|  |  |
| --- | --- |
| {% if user\_need == 'change foreign custody order' or (user\_need == 'change divorce order' and type\_of\_final\_order.all\_true('custody order', exclusive = True)) %}Changing your custody or Parenting Plan order {% elif (user\_need == 'change divorce order') %}Changing an order{% else %}Responding to {% endif %}{% if type\_of\_response == 'appeal' %}an appeal{% elif user\_need == 'respond to motion in divorce' and type\_of\_response != 'appeal' %}a motion{% endif %} in your divorce case | |
|  | Your Personal Action Plan in 37 Steps |

|  |  |
| --- | --- |
| {%tr if parents\_agree or final\_order\_date\_within\_15\_days or (unknown\_final\_date.true\_values())|list|length > 1 %} |  |
| Step 1: Decide the steps you want to take | {% if user\_need == 'change a custody order' %}You have more than one way to ask the judge to change your custody or parenting plan order.{% elif user\_need == 'change divorce order' and middle\_of\_case == 'yes' %}You have more than one way to ask the judge to change an order in your divorce case.{% elif user\_need == 'change divorce order' and middle\_of\_case == 'no' %}You have more than one way to ask the judge to change the order from your divorce case.  {% endif %}Read each of the following steps.  Decide on the steps that make the most sense in your case. |
| {%tr endif %} |  |
| {%tr if parents\_agree %} |  |
| Step 2: Find out if you and {{ other\_party\_in\_case }} agree | If you want to change an order in your {{ case\_type }} case, you can talk with {{ other\_party\_in\_case }}. See if you agree about the change or if you both want to try to reach an agreement one of these ways:   * Talk more with each other until you can agree. * Mediation. * Collaborative Law.  Talk with {{ other\_party\_in\_case }} about settling your case without a trial Some people are able to talk to each other and agree about the issues they need to work out. They do not need a judge to decide for them. Sometimes a friend or family member can help you figure out an agreement. Mediation Mediation is an informal, voluntary, and confidential way to resolve disagreements without giving the decision-making power to someone else, like a judge. A neutral person, called the mediator, helps people outside the court process:   * Figure out the important issues in the disagreement. * Explain and understand each other's needs. * Clear up misunderstandings. * Explore creative solutions. And * Reach acceptable agreements.   You can hire your own private mediator to help resolve any issue in your case. If there was abuse or domestic violence in your relationship, be sure to hire someone with training and experience working with domestic violence. Tell your mediator if you want to bring a support person with you.  Read about [mediation](https://courts.alaska.gov/mediation/index.htm). Collaborative Law The **Alaska Association of Collaborative Professionals** helps people resolve parenting issues outside of the court process without a judge making decisions. Learn more about the [Association](https://www.alaskacollaborative.org).  If you both agree, you can change some things on your own   * You do not have to tell the court about every change you make. But you must tell the court about **some** changes. If you make a small change, like changing pick-up time by an hour, or a change to your holiday schedule, you do not have to tell the court. * If you make a change about something big, like changing the parenting schedule from weekends with one parent to week on / week off, you must tell the court in writing. * If you want to be sure that both of you must follow the new agreement, tell the court so the judge can make the agreement part of your court order. * If you want to change child support because the parenting schedule or a parent’s income changes, you must tell the court in writing so the judge can decide if the child support amount should change. The parent who owes money under the child support order you want to change continues to owe that amount until the judge signs a new order.  Links in this step **Read about mediation** courts.alaska.gov/mediation/index.htm  **Alaska Association of Collaborative Professionals** alaskacollaborative.org |
| Step 3: Tell the court about your agreement | If you reach an agreement, fill out these forms: Forms to ask to modify  * **Joint Motion, SHC-1310**. Title it “Joint Motion to Modify.” As a [Word](http://www.courts.alaska.gov/shc/family/docs/shc-1310.doc) file courts.alaska.gov/shc/family/docs/shc-1310.doc as a [PDF](http://www.courts.alaska.gov/shc/family/docs/shc-1310n.pdf) file courts.alaska.gov/shc/family/docs/shc-1310n.pdf * **Joint Motion to Put Settlement on the Record, SHC-1063** as a [Word](http://www.courts.alaska.gov/shc/family/docs/shc-1063.doc) file courts.alaska.gov/shc/family/docs/shc-1063.doc as a [PDF](http://www.courts.alaska.gov/shc/family/docs/shc-1063n.pdf) courts.alaska.gov/shc/family/docs/shc-1063n.pdf  If you are changing the Parenting Plan Choose 1 parenting plan order. Do **not** sign the Order section:   * **Parenting Plan Agreement & Order, SHC-1128** as a [Word](http://www.courts.alaska.gov/shc/family/docs/shc-1128.docx) file courts.alaska.gov/shc/family/docs/shc-1128.docx as a [PDF](https://courts.alaska.gov/shc/family/docs/shc-1128n.pdf) courts.alaska.gov/shc/family/docs/shc-1128n.pdf * **Agreement & Order for Custody and Visitation, SHC-1126 as a**  [Word](http://www.courts.alaska.gov/shc/family/docs/shc-1126.doc) file courts.alaska.gov/shc/family/docs/shc-1126.doc as a [PDF](https://courts.alaska.gov/shc/family/docs/shc-1126n.pdf) courts.alaska.gov/shc/family/docs/shc-1126n.pdf  If you are changing child support  * **Order for Modification of Child Support,** [**DR-301**](https://public.courts.alaska.gov/web/forms/docs/dr-301.pdf) [Fill-In PDF] public.courts.alaska.gov/web/forms/docs/dr-301.pdf * **Child Support Guidelines Affidavit,** [**DR-305**](https://public.courts.alaska.gov/web/forms/docs/dr-305.pdf) [Fill-In PDF] (2 copies - each parent fills out their own) public.courts.alaska.gov/web/forms/docs/dr-305.pdf * **Child Custody Jurisdiction Affidavit,** [**DR-150**](https://public.courts.alaska.gov/web/forms/docs/dr-150.pdf) [Fill-In PDF] (2 copies - each parent fills out their own) public.courts.alaska.gov/web/forms/docs/dr-150.pdf * Choose 1 form below based on the parenting schedule if it is not a primary custody calculation (where children are with 1 parent for at least 256 overnights/year)   + **Shared Custody Support Calculation,** [**DR-306**](https://public.courts.alaska.gov/web/forms/docs/dr-306.pdf) [Fill-In PDF] (if you have a shared custody schedule) public.courts.alaska.gov/web/forms/docs/dr-306.pdf   + **Divided Custody Support Calculation,** [**DR-307**](https://public.courts.alaska.gov/web/forms/docs/dr-307.pdf) [Fill-In PDF] (if you have a divided custody schedule) public.courts.alaska.gov/web/forms/docs/dr-307.pdf   + **Hybrid Custody Child Support Calculation,** [**DR-308**](https://public.courts.alaska.gov/web/forms/docs/dr-308.pdf) [Fill-In PDF] (if you are asking for a hybrid custody schedule) public.courts.alaska.gov/web/forms/docs/dr-308.pdf   If you and the other parent agree, it is free to file a **Joint Motion to Modify**, but if you do not agree it costs $75 to file a **Motion to Modify**. |
| {%tr endif %} |  |
| {%tr if user\_need == 'change foreign custody order' %} |  |
| Step 11: Ask the court to change your custody and Parenting Plan or child support order from another state | There are 3 steps to ask an Alaska court to change a custody and parenting plan or child support order from another state:   1. Make sure the Alaska court has jurisdiction (authority) to change the order. See Step 12. 2. Register the out-of-state order in Alaska See Step 13. 3. Ask the Alaska court to change the order by filing a Motion to Modify. See Step 14. |
| Step 12: Make sure the Alaska court has the authority to change the order | * A court must have the authority called jurisdiction to issue an order about a custody or parenting plan or a child support order. * Generally, only the court in the state where the child has lived for the last 6 months can make decisions, enter a parenting plan, or order child support. This is called the child’s "home state." * Jurisdiction can be very complicated. For example, if a baby is less than 6 months old and has moved between states, there may not be a “home state.” This is one example of an exception when the Alaska court may be able to decide issues about a child that hasn’t lived here for 6 months. [Talking to a lawyer](https://courts.alaska.gov/shc/shclawyer.htm) can help you decide which is the best state for your case.  Links in this step **Talking to a lawyer** courts.alaska.gov/shc/shclawyer.htm |
| Step 13: Register the out-of-state order | Submit the following packet to the Alaska court  * 1 **certified** copy of the original order. * 1 **photocopy** of the certified original order. * **Case description form**, [CIV-125S](https://public.courts.alaska.gov/web/forms/docs/civ-125s.pdf) public.courts.alaska.gov/web/forms/docs/civ-125s.pdf  For Custody  * + **Request to Register Child Custody Order of Another State or Country,** [DR-482](https://public.courts.alaska.gov/web/forms/docs/dr-482.pdf)[Fill-In PDF] public.courts.alaska.gov/web/forms/docs/dr-482.pdf   + **Notice of Registration of Child Custody Order of Another State or Country,** [DR-483](https://public.courts.alaska.gov/web/forms/docs/dr-483.pdf) [Fill-In PDF]  public.courts.alaska.gov/web/forms/docs/dr-482.pdf (Completed except for the date and clerk's signature)   + **Affidavit for Child Custody Registration, SHC-1510** as a[Word file](http://courts.alaska.gov/shc/family/docs/shc-1510.doc) courts.alaska.gov/shc/family/docs/shc-1510.doc as a [PDF](http://courts.alaska.gov/shc/family/docs/shc-1510n.pdf) courts.alaska.gov/shc/family/docs/shc-1510n.pdf   + **Child Custody Jurisdiction Affidavit,** [DR-150](https://public.courts.alaska.gov/web/forms/docs/dr-150.pdf) [Fill-In PDF] public.courts.alaska.gov/web/forms/docs/dr-150.pdf   + **Request for Hearing on Registered Child Custody Order,** [DR-484](https://public.courts.alaska.gov/web/forms/docs/dr-484.pdf) [Fill-In PDF] public.courts.alaska.gov/web/forms/docs/dr-484.pdf (Only fill in the Petitioner's and Respondent's names in the caption at the top left and leave the rest blank)   + **Confirmation of Registered** **Child Custody Order**, [DR-485](https://public.courts.alaska.gov/web/forms/docs/dr-485.pdf) [Fill-In PDF] public.courts.alaska.gov/web/forms/docs/dr-485.pdf (Only fill in the Petitioner's and Respondent's names in the caption at the top left and leave the rest blank)  For Child Support  * + **Instructions – Registration of Support Order Issued by Another State,** [DR-341](https://public.courts.alaska.gov/web/forms/docs/dr-341.pdf)[Fill-In PDF]public.courts.alaska.gov/web/forms/docs/dr-341.pdf   + **Petition to Register a Support Order from Another State,** [DR-342](https://public.courts.alaska.gov/web/forms/docs/dr-342.pdf) [Fill-In PDF]public.courts.alaska.gov/web/forms/docs/dr-342.pdf   + **Confidential Information Sheet - Support Order from Another State,** [DR-343](https://public.courts.alaska.gov/web/forms/docs/dr-343.pdf) [Fill-In PDF]public.courts.alaska.gov/web/forms/docs/dr-343.pdf   + **Notice of Registration of Another State's Support Order,** [DR-344](https://public.courts.alaska.gov/web/forms/docs/dr-344.pdf) [Fill-In PDF]public.courts.alaska.gov/web/forms/docs/dr-344.pdf (Completed except for the date and clerk's signature)   + **Request for Hearing About Registered Child Support Order,** [DR-345](https://public.courts.alaska.gov/web/forms/docs/dr-345.pdf) [Fill-In PDF] public.courts.alaska.gov/web/forms/docs/dr-345.pdf (Only fill in the Petitioner's and Respondent's names in the caption at the top left and leave the rest blank)   + **Confirmation of Registered Support Order,** [DR-347](https://public.courts.alaska.gov/web/forms/docs/dr-347.pdf) [Fill-In PDF] public.courts.alaska.gov/web/forms/docs/dr-347.pdf  Tell the court how you want it to deliver the documents to the other parent. The options are:   * **1st class US mail** (which is free):  Give the clerk at the court:   + the packet of forms to register a foreign order   + envelope(s) addressed to the opposing party   + a copy of all documents you are filling **plus** a **Request for Hearing** form for the opposing party * **Certified mail** (which you have to pay for):   + Before coming to court,     - go to the Post Office and get the forms for "certified mail", "restricted delivery", "return receipt requested."     - Figure out how much it will cost to mail the forms by this method, and     - Put the stamps on the envelope.  If you do not provide the correct stamped envelope, your paperwork may be rejected.   + Give the clerk at the court:     - the packet of forms to register a foreign order     - envelope(s) addressed to the opposing party     - a copy of all documents you are filling PLUS a Request for Hearing form for the opposing party     - the filled-out mailing forms for certified mail, restricted delivery, return receipt requested from the Post Office for each of the people listed in the certificate of distribution on the Notice of Registration Order.  On the green card, fill out your return address so you get the green card back later.     - enough postage for the court to serve by certified mail, restricted delivery, return receipt requested. * **Process server** (which you have to arrange and pay for): Give the clerk:   + the packet of forms to register a foreign order   + service instructions for the specific process server you want the court to use. Read the instructions about "Personal Service By Process Server" in CIV-106.  Pay the filing fee of $150 or ask the court to waive it If you are registering **both** a foreign child custody order and a foreign support order together, or **only** a child custody order, the filing fee is $150.  If you cannot afford $150, you can file a **Request for Exemption for Payment of Fees**, [TF-920](https://public.courts.alaska.gov/web/forms/docs/tf-920.pdf).  public.courts.alaska.gov/web/forms/docs/tf-920.pdf  If you are registering **only** a foreign support order, it is **free**. |
| {%tr endif %} |  |
| {%tr if user\_need == 'change foreign custody order' or (type\_of\_final\_order['custody order'] and why\_change in('review', 'schedule')) %} |  |
| Step 14: Learn about a Motion to Modify your Parenting Plan | Changing your parenting plan or child support order is called "modifying" it. To ask the judge to change your order, file a **Motion to Modify**.  The courts want children to have a regular schedule without a lot of changes. The courts will generally only change a parenting plan if there is a "substantial change of circumstances". A "substantial change in circumstances" means something has happened so that the old custody or parenting plan is no longer in the children's best interest. Some examples  * The current parenting plan order started when your child was an infant. They move between parents at noon Mondays, Wednesdays, and Fridays. Your child is starting kindergarten so the current schedule will not work. * Under the current parenting plan order, your children spend one week with you and the next week with the other parent. You are going to move out of state so the current schedule is impossible. * Your children spend overnights with you and the other parent. The other parent just went to jail for 2 years so the existing schedule is impossible. * There was a new act of domestic violence between you and the other parent when you were exchanging the children.{% if user\_need == 'change foreign custody order' or middle\_of\_case == 'no' %}   The court charges $75 to file this motion. If you cannot afford the fee, you may be able to get the court to waive it. See Step 21: {% if defined('file\_step\_heading') %}{{ file\_step\_heading }}{% else %}File your motion forms{% endif %}.{% endif %} |
| Step 15: Fill out the Motion to Modify Custody forms | Use  * **Motion to Modify Custody, Visitation & Support Packet,** [**SHC-PAC12**](https://courts.alaska.gov/shc/family/shcforms.htm#shc-pac12) 3 of the forms in this packet are affidavits:   + Wait to sign them until you are in front of someone who has the power to take oaths, like a notary public.   + The court clerk can do this for free.   + Bring a valid photo ID with you.   + If you cannot get to a notary public or someone who has the power to take oaths, you can "self-certify". Use: **Self-Certification (No Notary Available)** [**TF-835**](https://public.courts.alaska.gov/web/forms/docs/tf-835.pdf) [Fill-In PDF]  Watch  * [**Motions Part 1: How to Ask the Court For Something**](https://www.youtube.com/watch?v=2irmxT0_0EA)  Links in this step **Motion to Modify Custody, Visitation & Support Packet, SHC-PAC12** courts.alaska.gov/shc/family/shcforms.htm#shc-pac12  **Self-Certification** [**TF-835**](https://public.courts.alaska.gov/web/forms/docs/tf-835.pdf) public.courts.alaska.gov/web/forms/docs/tf-835.pdf  **Motions Part 1: How to Ask the Court For Something** youtube.com/watch?v=2irmxT0\_0EA |
| Step 16: Fill out your child support forms | Figure out the new child support amount using the new schedule and any new income information.   1. Calculate the percent of overnights your children spend with you and with the other parent. To get this percent, divide 365 (the number of overnights in a year), by the number of overnights the child spends with each parent.  For example If your child spends 4 nights each week with you and 3 nights each week with their other parent, they spend 209 overnights each year with you and 156 nights each year with the other parent.  209 divided by 365 nights in a year is .57, or 57% of overnights with you.  156 divided by 365 nights in a year is .43, or 43% of overnights with the other parent.   1. Use the percentages to fill out the **Child Support Guidelines Affidavit** [**DR-305**](https://public.courts.alaska.gov/web/forms/docs/dr-305.pdf). Read [**How to Fill out the Child Support Guidelines Affidavit**](https://courts.alaska.gov/shc/family/docs/shc-dr305f-sample.pdf) to help you fill out this form. 2. The **Child Support Guidelines Affidavit** gives you the new child support amount for a **primary custody child support** schedule. A primary custody child support schedule is when the children spend 256 or more overnights with one parent. If you do not have a primary custody child support schedule, use one of these forms:  * **Shared Custody Support Calculation, DR-306** [[Fill-In PDF](https://public.courts.alaska.gov/web/forms/docs/dr-306.pdf)] Us this if the children spend at least 110 overnights with each parent. * **Hybrid Custody Child Support Calculation, DR-308** [[Fill-In PDF](https://public.courts.alaska.gov/web/forms/docs/dr-308.pdf)] Use this if both parents have shared custody of 1 or more children and 1 or both parents have primary custody of 1 or more children. * **Divided Custody Child Support Calculation, DR-307** [[Fill-In PDF](https://public.courts.alaska.gov/web/forms/docs/dr-307.pdf)] Use this if both parents have primary physical custody of one or more children and neither parent has shared custody of any children.  Links in this step **Child Support Guidelines Affidavit** [**DR-305**](https://public.courts.alaska.gov/web/forms/docs/dr-305.pdf) public.courts.alaska.gov/web/forms/docs/dr-305.pdf  [**How to Fill out the Child Support Guidelines Affidavit**](https://courts.alaska.gov/shc/family/docs/shc-dr305f-sample.pdf) courts.alaska.gov/shc/family/docs/shc-dr305f-sample.pdf  **Shared Custody Support Calculation, DR-306** **,** [**DR-308**](https://public.courts.alaska.gov/web/forms/docs/dr-306.pdf) [Fill-in PDF] public.courts.alaska.gov/web/forms/docs/dr-306.pdf  **Divided Custody Child Support Calculation,** [**DR-307**](https://public.courts.alaska.gov/web/forms/docs/dr-307.pdf)[Fill-in PDF] public.courts.alaska.gov/web/forms/docs/dr-307.pdf  **Hybrid Custody Child Support Calculation,** [**DR-308**](https://public.courts.alaska.gov/web/forms/docs/dr-308.pdf)[Fill-in PDF] public.courts.alaska.gov/web/forms/docs/dr-308.pdf |
| Step 17: Do not wait to file your Motion to Modify | If you and the other parent agree to change the schedule, or have already permanently changed your schedule, file your **Uncontested Motion to Modify Custody** as soon as you can.  Until you file your motion with the court, **the parent who owes child support still owes the amount in your current order**. For example  * Under your current order, the children spend Sunday to Friday with you and Friday after school until Sunday after dinner with the other parent. * Child support was calculated based on the children being with you 5 overnights each week, and with the other parent 2 overnights each week. * You decide to change to a schedule where the children will spend a week with you and then a week with the other parent. You start March 1. * Child support will probably change because the percentage of overnights the children spend with each parent has changed. * You file an **Uncontested Motion to Modify Custody and Child Support** June 21. * The judge agrees with your motion and signs a new custody and child support order September 1. * The new order says that the new child support amount starts July 1. * Because you did not file your motion until June, the **original** child support amount still applies from March until July 1. |
| {%tr endif %} |  |
| {%tr if type\_of\_final\_order.any\_true('spousal support', 'property or debt') and why\_change\_divorce\_order == 'changed circumstances' %} |  |
| Step 18: Learn about the Motion to Modify {% if type\_of\_final\_order['property or debt'] %} Divorce Property & Debt Division{% endif %} {% if type\_of\_final\_order.all\_true('property or debt', 'spousal support')%} and {% endif %} {% if type\_of\_final\_order.all\_true('spousal support')%}Spousal Support {% endif %} | Changing your divorce order is called “modifying” it. To ask the judge to change your divorce order, file a **Motion to Modify**. The rules for changing spousal support are different from the rules for dividing property and debt. {% if type\_of\_final\_order['spousal support'] %}Change spousal support The court will generally only change spousal support if there is a "substantial change of circumstances". Some examples  * The court ordered Spouse A to pay Spouse B spousal support. Spouse B was very ill and could not work. Spouse B is now better and has a full-time job. * The court ordered Spouse A to pay Spouse B spousal support for 4 years so Spouse B could get a degree that would help them earn more money. Spouse B got their degree in 3 years and now has a full-time job earning more money because of the degree. {% endif %}  {% if type\_of\_final\_order['property or debt'] %}Change the property and debt division Changing the outcome of final property and debt decisions in a divorce case can be tough. Once the court decides who gets what, it is not easy to undo those decisions. Some examples  * If the court awards the house to one spouse, they might sell it, and then it is impossible to get it back if the other spouse later wants the court to award them the house.   The court orders one person to receive some money from the marriage. If they spend that money, it cannot be taken back later.{% endif %} |
| Step 19: Fill out the motion form to modify {% if type\_of\_final\_order['property or debt'] %}the property and debt division{% endif %}{% if type\_of\_final\_order.all\_true('property or debt', 'spousal support')%} and {% endif %}{% if type\_of\_final\_order['spousal support']%}the spousal support{% endif %} order | Use  * **Request to Modify Order or Decree Concerning Spousal Maintenance or Property Allocation,** [**DR-735**](https://public.courts.alaska.gov/web/forms/docs/dr-735.pdf) [Fill-In PDF]   + Wait to sign the form until you are in front of someone who has the power to take oaths, like a notary public.   + The court clerk can do this for free.   + Bring a valid photo ID with you.   + If you cannot get to a notary public or someone who has the power to take oaths, you can "self-certify". Use: **Self-Certification (No Notary Available)** [**TF-835**](https://public.courts.alaska.gov/web/forms/docs/tf-835.pdf) [Fill-In PDF]  Watch  * [**Motions Part 1: How to Ask the Court For Something**](https://www.youtube.com/watch?v=2irmxT0_0EA)  Links in this step **Request to Modify Order or Decree Concerning Spousal Maintenance or Property Allocation, DR-735** [[Fill-In PDF](https://public.courts.alaska.gov/web/forms/docs/dr-735.pdf)] public.courts.alaska.gov/web/forms/docs/dr-735.pdf  **Self-Certification** [**TF-835**](https://public.courts.alaska.gov/web/forms/docs/tf-835.pdf) public.courts.alaska.gov/web/forms/docs/tf-835.pdf  **Motions Part 1: How to Ask the Court For Something** youtube.com/watch?v=2irmxT0\_0EA |
| {%tr endif %} |  |
| {%tr if interim\_order\_date\_within\_10\_days or final\_order\_date\_within\_10\_days or unknown\_final\_date['reconsider'] %} |  |
| Step 4: Learn about Motions to Reconsider | To ask your judge to reconsider a decision, file a **Motion to Reconsider**.  You have only 10 days after the date the court sent your {{ case\_type }} order to you.  Look at the last page of the order. The date to count from is in the box at the bottom of the page. It looks something like this.  {% for image\_data in distribution\_certificate\_list %}  {{ image\_data['text'] }}  {{ image\_data['image'].show(width='5in%') }}  {% endfor %}If the **10th** day is a weekend or holiday, your motion is due the next day the court is open. For example, if the 10th day is a Saturday, and the court is open Monday, your motion is due Monday. If Monday is a holiday, your motion is due Tuesday. You can ask a judge to reconsider their decision for 4 reasons  1. The judge overlooked, misapplied or failed to consider a statute, decision or principle directly controlling. This means the judge made a mistake when they applied the law in your case.  For example  * Rule 90.3 states that if a child spends at least 256 nights with one parent, that parent has primary custody and the other parent pays 20% of their adjusted annual income for child support to the parent the child lives with. * If the judge used 27% of adjusted income instead of 20%, the **Motion to Reconsider** would state that the judge misapplied Civil Rule 90.3.  1. The judge overlooked or misconceived some material fact or proposition of law. This means the judge got an important fact wrong.  For example  * The parents agree that mom makes $25,000 every year. They file the forms to tell the judge they agree. The judge calculated child support using $35,000 for mom’s income. * The **Motion to Reconsider** would state that the judge used the wrong income to calculate child support.  1. The judge overlooked or misconceived a material question in the case. This means the judge misunderstood what you were asking for.  For example  * A child changed from living full time with their mom to living full time with their dad. Under the child support formula, dad used to pay child support to mom based on the primary custody child support calculation. Now, mom should pay child support to dad based on the primary custody child support calculation. Dad filed a motion to modify child support. The judge denied dad's motion because the parents' incomes did not change. * The **Motion to Reconsider** would state the judge did not include the changed parenting schedule in the child support calculation.  1. The law applied in the ruling was changed by a later court decision or statute. This means the judge used a rule or law that changed.  For example  * On April 15, 2018, Civil Rule 90.3 changed to allow a parent to deduct the cost of their own health insurance from their gross income, up to 10% of the parent's gross income. * If the judge calculated child support on April 14 and did not subtract the cost of the parent's health insurance, the Motion to Reconsider would explain the cost of the parent's health insurance and state that Civil Rule 90.3 changed on April 15, 2018.   See [Alaska Rule of Civil Procedure](https://courts.alaska.gov/rules/docs/civ.pdf) 77(k) to read the court rules about the **4 reasons** you can ask the court to reconsider a judge's decision. Links in this step **Alaska Rules of Civil Procedure** courts.alaska.gov/rules/docs/civ.pdf |
| Step 5: Fill out the Motion to Reconsider forms | Use  * **Motion and Affidavit to Reconsider, SHC-1545** [Word](https://courts.alaska.gov/shc/family/docs/shc-1545.doc) | [PDF](https://courts.alaska.gov/shc/family/docs/shc-1545n.pdf)   + Put everything you want the judge to know and think about in your motion. You will not be able to tell the judge in person because they rarely hold a hearing for a **Motion to Reconsider**.   + Your **Motion to Reconsider** must be no more than 5 pages, including attachments.   + **Wait** to sign the form until you can sign in front of a notary or someone who has the power to take oaths, like a court clerk or a postal employee. You can do this for free at the court. Bring a photo ID   + If you cannot get to a notary public or someone who has the power to take oaths, you can "self-certify". Use     - **Self-Certification (No Notary Available)** [**TF-835**](https://public.courts.alaska.gov/web/forms/docs/tf-835.pdf) [Fill-In PDF * **Proposed Order on Motion, SHC-1302** [Word](https://courts.alaska.gov/shc/family/docs/shc-1302.doc) | [PDF](https://courts.alaska.gov/shc/family/docs/shc-1302n.pdf). Do **not** sign this form.  Links in this step **Motion to Reconsider, SHC-1545** as a [Word](https://courts.alaska.gov/shc/family/docs/shc-1545.doc) file: courts.alaska.gov/shc/family/docs/shc-1545.doc as a [PDF](https://courts.alaska.gov/shc/family/docs/shc-1545n.pdf) file courts.alaska.gov/shc/family/docs/shc-1545n.pdf  **Self-Certification (No Notary Available) TF-835** [Fill-In PDF] public.courts.alaska.gov/web/forms/docs/tf-835.pdf  **Proposed Order on Motion, SHC-1302** as a  [Word](https://courts.alaska.gov/shc/family/docs/shc-1302.doc)  file courts.alaska.gov/shc/family/docs/shc-1302.doc as a  [PDF](https://courts.alaska.gov/shc/family/docs/shc-1302n.pdf) file courts.alaska.gov/shc/family/docs/shc-1302n.pdf  **Motions Part 1: How to Ask the Court for Something** youtube.com/watch?v=2irmxT0\_0EA |
| {%tr endif %} |  |
| {%tr if type\_of\_interim\_order == 'standing order' %} |  |
| Step 6: Ask the court to change the Standing Order or a similar decision | Background  * When your case was opened, the court issued an order, usually called a **Standing Order** or a **Domestic Relations Procedural Order.** {% if user\_need == 'change divorce order' %} * The court expects both spouses to follow it.{% else %} * The court expects both parents to follow it.{% endif %} * Sometimes a parent wants to do something the **Standing Order** does not allow. For example, A parent may want to take the children to a family reunion in another state. But the **Standing Order** says parents cannot remove the children from Alaska during the case.{% if user\_need == 'change divorce order' %} * The **Standing Order** or (**DRPO**) in a divorce case also says your spouse must agree or you must get permission from the court to:   + sell marital property, or   + cancel or change the terms of any insurance policy. * {% endif %}If you want to do something different from what the order allows, you can ask your spouse to agree to it. * If they do not agree, you can ask the court to change one of the orders by filing a "motion". |
| {%tr endif %} |  |
| {%tr if type\_of\_interim\_order == 'standing order' or (type\_of\_interim\_order == 'motion' and not interim\_order\_date\_within\_10\_days) %} |  |
| Step 7: {% if type\_of\_interim\_order == 'standing order' %}Fill out your motion forms{% else %}Ask the judge to change an interim order{% endif %} | {% if type\_of\_interim\_order == 'motion' %}If you or your spouse filed a motion and the judge made an interim order, but things have changed, you can file another motion.  Tell the judge what has changed and why you need a new order.{% else %}A motion is the way to ask the court to order something.{% endif %} Fill out these forms **Motion, SHC-1300** as a [Word file](http://courts.alaska.gov/shc/family/docs/shc-1300.doc) courts.alaska.gov/shc/family/docs/shc-1300.doc as a [PDF](http://courts.alaska.gov/shc/family/docs/shc-1300n.pdf) courts.alaska.gov/shc/family/docs/shc-1300n.pdf  **Affidavit & Memorandum, SHC-1301** as a [Word file](http://courts.alaska.gov/shc/family/docs/shc-1301.doc) courts.alaska.gov/shc/family/docs/shc-1301.doc as a [PDF](http://courts.alaska.gov/shc/family/docs/shc-1301n.pdf) courts.alaska.gov/shc/family/docs/shc-1301n.pdf  **Order on Motion, SHC-1302** as a [Word file](http://courts.alaska.gov/shc/family/docs/shc-1302.doc) courts.alaska.gov/shc/family/docs/shc-1302.doc as a [PDF](http://courts.alaska.gov/shc/family/docs/shc-1302n.pdf) courts.alaska.gov/shc/family/docs/shc-1302n.pdf |
| {%tr endif %} |  |
| {%tr if (type\_of\_final\_order['custody order'] and final\_order\_date\_within\_15\_days) or final\_order\_date\_within\_30\_days or unknown\_final\_date['appeal'] %} |  |
| Step 8: Decide if you want to file an appeal | To ask the Alaska Supreme Court to change the court order in your case, file an Appeal.  Make sure to check that this condition – the right number of days for appeals is correct here!  {% if user\_need == 'change divorce order' and (type\_of\_final\_order.all\_true('custody order', exclusive=True) or (type\_of\_final\_order['custody order'] and why\_change\_divorce\_order != 'problem')) %}You have only 15 days from the day the court sent the order to you.{% else %}You have only 30 days from the day the court sent the order to you.{% endif %}  If you cannot file on time, call the Appellate Courts Customer Service: (907) 264-0612. They may be able to help you file late.  An appeal is not a new trial or a chance to give a judge new evidence or information. In an appeal you argue that the trial judge made a legal mistake. The civil appeals process is complicated, long and expensive. The process can take more than 2 years. [Talk to a lawyer](https://courts.alaska.gov/shc/appeals/appealsresources.htm#1), if you can.  The only information the Supreme Court looks at is:   * the audio recording of the hearing or trial in the lower court, * any items offered as evidence at the hearing or trial in the lower court, * the documents in the lower court or agency record, and * appeal briefs filed in the appeal to the Supreme Court.   To start an appeal, you must pay:   * a $250 filing fee, * a $750 bond or deposit for costs, and * other costs like paying someone to make a transcript of your trial.   If you cannot afford the cost of filing an Appeal, you can **use Motion for Waiver of Filing Fees and Costs**, [**SHS-AP 130**](https://courts.alaska.gov/shc/appeals/docs/SHS_AP_130.doc) to ask the court to waive the filing fee and costs.  Learn more about filing an appeal on the court's web pages [Civil Appeal: Superior Court to Supreme Court](https://courts.alaska.gov/shc/appeals).  Learn more about filing an appeal on the court's [Alaska Court System Self-Help Appeal Page](https://courts.alaska.gov/shc/appeals). Links in this step **Talk to a lawyer** courts.alaska.gov/shc/appeals/appealsresources.htm#1  **the costs of an appeal** courts.alaska.gov/shc/appeals/payforappeal.htm  **Motion for Waiver of Filing Fees and Costs SHS-AP 130** courts.alaska.gov/shc/appeals/docs/SHS\_AP\_130.doc  **timeline for the steps in an appeal** courts.alaska.gov/shc/appeals/docs/SHS\_AP\_1000.pdf  **Civil Appeal: Superior Court to Supreme Court** courts.alaska.gov/shc/appeals |
| {%tr endif %} |  |
| {%tr if ((type\_of\_final\_order['custody'] and why\_change == 'problem') or (type\_of\_final\_order.any\_true(' property or debt', ' spousal support') and why\_change\_divorce\_order == 'problem')) and ((not final\_order\_date\_within\_10\_days and not defined('guess\_final\_order\_date')) or unknown\_final\_date['set aside'])%} |  |
| Step 9: Learn about the Motion to Set Aside Judgment or Order | A **Motion to Set Aside Judgment or Order** asks the judge to:   * Set aside or undo the final custody, parenting plan or child support decision in your case, and * Start that part of your case all over again.   Judges rarely agree to do this.  Civil Rule 60(a) and (b) describe the reasons you can use to file this motion. You may decide to file a **Motion to Set Aside Judgment or Order** if:   * The final order has a problem listed in Civil Rule 60(a) or (b). The problems are described below. And * You can file within a "reasonable time" after the date the court sent your child support order to you. For any of the first 3 reasons in Civil Rule 60(b), you must file within **1 year** of the date the court sent the order to you.   The date the court sent the order to you is in at the bottom of the last page of your order.  {% for image\_data in distribution\_certificate\_list %}  {{ image\_data['text'] }}  {{ image\_data['image'].show(width='5in%') }}  {% endfor %}  Act quickly! The judge defines "reasonable" and “in a reasonable time". The judge may refuse to set aside the order if you file **after** a "reasonable time" has passed, even if your reason for filing is a good one. Also, include the reason you waited to file your motion. Reasons you may file a Motion to Set Aside Judgment or Order **Civil Rule 60(a)**  The court made a clerical mistake or accidentally left something out of a document. For example  * The order has the wrong birthday for one of your children. Or * The order was sent to both parents on January 4, **2023**, but the date on the order is January 4, **2022**.   **Civil Rule 60(b)**  The court made a mistake listed below.  For the first 3 types of mistakes, you must file your **Motion to Set Aside**   * Within **1 year** of the date the court sent the order to you, **and** * The amount of time before you file must be "reasonable.”  1. Inadvertence, surprise or excusable neglect:  * A parent made a mistake or did not pay close attention -inadvertence, * An unexpected action, sudden confusion or an unanticipated event - surprise, or * A legitimate excuse for failing to take required action - excusable neglect.  For example You ask the judge to set aside the decision made at a hearing you missed because:   * You had a heart attack the day before, and * You were in the ICU, so you could not attend.  1. Newly discovered evidence which could not have been discovered by taking reasonable steps within the 10 days allowed to request a new trial.  For example  * You gave your spouse $1,000 before the trial to pay the property taxes on your marital home, and * 1 month after trial you learn your spouse did not pay the taxes.  1. Fraud, misrepresentation, or other misconduct from the other side.  For example One spouse forges an appraisal of the marital home and uses it as evidence at the divorce trial to argue the value of the house.  For the next 3 types of mistakes, the amount of time before you file must be "reasonable.”   1. The judgment is void.  For example  * An Alaska court generally does not have the authority or "jurisdiction" to make a parenting plan for a child who has lived in another state for the past 6 or more months. * If a child was living in Oregon for 6 months before the divorce case started, and * A parent hid this detail from the other parent and the court, * The parenting plan order would be void because the court did not have jurisdiction to decide the parenting plan.  1. The judgment has been satisfied, released or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated or it is no longer fair that the judgment should apply at this time.  For example  * The court orders a parent to pay child support. The child files for Emancipation and the judge grants it. Parents do not have to support their emancipated child. The child support judgment would be released or discharged.  1. Any other reason justifying relief from the judgment .   You may be able to come up with a different good reason the judge should start the case over again. But your reason cannot be any of the 6 listed above – it must be something different. |
| Step 10: Fill out forms if you want to file a Motion to Set Aside | If you decide to file a **Motion to Set Aside** because it fits your case: Use  * **Motion and Affidavit to Set Aside the Judgment or Order, SHC-1548** [Word](https://courts.alaska.gov/shc/family/docs/shc-1548.doc) | [PDF](https://courts.alaska.gov/shc/family/docs/shc-1548n.pdf) * Put everything you want the judge to know and think about in your motion. You may not be able to tell the judge in person because they may not hold a hearing. * Wait to sign the form until you can sign in front of a notary or someone who has the power to take oaths, like a court clerk or a postal employee. You can do this for free at the court. * If you cannot get to a notary public or someone who has the power to take oaths, you can "self-certify". Use * **Self-Certification (No Notary Available) TF-835** [Fill-In PDF] * **Proposed Order on Motion, SHC-1302** [Word](https://courts.alaska.gov/shc/family/docs/shc-1302.doc) | [PDF](https://courts.alaska.gov/shc/family/docs/shc-1302n.pdf) * **Notice of Motion, SHC-1630** [Word](http://courts.alaska.gov/shc/family/docs/shc-1630.doc) | [PDF](http://courts.alaska.gov/shc/family/docs/shc-1630n.pdf)  Watch [**Motions Part 1: How to Ask the Court for Something**](https://youtu.be/2irmxT0_0EA) Links in this step **Motion and Affidavit to Set Aside the Judgment or Order, SHC-1548** as a [Word file](https://courts.alaska.gov/shc/family/docs/shc-1548.doc) courts.alaska.gov/shc/family/docs/shc-1548.doc as a | [PDF file](https://courts.alaska.gov/shc/family/docs/shc-1548n.pdf) courts.alaska.gov/shc/family/docs/shc-1548n.pdf  **Self-Certification (No Notary Available) TF-835** [Fill-In PDF public.courts.alaska.gov/web/forms/docs/tf-835.pdf  **Proposed Order on Motion, SHC-1302** as a [Word file](https://courts.alaska.gov/shc/family/docs/shc-1302.doc) courts.alaska.gov/shc/family/docs/shc-1302.doc  as a [PDf file](https://courts.alaska.gov/shc/family/docs/shc-1302n.pdf) courts.alaska.gov/shc/family/docs/shc-1302n.pdf  **Motions Part 1: How to Ask the Court for Something** youtube.com/watch?v=2irmxT0\_0EA |
| {%tr endif %} |  |
| {%tr if user\_need == 'change foreign custody order' or (user\_need == 'change divorce order' and not unknown\_final\_date.all\_true('appeal', exclusive = True))%} |  |
| Step 20: Fill Out the Certificate of Service | You must give {{ other\_party\_in\_case }} 1 copy of everything you file with the court. This is called “service.”   1. Decide on the way you will serve {{ other\_party\_in\_case }}.  * You can send the copy you made for them by regular, 1st class mail, or hand-deliver it. * If they file anything in court that says they agree to service by email, you can email the copy you made for them. * If they have a lawyer, email, mail, or hand-deliver the copy to their lawyer. * If you use the court’sTrueFile eFiling system, TrueFile serves {{ other\_party\_in\_case }} for you.  1. Decide the date you will serve {{ other\_party\_in\_case }}. 2. Fill out the **Certificate of Service** at the end of your motion. The "certificate" tells the court how you are giving a copy of all the documents you file with the court to {{ other\_party\_in\_case }}.  Important Be sure you can serve {{ other\_party\_in\_case }} on the date and the way you put in the Certificate of Service.   1. If you do not fill out the Certificate of Service:  * The court will send you a **Deficiency Notice**, and * The judge may not see your motion and make a decision.   {% for image\_data in images\_list %}  {{ image\_data['text'] }}  {{ image\_data['image'].show(width='5in%') }}  {% endfor %} |
| Step 21: {% if defined('file\_step\_heading') %} {{ file\_step\_heading }}{% else %}File your motion forms{% endif %} | {{ file\_motion\_to\_enforce }}{% if defined('file\_step\_heading') and file\_step\_heading == 'File your Motion to Set Aside' %}If you decide that a **Motion to Set Aside** fits your case:  {% endif %}1. Make 2 copies of everything you are going to give the court.   1. Give the original version of your documents to the Court. This is called “filing” your documents. You can:  * Deliver the documents to the court yourself. * Mail the document by first-class mail. * Use the court’s TrueFile eFiling system to send the documents to the court electronically. {% if user\_need=='change foreign custody order' or why\_change in ('review', 'schedule', 'income') or why\_change\_divorce\_order == 'changed circumstances' %}  1. Pay the $75 filing fee.  If you cannot afford the filing fee, you can ask the court to waive it:    1. Call the [Family Law Self-Help Center](https://courts.alaska.gov/shc/family/selfhelp.htm)  (907)264-0851, or  (866)279-0851,   or   * 1. Use **Exemption From the Payment of Fees,**[**TF-920**](https://public.courts.alaska.gov/web/forms/docs/tf-920.pdf) [[Fill-In PDF](https://public.courts.alaska.gov/web/forms/docs/tf-920.pdf)].{% endif %}  1. Keep 1 copy for your own records. 2. Give the 2nd copy to {{ other\_party\_in\_case }} on the date and way you wrote on your **Certificate of Service**. Read Step 22: Serve {{ other\_party\_in\_case }}.  Links in this step **Exemption From the Payment of Fees,**[**TF-920**](https://public.courts.alaska.gov/web/forms/docs/tf-920.pdf) [[Fill-In PDF](https://public.courts.alaska.gov/web/forms/docs/tf-920.pdf)] public.courts.alaska.gov/web/forms/docs/tf-920.pdf  [**TrueFile eFiling system**](https://courts.alaska.gov/efile) courts.alaska.gov/efile  [**Family Law Self-Help Center**](https://courts.alaska.gov/shc/family) courts.alaska.gov/shc/family |
| Step 22: Serve {{ other\_party\_in\_case }} | Give a copy of all your documents to {{ other\_party\_in\_case }} the way you put on the **Certificate of Service**.  Serve them on the date you put in the **Certificate of Service**.  If you did not serve {{ other\_party\_in\_case }} on the date or the way you put on your **Certificate of Service**, fill out a new **Certificate of Service**, [SCH-1620](https://courts.alaska.gov/shc/family/docs/shc-1620.doc).  File the new certificate with the court.. Link in this step [**Certificate of Service, SCH-1620**](https://courts.alaska.gov/shc/family/docs/shc-1620.doc) courts.alaska.gov/shc/family/docs/shc-1620.doc |
| {%tr endif %} |  |
| {%tr if user\_need == 'change foreign custody order' or (user\_need == 'change divorce order' and not (interim\_order\_date\_within\_10\_days or final\_order\_date\_within\_10\_days or unknown\_final\_date.all\_true('reconsider', exclusive = True) or unknown\_final\_date.all\_true('appeal', exclusive = True) or unknown\_final\_date.all\_true('reconsider', 'appeal', exclusive = True)))%} |  |
| Step 23: What to expect after you file a {{ motion\_type }} | {{capitalize( other\_party\_in\_case) }} may file a response or "opposition" If you serve {{ other\_party\_in\_case }}:   * by hand-delivery, email, or TrueFile, they have 10 days to respond to the court in writing, * by mail, they have 13 days.   The documents {{ other\_party\_in\_case }} files after you serve them is their "response" or "opposition". You can reply to their response If {{ other\_party\_in\_case }} files a response you can file a reply.  If they serve you:   * By hand delivery, email or TrueFile, you have 5 days to file, * By mail, you have 8 days.   If the due date is a weekend or holiday, your reply is due the next day the court is open. For example, if it is due on a Saturday, and the court is open Monday, your reply is due Monday.   * Watch 2 videos:   + [**Motions Part 3: Preparing a Reply**](https://youtube.com/watch?v=egoBeRFB_Uw)   + **Motions Part 4: Mailings and Deadlines** * Read **How do I reply to an opposition?** on the court’s website. * Use: **Reply to Opposition to Motion,** [**SHC-1305**](https://courts.alaska.gov/shc/family/docs/shc-1305n.pdf).   + Remember to fill out the section that tells the court how and when you deliver your reply to {{ other\_party\_in\_case }}.   {% for image\_data in reply\_certificate\_list %}  {{ image\_data['text'] }}  {{ image\_data['image'].show(width='5in%') }}  {% endfor %} The judge will issue an order  * The judge may set a date for a hearing, but they may decide your motion without a hearing. * The judge may grant your **{{ motion\_type }}**. Keep following the court order you have unless the judge grants your motion. * The judge may deny your motion.   Either of you can decide to appeal the decision about the **{{ motion\_type }}** if you believe the judge made a legal mistake. Learn more about [filing an appeal](https://courts.alaska.gov/shc/appeals). Links in this step [**Motions Part 3: Preparing a Reply**](https://www.youtube.com/watch?v=egoBeRFB_Uw) youtube.com/watch?v=egoBeRFB\_Uw  **Motions Part 4: Mailings and Deadlines** youtube.com/watch?v=YQvG7GEGeoo  **How do I reply to an opposition?** courts.alaska.gov/shc/family/motions.htm#reply  [**filing an appeal**](https://courts.alaska.gov/shc/appeals) courts.alaska.gov/shc/appeals |
| {%tr endif %} |  |
| {%tr if interim\_order\_date\_within\_10\_days or final\_order\_date\_within\_10\_days or unknown\_final\_date['reconsider'] %} |  |
| Step 24: What to expect after you file a Motion to Reconsider | A **Motion to Reconsider** is different from other motions.  {{ capitalize(other\_party\_in\_case) }} does not have to respond unless the judge sends a notice and asks them to respond in writing.  If the judge agrees to reconsider their decision, they may ask {{ other\_party\_in\_case }} to respond in writing or they may change the decision. Usually, the judge only changes their decision after they ask {{ other\_party\_in\_case }} for a written response.  If the judge does nothing for 30 days, it means the judge is not going to grant your **Motion to Reconsider**.  You will not get anything in writing. The original decision is not changed.  The 30 days starts when you file your **Motion to Reconsider**.  If the judge asks {{ other\_party\_in\_case }} to respond in writing, the 30 days starts over when {{ other\_party\_in\_case }} files their written response.  Read the court's web page [Options after you get a judge's decision](https://courts.alaska.gov/shc/family/after-judgment.htm). Link in this step [**Options after you get a judge's decision**](https://courts.alaska.gov/shc/family/after-judgment.htm) courts.alaska.gov/shc/family/after-judgment.htm |
| {%tr endif %} |  |
| {%tr if type\_of\_response == 'reconsider' %} |  |
| Step 25: If the court asks, respond in writing to the Motion to Reconsider | A **Motion to Reconsider** asks a judge to change a decision or order they made in the last 10 days.   * Do not respond to a **Motion to Reconsider** unless the court asks you for a response, usually in a written order or notice. The court usually sets a deadline for a response. If no deadline is set, the response is due 10 days from the date the court distributed it to you. You can find this date by looking at the end of the written order or decision to see when the clerk emailed or mailed it to the parents. * There will not be a hearing. * The court may write a decision, but if the court does not issue a decision 30 days after the motion or response was filed, **whichever is later**, the **Motion to Reconsider** is denied, which means the original decision is not changed. * If the court grants the **Motion to Reconsider**, it will either enter a new order or ask both sides for more information.  If the court asks for a response If the court asks for a response, provide the information the court asks for. You will have 10 days to file your response unless the court gives you a different deadline. Fill out:   * + [CIV-810](https://public.courts.alaska.gov/web/forms/docs/civ-810.pdf) Response to Motion public.courts.alaska.gov/web/forms/docs/civ-810.pdf   + [CIV-820](https://public.courts.alaska.gov/web/forms/docs/civ-820.pdf) Order on Motion https://public.courts.alaska.gov/web/forms/docs/civ-820.pdf |
| {%tr endif %} |  |
| {%tr if respond\_to\_custody == 'agree' or respond\_to\_set\_aside == 'agree'%} |  |
| Step 26: Let {{ other\_party\_in\_case }} and the court know you agree with the {% if respond\_to\_custody == 'agree' %} proposed changes{% else %} Motion to Set Aside Judgment or Order{% endif %} | Options {% if type\_of\_response == 'custody' %}If the other parent files a **Motion to Modify** the parenting plan and custody order or the child support order, and you agree, you have options:{% elif type\_of\_response == 'divorce' %}If your spouse or ex files a **Request to Modify Order or Decree Concerning Spousal Maintenance or Property**, and you agree, you have options:{% elif type\_of\_response == ' all divorce' %} If your spouse or ex files a **Motion to Modify** the parenting plan and custody order or the child support order and a **Request to Modify Order or Decree Concerning Spousal Maintenance or Property**, and you agree, you have options:{% elif type\_of\_response == 'set aside' %}A **Motion to Set Aside Judgment or Order** asks the trial court to set aside or "undo" a judgment or final order in a case. If granted, the case will move ahead as if the judgment had not been made. If you agree with what {{ other\_party\_in\_case }} asked to set aside in the motion, you have options:{% endif %}   * Fill out a response that states you agree, file it with the court, and give {{ other\_party\_in\_case }} a copy. See Steps 27 and 29   **Or**   * Contact {{ other\_party\_in\_case }} and put your agreement in writing together to file with the court. See Steps 31 and 33.   For both options, you must file all documents with the court within 10 days from the day the motion was hand delivered to you or 13 days from the day it was mailed to you. You can see this date on the postmark of the envelope. |
| {%tr endif %} |  |
| {%tr if respond\_to\_custody in('agree', 'some', 'none')%} |  |
| Step 27: Respond in writing and tell the court you {% if respond\_to\_custody == 'agree' %}and {{ other\_party\_in\_case }} agree{% else %}do not agree with the proposed changes{% endif %} | {% if respond\_to\_custody == 'agree' %}If you agree with everything {{ other\_party\_in\_case }} wrote in the **Motion to Modify**, you can state that in your response. Fill out:{% else %}If a parent files a motion to modify child support, custody, or your parenting plan order, the judge first decides if there has been a change in circumstances.  If the judge decides there is a change, the judge will {% if type\_of\_response in('custody', 'all divorce') %}order a new parenting plan in the children's best interest.  If the new parenting plan changes the amount of child support, the judge will also issue a new child support order. {% endif %}{% if type\_of\_response =='child support' %}issue a new child support order. {% endif %}{% if type\_of\_response == 'divorce' %}The judge first decides if there has been a change in circumstances. If the judge decides there is a change, the judge will issue a new spousal support order.{% endif %}{% if type\_of\_response == 'all divorce' %}  If the judge decides circumstances have changed enough, the judge will also issue a new spousal support order.{% endif %}  {% if type\_of\_response in('custody','all divorce') %}**For custody**, a change in circumstances means something has happened so that the old parenting plan is no longer in the children's best interest. Examples include:   * The original plan was for an infant and now the child is 5 years old and will start kindergarten so the old schedule of 10 am exchanges does not work. * One parent is moving out of state so the existing schedule of week on / week off is impossible. * The parent the children were living with 4 days a week went to jail, so the existing schedule is impossible. * An act of domestic violence between the parents when returning the children.   {% endif %}{% if type\_of\_response in('custody','child support','all divorce') %}**For child support,** there needs to be:   * A 15% change in the amount of child support ordered. So that when you calculate support based on the parents' current income, the amount is 15% more or less than the current support order.   **Or**   * A change in the parenting plan that affects the child support formula. For example, changing from a primary custody to shared custody plan will probably change the amount of child support. The [FAQs on the court's Child Support webpages](https://courts.alaska.gov/shc/family/supportfaq.htm) help you decide if you want to file a **Motion to Modify Child Support**.   {% endif %}The Alaska Supreme Court has issued many [decisions](https://courts.alaska.gov/shc/family/shclaws.htm#cases) about what types of circumstances amount to a change of circumstances allowing a modification.  If you think there has not been a change in circumstances, or you do not agree with {% if type\_of\_response == 'custody' %}the parenting plan or child support order{% endif %}{% if type\_of\_response == 'child\_support' %}the child support order{% endif %}{% if type\_of\_response == 'divorce' %}the spousal support or property and debt division order{% endif %}{% if type\_of\_response == 'all divorce' %}the parenting plan, child support, spousal support, or property and debt division order{% endif %}, {{ other\_party\_in\_case }} asked for in their **Motion to Modify**, you can respond in writing. In your response, explain why you disagree.  State what you do and do not agree with.  You must respond within 10 days from the day the motion was hand-delivered to you, or 13 days from the day it was mailed. You can see this date on the postmark of the envelope.  Fill out:{% endif %} Forms **Response to Motion**, [DR-725](https://public.courts.alaska.gov/web/forms/docs/dr-725.pdf) public.courts.alaska.gov/web/forms/docs/dr-725.pdf  **Child Support Guidelines Affidavit**, [DR-305](https://public.courts.alaska.gov/web/forms/docs/dr-305.pdf) [Fill-In PDF] public.courts.alaska.gov/web/forms/docs/dr-305.pdf  Each parent files their own  **Child Custody Jurisdiction Affidavit**, [DR-150](https://public.courts.alaska.gov/web/forms/docs/dr-150.pdf) [Fill-In PDF] public.courts.alaska.gov/web/forms/docs/dr-150.pdf  Each parent files their own Optional forms depending on your situation Choose 1 form below based on the parenting schedule if it is not a primary custody calculation where children are with 1 parent for at least 256 overnights/year.  **Shared Custody Support Calculation**, [DR-306](https://public.courts.alaska.gov/web/forms/docs/dr-306.pdf) [Fill-In PDF] public.courts.alaska.gov/web/forms/docs/dr-306.pdf  **Divided Custody Support Calculation**, [DR-307](https://public.courts.alaska.gov/web/forms/docs/dr-307.pdf) [Fill-In PDF] public.courts.alaska.gov/web/forms/docs/dr-307.pdf  **Hybrid Custody Child Support Calculation**, [DR-308](https://public.courts.alaska.gov/web/forms/docs/dr-308.pdf) [Fill-In PDF] public.courts.alaska.gov/web/forms/docs/dr-308.pdf{% if not respond\_to\_custody == 'agree' %} Links in this step [**FAQs on the court's Child Support webpages**](https://courts.alaska.gov/shc/family/supportfaq.htm) courts.alaska.gov/shc/family/supportfaq.htm  **Alaska Supreme Court decisions** courts.alaska.gov/shc/family/shclaws.htm#cases  {% endif %} |
| {%tr endif %} |  |
| {%tr if respond\_to\_set\_aside in('agree', 'some', 'none') %} |  |
| Step 28: Respond in writing and tell the court you {% if respond\_to\_set\_aside == 'agree' %}and {{ other\_party\_in\_case }} agree{% else %}do not agree with the Motion to Set Aside Judgment or Order {% endif %} | {% if respond\_to\_set\_aside == 'agree' %}If you agree with everything {{ other\_party\_in\_case }} wrote in their **Motion to Set Aside Judgment or Order**, you can state that in your response.{% else %}A **Motion to Set Aside Judgment or Order** asks the trial court to set aside or "undo" a judgment or final order in a case. If granted, the case will move ahead as if the judgment had not been made. If you do not agree with what {{ other\_party\_in\_case }} asked to set aside, you can fill out and file a response. Be sure to state what you do and do not agree with. Remember, you must respond within **10 days** from the day it was hand delivered to you, or 13 days from the day it was mailed (you can see this date on the postmark of the envelope).{% endif %} Fill out:   * + [CIV-810](https://public.courts.alaska.gov/web/forms/docs/civ-810.pdf) **Response to Motion** public.courts.alaska.gov/web/forms/docs/civ-810.pdf   + [CIV-820](https://public.courts.alaska.gov/web/forms/docs/civ-820.pdf) **Order on Motion** public.courts.alaska.gov/web/forms/docs/civ-820.pdf |
| {%tr endif %} |  |
| {%tr if  type\_of\_response == 'reconsider'  or  respond\_to\_custody in('agree','some', 'none')  or  respond\_to\_set\_aside in('agree', 'some', 'none') %} |  |
| Step 29: File and serve your response within 10 or 13 days | If {{ other\_party\_in\_case }} mailed a copy of the motion to you, you have 13 days to file and serve your response. Use the date of the postmark on the envelope.  If they served you another way, you have 10 days to file and serve your response:   * + - 1. Make 2 copies of your response and any other documents you include with it.       2. File the original version of your response and documents with the court where the motion was filed. You can: * Deliver the documents to the court yourself. * Mail the documents by first-class mail. * Use the court's [TrueFile eFiling system](https://courts.alaska.gov/efile) to send the documents to the court electronically.   + - 1. Keep 1 copy for your own records.       2. Give the 2nd copy to {{ other\_party\_in\_case }} on the date and way you wrote on your **Certificate of Service** |
| {%tr endif %} |  |
| {%tr if type\_of\_response in('custody', 'divorce','all divorce', 'set aside') %} |  |
| Step 30: What to expect after you respond to the {{ motion\_type }} | * + If the **{{ motion\_type }}** is not granted or is denied, the parents are supposed to follow the Judgment or Order and the parent who received the original order or judgment can enforce it.   + If the **{{ motion\_type }}** is granted, the court will notify both parents about the next step in the case.   + Either parent can appeal the decision about the **{{ motion\_type }}** if they believe the judge made a legal mistake. |
| {%tr endif %} |  |
| {%tr if respond\_to\_custody == 'agree' %} |  |
| Step 31: Contact {{ other\_party\_in\_case }}, and write out your agreement | If you and {{ other\_party\_in\_case }} agree, and are able to work together to write out the agreement, you can fill out and file with the court: {% if type\_of\_response in('custody', 'all divorce') %} If you are changing the custody and parenting plan Choose 1 parenting plan order (do **not** sign the Order section):   * **Parenting** **Plan Agreement & Order, SHC-1128** as a [Word file](http://www.courts.alaska.gov/shc/family/docs/shc-1128.docx) courts.alaska.gov/shc/family/docs/shc-1128.docx as a [PDF](http://www.courts.alaska.gov/shc/family/docs/shc-1128n.pdf) courts.alaska.gov/shc/family/docs/shc-1128n.pdf * **Agreement & Order for Custody and Visitation, SHC-1126**  as a [Word file](http://www.courts.alaska.gov/shc/family/docs/shc-1126.docx) courts.alaska.gov/shc/family/docs/shc-1126.docx as a [PDF](http://www.courts.alaska.gov/shc/family/docs/shc-1126n.pdf) courts.alaska.gov/shc/family/docs/shc-1126n.pdf * **Joint Motion** **to Put Settlement on the Record, SHC-1063**  as a [Word](http://www.courts.alaska.gov/shc/family/docs/shc-1063.doc) [file](http://www.courts.alaska.gov/shc/family/docs/shc-1063.docx) courts.alaska.gov/shc/family/docs/shc-1063.docx as a [PDF](http://www.courts.alaska.gov/shc/family/docs/shc-1063n.pdf) courts.alaska.gov/shc/family/docs/shc-1063n.pdf{% endif %}{% if type\_of\_response in('custody', 'child support', 'all divorce') %}  If you are changing child support  * **Order for Modification of Child Support**, [DR-301](https://public.courts.alaska.gov/web/forms/docs/dr-301.pdf) [Fill-In PDF] public.courts.alaska.gov/web/forms/docs/dr-301.pdf Do **not** sign the Order section. * **Child Support Guidelines Affidavit**, [DR-305](https://public.courts.alaska.gov/web/forms/docs/dr-305.pdf) [Fill-In PDF] public.courts.alaska.gov/web/forms/docs/dr-305.pdf  Each parent files their own * **Child Custody Jurisdiction Affidavit**, [DR-150](https://public.courts.alaska.gov/web/forms/docs/dr-150.pdf) [Fill-In PDF] public.courts.alaska.gov/web/forms/docs/dr-150.pdf  Each parent files their own * Choose 1 calculation below based on the parenting schedule if it is not a primary custody calculation -when children are with 1 parent for at least 256 overnights/year.   + **Shared Custody Support Calculation**, [DR-306](https://public.courts.alaska.gov/web/forms/docs/dr-306.pdf) [Fill-In PDF] public.courts.alaska.gov/web/forms/docs/dr-306.pdf   + **Divided Custody Support Calculation**, [DR-307](https://public.courts.alaska.gov/web/forms/docs/dr-307.pdf) [Fill-In PDF] public.courts.alaska.gov/web/forms/docs/dr-307.pdf * **Hybrid Custody Child Support Calculation**, [DR-308](https://public.courts.alaska.gov/web/forms/docs/dr-308.pdf) [Fill-In PDF]  public.courts.alaska.gov/web/forms/docs/dr-308.pdf{% endif %}{% if type\_of\_response == 'divorce' %} * **Joint Motion** **to Put Settlement on the Record, SHC-1063**  as a [Word](http://www.courts.alaska.gov/shc/family/docs/shc-1063.doc) [file](http://www.courts.alaska.gov/shc/family/docs/shc-1063.docx) courts.alaska.gov/shc/family/docs/shc-1063.doc as a [PDF](http://www.courts.alaska.gov/shc/family/docs/shc-1063n.pdf) courts.alaska.gov/shc/family/docs/shc-1063n.pdf{% endif %}{% if type\_of\_response in('divorce', 'all divorce') %} * **Agreement & Order, SHC-1061** as a [Word](http://www.courts.alaska.gov/shc/family/docs/shc-1061.doc) [file](http://www.courts.alaska.gov/shc/family/docs/shc-1063.docx) courts.alaska.gov/shc/family/docs/shc-1061.docx as a [PDF](http://www.courts.alaska.gov/shc/family/docs/shc-1061n.pdf) courts.alaska.gov/shc/family/docs/shc-1061.pdf{% endif %} |
| {%tr endif %} |  |
| {%tr if respond\_to\_set\_aside == 'agree' %} |  |
| Step 32: Contact {{ other\_party\_in\_case }} and write out your agreement | If you and {{ other\_party\_in\_case }} agree, and are able to work together to write out the agreement, you can fill out and file with the court:   * **Joint Motion** **to Put Settlement on the Record, SHC-1063**  as a [Word](http://www.courts.alaska.gov/shc/family/docs/shc-1063.doc) [file](http://www.courts.alaska.gov/shc/family/docs/shc-1063.docx) courts.alaska.gov/shc/family/docs/shc-1063.docx as a [PDF](http://www.courts.alaska.gov/shc/family/docs/shc-1063n.pdf) courts.alaska.gov/shc/family/docs/shc-1063n.pdf * **Agreement & Order, SHC-1061** as a [Word](http://www.courts.alaska.gov/shc/family/docs/shc-1061.doc) [file](http://www.courts.alaska.gov/shc/family/docs/shc-1063.docx) courts.alaska.gov/shc/family/docs/shc-1061.docx as a [PDF](http://www.courts.alaska.gov/shc/family/docs/shc-1061n.pdf) courts.alaska.gov/shc/family/docs/shc-1061n.pdf |
| {%tr endif %} |  |
| {%tr if respond\_to\_custody == 'agree'  or  respond\_to\_set\_aside == 'agree' %} |  |
| Step 33: File your agreement with the court within 10 or 13 days | You have 13 days to file your agreement if the motion was mailed to you, 10 days if you were served another way.   * Make 2 copies of the forms you filled out stating your agreement - 1 copy for each of you. * File the originals with the court where the motion was filed. * File by the deadline - 10 or 13 days.  If the deadline is a weekend or holiday, your agreement is due the next day the court is open. For example, if the deadline is a Saturday, and the court is open Monday, your agreement is due Monday. |
| {%tr endif %} |  |
| {%tr if respond\_to\_appeal in ('agree','some', 'none') %} |  |
| Step 34: {% if respond\_to\_appeal == 'agree' %}Let {{ other\_party\_in\_case }} know you agree with the Appeal and decide if you want to respond in writing {% else %}Respond in writing to the Appeal{% endif %} | An appeal is the way to ask the Alaska Supreme Court to review the trial judge’s decision in your case. It is not a new trial or a chance to give a judge new evidence or information. In an appeal, you argue that the trial judge made a legal mistake. The civil appeals process is complicated, long and expensive. The process can take more than 2 years. [Talk to lawyer](https://courts.alaska.gov/shc/appeals/appealsresources.htm#1), if you can.  The only information the Supreme Court looks at is:   * the audio recording of the hearing or trial in the lower court, * any items offered as evidence at the hearing or trial in the lower court, * the documents in the lower court or agency record, and * appeal briefs filed in the appeal to the Supreme Court. {% if respond\_to\_appeal == 'agree' %}   The Alaska Court System [Appeals](https://courts.alaska.gov/shc/appeals) web pages have a lot of information about the process. You can also review a [timeline for the steps in an appeal](https://courts.alaska.gov/shc/appeals/docs/SHS_AP_1000.pdf). Agreement If you agree with what {{ other\_party\_in\_case }} is asking for in the appeal, you have some options.   * Contact {{ other\_party\_in\_case }} and write out your agreement. See Step 35. * Tell the Alaska Supreme Court in writing you will not be a part of the appeal. See Step 36.  Links in this step **Talk to a Lawyer** courts.alaska.gov/shc/shclawyer.htm  **Alaska Court system** [**Appeals**](http://courts.alaska.gov/shc/appeals%20) **web pages** courts.alaska.gov/shc/appeals  **timeline for the steps in an appeal** courts.alaska.gov/shc/appeals/docs/SHS\_AP\_1000.pdf{% else %} Timeline You can review a [timeline for the steps in an appeal](https://courts.alaska.gov/shc/appeals/docs/SHS_AP_1000.pdf). Process If you receive papers saying {{ other\_party\_in\_case }} filed an appeal, you need to prepare to respond. There are several times during the appeal that you need to be active:   * after receiving the papers from {{ other\_party\_in\_case }} that start the appeal; * when deciding whether to file your own appeal too which is called a “cross appeal;” * when writing a response called a brief to {{ other\_party\_in\_case }}’s opening brief (written argument why the trial court decision should be changed); and * when preparing for oral argument where both sides appear in the [Supreme Court](http://courts.alaska.gov/shc/appeals/appealsglossary.htm#supremecourt) and each side argues their case and the [justices](http://courts.alaska.gov/shc/appeals/appealsglossary.htm#justice) may ask questions.   This Alaska Court System Appeals [web page](https://courts.alaska.gov/shc/appeals) has information about each of these steps and how you can prepare your side of the case. Links in this step **timeline for the steps in an appeal** courts.alaska.gov/shc/appeals/docs/SHS\_AP\_1000.pdf  **Supreme Court** courts.alaska.gov/shc/appeals/appealsglossary.htm#supremecourt  **justices** courts.alaska.gov/shc/appeals/appealsglossary.htm#justice  **Alaska Court system [Appeals](http://courts.alaska.gov/shc/appeals) webpage** courts.alaska.gov/shc/appeals {% endif %} |
| {%tr endif %} |  |
| {%tr if respond\_to\_appeal == 'agree' %} |  |
| Step 35: Contact {{ other\_party\_in\_case }} | If you agree with the appeal, you can contact and tell {{ other\_party\_in\_case }}. You can both do the following: In the Alaska Supreme Court appeal case  * The person who started the appeal can file:   + **Motion** [SHS-AP 400](http://www.courts.alaska.gov/shc/appeals/docs/SHS_AP_400.doc) courts.alaska.gov/shc/appeals/docs/SHS\_AP\_400.doc Name it “Motion to Dismiss because of Settlement Agreement”   + **Affidavit & Memorandum** [SHS-AP 410](http://www.courts.alaska.gov/shc/appeals/docs/SHS_AP_410.doc) courts.alaska.gov/shc/appeals/docs/SHS\_AP\_410.doc; and   + **Order** [SHS-AP 420](http://www.courts.alaska.gov/shc/appeals/docs/SHS_AP_420.doc) telling the court the case can be dismissed. * You can file a **response**, [SHS-AP 440](http://www.courts.alaska.gov/shc/appeals/docs/SHS_AP_440.doc), telling the court you agree. courts.alaska.gov/shc/appeals/docs/SHS\_AP\_420.doc  In the trial court, where you had your custody case If your agreement about the appeal changes the current court order, you both should fill out and file:   * **Agreement** **& Order, SHC-1061** as a [Word](http://www.courts.alaska.gov/shc/family/docs/shc-1061.doc) [file](http://www.courts.alaska.gov/shc/family/docs/shc-1063.docx) courts.alaska.gov/shc/family/docs/shc-1061.docx as a [PDF](http://www.courts.alaska.gov/shc/family/docs/shc-1061n.pdf) courts.alaska.gov/shc/family/docs/shc-1061n.pdf * **Joint Motion** **to Put Settlement on the Record, SHC-1063**  as a [Word](http://www.courts.alaska.gov/shc/family/docs/shc-1063.doc) [file](http://www.courts.alaska.gov/shc/family/docs/shc-1063.docx) courts.alaska.gov/shc/family/docs/shc-1063.docx as a [PDF](http://www.courts.alaska.gov/shc/family/docs/shc-1063n.pdf) courts.alaska.gov/shc/family/docs/shc-1063n.pdf |
| Step 36: Tell the Alaska Supreme Court | * Fill out and file: **Notice of Decision Not to File Appellee Brief**, [SHS-AP 260](http://www.courts.alaska.gov/shc/appeals/docs/SHS_AP_260.doc) (Word document). * Make 2 copies of the forms you filled out stating your agreement – 1 for you and 1 for {{ other\_party\_in\_case }}. * You can write on the Notice that you agree with {{ other\_party\_in\_case }}. * {{ capitalize(other\_party\_in\_case) }} may want to file a **Motion to Dismiss** to stop the appeal from continuing.  Link in this step **Notice of Decision Not to File Appellee Brief**, [SHS-AP 260](http://www.courts.alaska.gov/shc/appeals/docs/SHS_AP_260.doc) courts.alaska.gov/shc/appeals/docs/SHS\_AP\_260.doc |
| {%tr endif %} |  |
| Step 37: Get more information or help | For help with forms or understanding the process,   * call the [**Family Law Self-Help Center**](https://courts.alaska.gov/shc/family/selfhelp.htm) (907) 264-0851 or (866) 279-0851. * See the court’s [Family Law Self-Help Center webpages](https://courts.alaska.gov/shc/family).   Many lawyers offer free or flat fee consultation. You do not have to hire them for the whole case. **Find a Lawyer**.  Depending on your income, you may qualify for [**Alaska Free Legal Answers**](https://legalnav.org/resource/alaska-free-legal-answers/).  Depending on your income and circumstances, you may qualify for a free lawyer from [**Alaska Legal Services**](https://alsc-law.org/apply-for-services/). Links in this step **Family Law Self-Help Center** courts.alaska.gov/shc/family  **Find a Lawyer** courts.alaska.gov/shc/shclawyer.htm  **Alaska Free Legal Answers** alaska.freelegalanswers.org  **Alaska Legal Services** alsc-law.org/apply-for-services |