacco, or 200 tobacco sticks into Canada.

What happens if I am arrested in Canada?

If you are arrested, you will be given the opportunity to speak to a lawyer. You will be fingerprinted, photographed, and, if your offense is minor, you may be released on your own recognizance. You likely will have to pay a bail fee; for a minor offense, it will be under \$1,000. You will have to pay in Canadian dollars. You will not be allowed to continue your trip in Canada and authorities will return you to the US. You may have to pay for your trip home.

The bail fee will be returned if you show up for your court date. An arrest based out of Beaver Creek border crossing has court proceedings at Whitehorse, Yukon Territory. Penalties vary depending on the offense you committed. Impaired driving is a fine of \$1,000 and your ability to drive in Canada is suspended for six months. Underage drinking is a straight fine of \$115. If you are caught with an illegal drug, the penalty depends on your past criminal record. You could face jail time or a substantial fine. If the Canadian police determine you are a flight risk, it is unlikely that you would be granted bail and they would detain you until your court date.

Although the charges will not carry over into the United States, and Canada cannot extradite you for minor offenses, if you do not return for your court date, Canadian authorities will issue a warrant for your arrest. Having an outstanding warrant on your record will prevent you from being able to travel internationally. Regardless of the offense, it is likely that any penalty will include a permanent ban from entry into Canada.

What do I need to consider about coming back into the USA?

You are prohibited from bringing back items that are deemed detrimental to the general welfare of the USA. This includes narcotics, drugs, drug paraphernalia, obscene publications, seditious or treasonous material, lottery tickets, fireworks, poisonous or toxic substances, and switchblade knives. You must have proof of citizenship to reenter the USA. If your passport or Tribal Card is stolen, you must go in person to the nearest consulate to get a temporary passport. Your driver's license is not proof of citizenship.

Hunting and Fishing in Alaska

Is hunting and fishing important in Alaska?

You bet. Ask anyone and they will probably say that among their hobbies or their favorite activities are hunting and / or fishing. The founders of our state were hunters and fishermen too and they recognized that fish and game were so important that they reserved fish, wildlife, and water to the people for

common use is Alaska's Constitution.

What do I need to do to hunt and fish in Alaska?

When you hunt or fish, you should use common sense, safety, and have the proper attitude of respect toward the land, people, and animals.

Before you go out into the field, make sure you have a proper license. A good place to start looking for information is the [Alaska Department of Fish and Game](#).

If you are 16 or older, you must have a license for sport fishing, hunting, or trapping. You can purchase your license online or at most sporting goods stores. If you are fishing for king salmon, you need to buy a king salmon stamp. If you want to hunt for bear, sheep, mountain goat, bison, and other large game, you may need to enter a special drawing and you will need a special permit. If you are new to hunting, you should go with an experienced hunter or guide. You need a special stamp to hunt waterfowl.

Everyone who hunts should also know how to hunt safely. You must take a hunter safety course. You should also learn how to take care of the fish or game you catch or kill. Wanton waste of fowl or game meat is a crime in Alaska, punishable by a fine up to \$10,000 and a year in prison. Dumping or wasting fish, or improperly disposing of fish carcasses, is also a crime, and it puts others in danger by attracting bears.

Where can I hunt and fish in Alaska?

That depends. Alaska is full of private land, state owned land, federally owned land, and native lands. You may need permission to hunt or fish on certain lands. The best thing to do is start to look at a map of the area you want to hunt or fish. It is a good idea to contact your local [Alaska Department of Fish and Game](#) office, to get more detail about the area you want to hunt or fish.

In addition to sport fisheries, there are personal use fisheries for salmon, hooligan, herring, and shellfish in different parts of Alaska. Some require a permit; some do not. All have limits. Check with the Department of Fish and Game before you go.

In addition to where you can fish or hunt, there are complicated regulations about the equipment and methods you can use in different areas. For example, you may not use bait, treble hooks, or lead weights in many fisheries. You may not be able to use powered vessels. There may be emergency closures of certain areas. You should ALWAYS check the regulations for the area you are going – there are changes every year.

When can I hunt and fish in Alaska?

First, you should only hunt or fish when the season is open. That will depend on the rules, so you should [check the rules](#), ask an Alaska Department of Fish and Game office, or check with [Alaska Wildlife Trooper](#). Even in a posted season there may be emergency closures.

Who needs a license to hunt and fish in Alaska?

Everyone needs a license to hunt and fish in Alaska. That is the general rule. There are exceptions. For example, if you are not yet 16, and an Alaska resident, you do not need to purchase a sport-fishing, hunting or trapping license. If you are under 16 and you are going to commercially fish or help on a commercial fishing boat, you need a crewmember license and you should call the [Commercial Fisheries Entry Commission](#) about that. It can get confusing, so again, the best thing is to ask.

What happens if I don't follow the rules on hunting and fishing?

You may be issued a citation, and you may have to go to court. You may have to pay a fine and attend a remedial class. You could be charged with a crime and the seriousness of that will depend on what you did. Some hunting and fishing crimes, especially those that involve commerce or were for personal profit, carry prison terms as well as fines. Your fishing tackle, gun, vehicle, and other equipment may be seized and forfeited. You may lose your license and be denied future licenses.

Why are there so many laws and rules about fishing and hunting in Alaska?

Because fish and game belong to all the people, and fish and game is important to most Alaskans for food, survival, recreation, and earning a living.

How can I get more information about hunting and fishing in Alaska?

Contact the Commercial Fisheries Entry Commission, the Alaska Department of Fish and Game, the Alaska Wildlife Troopers, or the [U.S. Fish and Wildlife Service](#).

Family Life

- [Marriage](#)
- [Divorce and dissolution:](#)
 - [Property division](#)
 - [Child custody](#)
 - [Child support](#)
- [Domestic violence and stalking](#)
- [Parents' rights and responsibilities:](#)
 - [Duty to support children](#)
 - [Right to children's wages](#)
 - [Liability for actions of children](#)
- [Ending parental rights and responsibilities:](#)
 - [Emancipation](#)
 - [Child in Need of Aid \(CINA\) procedures:](#)
 - [Emergency protective custody](#)
 - [Non-emergency temporary custody](#)
 - [Termination of parental rights](#)
 - [Rights in CINA cases](#)
- [Guardian ad litem](#)

- [Reporting child abuse and neglect](#)
 - [Accessing public benefits:](#)
 - [Alaska Temporary Assistance Program \(ATAP\)](#)
 - [Food stamps](#)
 - [Denali Kidcare](#)
 - [Section 8/Public Housing](#)
-

Marriage

What does being married mean legally?

Marriage creates a lot of legal rights and responsibilities. For example, as a married person, you have a right to

- share in benefits your spouse may earn (like health care insurance, retirement benefits, Social Security benefits, military and veterans' benefits);
- inherit from your spouse;
- own property in a form (called *tenancy by the entirety*) that passes automatically to the surviving spouse if one spouse dies;
- make medical and other kinds of decisions for your spouse if he or she can't do it for himself or herself;
- file joint tax returns.

You also have responsibilities to your spouse and to any child born during the marriage. All money you earn or property you buy during the marriage belongs to both you and your spouse. This is called *marital property*. Marital property does not include property that you owned before the marriage, or that you inherit or receive as a gift during your marriage. This is called *separate property*. But separate property can become marital property, if you and your spouse mix it together and treat it like marital property.

If you have a child with your spouse, both of you are responsible for the child's basic needs – food, shelter, clothing, medical care and education.

Who can get married in Alaska?

Alaska law allows marriage between one man and one woman or between two individuals of the same gender. To get married in Alaska, you must be 18 or older or on active duty in the United States Armed Forces. However, you can get married at 16 or 17 if your parent or guardian says it is ok. In very unusual circumstances, a court may allow a 14 or 15 year old to get married.

You cannot marry if you are already married. You also cannot marry someone who is closely related to you by blood. You must consent to be married.

How do I get married in Alaska?

At least three days before you plan to get married, either you or your fiancé must apply for a marriage license at the Bureau of Vital Statistics. The Bureau of Vital Statistics has offices in Juneau, Anchorage, and Fairbanks. [View the Bureau of Vital Statistics website for addresses.](#) The license allows you to be married within three months after you get the license.

The marriage ceremony must be performed by a minister, a priest, a rabbi, the principal leader of a religious organization, or a *marriage commissioner*. A marriage commissioner can be a friend or relative you choose to perform your marriage ceremony. A marriage commissioner must be at least 18, and must fill out a form at the courthouse to be appointed. A marriage commissioner does not have to be an Alaska resident or be from the United States. Many state courts also have staff that can marry you if you cannot find a marriage commissioner.

Two other people must witness the marriage and sign the marriage certificate. Once the marriage ceremony has been performed, the marriage is valid.

Divorce and dissolution

What happens in a divorce?

A divorce will end a marriage, but must also resolve other important issues. If you and your spouse want to get a divorce, you must work out legal issues including:

- Who will get any property you own?
- Who will pay any debts?
- Who will have custody of any children?
- What rights to visit with children will be allowed?
- Who will pay child support and how much?

How do I get a divorce?

If you or your spouse live in Alaska, Alaska courts can end the marriage. You don't have to show that either spouse caused the divorce. Instead, a court will end the marriage if one or both of the couple do not want to stay married. In Alaska, there are two options for ending a marriage: a dissolution or a divorce.

What is a dissolution?

A dissolution is a simpler way to end a marriage if you and your spouse agree on everything. The husband and the wife must both sign the documents, and must file the dissolution papers together. A dissolution can be over and done more quickly than a divorce. You only have to go to court once. But if you feel confused or uncertain about anything in the dissolution papers, it is a very good idea to contact an attorney for help.

[Forms for dissolution of marriage are available on the Court System's website.](#)

What happens in a divorce?

If you don't agree on all of the things that have to be decided, you or your spouse can file a complaint for divorce. A divorce complaint asks the court to decide the issues in your case, including the division of property and debt, child custody and visitation rights, and the amount of child support. The other spouse will file an answer stating that spouse's position on the issues in your case. You can read more about the three major issues (property division, child custody and child support) below. Because these issues can be complicated, you should very seriously consider contacting a lawyer for help in a divorce case.

If you and your spouse disagree about a lot of things, the divorce process can take longer -at least several months- and may involve going to court repeatedly. Often divorcing spouses eventually do work out an agreement about all the important issues, and file a settlement agreement. If you can't agree, the court will conduct a divorce trial at which you and your spouse will be able to tell the court why you think you should have what you want. After the trial, the court will issue an order deciding all the disputed issues.

Are there alternatives to a divorce trial?

Instead of going through a divorce trial, you and your spouse can mediate your divorce. Mediation is an informal meeting between you and your spouse, usually with a neutral person to help you reach an agreement. Trials are expensive when the spouses hire attorneys, and mediation can save you a lot of money. Mediation lets you and your spouse figure out workable solutions for your family. You know your family situation better than the judge will. If you reach an agreement with a mediator, you still have to get a judge to sign off on it. You can hire a mediator yourself or you can ask the court to order mediation in your divorce case. The court has a free child custody mediation program for people who earn less than a certain amount of money. [Learn more about mediation.](#)

How can I get legal help in a divorce?

The Family Law Self-Help Center can give you free information about court procedure and forms in divorce cases if you do not have an attorney. Call (907) 264-0851 or (866) 279-0851 Monday – Thursday from 7:30 am – 6 pm or visit the [Family Law Self-Help Center website](#) for forms and information. You can also contact the Alaska Bar Association to use their Lawyer Referral Service. This service lists lawyers who will provide a half-hour consultation to callers for \$125 or less. You can call the Lawyer Referral Service at 907-272-0352 or toll free in Alaska at 1-800-770-9999. [Learn more about the Lawyer Referral Service.](#)

Private attorneys can cost more than \$250 per hour, so you should always discuss fees with attorneys before deciding to hire one. You can also hire an attorney to do a specific task, but not your entire case. This kind of work is called “unbundled” legal services. You should talk with the attorney about what this limited service would cost. The Alaska Bar Association has a list of attorneys who offer unbundled legal services. [View the list of attorneys who offer unbundled legal services.](#)

Property division

What does property division in a divorce mean?

In a divorce case, the judge will divide marital property and debts. “Marital property” is any money earned or items bought during the marriage. The property can include buildings or land and household goods, cars, retirement accounts, snow machines, boats, electronics, pets, and anything else that you

own. Marital debts are bills and loans owed during the marriage. The debts can include credit card bills, utilities, medical bills, mortgages, car loans, bank loans and student loans. If a divorcing couple cannot decide how to divide marital property and who will be responsible for marital debts, the judge will decide these issues in a divorce trial.

The judge will decide how to divide property and debts in a way that is “fair and equitable.” Usually the judge starts with the idea that an equal, or 50/50, split of the property and debts between the spouses is the fairest way to divide them. But the court can decide to give more property or debts to one spouse, depending on certain facts:

- how long the marriage lasted;
- the ages and health of the spouses;
- how much money the spouses make;
- whether the spouse with primary custody of the children should keep the family home;
- how and when the spouses got the property; and how much money it is worth.

Child custody

How does a court decide who should have custody of children when the parents split up?

When married parents get divorced or unmarried parents split up, the court will try to determine the “best interests” of the children in order to decide custody and visitation rights for the parents. To figure this out, the court considers a series of “best interest” factors set out in the law. These include:

- the physical, emotional, mental, religious, and social needs of the child;
- the capability and desire of each parent to meet these needs;
- the child's preference if the child is old enough and mature enough to form a preference;
- the love and affection existing between the child and each parent;
- the length of time the child has lived in a stable, satisfactory environment and whether it is a good idea to keep the same environment;
- the willingness and ability of each parent to help with and encourage a close and continuing relationship between the other parent and the child, (except when the other parent has committed domestic violence or sexually assaulted the parent or child, and the court finds that a continuing relationship will harm the parent or the child or make them unsafe);
- any evidence of domestic violence, child abuse, or child neglect in the proposed custodial household, or a history of violence between the parents;
- evidence that substance abuse by either parent or other members of the household directly affects the child's well-being; and
- other factors that the court considers important.

What does a custody order include?

The two main parts of a custody order are a parenting schedule, and authority to make decisions for the children.

- The parenting schedule sets out specific days and times for children to be with each parent. It also covers who will transport the children, where the transfer will happen, and who will pay for any travel necessary for visits.
- Authority to make decisions for the children includes how decisions will be made on health, education, and social issues for children. This part of the custody order determines whether the parents will make these decisions together, or whether one parent has the right to decide these matters.

Custody and visitation orders also cover matters like travel, conditions for visitation, PFDs, taxes, and health insurance. The court decides all of these issues based on the children's best interests.

Child support

How does a court decide if I have to pay child support?

Every parent is responsible for supporting any children at least until they reach the age of 18. If your children do not live in your home most of the time after a divorce, you will likely have to pay child support.

How does the court decide how much child support I have to pay?

A court can issue a child support order in a divorce or custody case. A state agency called the Child Support Services Division (CSSD) can also issue child support orders. If no court case is open, CSSD can issue a child support order when one parent requests child support after the parents split up. CSSD can also issue a child support order when the parent with the child goes on Public Assistance. A court rule called Alaska Rule of Civil Procedure 90.3 has a formula to calculate the monthly amount of support that a parent must pay. Rule 90.3 also gives some reasons for exceptions to the child support formula.

The Rule 90.3 support calculation takes into account a parent's *adjusted annual income*, the number of children, and the percentage of time that parent has with the child or children. Adjusted annual income is a parent's total income minus all the mandatory paycheck deductions, including federal, state, and local income taxes, social security, Medicare tax, union dues, and mandatory retirement contributions. The rule allows other deductions, such as child care expenses or child support paid for children from other previous relationships.

When one parent primarily has custody of the children, the basic formula calculates child support based on a percentage of the adjusted income of the other parent. For 1 child, the parent who does not share custody would pay 20% of his or her adjusted income. For example, if the parent's adjusted income is \$1,200.00 per month, that parent would pay \$240 per month for child support. For two children, the required child support would be 27% of the adjusted income; and for three children, 33%. For each child after three, the child support obligation is an additional 3% of the parent's adjusted annual income.

The Rule 90.3 calculation also depends on the amount of time a parent has custody of the children. When the parents share physical custody of their children, the support computation considers both

parents' incomes and the amount of time the children spend with each parent. Shared physical custody often means the children spend 50% of the time with each parent. But shared custody can also mean the child's time is split up to 70% with one parent and 30% with the other. If the child spends more than 70% of the time with one parent, the other parent pays child support as calculated in the paragraph above.

Is there is a mandatory minimum amount for child support?

In Alaska, the mandatory minimum for a person who doesn't share custody is \$600.00 per year or \$50.00 per month. This means that a parent who is unemployed or in jail still has to pay at least \$50 a month. For parents with shared custody, the support amount is based on how much each makes and how much time each has the children in their care. Sometimes this amount may be less than \$50 a month.

Do parents have to pay for health care in addition to child support?

Yes. Parents are responsible for paying for health insurance if it is available at a reasonable cost. Parents also have to pay any expenses not covered by insurance or Denali KidCare or Medicaid. Usually each parent is responsible for fifty percent of a child's medical expenses, but the court can order one parent to pay more of the uninsured health costs. This generally happens if there is a big difference in the parents' earnings.

Can the child support amount be changed?

Child support can be modified until the child turns eighteen, dies, or is emancipated. But any change in child support only applies to the future. Generally the court or CSSD cannot change the amount of back child support. To change the child support amount, you will have to show a change in circumstances. This can be a change in the custody and visitation arrangement where one parent will have the children more of the time or a parent moves to a different community or goes to jail. Child support can also be modified if the paying parent's income changes enough that the child support calculation changes by at least 15%.

Domestic violence and stalking

What is domestic violence?

In general, domestic violence is a pattern of threatening or violent actions, including physical, emotional, or sexual abuse, by one person against another person when both are "household members." Under Alaska law, "household members" do not have to live together, but the term includes:

- adults or minors (children under the age of 18) who are now or have in the past been married to each other, or related by marriage;
- adults or minors who live together now or lived together in the past (includes any roommates, not just those with a sexual relationship);

- adults or minors who are dating or having a sexual relationship, or who have dated or had a sexual relationship in the past;
- adults or minors who are related to each other up to being first cousins;
- two persons who have a child together.

What is stalking?

Stalking means a person repeatedly contacts a victim who does not want to be contacted, or a family member, and puts that person in fear of being injured or killed. Stalking is a crime that can justify a domestic violence protective order. You can also request a protective order that is specifically for a victim of stalking or sexual assault. [View the Alaska Court System forms CIV-750 through CIV-752.](#)

What is a domestic violence protective order?

A domestic violence protective order is a court order that prohibits a person from committing or threatening to commit domestic violence against another person. A person who violates a protective order can be arrested and charged with a crime. The purpose of a domestic violence protective order, sometimes called a restraining order, is to provide immediate, temporary legal protection for a person who has experienced or been threatened with domestic violence. A domestic violence protective order can be:

- an emergency protective order that lasts for 72 hours;
- an ex parte protective order that lasts for 20 days; or
- a long-term protective order that stays in effect for one year.

What is an emergency protective order?

It rarely happens, but if the victim agrees, a police officer can ask a judge to issue an emergency protective order. The police officer can call the judge from the scene of a domestic violence incident and describe what happened. If the judge decides it is reasonable to believe a domestic violence crime occurred between household members, the judge can issue an emergency protective order. The abuser does not have to be told that the officer or victim is asking for the protective order. An emergency protective order gives the victim 72 hours (3 days) of protection. In this time the victim can ask for a longer lasting and more detailed protective order.

What is an ex parte protective order?

Most domestic violence protective order cases begin with a request for an ex parte protective order. *Ex parte* means the person requesting the protective order (called the petitioner) can go to court to ask for the protective order without telling the other person (called the respondent). The judge will issue an ex parte order that lasts for 20 days if he or she decides it is reasonable to believe a domestic violence crime occurred between household members. An *ex parte* protective order will prohibit the respondent from committing or threatening to commit domestic violence against the petitioner. An ex parte order may also:

- prohibit or limit the respondent from contacting the petitioner,
- give the petitioner temporary custody of children, or possession of a residence and vehicle.

What is a long-term protective order?

A long-term protective order can last for one year, but will be issued only after the respondent also has a chance to appear in court and tell his or her side of the story. The judge will issue the long-term protective order if the judge finds that the greater weight of evidence shows that a crime of domestic violence has occurred between household members. A long-term protective order prohibits the respondent from committing or threatening to commit domestic violence, stalking, or harassing the petitioner. The order may prohibit the respondent from any contact with the petitioner, and may resolve issues regarding children, property, and other matters. For example, a long-term protective order may do one or more of the following:

- order the respondent not to contact or communicate with the petitioner, not to enter or follow a vehicle the petitioner is in, and not to be near the petitioner's home, school, work place, or other specific places the petitioner visits;
- order the respondent to move out of the home of the petitioner, and give the petitioner possession and use of a vehicle and other essential items (regardless of who owns or leases the home, vehicle or other items); the court may request a police officer to go to the home with the petitioner to make sure he or she gets back in the house safely, or gets a vehicle or personal items;
- prohibit the respondent from using any weapons or consuming drugs or alcohol;
- award temporary custody of children, and require the respondent to pay support for the petitioner and any child in the petitioner's care;
- require the respondent to reimburse the petitioner for expenses from the domestic violence, including medical expenses, counseling, shelter, and repair or replacement of damaged property;
- order the respondent to participate in treatment or rehabilitation programs.

How do I get a domestic violence protective order?

To request a domestic violence protection order or a stalking protective order, you fill out a form you can get from the Alaska Court system. You can get the forms at any court clerk's office or [download the forms from the Alaska Court System website](#).

You can also get the forms at most shelters, and possibly through the local police or VPSO. You do not have to pay to file a petition for a protective order. You can also get more information and a video about the protective order process on the court's [Family Law Self-Help Center website](#).

Be sure to fill out the petition carefully. You can ask for an *ex parte* protective order and a long-term protective order on the same form by checking the boxes for both. You may also request a long-term protective order without requesting an *ex parte* order, stating in the petition that you are only asking for a long-term protective order. But be aware that without an *ex parte* order, you have no order in place until the court grants a long-term protective order.

What do I have to show to get a domestic violence protective order?

To get a domestic violence protective order, you must show that you and the person you want protection from (the respondent) are "household members." You can check a box on the form to show which "household member" relationship you and the respondent have.

You also have to show that the respondent committed an act that is a crime listed in the law as a basis

for a protective order. You do not have to call the police or show that the respondent was arrested or convicted for the crime. You don't have to know the legal name of the crime the respondent committed against you. You only need to describe in detail what the respondent did to you. It is important to describe the most recent incidents and provide as much detail as possible so it is clear to the judge why you believe you need the protective order.

The judge will figure out which, if any, crime was committed. You may be able to get a protective order even if the respondent didn't hit you because not all of these crimes involve actual physical harm. Some of the most common crimes that justify protective orders are explained here:

- **Assault** is any kind of physical harm, like hitting. It also includes any threat to do physical injury if the threat can be carried out right then.
- **Reckless endangerment** occurs when someone's acts create a danger of injury to another person. For example if a person punches the wall next to another person's head, the reckless act also put the other person in danger of being hurt.
- **Stalking** occurs when someone engages in repeated acts of non-consensual contact with the victim or a family member that places that person in fear of physical injury or death.
- **Sexual offenses** include all forms of sexual assault, incest, unwanted sexual contact, and rape. Sexual offenses can occur even if the parties are married.
- **Harassment** occurs when someone calls on the phone and will not hang up so that the other person cannot make or receive phone calls, makes repeated telephone calls at extremely inconvenient hours, makes an anonymous or obscene phone call, or makes a call that threatens physical injury.

Can I get a protective order if I am a minor?

If you are under 18, your parent or guardian can request a protective order on your behalf. If you can't have a parent or guardian file on your behalf, you can file the petition yourself. The court may decide to appoint a guardian ad litem or attorney to represent you. You can read more about guardians ad litem in another part of this section.

What happens after I file for a domestic violence protective order?

The judge will read the petition and may have a hearing on your request for an *ex parte* order. The judge may ask you questions. You can bring a friend or advocate as support. If the judge grants the *ex parte* order, it goes into effect when the judge signs the order, but the respondent will not know it is in effect until he or she gets a copy from the police.

If you also request a long-term protective order, the judge will set a date approximately twenty days later for a hearing. The *ex parte* order will list the date, time, and location of the long-term order hearing. When police give a copy of the *ex parte* order to the respondent, he or she will have notice of the hearing on the long-term order.

What should I expect at the long-term protective order hearing?

The judge holds this hearing to decide whether to grant a long-term protective order that will stay in effect for a whole year. The respondent is told when this hearing will occur, and has a chance to present arguments and evidence that may contradict your own. The hearing is open to the public. There may be other domestic violence cases scheduled at the same time as your hearing, so

you will wait until your case is called. You can watch one of the hearings before your own to see how the court process works. As the petitioner, you must show up or the case will be dismissed. If the respondent does not show up, the case goes ahead and only the petitioner's side of the case is heard.

Everyone who will testify will be required to swear or affirm that they will tell the truth. The judge will also ask the name, address, and occupation of each person who will testify. If you do not want the respondent to know your address, you can tell the court to keep your address confidential and give it to the judge on a piece of paper instead of stating it out loud.

As the petitioner, you will present your side of the case first. You may offer evidence including your own testimony, testimony of other witnesses who have personal knowledge of the abuse that you suffered, photographs, medical records, damaged items, police reports, bills or estimates. Many cases have only the testimony of the petitioner and respondent so it's OK if you don't have other evidence. Make sure you are very organized and specific about the information you present to the judge.

Always remember to be respectful in court, even if the respondent says something that is upsetting or false. Speak only when it is your turn. The judge will let you know when it is your time to speak. Always look at and speak to the judge, not the respondent. Don't argue with the respondent, attorney, or the judge. It is OK to cry if you are upset or frightened, but if the judge sees that you are calm, he or she may be less likely to believe the respondent's statements that you are the abuser or the one with the problem.

What happens after both sides present their sides?

After both side present their cases, the judge will decide whether the "preponderance of the evidence" shows that the respondent committed a crime of domestic violence against the petitioner. This means that the judge will compare both parties' evidence and decide which side is more convincing. If the judge finds that a crime of domestic violence occurred, he or she will enter the long-term protective order for one year and address other necessary issues.

If the judge does not find enough evidence to grant a long-term protective order, the case will be dismissed and you will not have a protective order. You need to prepare for this situation before you go to the hearing. If you are afraid to return home, you may want to have a suitcase packed with things you need like clothing and toiletries, important documents, prescription medicines, eyeglasses, check books, credit cards, and some money if possible. Contact an advocate to help you with safety planning. [View a sample safety plan on the Alaska Court System website.](#) [Also view the list of shelters, victims' services, and resource programs on the ANDVSA website.](#) If you are in the Mat-Su Valley, Alaska Family Services provides shelter and counseling to women and children: visit www.akafs.org or call 746-6273.

What happens if the judge grants a domestic violence protective order?

A protective order may have a wide range of legal protections for you and your children, and be very effective in stopping domestic violence. There may be serious consequences to the respondent if he or she does not follow the order's provision.

It is important, however, to recognize the limitations of a protective order. It is most effective when both parties follow its provisions. You must be vigilant in enforcing the order's provisions by

reporting every violation to the police department or the court. You must continue to use safety planning and good sense after receiving the order. Consider getting counseling for yourself, and the children if you have any, to understand the impact of being in an abusive relationship. Advocates can help you to design a safety plan and provide counseling services.

What do I do if the respondent violates my protective order?

If the respondent has been served with the protective order and purposefully violates its provisions, report the violations to the appropriate authority:

Alert the **police** if criminal parts of the order are violated. It is a misdemeanor crime to violate certain parts of the protective order. Since each order is different, here are some examples of criminal violations:

- committing or threatening to commit domestic violence;
- violating provisions that prohibit contact;
- refusing to leave the home;
- entering or following the victim's vehicle.

If the violation is a crime, call the local police, the Alaska State Troopers, or the VPSO, depending where you live. When you make the call, state that there is a protective order in effect, give the court case number, and describe the violation. Ask for the police officer's name and a report number and write this information down because you may need it later. If there is also a criminal case going on against the abuser from the original incident of domestic violence, call the prosecutor involved in that case. If the respondent is arrested for violating an order, the State District Attorney's Office will prosecute the respondent if there is enough evidence. The respondent may be sent to jail for up to one year and ordered to pay a fine if convicted.

Alert the **judge** if civil parts of the order are violated. Examples of civil violations by the respondent are:

- refusing to attend counseling;
- refusing to pay child support;
- refusing to reimburse medical bills; or
- refusing to give certain personal property to you.

If the respondent commits civil violations that affect you and the usefulness of the protective order, such failing to pay child support or attend counseling, tell the court. You can do this by

- asking the court to hold the respondent in contempt for failing to follow the court order, or
- filing a motion to modify to ask for a change in the order.

Only the judge has the power to modify a protective order. Even if both parties agree to change part of the order, the change must be made through the legal system. The police and court will not help you to enforce a change unless you got a court order to modify it. Allowing the respondent to ignore one part of the order could encourage violations of other parts.

To modify a protective order, fill out a form called Request to Modify or Dissolve Protective Order

(DV-135). The forms are available at the court and on the [Alaska Court System website](#). You need to fill in the caption with the names of the parties and case number exactly as it is shown on the protective order, and explain in writing how you want the order modified. You can ask for your address and phone number to be kept confidential. If you are asking to modify an ex parte protective order, the court will schedule a hearing on three days notice. If you are asking to modify a long-term protective order, the judge may schedule a hearing within 20 days after the request. The judge may find that a request has no merit, and deny the request without a hearing. The judge may give the respondent a chance to respond to your request in writing. If the judge holds a hearing, he or she may decide the request in court and give you a written order granting or denying your request. Sometimes the judge issues a decision after the hearing, notifying the parties by mail. If the judge does not hold a hearing, you will receive an order in the mail telling you the judge's decision. If you change your address, it is very important to inform the clerk at the court so you can be notified of all hearings scheduled in the case.

Will the police and court in Alaska enforce my protective order if the order is from another state?

The police and court system in Alaska will enforce an unexpired protective order that was issued by a court in another state if you file it with the Alaska court. You may need a certified copy of your unexpired protective order from the other state. The police, the local court, an advocate, a private attorney, or Alaska Legal Services may also be able to assist you with this matter. See "Domestic Violence Protective Orders: How to Get Out-of-State Enforcement" at <http://www.andvsa.org/v2/wp-content/uploads/2009/12/popamphlet-3-2007.pdf>. You can also contact the Family Law Self-Help Center help line to understand how to register your out-of-state order in Alaska. Call (907) 264-0851 or toll free in Alaska but outside Anchorage at (866) 279-0851.

If I get a protective order, can I extend it after one year?

The part of a protective order that prohibits the respondent from threatening to commit or committing domestic violence stays in effect indefinitely, until a judge rules otherwise. But most parts of long-term protective orders expire after one year, and cannot be extended automatically. You need to fill out a new petition and begin the process again. To get an additional order, describe if a new domestic violence incident occurred during the previous protective order or state the reason that you believe you continue to need the court's protection.

How do I dismiss a protective order?

If you are the petitioner and you want to end a protective order, you may fill out the court form to Request to Modify or Dissolve Protective Order (DV-135). Check the box for "Dissolve" and state why you want to end the order. Then court will dissolve the order and its provisions will no longer be in effect.

If you are the respondent, and you want to dismiss a protective order, file a Request to Modify or Dissolve Protective Order. If you file this motion before the hearing on the motion for long-term protective order, the court will usually deny the request and tell you to wait until the hearing to present your side of the story. If you file the Request to Dissolve after the long-term hearing, the judge will decide whether to hold a hearing to hear from both parties about the issues you raised. The judge may decide the Request to Dissolve has no merit and deny it without a hearing. Then the long-term protective order remains in effect.

Parents' rights and responsibilities

Duty to support children

Are my parents legally required to support me?

Usually your biological parents must support you from the time you are born until you turn 18. If you were adopted, your adoptive parents have the same legal duty. Your parents have to provide you with suitable clothing, food, shelter, education, medical care and other necessities according to what they can afford. This does not mean that you are entitled to designer clothing or private schooling.

However, if you have money that can pay for school and other stuff that costs more than your parents can afford, a court could decide that your money can be used to pay for these things. This is very unusual, but could happen if, for example, you are a well-paid child actor, or your grandparents leave a large sum of money to you.

How long do parents have to support their children?

In Alaska, a parent has to support children until they turn eighteen unless a child dies or is emancipated. But if you are 18 years old, unmarried, still living with a parent or guardian as a dependent, and still in high school or a technical or vocational school, a court can order your parent to continue paying support.

Are my parents responsible to support me while I attend college?

In Alaska, the courts have said a parent is not legally required to pay for college. An exception is if the child's father and mother have a written agreement (a contract between the two of them) promising to pay for a child's college or education after high school.

What if my parents don't live together?

Your parents must support you whether or not they live together, and whether or not they are married. Even if both of your parents are in jail or not working, the court has decided that parents who don't have primary custody have to pay at least \$50 per month for your care.

What if one of my parents doesn't want to be part of our family anymore?

You have a right to be financially supported by both of your parents. Even if one of your parents chooses to leave the family, you are still entitled to child support from that parent. A court can order that parent to pay money to your other parent for your care.

What if one of my parents doesn't live in Alaska?

As long as you live in Alaska, the parent you are living with has the right to get child support from the other parent, no matter where he or she lives. Wherever your other parent lives, he or she must pay support. The courts can enforce the support obligation.

What if I am in custody of the Office of Children's Services (OCS)?

If you are in the custody of OCS, both of your parents will be ordered to pay child support during the time you are living somewhere other than with your parents. OCS will collect your permanent fund dividend for you and will hold it for you until you are released from OCS custody.

Where can I get help to understand child support rules and rights?

You can call the Family Law Self-Help Center for free information about child support if you do not have an attorney. Call (907) 264-0851 or (866) 279-0851 Monday – Thursday from 7:30 am – 6 pm or visit the [Family Law Self-Help Center website](#) for forms and information.

Right to children's wages

Do I have to give my money to my parents?

Until you turn 18, your parents have the right to make decisions about your money. They can take your money and decide what to do with it. This includes your annual permanent fund dividend (PFD), and any money you receive as a gift or earn from working.

Liability for actions of children

Can my parents be held responsible if I hurt others or damage their property?

While parents may be morally responsible for supervising and controlling their children, they generally are not legally responsible for the acts of their minor children. But there are some important exceptions under Alaska law. In Alaska, parents can be held responsible for up to \$15,000 plus court costs if their minor child knowingly or intentionally destroys the property of another person. If the parent has an insurance policy that covers these types of damages, the parent may be liable for up to \$25,000 in damages.

Parents may also be liable for certain acts of their minor children if they are negligent in supervising them. *Negligent in supervising* means that a parent knew or should have known that a child needed to be controlled, and the parent did not take reasonable steps to do so.

What if my parent encouraged me to commit a crime?

Parents may be found guilty of contributing to the delinquency of a minor if they help, encourage, or cause their children to break the law.

Can my parents get in trouble if I don't go to school?

A parent may be charged with contributing to the delinquency of a minor if the child is under 16 years old and the parent helps or causes the child to be absent repeatedly from school without a good reason.

Ending parental rights and responsibilities

Are there ways to end the rights and responsibilities of parents?

Yes. *Emancipation*, discussed in the following article, is a way that a 16 or 17 year old can end his or her parents' rights and responsibilities towards him or her.

The rights and responsibilities of parents can also be terminated with their consent. Adoption, a process in which parents choose to give up a child to others who take on the role of parents, is discussed in more detail in Section 2 of this Guide.

Termination of parental rights and responsibilities can also occur without the parents' consent. This happens when the state brings legal proceedings called Child In Need of Aid (CINA) proceedings, to protect a child. Involuntary termination is a last resort used when all other efforts to protect a child have failed. CINA proceedings are discussed below in this section.

Emancipation

What does emancipation mean?

Emancipation is a process that gives a 16 or 17 year old the legal status of an adult for many purposes. An emancipated teenager has the legal right to do some, but not all, things that an adult can do. If you are emancipated, you still cannot buy or drink alcohol or use tobacco. If you are emancipated, you no longer have to do what your parents or guardian say, but you also lose some benefits of being a minor, such as the right to parental support.

Are there benefits of being a minor?

Yes. If you are a minor, your parents or guardians have a legal duty to provide basic necessities including food, shelter, clothing, education, and medical care. Your parent or guardian can also consent to and help you do certain things that you could not legally do on your own. You cannot sign a contract or a lease on your own, but you could have a valid contract or lease if your parent or guardian is willing to co-sign and accept responsibility. You might not be able to open a bank account on your own, but you could do so with a parent's help. However, there are some things, such as getting a tattoo, that minor cannot do, even if a parent gives consent.

What would be different if I became emancipated?

If you are emancipated, your parents or guardians no longer have any authority to tell you what to do. They also have no legal responsibility to pay for any of your basic necessities. This means that you would be fully responsible to pay for your food, rent, medical care, and education. You would also have the right to:

- sue and be sued in court;
- sign contracts and be responsible for them;
- choose where to live on your own;
- get a driver's license;
- manage money and property, including paying debts and taxes;

- get medical and dental care.

However, even if you are emancipated, until you reach the legal age, you cannot:

- buy and use tobacco or alcohol;
- vote;
- serve on a jury;
- buy or possess a firearm.

What is the process to become emancipated?

Either you or your legal custodian must go to court and ask a judge to approve the emancipation. To qualify for emancipation, you must be:

- 16 or 17 years old;
- living separate and apart from your parents or guardian;
- capable of supporting yourself;
- capable of managing your own money.

You should be aware that these conditions are not easily met. Emancipation is rarely granted. You have to prove that you are financially self-sufficient and can manage your own affairs. Working the counter at a fast food place or bagging groceries will probably not convince the court.

If the court does approve your request, the emancipation may be for all purposes, or for a limited set of purposes. The terms of the emancipation will be spelled out in the court's order.

Getting married is another way to become emancipated.

[For more information, view the Emancipation Guide.](#)

Child in Need of Aid (CINA) Procedures

What are CINA proceedings?

The law protects minors (children under the age of 18) from abuse or neglect by parents or others the children live with. The state Office of Children's Services (OCS) is responsible for protecting children who are in danger. When OCS goes to court to protect a child, the case is called a child in need of aid (CINA) case. This part explains what happens in a CINA case.

Emergency protective custody

Can the state remove me from my home?

OCS can take you away from your home without a court order if you are a child in danger. This is called *emergency protective custody*. The law allows OCS to take emergency protective custody of a child who has been:

- abandoned;

- neglected or physically harmed, when protective custody is necessary to protect the child's life, or to provide immediate medical attention;
- sexually abused by a parent or by someone else because of the parent's action or neglect; this also applies if the sexual abuse happened to a sibling.

What happens after the OCS removes me from my home?

When the OCS takes emergency protective custody, OCS must file an emergency petition with the court and notify your parents within 24 hours. The court must hold a *temporary custody hearing* on the emergency petition within 48 hours. At the temporary custody hearing, the court will decide if you are probably in need of aid and if it is contrary to your welfare to remain in the home. This means the court will decide if you need to be away from your parents to be safe.

Non-emergency temporary custody

What happens if the situation is not an emergency, but OCS wants to take me away from my home?

If the situation is not an emergency, OCS must file a petition for temporary custody with the court before removing you from your home. OCS has to notify your parents, your grandparents, any out-of-home care provider, your tribe (if you are an Alaska Native or American Indian child), and your guardian ad litem, if you have one. The people OCS notifies can participate in the temporary custody hearing. At this hearing, the court will decide if you need to be away from your parents to be safe.

After the temporary custody hearing, the court must hold an *adjudication hearing* within 120 days. At this hearing the court must decide if you are indeed in need of aid. The court must also decide if you should stay in OCS custody away from your home, or if you can return to your parents' care with OCS supervision.

Why would a court decide I am in need of aid?

The court finds a child to be in need of aid because the parents' behavior is dangerous to the child. This may happen if parents:

- abandon or neglect the child;
- are in prison or absent without arranging for the child's care;
- cannot be found, and someone who is taking care of the child can't continue to do so;
- refuse to get medical care for a child who needs treatment to prevent physical or mental harm;
- have caused or will cause physical harm to the child;
- cause the child to be the victim of sexual abuse or at risk of sexual abuse;
- cause mental injury to the young person;
- are involved in domestic violence in the home;
- are so addicted to alcohol or drugs that they cannot parent;
- have an untreated mental illness that places the child at risk of harm;
- have encouraged the child to commit an illegal act.

Occasionally, a court will find a child to be in need of aid if the child is a chronic runaway and behaves in a way that puts himself or herself seriously at risk.

If the court determines that you are not “in need of aid,” then you are returned to your parents immediately and the CINA case is closed.

What happens if the court decides I am “in need of aid”?

If the court determines that you are “in need of aid,” the court will hold hearings with your parents and their attorneys to figure out how to keep you safe. If the court decides that you would be safe at home even though you are “in need of aid,” the court will release you to your parents and order the OCS to supervise the family.

What if the court decides I cannot go home?

If the court finds it is not safe for you to return home, then OCS will be involved with your family and you will be in the state’s custody. OCS will decide where you will live. You could be sent to live with a relative or other responsible adult. You could be placed in a foster home or group home, or in an emergency shelter.

My CINA case is open and I’m in OCS custody, now what?

While you are in OCS custody, the Department of Health and Human Services (DHHS) will work with your family to fix the problems in the home that caused you to be a child in need of aid. The DHHS will also develop a family contact plan for your family to have reasonable visitation with you while you are living away from your home.

Within twelve months from the time OCS removed you from your home, the court will hold a *permanency hearing*. The court will receive and consider reports recommending a permanent plan for your family. A permanent plan may be:

- reunification with your family;
- adoption;
- guardianship (in which your parent’s rights are not terminated, but suspended while another adult becomes your guardian); or
- a Permanent Planned Living Arrangement (also known as Independent Living in which the child continues his or her education and plans to continue in the foster care system until he or she is no longer a minor).

How long will OCS custody or supervision last?

The court will hold a *disposition hearing* to decide how long you should remain in OCS custody, or how long OCS supervision of your family can last. You can be in OCS custody or under OCS supervision for up to two years. You and your parents may appeal or request a review of the court’s decision on length of custody or supervision.

If the time for custody is nearly over, but OCS still believes it would be unsafe for you to return home, OCS can ask the court to extend custody, one year at a time, until you turn 19. Before extending custody, the court has to hold an *extension of custody hearing* and give all the parties a chance to respond to the OCS request.

Do my parents still have rights while I am in OCS custody?

Yes. While you are in OCS custody your parents have the right to reasonable visitation, and the right to consent to:

- your marriage;
- your enlistment with the military;
- major medical treatment for you;
- any medications for the treatment of your mental health.

Termination of parental rights

What does termination of parental rights mean?

Termination of parental rights means that all the rights and responsibilities in the legal parent-child relationship are cut off. A parent whose rights have been terminated no longer has a right to control any part of the child's life. For example, once terminated, the parent can no longer decide where the child will live or who will care for the child. The parent's duty to support the child also ends with termination of parental rights.

In some cases OCS may ask the court to terminate parental rights. This is the last resort after OCS has taken temporary protective custody of a child and has tried everything to improve the parent-child relationship, or to remedy problems that put the child in danger. A court may order parents' rights terminated if, after a *termination trial*, the court finds it is in the child's best interests.

Why might parental rights be terminated?

In general, the court must terminate the parents' rights before a child can be adopted or when necessary to protect the child. State laws set out the reasons for termination of parental rights, including:

- The parent has abandoned the child;
- The parent has not changed, or made any effort to change, the unsafe conduct, conditions or other situation in the home that caused the removal of the child, within certain time limits.

In some cases, OCS does not have to keep trying to reunite the family because of very dangerous or violent behavior in the family, including parents who cause serious injuries or death to other family members, who have severe mental illnesses, or who will be imprisoned for a large part of the child's youth.

How are parental rights terminated in a CINA proceeding?

OCS can file a petition with the court asking to terminate parental rights if OCS believes that it would be harmful for the child to return to the parents, and in the best interests of the child to terminate parental rights. Then the court will have a trial at which OCS has to prove that:

- the child is a child in need of aid;
- the parent has not fixed (within a reasonable time) the situation in the home that placed the child at substantial risk of harm;
- OCS made reasonable efforts (or *active efforts* if the child is an Indian child) to provide services and programs to get the family back together, but those efforts were unsuccessful; and

- the termination of parental rights is in the child's best interests.

If the child is an American Indian or Alaska Native child, OCS also has to prove that if the child was returned to the parent, the child is likely to suffer serious emotional or physical damage.

If the court decides that OCS has proved its case, the court will terminate parental rights and give custody of the child and the responsibility of making permanent plans for the child to the state.

Rights in CINA cases

Can I go to court in the CINA case?

Yes. The court can decide, however, that you shouldn't come to some or all of the hearings because they will be harmful to you. You may be able to participate in the hearings by phone if you can't come in person because you are far away from the courtroom or because you are in school.

Can I have an attorney represent me in the CINA case?

Yes. In a CINA case, the court can appoint an attorney for you. You have a right to testify, present evidence, and call witnesses in court. Your attorney will explain your rights and choices at the time of a hearing and in the future.

- The court will also appoint a guardian ad litem (GAL) to represent your best interests. You can read more about the job of a GAL below in this section.

The court may also appoint a Court Appointed Special Advocate (CASA).

Who gets to participate in the termination trial?

At the trial, OCS will be represented by a caseworker responsible for the child, and by an attorney called an assistant attorney general or AAG. The AAG presents evidence and calls the OCS witnesses at trial.

Others who have a right to participate in the trial include:

- both parents; they have a right to participate in the trial, testify, present evidence and question all the witnesses; they can have an attorney to help them participate; and the court can appoint an attorney if they cannot afford one;
- the child who is the subject of a petition to terminate parental rights;
- the guardian ad litem (GAL);
- the child's attorney if one has been appointed;
- an Indian child's tribe, if the tribe has intervened in the case;
- a child's grandparents and foster parents.

Is there a jury?

No. In Alaska, a judge hears the evidence and makes decisions in a child protection case.

I see trials on the news; will the termination trial be on TV?

No. CINA proceedings are open to the public, but no one is allowed to share information that could identify a minor who is the subject of the case. The judge can also order parts or all of the trial to be closed to the public if it would harm a child, affect a child's testimony, expose information that is confidential, interfere with a criminal investigation, or jeopardize the safety of a victim of domestic violence.

Guardian Ad Litem

What is a guardian ad litem?

A *guardian ad litem* (usually called GAL for short) is a person appointed by a judge to speak for a child's best interests during a court case. A GAL may be an attorney, but does not have to be. In court, the GAL may ask questions of other people who are giving information, and may also answer questions about what the GAL believes is best for the child.

When does the court appoint a GAL?

There are cases in which the court must appoint a GAL, and cases in which the court may, but doesn't have to, appoint a GAL. The court *must* appoint a GAL in any case in which the state believes a parent is abusing or neglecting a child;

The court *may* appoint a GAL in other cases, including:

- child custody cases;
- domestic violence cases in which someone requested a protective order on behalf of a child;
- juvenile delinquency cases;
- adult criminal cases in which a child is a victim;
- emancipation cases;
- adoption cases;
- any other case in which the court believes a child involved in the case needs someone to speak in the child's best interest.

How does a GAL decide what is best for the child?

A GAL visits and talks to the child. The GAL also talks to others who know about the child, including family members, foster parents, teachers, doctors, social workers and psychologists. The GAL reads reports about the child and the child's family. Sometimes the GAL asks other professionals to help the GAL learn about the child. The GAL may visit the child's home and any place that may become the child's home after the court proceeding. The GAL also investigates the services available where the child and the child's family live.

In preparing a recommendation for the court proceeding, a GAL considers what the child wants, but may disagree. If the GAL doesn't agree with the child on an important issue, the GAL may ask the judge to appoint an attorney for the child.

How is a GAL different from a court-appointed attorney?

A GAL investigates the child's situation, and speaks for the child's best interests. A GAL's opinion may not be the same as the child's. What a child says to a GAL is not confidential. So the GAL can tell others what the child said, if the GAL believes that sharing the information will help the child.

When the court appoints an attorney to represent a child, the attorney advocates what the child wants just like an attorney would with an adult client. The information the child shares with the attorney is confidential. So the attorney cannot repeat what the child says to others unless the child says it is OK to do so.

How is a GAL different from a custody investigator?

A custody case is about how parents who have split up will make decisions about a child and where the child will live. In a custody case, the court only appoints a GAL when the parents cannot speak for the child's best interests so the child needs someone to speak for the child independently of either parent. A GAL is part of the case, representing the child's best interests based on the GAL's investigation.

A custody investigator is appointed by the court to give an expert opinion on the custody arrangement that is in the child's best interests. The custody investigator is not part of the case, but will probably file a report with the court.

How do I get a GAL?

If the court thinks you need a GAL, the court will appoint one for you. If the Office of Children's Services (OCS) thinks that you are "in need of aid," the court will appoint a GAL and may also appoint an attorney to speak for your best interests.

Reporting child abuse and neglect

Who can report child abuse and neglect?

Anyone, whether a minor or an adult, can report child abuse and neglect. The authorities can only act to protect children in danger if someone who knows about the child abuse or neglect steps forward to report the problem.

Who must report child abuse and neglect?

The Alaska Legislature decided that people in certain jobs who are likely to see evidence of child abuse or neglect *must* report suspected child abuse or neglect directly to the Department of Health and Social Services. These people are called "mandatory reporters." Some of the mandatory reporters are:

- Doctors, nurses and other medical workers;
- School teachers and school administrative staff;
- Law enforcement and corrections officers;
- Administrative officers of hospitals and medical facilities;
- Child care providers;
- Employees of domestic violence and sexual assault programs;
- Employees of crisis intervention and prevention programs ;
- Employees of drug and alcohol counseling and treatment centers;

In addition, persons who provide services related to visual media, computer, internet, or cellular telephone use must notify law enforcement immediately if they see what they reasonably suspect to be child pornography.

How do I report child abuse or neglect?

Call 911 if you know or suspect someone is abusing or neglecting a child and it is an emergency. You should also report that information to the nearest office of the Office of Children's Services.

- [View a map with contact information of your nearest Office of Child Services.](#)

If you cannot reach OCS to make a report, call the Child Abuse Hotline at 1-800-478-4444.

You can also contact a local law enforcement agency.

- [Alaska State Trooper posts](#)
- [List of Alaska police departments](#)

What if I am being abused or neglected?

If you are being abused or neglected, you can ask for help. You can speak to one or more of the "mandatory reporters" listed above. You can call the OCS yourself, or ask another person to call OCS for you if you are too nervous to call. For more information, check the following websites:

- [DHSS State website](#)
- [Alaska Children's Trust](#)
- [Rid Alaska of Child Abuse](#)

Accessing Public Benefits

Where can I get help to pay for food, shelter or medical attention?

If you can't pay for food, shelter, or necessary medical care because your income is too low, several programs are available to help. This section describes the following programs that may be able to help you:

- [Alaska Temporary Assistance Program \(ATAP\);](#)

- [Food Stamps;](#)
- [Denali KidCare;](#) and
- [Section 8/Public Housing.](#)

There may be other programs that can help you as well.

- [View more information on each program on the Division of Public Assistance website.](#)

Alaska Temporary Assistance Program (ATAP)

What is ATAP?

The Alaska Temporary Assistance Program (ATAP) is a state program that gives cash and work services to low-income families with children. The purpose of the program is to help with basic needs while the family works toward becoming able to support itself.

- [View more information on this program.](#)

How can I find out if I am eligible?

To be eligible for assistance, a family must have less than \$2,000 in countable resources. This does not include a family's home, household goods, personal property, or most vehicles. Income is the primary factor in determining if your family is eligible for the program and how much help you can get.

- [View the ATAP website to see if you are eligible and how much assistance you can get.](#)

How can I get help from the ATAP program?

If you think you may be eligible for ATAP, contact your local Public Assistance Office. These offices are located in most large communities in Alaska, including Anchorage, Homer, Eagle River, Juneau, Fairbanks, Bethel, Ketchikan, Kotzebue, Kodiak, Nome, Wasilla, and Sitka.

- [View a complete list of locations.](#)
- [Download the application for ATAP from the Division of Public Assistance website and send it to the nearest Public Assistance Office.](#)

What should I do to continue receiving assistance?

The ATAP program can help a family for 60 months. The goal of the program is to encourage families to find jobs and be able to support themselves. The program uses the "Work First" approach, which is based on the idea that the best way to succeed in the labor market is to get a job. You can advance to better jobs as you develop more skills and good work habits. Therefore, if you receive help from the program, you must look for paid work. If you cannot immediately find paid work, you must participate in activities that will help you learn skills and get experience that will help you get a job. These activities include community work, job and life skills training, adult basic education, and GED preparation. If you have health problems or other hardships, you might be excused from the requirement to get a job or participate in employment-related activities. If you think you may qualify

for an exception, you should ask the Division of Public Assistance.

Food Stamps

What are Food Stamps?

The Food Stamp program helps needy families buy food. People on Food Stamps get a “Quest Card,” which is pre-loaded with funds that can be used to buy groceries at any participating store. Generally, the program allows the card to be used only for food, but in some rural areas, you can use it to buy items for subsistence hunting and fishing, such as nets, hooks, fishing line, rods, harpoons, knives, and other necessary equipment.

Who is eligible?

To receive Food Stamps, you must live in Alaska. There is no specific age requirement, so practically anyone who qualifies financially can receive benefits. To qualify, you must go through income and asset screening. Currently, you are eligible if you are below 130% of the poverty level. [View a list of income limits.](#) If you are 21 years old or younger and live with your parents, you are considered part of the same household as your parents. You can apply on your own only if you do not live with your parents.

How can I get Food Stamp benefits?

To find out if you are eligible for Food Stamps, contact your local Public Assistance Office. Public Assistance Offices are located in most large communities in Alaska, including Anchorage, Homer, Eagle River, Juneau, Fairbanks, Bethel, Ketchikan, Kotzebue, Kodiak, Nome, Wasilla, and Sitka.

- [View a complete list of locations.](#)
- [You can also download an application for Food Stamps and send it to the nearest Public Assistance Office.](#)

What must I do to continue receiving Food Stamps?

To receive Food Stamp benefits, you must:

- register for work if you are able-bodied and between 16 and 59 years old;
- participate in the Employment & Training Program if offered;
- accept offers of employment; and
- not quit your job.

There are some exceptions to the work requirement. To see if you qualify for an exception, contact your local public assistance office.

Denali KidCare

What is Denali KidCare?

Denali KidCare provides health care coverage for children and teens under 19 years old and for pregnant women who are low income. There is no cost to pregnant women and children under 18 who qualify. Teens who are 18 and older may have to pay a small amount for some medical services.

- [View more information on the program.](#)

How do I apply for Denali KidCare?

If you think you may qualify for services, you can fill out an application and send it to the Department of Health & Social Services, Denali KidCare Office.

- [View the income guidelines for this program.](#)
- [View more information about the program and how to apply.](#)

What do I have to do to keep receiving benefits?

To continue receiving benefits, you must reapply every 12 months. There are several ways to reapply. You normally will receive a form to fill out and send it back within the given time period. If for some reason you do not receive the form you can contact Denali KidCare. Within the Anchorage area, the phone number is 269-6529. From other areas of the state, call 1-888-318-8890.

Section 8/Public Housing

What is the Section 8 Voucher Program?

The Section 8 Voucher program provides help with your rent in the form of “vouchers.” If you or your family meets the eligibility requirements, you can use the vouchers to rent affordable housing in the private market. You are responsible for finding housing that is decent, safe, and clean under the federal housing quality standards, with a landlord who is willing to rent to the family. All types of rental housing are eligible for the program, including single family homes and apartments.

When you find a suitable place and a willing landlord, AHFC will consider approval of the rental. AHFC will determine whether the rent is “reasonable,” whether the lease meets federal requirements, and whether the unit meets housing quality standards. If AHFC approves, then you and the landlord will enter into a lease agreement. Usually, your share of the rent is set at 30 percent of your family’s adjusted household monthly income. AHFC will pay the rest directly to the landlord.

You may apply for the Section 8 Voucher program at any of AHFC’s program locations. To find the nearest AHFC program location, please visit the [Alaska Housing Finance Corporation website](#) or call (800) 478-2432.

What is “Public Housing?”

AHFC owns and operates more than 1,600 “public housing” units throughout Alaska. You can apply to live in one of these units. If you are eligible for a public housing unit, you pay 30 percent of your adjusted monthly income as rent. The program pays the rest. In most cases, AHFC units have on-site managers and maintenance staff. Sometimes there are on-site support services and skills training provided by social service and educational organizations.

You qualify to live in public housing if your income is less than 80 percent of the median income. Families earning below 30 percent of median income have priority to get one of the units. The federal housing agency (HUD) determines the income limits based on family size and the location of your community. AHFC has a waiting list for public housing that starts from the date you turned in the housing application. You may qualify to be moved to the top of the list in special circumstances, such as:

- being a victim of domestic violence
- being homeless
- having rent costs more than half your income
- having a terminal illness
- being disabled
- having elderly family members
- being a veteran, or
- losing your home due to a natural disaster.

What is the difference between the “Section 8” program and “Public housing?”

Under the Section 8 Voucher program, once your family qualifies for a voucher, you can move both within and outside Alaska and keep the rental assistance. If you use the public housing program, your rental assistance money is tied to that unit. This means that you cannot move and keep the rental money to use in another rental property.

School Days

- [Attendance](#)
- [Physicals/Vaccinations](#)
- [Rights](#)
- [Dress Code](#)
- [Phones & Computers](#)
- [Privacy & Searches](#)
 - Cell phone searches
- [Discipline:](#)
 - Types of discipline
 - Discipline procedures
- [Electronic Bullying](#)

Between certain ages, you have a right to an education and an obligation to attend school. At school, you have rights under the constitutional principles that guarantee due process and prohibit unreasonable searches and seizures. But your rights must be balanced against the school’s need for an orderly place for learning. Read on for more information about school attendance, your rights at school, privacy and searches, and discipline.

Attendance

Do I have a right to go to school?

If you are of school age, you have the right to attend public school in the school district where you live. School age begins in the year in which a child turns six before September 1 and continues until the student reaches age twenty, or graduates from high school, whichever happens first. For kindergarten the age is five. Your right to a free public education cannot be taken away without [*due process of law*](#), which means fair procedures allowing you to answer any charges against you. In other words, your school cannot suspend or expel you from school without giving you a chance to show that you don't deserve the punishment. Your right to fair procedures is explained under [Student Discipline](#) below.

Do I have to go to school if I don't want to?

Alaska law requires you to attend school from the time you are seven until you are sixteen years old. If you are home-schooled, which means educated in your home by your parent or guardian, you are exempt from this attendance rule. You and your parents are both responsible for making sure that you do attend school. If you are less than seven or over sixteen, it is up to your parents whether you have to attend.

What happens if I don't go to school?

If you are seven through sixteen, and skip school without a valid reason, you are [*truant*](#). Truancy is a violation of Alaska law. Some school districts enforce truancy rules more than others, but you may be subject to school [*discipline*](#), including suspension or expulsion, if you skip school. Adults who help or encourage students to be truant may face large fines and other legal charges.

What is a valid reason for missing school?

Generally, absences are allowed for illness and medical appointments, and for justifiable personal reasons, such as a court appearance, or observance of a religious holiday. An absence may be allowed if your parents ask permission ahead of time and the school approves. Whether an absence is allowed will always depend on the specific facts and the judgment of your principal or superintendent. Be sure you know your school's procedure for reporting an excusable absence or asking for permission to miss school.

Can I attend school part-time?

In some cases, yes. Students attending private schools or correspondence programs, or who are home-schooled, often may enroll as part-time students in grades K-12. Part-time students must meet all conditions and terms of enrollment in courses that are met by full-time students, and may not be eligible to participate in extracurricular activities and athletics.

Physicals/Vaccinations

Do I need a health examination to attend school?

Generally, yes. When you enroll in public school for the first time, you must bring a physical examination certificate completed within the last twelve months, or you must have an exam within 90 days after starting school. If you are asked for a health exam and don't submit it within sixty days after starting school, a certificated school nurse usually will complete a health screening.

Do I need to be vaccinated to attend school?

You must also demonstrate that you have been *vaccinated* or *immunized* for a number of infectious diseases identified in state law. You will have to get the shots to protect yourself and others against these diseases unless:

- you have a valid certificate of immunization listing the dates when you previously received the required immunizations; or
- you turn in a medical provider's signed statement showing that a required immunization would injure your health or the health of members of your family or household; or
- your parent or guardian gives your school a sworn statement (an *affidavit*) stating that immunization is contrary to the beliefs or practices of your parent's or guardian's church or religious denomination.

Rights

How do I know what my rights and responsibilities are?

Schools are required to give students annual lessons about student rights and responsibilities at school. Most schools will give you a copy of a student guide to explain your rights and responsibilities. In addition, each school district's board policy manual contains most school rules. These manuals are often available on-line at your school district's website or you may be able to get a copy from the school district office.

The school board policy manual must follow Alaska law, and will often contain citations to statutes and regulations. Alaska statutes (AS) and regulations (in the Alaska Administrative Code or AAC) are available on the State of Alaska website (www.alaska.gov). They may also be found at the Alaska Legal Resource Center (www.touchngo.com/lglcntr/).

Do I have the right to free speech in school?

Yes, but the right to free speech is not absolute, and the limits are complicated. Generally, you have the right to freedom of speech so long as you do not disrupt the school environment, act insubordinate, use obscene speech, or threaten violence. Special rules may apply if you are writing for a school publication, such as a yearbook or newspaper.

Do I have the right to bring a firearm or deadly weapon to school?

No. You may be subject to severe punishment, including expulsion from school, for bringing a firearm or other deadly weapon to school. You could also be charged with a criminal offense.

Can I get in trouble for posting bad things about teachers or students on social media like facebook?

Maybe. Even if you use a computer away from school, you could be in trouble if you threaten or embarrass other students or faculty by your postings. The courts have not clearly answered the question of what online conduct can be punished, so don't assume that you can't be punished for what you do outside of school.

Dress Code

Can the school tell me how I have to dress?

Yes, up to a point. As with other student rights, your right of personal expression and appearance at school must be balanced with the school's need to provide a safe and healthy learning environment. Your school may have a dress code that prohibits clothing items that promote illegal activities or gang affiliations, violence, discrimination, or the use of tobacco, drugs, alcohol or weapons. A dress code may also prohibit items that may disrupt the learning environment because they are sexually suggestive, obscene, lewd or vulgar.

A school may not prohibit dress that is part of the practice of your religion. If your religion requires certain dress, such as a yarmulke or hijab, the school must accommodate you. You may not be deprived of your right to a free public education because of your religion.

Phones & Computers

Can my school take away my cell phone, computer, or other property?

A school needs to keep order in its buildings and on its grounds to have a safe and healthy place for learning. Sometimes students use cell phones, tablets, computers, and other property in ways that interfere with the school's need for order and safety. Generally, school employees may take and hold your property if it disrupts the school or interferes with others' education.

School employees may set limits on when and where you use your phone, tablet, computer, and other property, and may even ban them from school completely. If you use your phone, tablet, computer, or other property in violation of a school rule, the school may also temporarily take them away from you. The school may hold your items until the end of the school day, and release them to your parents rather than to you. The school may also discipline you for violating a school rule on use of these items.

Can the school search the contents of information stored on my cell phone or computer?

A school official may search your cell phone, personal computer, or similar device if the official has a reasonable suspicion that the search will produce evidence that you or someone else has violated a law or a school rule. For example, if the school official has a good reason to think that your cell phone camera has been used to take a picture of another student in a restroom, the official can look at the photos on the camera because a school rule prohibits taking that kind of picture. The school official's search must be reasonably related to the reason for the search, and it must not go beyond what is necessary to look for the suspected violation.

In contrast, if a school official takes away your phone or computer simply because you used it at a time when you were not allowed to use the device, a search of the phone or computer is probably not reasonable.

Privacy & Searches

Are my school records private?

Generally, yes. School records that contain private or sensitive information that could identify you are protected under state and federal law. Private or sensitive records may be released to school officials who need to know about them, but not to anybody else without your parents' permission. Your parents have a right to see your school records until you turn 18. After that, the rights transfer to you.

Can a school search my property?

The United States and Alaska Constitutions prohibit the government from conducting *unreasonable* searches and seizures. But the courts have found some kinds of searches at school are reasonable. In part, the reasonableness of a search depends on whether you can expect privacy in the area that is searched. For example, you can generally expect privacy in your home. But you cannot expect privacy if signs posted in a locker area state that the lockers are subject to search at any time.

The reasonableness of a search may also depend on whether there is a good reason for the search. The area of the search -including your body- must also be reasonable in relation to the reason for the search. A search cannot be more intrusive than necessary considering your age and sex, and the rule or law the school thinks you have violated.

Can the school search my locker?

Generally, Yes. School districts have the right to search your locker if the school posts a notice that lockers are subject to search, and if the search is necessary to investigate a suspected violation of school rules or the law. Even if the school does not post a notice, the school can search your locker if there is reasonable suspicion that the search will discover evidence of a violation of school rules or the law.

Can the school search my backpack, purse, or clothing?

Yes. School employees can search your backpack or purse if they have reason to believe you are violating the law or a school rule. The area of the search, however, must be reasonable as discussed above.

Can the school search me?

Sometimes. One decision of the United States Supreme Court held that student athletes may be randomly drug tested. The court said athletes have a lesser expectation of privacy, and that collection of urine samples is not too intrusive when considered against a school's need to stop illegal drug use.

On the other hand, a court decided that a strip search of a 13-year-old girl was not reasonable considering her age and sex and the type of violation of which she was suspected. The court said a search of her backpack and outer clothing for drugs may have been justified.

Can the school search my car?

Yes. Schools may search student cars parked in a school parking lot. The paperwork for a student parking permit may inform students that the school has a right to search cars in the parking lot. In one case, the Alaska Supreme Court ruled that a school safety officer could search a car for drugs or alcohol. The safety officer saw a student who was having problems parking and answering questions and appeared to be drunk. The safety officer could search the car's ashtray because the student's high level of intoxication suggested drug use as well as alcohol use.

Cell phone searches

What if the officer wants to search my cell phone?

The police usually do not have the right to take your cell phone or search it without a warrant. The only time they have a right to seize your phone or search it is when there is a true emergency. What counts as a true emergency will depend on the circumstances. Examples might be to find a kidnapping victim or prevent a bomb from going off. If the police ask for your phone and you don't want them to take it you should ask if they are ordering you to turn it over. If they say no, tell them politely that you don't want to provide it. If they order you to turn it over, state clearly that you do not give them permission to search your phone and that you are turning it over only to comply with their order. Be polite and cooperative, while stating your objection. You can ask a court later to protect your rights regarding your cell phone.

Discipline

Types of discipline

Can I be suspended or expelled from school as a punishment?

Under Alaska law, a student can be suspended or expelled for actions that disrupt the school, bother or endanger other students, or violate school rules. The seriousness of the punishment the school may impose depends on facts such as

- how likely your actions are to cause harm to people or property;
- if you have a record of past offenses;
- the punishment given to others for the same conduct; and
- the school's need to maintain an appropriate educational environment.

Can a school punish me by spanking, striking, or other corporal punishment?

No. School officials may not use corporal punishment in Alaska. But school officials may touch or restrain you to prevent harm to persons or property; it is not corporal punishment if they do.

Can I be required to pay for damage to school property?

Yes. Both you and your parents may be required to pay back the school for any school property that you damage or destroy.

Discipline procedures

What are my rights if the school thinks I should be disciplined?

Your rights depend on how severe the possible discipline (or punishment) is, and whether the punishment will take away your right to receive an education. Generally, the more severe the possible punishment, the more extensive the fair procedures to which you are entitled.

Minor punishments that don't interfere with your education do not require due process. Examples of minor punishments include detentions or in-school suspensions. Your school may allow you some procedures to contest detention or in-school suspension, so check your school's handbook.

Moderate punishments such as out-of-school suspensions for less than 10 days require some fairness procedures, but they may be very informal. Before imposing a short suspension, school officials must

- let you know that you may be suspended,
- tell you the reasons for the suspension, and
- give you a chance to tell your side of the story.

Severe punishments, including suspensions of 10 or more days, and expulsions, require additional fairness procedures because they will interfere with your education. Before imposing a long suspension or expelling you, school officials must

- let you know what your punishment may be,
- give you a chance to have a hearing before an *impartial* person, (an impartial person is one who has no reason to favor either you or the school official who is proposing the punishment),
- allow you to be represented by an attorney at the hearing,
- give you a chance to present witnesses and other evidence at the hearing, and
- give you a final written or recorded official decision that explains the reasons for the decision.

Generally, you can appeal suspension or expulsion decisions to the principal, superintendent, and in some cases, to the school board.

Electronic Bullying

Is it illegal to send rude or threatening text messages, emails, or other electronic messages?

Possibly. If you repeatedly send texts, emails, Facebook messages, or other electronic posts or messages to someone under 18 that insult, taunt, or intimidate (frighten) that person you may have committed the crime of harassment. These messages (known as cyberbullying) will be considered criminal harassment if the messages are written in a way that makes the person receiving them reasonably afraid he or she might be physically injured. If you send such messages you may be charged with a crime.

The Courts

- Lawsuits and non-criminal court procedures
- The Right to Appeal
- Youth Court

Lawsuits and Non-Criminal Court Procedures

What is a lawsuit?

A lawsuit is a claim or dispute brought to the court system by a person or group, called the *plaintiff*, against another person or group, called the *defendant*. The plaintiff asks the court to order the defendant to do something like pay damages, or to stop doing something that causes harm to the plaintiff. For example, the plaintiff could ask the court to order the defendant to pay for injuries caused in an automobile accident. The plaintiff could also ask the court to order the defendant to move out of a rental unit if the defendant has not paid the rent when due.

Except for criminal cases, in which the government accuses a defendant of committing a crime, lawsuits are called civil cases. See section 1 of this guide for more information about criminal

cases. Civil cases include divorces, landlord/tenant disputes, contract disputes, personal injuries and other injuries that are physical or financial. Civil lawsuits are most often disputes between two individuals or groups of individuals, and do not involve the government.

Who is involved in civil lawsuits?

Generally, a civil lawsuit has one or more plaintiffs, defendants, lawyers, and a judge. Often the plaintiff brings a lawsuit, or *sues* the defendant because the plaintiff thinks the defendant has injured him or her. The plaintiff and the defendant are called the *parties* to the lawsuit. The plaintiff and the defendant can each have a lawyer. Lawyers are trained in the law and the court procedures for lawsuits, and how to argue for their clients. The judge oversees the whole lawsuit process.

What happens in a lawsuit?

To bring a lawsuit, the plaintiff files a document called a *complaint* with the court. The complaint explains what the dispute is about and states what *relief* the plaintiff is asking for. The defendant then has a chance to file a document called an *answer*. The defendant can argue that he or she is not to blame, that the plaintiff was not injured, or that the law does not hold him or her to blame.

The parties may *conduct discovery*, which means collect information from each other and other persons as permitted by a set of court rules. The parties may also file motions, which are requests to the court to decide a variety of questions about the law and how the lawsuit will proceed. Often the plaintiff and defendant can reach an agreement and drop the lawsuit. This is called *settling the case*. If the parties don't settle, the lawsuit will eventually go to trial. At trial, either a judge or a jury will hear the evidence and arguments presented by the plaintiff and the defendant, and will decide who wins the case. After the judge or the jury makes a final decision on the dispute, a plaintiff or defendant who is not satisfied with the decision may then appeal the case to a higher court.

Should I sue someone who has hurt me or my property?

Lawsuits are time consuming, stressful, and expensive. It can end up costing more money to sue someone than the amount in dispute. So it really makes sense to first try to resolve the problem without a lawsuit. However, if that doesn't work, laws exist to help people who are harmed by other people's actions. A lawyer can help you decide whether to sue someone. If you don't have a lawyer, you can look at the court system website for the forms you need to file with the court to bring a lawsuit.

Do I have to hire a lawyer?

No, you don't have to, but maybe you really should. Some lawsuits are simple and some are very complicated. For example, "small claims" cases are disputes over small amounts of money (less than \$10,000). The court procedures for small claims are relatively easy to understand because they are intended to be used by people who do not have lawyers. The court has forms and instructions for bringing a small claims case or defending yourself if you are sued in a small claims case. [View forms to use and more information about small claims on the Alaska Court website.](#)

Other lawsuits are much more complicated. The case may have more than one plaintiff or defendant, and involve large sums of money and complicated laws. You should consider how complicated your case is and how important the issue is in deciding whether to hire a lawyer. Lawyers can be expensive

but can also be worth the cost depending on your case. Depending on your situation, you may be able to get cheap or free legal services from the government or nonprofits.

What do I do if someone sues me?

A lawyer can help you defend yourself in court. You should very seriously consider hiring one if you have a lot at stake in the case. If you don't have a lawyer, the court system will give you the forms you need to file in your defense. It is scary to be sued – but it does not automatically mean that you are at fault.

The Right to Appeal

What is an appeal?

If you lose all or part of a civil lawsuit in which you sue someone or are sued, you have a right to *appeal* the decision to a higher court. If you are convicted in a criminal case, you have a right to appeal the conviction or the sentence imposed by the judge. An appeal is a request by the losing party asking a higher court to overturn an order or decision of the judge who decided the case or made rulings at a civil or criminal trial. An appeal is basically a way of saying that you believe that the lower court made a mistake in applying the law in your case, and you are asking the higher court to correct that mistake. The right to appeal is important because it helps to assure that you are protected from a mistake by the court. In Alaska, an appeal is usually taken from a final decision of a Superior Court judge to the Alaska Supreme Court.

Do I need an attorney to help me appeal?

Although having a lawyer is not required, you should seriously consider hiring one if you want to appeal the outcome of a civil or criminal case. If you choose to appeal without a lawyer, you must study and follow the applicable Alaska Rules of Appellate Procedure. If you fail to follow the appellate rules, which include procedures and deadlines for submitting your arguments to the court, your appeal can be dismissed. The procedures and other requirements for an appeal are not simple, and it is difficult for a person without legal training to follow them accurately. Lawyers can help clients decide whether to appeal. Lawyers are trained to follow the court requirements, and to make the arguments that give you the best chance of succeeding in an appeal.

When can I appeal?

If you want to appeal a court decision, it is very important to follow the timing rules. An appeal is not automatic. You must take action to appeal your case. Generally, you must wait until the lower court issues a written final decision, and must file various appeal papers required by the court system within 30 days after the date of that decision. The required appeal papers include a "Notice of Appeal," and "Points on Appeal," which means a list of the reasons why you think the lower court's decision was incorrect. There may be additional court forms and you may be required to pay a filing fee and post a bond. This guide can only give you general suggestions. If you choose to appeal without the help of a lawyer, you must read and follow the Rules of Appellate Procedure precisely.

I want to appeal the final decision in my case. What do I do next?

In Alaska, you are entitled to one appeal as a matter of right. This means that if you go to court, the court or jury rules against you, and you request an appeal, the higher court must hear your case. You do not have this right if you plead guilty in a criminal case. Your appeal must be based on one of the following grounds:

- the original hearing was not conducted according to required procedures,
- your constitutional rights were violated, or
- the outcome was unfair or based on insufficient evidence.

If the court rules against you in your first appeal, you may be able to appeal that decision too. But the reviewing court does not have to hear your second appeal. It may do so but does not have to.

One important thing to remember is that if you are in detention (jail) at the time of appeal, you will likely have to stay there through the appeals process.

What happens in an appeal?

Once the required appeal papers are filed, a timeline begins to run. Your attorney will have a certain number of days to submit a brief to the court. A brief is a document stating the facts, the points of law, and the arguments in your case. If the parties ask for oral argument, the court will set a date for it. At oral argument, the attorneys for both sides will have a limited time to explain or argue their cases for the judges. The judges can ask as many questions as they like during this time. After oral argument, the court will consider the arguments and issue a decision.

I've appealed. What could happen?

In an appeal, the higher court can affirm, or agree with, the lower court's judgment. If you brought the appeal, this means you lose the case. The court could also reverse the lower court's decision. Sometimes, when an appeal court reverses a lower court decision, it will send the case back to the lower court, and tell the lower court to correct the mistake by conducting a new trial. The higher court could also reverse and issue a new final decision that reaches a different conclusion. Finally, the court could dismiss the case entirely if it decides it does not have jurisdiction (that is, authority) to hear it.

Youth Court

What is Youth Court?

In Youth Court, other teenagers are your judges and lawyers. This means that your peers will determine the consequences of your actions. Youth judges can order you to do a certain number of hours of community service, pay restitution, attend education classes, or write essays or apologies to the victim, your parents, or other youth.

How can I go to Youth Court instead of regular court?

You must agree to go to Youth Court. You can only participate in Youth Court if you admit to committing the offense that you are charged with. The judges do not decide whether or not you committed the offense, but only what the consequences will be. Youth Court only handles offenses that would be misdemeanors if committed by adults. These typically include petty theft or shoplifting, minor assaults, and marijuana, alcohol, or tobacco offenses. You can only have one offense submitted to Youth Court.

If you are eligible for Youth Court and decide to do it, you will be assigned a youth lawyer who will help you present a case for why the youth judges should be lenient with you. Another youth lawyer will argue why the consequences for you should be more severe. Instead you and your lawyer could agree to a deal with the other lawyer, although the judges must still approve the deal. Your parents have the right to attend Youth Court. An adult lawyer will also be present, but only to make sure your rights are protected. In most cases, the adults will not say or do anything during the proceeding. Youth Court is confidential and no one may attend except for you, the youth judges and lawyers, your parents or guardians, and one adult lawyer.

In Youth Court, the punishment is often a requirement to perform a number of hours of community work service. To determine the number of community work service hours you must do, the judges will start at a benchmark, depending upon the seriousness of your offense. They will then subtract hours for certain *mitigators* (circumstances that partly excuse the crime and reduce the sentence) and add hours for certain *aggravators* (circumstances that make the crime worse and the punishment greater).

Typical mitigators include:

- you are under fifteen years old,
- you have no history of trouble with the authorities,
- you admitted to the crime when confronted by authorities,
- the crime was principally committed by another person.

Typical aggravators include:

- you are over fifteen years old,
- you have a prior criminal record,
- you were older than and influenced another person who was with you at the time you committed the crime.

Another sentence often imposed in Youth Court is a requirement to attend a class on the negative effects of the offense you committed, or on decision-making skills. Your sentence is also likely to include an essay discussing what you learned through the process of being arrested and participating in Youth Court.

Alaska Youth Law Guide: Definitions

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

A.

Abuser: a person who commits domestic violence, sexual assault, or other crimes against another person.

Alcoholic beverage: wine, beer, hard liquor, or other fermented or distilled liquid, whether made commercially or privately, that is intended for human consumption as a beverage and that contains one-half of one percent or more of alcohol by volume.

Answer: the reply that a defendant in a civil lawsuit makes; the answer admits or denies facts, states defenses, and may include a counterclaim against the plaintiff.

Arrest Warrant: an order directing a law enforcement (police) officer to arrest and bring a person to court.

Attempt: in criminal law, an open and intentional act that is done in an unsuccessful effort to commit a crime; an attempt to commit a crime is itself a crime.

B.

Benefits: financial assistance that is received from an employer, insurance, or a public program in time of sickness, disability or unemployment. Examples include health care insurance, retirement benefits, social security benefits, military benefits, veterans' benefits.

Beyond a Reasonable Doubt: the standard used by a jury to decide whether a person is guilty of a crime.

Brief: a written document setting out the legal arguments of a party to a lawsuit or criminal case; a brief usually contains a summary of facts and legal arguments along with citations to the evidence and the legal authorities.

C.

Chemical breath test: a test, conducted according to methods approved by the Alaska Department of Public Safety, that measures the amount of alcohol in a person's breath.

Citation: an order issued by a police officer to appear before a judge on a given date to defend against a less serious charge such as a traffic ticket.

Community work service: work on projects designed to reduce or eliminate environmental damage, protect the public health, or improve public services, lands, forests, parks, roads, highways, facilities, or education; work that benefits private individuals is not community service.

Complaint: the initial document that starts a civil legal action; the complaint must state the basis for the lawsuit and the relief that is requested in the case.

Consent: Agreement, approval, or permission as to some act or purpose.

Controlled substance: a drug, substance, or immediate precursor included in the schedules set out in AS 11.71.140 - 11.71.190, or comparable federal statutes.

Corporal punishment: punishment inflicted on a person's body, such as spanking, caning, or striking with a hand, belt, or whip.

Credit limit: the maximum amount that a person who obtains a credit card can charge on that card.

Credit report: a report containing a person's credit history, or record of bills or debts incurred and payments made.

Crime: an act that is punishable as a criminal offense under the law.

Custody: care and control of a child, including both legal custody under a court order and physical custody.

D.

Defendant: a person who is sued in a civil lawsuit, or accused in a criminal proceeding.

Discipline: punishment imposed for violations of school rules, or penalties that are intended to correct misbehavior.

Discovery: court procedures that allow parties to learn facts that relate to lawsuits. The primary discovery procedures are interrogatories, requests for production of documents, depositions, and requests for admissions.

Domestic partner: a person who is living with another person in a relationship that is like a marriage but that is not a legal marriage.

Dress code: a written set of rules describing acceptable and unacceptable clothing for school wear.

Due process or due process of law: procedural steps intended to assure fairness in any disciplinary proceeding; at a minimum, due process includes a right to be notified about what a person is accused of, and a hearing before an impartial decision-maker.

E.

Emancipated: for a minor, being freed of the control and support of a parent or guardian.

Equitable: fair and just, consistent with principles of righteousness.

Exploitation: taking unjust advantage of someone, for example, using children to perform long hours of work at low wages.

F.

Felony: a serious crime usually punishable by a prison or jail sentence of more than one year or by death.

Firearm: a weapon designed to discharge a shot that can cause death or serious physical injury; includes a pistol, revolver, rifle, or shotgun, whether loaded or unloaded, even if not in working condition.

Freedom of speech: the right to express thoughts or opinions without governmental restriction, as guaranteed by the First Amendment of the U.S. Constitution.

G.

Good cause: a legally sufficient reason.

Grand Jury: a body of people who are chosen to sit permanently for at least a month and decide whether to issue indictments.

Gratuities: gifts or money given voluntarily; tips received by a waiter at a restaurant are a form of gratuity.

Guardian: a person who has the legal authority and duty to care for another person or the property of another person.

I.

Immunization: giving shots or orally dispensed vaccines to produce immunity against a disease; also called “inoculation” or “vaccination.”

Impartial: unbiased, disinterested; a person who has no personal interest in the outcome of a hearing or other proceeding is impartial.

Independent contractor: a person who provides services not as an employee, but as a business person who chooses his or her own method for accomplishing contracted work.

Indictment: the formal written accusation of a crime, made by a grand jury and presented to a court for prosecution against the accused person.

Inhalant: a material or substance that easily becomes a gas at room temperature; an inhalant is dangerous to the life or health of a person who inhales or “sniffs” the gas; inhalants include gasoline, other petroleum distillates; and common household materials like spray paint or cleaning fluids.

Inherit: receive property under a will or state laws from a parent, relative, or other person on the death of that person.

Intrusive: an unwelcome entering or interfering without consent.

J.

Juvenile delinquent: a person under the age of 18 guilty of serious antisocial or criminal behavior.

L.

Lawsuit or “suit:” a proceeding by a party or parties against others in a court of law.

Lease: a contract in which the owner of property gives another person the right to use and occupy the property.

Liability insurance: insurance that pays damages the insured person may be responsible to pay because of an injury to another person or another person’s property.

M.

Maternity leave: a leave of absence from a job when a woman has a child.

Misdemeanor: a crime that is less serious than a felony, and is most often punished by a fine, penalty, forfeiture, or brief confinement.

Motion: a request, usually in writing, to a court to make a ruling or issue an order described in the motion.

O.

Overtime: hours worked by employees beyond a standard workday or work week set by law; also means the extra pay earned or paid for overtime work.

P.

Parties: the persons involved in a legal action, including a petitioner or plaintiff, and a respondent or defendant.

Paternity: fatherhood; when a child's father is not known, DNA testing can establish a high probability of paternity by identifying a match of genetic markers.

Plaintiff: the party who brings a civil suit in a court of law.

Pornography: writings, photographs, movies or other materials showing sexual activities or other erotic behavior in a way designed to arouse sexual excitement.

Preponderance of the evidence: the greater weight of the evidence, established by evidence that is most convincing.

Probable cause: a reasonable ground to suspect that a person has committed or is committing a crime or that a place contains specific items connected with a crime.

Proof of insurance: a card or document from an insurance company showing that it has issued an insurance policy that covers an automobile or the driver.

Prosecutor: a legal officer who represents the government in criminal proceedings.

R.

Refusal: the denial or rejection of something offered or demanded.

Rehabilitate: the process of seeking to improve a criminal's character and outlook so that person can function in society without committing other crimes.

Relief: the remedy, such as money damages, that a party to a lawsuit asks the court to grant if the ruling is in that party's favor.

Rescind: cancel (usually a contract); annul, or repeal.

Restitution: payment of money or other benefit based on a wrongful act committed against that person.

S.

Search Warrant: a judge's written order allowing a law enforcement (police) officer to search a place and take any evidence that **is found there**.

Security deposit: money a renter or tenant gives to a landlord to hold while the tenant occupies leased property; the security deposit will be used to pay for any unreasonable damage to the leased property, or will be returned when the tenant vacates if all rent due has been paid.

Settlement agreement: an agreement, usually in writing, that identifies all the issues in a divorce or other legal dispute, and describes how the parties have agreed to resolve them.

Small claims: civil lawsuits requesting money damages less than \$10,000 and conducted under the court's small claims rules.

Spouse: a person's husband or wife in a lawful marriage.

Summons: A notice requiring a person to appear in court.

Suppress: To put a stop to, put down, or prohibit; to prevent (something) from being seen, heard, known, or discussed.

T.

Trial: a formal judicial proceeding in which parties to a civil lawsuit or criminal case present testimony and other evidence and arguments in support of their positions.

Truant: staying away from school without excuse or permission, or a person who is truant.

U.

Underage: younger than the legal age for a particular purpose, such as buying tobacco (under 19 in Alaska), or voting (under 18).

Unreasonable search and seizure: a search and taking of evidence or property without a warrant, probable cause, or other justification.

V.

Vaccination: see "immunization."

Victim: a person harmed by a crime, including domestic violence and sexual assault.

Visual screen device: a television, video monitor, portable computer, or any other similar device capable of providing a visual display that is in full view of a driver in a normal driving position while the vehicle is in motion; it is a crime to drive a vehicle with a screen device operating.

Voucher: a written authorization for money to be paid on one person's behalf to another person for a specific purpose, such as housing or schooling.

W.

Wanton waste: intentionally failing to salvage edible meat of a game animal or a wild fowl for human food, or wasting a fisheries resource, such as salmon.