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| Divorce, dissolution, and legal separation  in Alaska | |
|  | Your Personal Action Plan in 22 Steps |

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| {%tr if other\_case and ongoing == 'marriage ended' %} |  |
| Step : Review your options if a court in another state already ended your marriage | If a court in a different state already ended your marriage, the Alaska court will not hear a case to end your marriage.  If you are trying to enforce a court order from another state or change something about the order, see one of these Alaska divorce topics:  Enforcing a Divorce Court Order  Changing a Divorce Court Order Links in this step **Enforcing a Divorce Court Order** docassemble.akcourts.gov/start/EnforcingDivorce  **Changing a Divorce Court Order** docassemble.akcourts.gov/start/ChangingDivorce |
| {%tr endif %} |  |
| {%tr if (other\_case and (ongoing == 'yes' or (ongoing == 'no' and not residency\_and\_jurisdiction)) ) or (not other\_case and not residency\_and\_jurisdiction) %} |  |
| Step : Decide {% if ongoing == 'yes' %}which court should hear your case{% else %}if Alaska is the right state for your case{% endif %} | {% if ongoing == 'yes' %} Background Only one state court can end a marriage. If you and your spouse have an open case to end your marriage in another state, and you file a case in Alaska, one of the courts will close their case.  To decide the correct state for your case, the courts will look at:   * both spouses' "residency" and * which court has the authority, called "jurisdiction", to end the marriage.  Check if there is residency and jurisdiction in Alaska {% endif %}  There is a residency requirement in Alaska. Generally, you meet the residency requirement for the court to end your marriage if either {% if military %}you or your spouse are serving in the military and are continuously stationed at a military base in Alaska for at least 30 days, or{% endif %} you or your spouse are in Alaska and intend to stay as a resident.  {% if minor\_children %}  To enter a parenting plan, a child support order, or divide marital property and debt, the court also needs authority called “jurisdiction.”  Children: Generally, only the court in the state where the child has lived for the last 6 months has jurisdiction to make decisions, enter a parenting plan, or order child support. This is called the child’s "home state."  Spouses: Generally, the court has jurisdiction if a married couple lived in Alaska for at least 6 months in a row within the 6 years before filing for divorce.  Jurisdiction and residency 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.  Similarly,  {% else %}  To divide marital property and debt, the court also needs authority called “jurisdiction.” Generally, the court has jurisdiction if a married couple lived in Alaska for at least 6 months in a row within the 6 years before filing for divorce.  Jurisdiction and residency can be very complicated. For example,  {% endif %}  if you have property such as a home outside Alaska, the court may not have the authority to enforce any orders about that property if problems arise after the final order.  {% if not residency\_and\_jurisdiction %}  If the Alaska court has residency and jurisdiction, you can start your case in Alaska, but only one state court can end your marriage. If you and your spouse disagree about which state, the courts will decide which case to close after hearing both side's arguments. The decision generally depends on each state's residency and jurisdiction laws. To start a case in Alaska: file a complaint in Alaska and ask the court in the other state to close its case**Fill out and file a complaint**Fill out and file a Complaint form and tell the court what you want to happen in the divorce.If you need information about filling out and filing a Complaint, return to the Guided Assist page and start over. If you want to save this Action Plan, be sure to download, save, or print it.**Ask the other state to close its case**You will have to ask the court in the other stateto close its case. Talk to a lawyer in the other state or search the Internet to learn about that state's self-help resources and forms.What to expect if you start a case in AlaskaEvery case is different, but sometimes it is clear only one of the courts has jurisdiction over the case. When this happens, one state court may close its case.If it is not clear, the Alaska court will often hold a hearing and call the other court to talk about which case will move forward.It is important to pay attention to what is happening in both cases until you know which state will decide the case.Jurisdiction can be very complicated. Talking to a lawyer can help you decide which is the best state for your case. {% else %}  If your spouse has never been to Alaska or no longer lives in Alaska, it is possible he or she will ask the court to dismiss the case. If the court finds it does not have jurisdiction, it might dismiss your case. If you have any questions about whether Alaska is the right place for your case, you may want to talk to a lawyer. Review the options below to get more information or help.  {% endif %} Links in this step [Contact your local court](https://courts.alaska.gov/courtdir/index.htm) courts.alaska.gov/courtdir/index.htm  [CourtView](https://records.courts.alaska.gov/eaccess/home.page.2) records.courts.alaska.gov/eaccess/home.page.2 |
| {%tr endif %} |  |
| {%tr if not know\_spouse\_whereabouts %} |  |
| Step : Learn about starting a case when you do not know where your spouse is | Usually when you start a case you must give your spouse every form you file with the court. This is called “service.” If you do not know where your spouse is, you can ask the court to let you use “alternate service,” which is described below. After you start your case by filing a complaint and other documents, and cannot serve your spouse, ask the court to let you use alternate service  * Read: [Tips on Locating People](http://courts.alaska.gov/shc/family/shctips.htm) * Review and fill out the **Request to Serve Defendant by Posting or Alternative Service, and Affidavit of Diligent Inquiry**, [CIV-145](https://public.courts.alaska.gov/web/forms/docs/civ-145.pdf) (this form tells you the things you must do to try to find your spouse before asking for alternate service). * Make 1 copy of the form and any attachments. * File the original documents at your local court. Keep one copy for your records.  Final Steps  * Now you wait. The clerk will sign the Notice to Absent Spouse if the court finds you did enough to try to serve your spouse. The court will then post the notice on the Alaska Court System's legal notice website for 4 weeks in a row. * Before the last week of posting, you must send a copy of the Notice and the Complaint by regular first class mail and registered or certified mail to your spouse at your spouse's last known residence or workplace. However, if you have already tried to serve your spouse by certified mail, then before the last week of posting, just send by regular first class mail. File:   + Affidavit, SHC-1625 [Word](http://courts.alaska.gov/shc/family/docs/shc-1625.doc) | [PDF](http://courts.alaska.gov/shc/family/docs/shc-1625n.pdf) (1 week before posting ends that states you):     - tried to serve your spouse by regular first class mail and registered or certified mail **or**     - could **not** serve by mail because you cannot find your spouse's last known mailing address * After the Notice has been posted on the legal notice website for 4 weeks, the clerk will complete a certificate of service of posting to the Alaska Court System’s legal notice website. The court will put the certificate of service of posting in your case file and send you a copy in the mail.  Links in this step **Tips on locating people** courts.alaska.gov/shc/family/shctips.htm |
| {%tr endif %} |  |
| {%tr if talk\_to\_spouse %} |  |
| Step : Talk to your spouse to see if you agree | The Benefits of Reaching an Agreement If you and your spouse reach an agreement about the issues in the case, you can avoid a trial. Some benefits are:   * You decide the outcome rather than a judge - you know more about the issues in your case than the judge ever will * If you have children together, working out the parenting plan instead of fighting is better for the children * Reaching an agreement may be more cooperative than dealing with the issues in a trial, where each spouse presents evidence and makes arguments about what they want the judge to decide * Reaching an agreement outside of court can save time and money, and provide more privacy and confidentiality   If you want help reaching an agreement before the case is open, some options are:   * Talk to your spouse about settling the case without a trial. * Mediation. * Collaborative Law.  Talk to your spouse about settling the case without a trial Some couples want to work out the issues by agreement without a trial and are able to talk to each other in person, on-line, or with the help of a friend or family member. You can use the dissolution and uncontested divorce forms in the next section of this Action Plan to see what you need agree on. 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. * Reach acceptable agreements.   Spouses can hire their own private mediators to help resolve any issue in the case. If there was abuse or domestic violence in your marriage, be sure to hire someone with training and experience working with domestic violence, and tell your mediator if you want to bring a trusted support person with you. Read about [mediation](http://www.courts.alaska.gov/mediation/index.htm). Collaborative Law The [Alaska Association of Collaborative Professionals](https://www.alaskacollaborative.org/) helps people resolve divorce cases outside of the court process without a judge making decisions. Watch a video Watch [a short video that discusses resolving your case](https://youtu.be/4EuW9HET3nM) by reaching agreement with your spouse. It discusses mediation and settlement conferences which may be available to you using free court programs once you file your case. Talk to a lawyer It is a good idea to get legal advice by talking to an attorney about an agreement. Both spouses need to understand how agreeing to each issue affects the other issues in the agreement. If you agree to something without thinking it through, there can be serious and long-standing consequences. Once a judge signs off on your agreement, it will be a binding court order that outlines each spouses’ responsibilities and rights regarding the issues in the case.   * Many lawyers offer free or flat fee consultations without having to hire them for the whole case. [Find a lawyer](http://courts.alaska.gov/shc/shclawyer.htm). * Depending on your income, you may qualify for [free legal answers](https://alaska.freelegalanswers.org/). * Depending on your income and circumstances, you may qualify for a free lawyer. [Alaska Legal Services Corporation](https://www.alsc-law.org/apply-for-services).  If you and your spouse reach an agreement  * Use the dissolution or uncontested divorce forms below to tell the court about your agreement.  If you and your spouse do not reach an agreement  * Return to the Guided Assistant to answer questions for spouses that do not agree to get the specific forms for your case, or * Fill out the [Filing for Dissolution, Divorce, or Custody forms http://courts.alaska.gov/shc/family/shcforms.htm#start] listed under "Spouses do not agree or do not know if they agree"  Links in this step [**mediation**](http://www.courts.alaska.gov/mediation/index.htm) .courts.alaska.gov/mediation/index.htm  [**Alaska Association of Collaborative Professionals**](https://www.alaskacollaborative.org) .alaskacollaborative.org  [**a short video that discusses resolving your case**](https://youtu.be/4EuW9HET3nM) youtu.be/4EuW9HET3nM  [**Find a Lawyer**](https://courts.alaska.gov/shc/shclawyer.htm) courts.alaska.gov/shc/shclawyer.htm  [**Alaska Free Legal Answers**](https://legalnav.org/resource/alaska-free-legal-answers/) LegalNav.org/resource/alaska-free-legal-answers  [**Alaska Legal Services**](https://alsc-law.org/apply-for-services/) alsc-law.org/apply-for-services |
| {%tr endif %} |  |
| {%tr if not minor\_children and legal\_separation\_or\_divorce == 'divorce' and agree\_or\_settle == 'no prop debt or pregnancy' %} |  |
| Step 5: Review common situations where there are no marital assets and debts to divide | Very short marriage Short marriages often result in each spouse keeping their own possessions and debts as if they had never gotten married. This is common with marriages of 2 years or less if the couple did not buy a house together or save any significant money. However, sometimes even in short marriages the spouses have bought expensive items like a home or taken on a lot of debt that needs to be divided. Very long separation Sometimes spouses have been separated many months or years and have divided all their property and money; paid or split up debt; taken each other’s names off bank accounts, credit cards, utilities, titles, etc.; and sold large joint property like houses. If the division was fair, these couples may not need to divide anything else. Links in this step Motion and Affidavit for Reconsideration, 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  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  [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 |
| Step : Make sure you do not have marital assets and debts to divide | When people get a divorce, the court signs an order dividing all the marital property. Marital property is anything earned or bought during the marriage. This commonly includes houses, land, vehicles, money, retirement accounts, pensions, household goods, furniture, snowmachines, four-wheelers and each spouse’s personal property.  Generally, the following are not considered marital property so the court will not divide them, unless one spouse did something that changed the separate property to marital:   * Inheritance, * Gifts to one spouse (engagement ring), * Premarital assets, * Property acquired during marriage solely from separate sources, * Social Security benefits, * Military disability payments, and * Post-separation credit card debt that is not marital debt because one spouse had no other way to support him or herself.   If you are unsure whether or not you have marital property and debt to divide, you can answer more questions. If you want to save this Action Plan, be sure to download, save, or print it. Then return to the Guided Assist page and use the Guided Assist search box to find "Dividing Property and Debt in a Divorce." Links in this step |
| {%tr endif %} |  |
| {%tr if legal\_separation\_or\_divorce == 'divorce' and (not minor\_children and agree\_or\_settle in('no prop debt or pregnancy', 'agree', 'do not know' )) or (minor\_children and agree\_or\_settle\_kids in('yes', 'do not know')) %} |  |
| Step : Learn about dissolutions and uncontested divorces | * If you and your spouse agree on all issues (ending the marriage, dividing marital property and debt{% if minor\_children %}, parenting plan including decision-making and schedule, paternity, and child support{% endif %}) you can both sign forms to ask for a “dissolution” or “uncontested divorce.” * Asking for a dissolution or uncontested divorce means you and your spouse agree on what will happen. You do not have a trial. Most courts will set a hearing to ask you about the agreement and make sure {% if minor\_children %}the parenting plan is in the children’s best interest and {% endif %}that the property and debt division is fair. * A dissolution and an uncontested divorce have the same result. Both end the marriage based on your agreement without a trial. You start a dissolution with a form called a "Petition" and pick one spouse to be "Party A" and the other to be "Party B." You start an uncontested divorce with a "Complaint" and pick one spouse to be "Plaintiff" and the other to be "Defendant." There is no difference in the case if you are Party A, Party B, Plaintiff, or Defendant. * The uncontested divorce forms have choices not in the dissolution forms, such as a box to check if there is no marital property or debt to divide. If you need one of these choices, you will only get the uncontested divorce forms below. If not, you will be given information on both sets of forms and can choose which to use. * {% if military %} * If you are filing in Fairbanks and at least one spouse is a military member, it is strongly suggested that you use Uncontested Complaint for Divorce form because the court prefers those documents.   {% endif %} Links in this step **[Motion to Modify Custody, Visitation & Support Packet, SHC-PAC12](\\\\polaris\\users\\crobinson\\CRobinson\\Docassemble\\Child Support\\Changing Child Support\\2023-01-01 weekend\\courts.alaska.gov\\shc\\family\\shcforms.htm" \l "shc-pac12)** [courts.alaska.gov/shc/family/shcforms.htm#shc-pac12](\\\\polaris\\users\\crobinson\\CRobinson\\Docassemble\\Child Support\\Changing Child Support\\2023-01-01 weekend\\courts.alaska.gov\\shc\\family\\shcforms.htm" \l "shc-pac12)  [**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 legal\_separation\_or\_divorce == 'legal\_separation' %} |  |
| Step 8: Learn about legal separation | If you and your spouse want to separate but stay legally married to protect significant religious, financial, social or legal interests, the court can issue a Decree of Legal Separation. {% if minor\_children %}You will still be married, but the court will:   * Divide the property and debt earned or received during the marriage. * Issue a parenting plan that states (1) a schedule for each parent to spend time with the child(ren) and (2) how the parents make decisions about the child(ren), and * Issue a child support order that states which parent will pay child support according to the child support rule.   {% else %}  You will still be married, but the court will divide the property and debt earned or received during the marriage.  {% endif %}  **If your spouse does not agree to a Legal Separation, he or she can turn it into a divorce**. |
| {%tr endif %} |  |
| {%tr if legal\_separation\_or\_divorce == 'divorce' and (not minor\_children and agree\_or\_settle in('no prop debt or pregnancy', 'agree', 'do not know' )) or (minor\_children and agree\_or\_settle\_kids in('yes', 'do not know')) %} |  |
| Step : Fill out the forms {% if (minor\_children and have\_property and paternity == 'no' and wife\_is\_pregnant == 'not pregnant') or ( not minor\_children and (agree\_or\_settle == 'agree' and wife\_is\_pregnant in('husband', 'not pregnant')))%} to start your case {% else %}for an uncontested divorce{% endif %} | * {% if not minor\_children and agree\_or\_settle == 'agree' and wife\_is\_pregnant in('husband', 'not pregnant')%} * Read "Decide Between Dissolution & Uncontested Divorce," above. Then pick 1 of the following options. Note: If you choose dissolution, the link below takes you to the Alaska Court System Website to find the forms and instructions you need. If you choose uncontested divorce, the forms and instructions you need are listed below. * {% elif minor\_children and have\_property and paternity == 'no' and wife\_is\_pregnant == 'not pregnant'%} * {% else%} * Generally, if spouses agree on all issues they can use either "dissolution" or "uncontested divorce" forms to ask to end the marriage. Uncontested divorce forms are best for your case {% if minor\_children and have\_property\_and\_debt and paternity %}   because they have a place to tell the court you have a paternity issue.  {% elif minor\_children and have\_property\_and\_debt and paternity == 'no' and wife\_is\_pregnant == 'husband' %}  because paragraph 5(a) of the complaint has a place to tell the court wife is pregnant.  {% elif minor\_children and have\_property\_and\_debt and paternity == 'no' and wife\_is\_pregnant in('not husband', 'not pregnant') %}  because paragraph 5(d) of the Complaint has a place to tell the court paternity is an issue for a child conceived during the marriage.  {% elif minor\_children and not have\_property\_and\_debt and paternity %}  because they have a place to tell the court (1) you have a paternity issue; and (2) you have no marital property or debt.  {% elif minor\_children and not have\_property\_and\_debt and paternity == 'no' and wife\_is\_pregnant == 'husband' %}  because (1) paragraph 5(a) of the complaint has a place to tell the court wife is pregnant and (2) they have a place to tell the court you have no marital property or debt.  {% elif minor\_children and not have\_property\_and\_debt and paternity == 'no' and wife\_is\_pregnant in('not husband', 'not pregnant') %}  because (1) paragraph 5(d) of the complaint has a place to tell the court paternity is an issue for a child conceived during the marriage. and (2) they have a place to tell the court you have no marital property or debt.  {% elif minor\_children and not have\_property\_and\_debt and paternity == 'no' and wife\_is\_pregnant == 'not pregnant' %}  because they have a place to tell the court you have no marital property or debt.  {% elif not minor\_children and wife\_is\_pregnant == 'husband' %}  because paragraph 5(a) of the Complaint has a place to tell the court wife is pregnant.  {% elif not minor\_children and wife\_is\_pregnant in('not husband', 'not pregnant') %}  because paragraph 5(d) of the Complaint has a place to tell the court paternity is an issue for a child conceived during the marriage.   * {% endif %} * {% endif%} * You will not know your case number until you file your documents with the court. You can write the case number on all your forms then.   {% if (minor\_children and paternity == 'no') or wife\_is\_pregnant == 'husband', %}  Dissolution Packet #1: [DR-1 ANCH](https://courts.alaska.gov/forms/index.htm#dr-1anc) (Anchorage) | [DR-1](https://courts.alaska.gov/forms/index.htm#dr-1) (Not Anchorage)   1. [Anchorage Dissolution Packet #1](https://public.courts.alaska.gov/web/forms/docs/dr-1total.pdf) | All Other Cities Dissolution Packet #1 {% if wife\_is\_pregnant in('husband', 'not husband') %} (you must use this packet because wife is pregnant){% endif %}{% else%} [Dissolution Packet #2: DR-2](https://courts.alaska.gov/forms/index.htm#dr-2)   {% endif %}or   1. Uncontested Divorce  Required Forms 1 copy that both spouses sign if signatures are needed.   * {%p if minor\_children or wife\_is\_pregnant in('husband','not husband')%} * **Uncontested Complaint for Divorce with Children, SHC-110** [Word](https://courts.alaska.gov/shc/family/docs/shc-110.doc) | [PDF](https://courts.alaska.gov/shc/family/docs/shc-110n.pdf){% if wife\_is\_pregnant in('husband', 'not husband') %} You must use this form because wife is pregnant. {% endif %} * {%p else %} * **Uncontested Complaint for Divorce without Children, SHC-111** [Word](https://courts.alaska.gov/shc/family/docs/shc-111.doc) | [PDF](https://courts.alaska.gov/shc/family/docs/shc-111n.pdf) * {%p endif %}   + Print your name, address, and phone number in the upper left-hand corner of the first page.   + In the caption, print your name above "Plaintiff" and your spouse's name above "Defendant."   + Follow the directions on the form and fill out every section. * **Joint Motion to put a Settlement on Record, SHC-1063** [Word](https://courts.alaska.gov/shc/family/docs/shc-1063.doc) | [PDF](https://www.courts.alaska.gov/shc/family/docs/shc-1063n.pdf)  Do **not** sign the Order section. * **Case Description Form**, [CIV-125S](https://public.courts.alaska.gov/web/forms/docs/civ-125s.pdf)  {% if minor\_children or wife\_is\_pregnant in('husband', 'not husband') %}Check "Uncontested Divorce with Children (or pregnant)".{% else %}Check "Uncontested Divorce Without Children".{% endif %} * **Certificate of Divorce, VS-401** - Get this form at the court or at Health Analytics & Vital Records. You must use an original form - they are printed on archival-quality, acid-free paper. You may not use a photocopy. Fill in boxes 9-32 in black ink without cross-outs or corrections; if you don't know an answer about your spouse, leave it blank.  Required forms - 2 copies Each spouse fills out and signs a separate copy.   * {%p if minor\_children or wife\_is\_pregnant == ('husband', 'not husband')%} * **Child Custody Jurisdiction Affidavit**, [DR-150](https://public.courts.alaska.gov/web/forms/docs/dr-150.pdf) & **Child Support Guidelines Affidavit,** [DR-305](https://public.courts.alaska.gov/web/forms/docs/dr-305.pdf)   + Answer each question completely.   + See [How to Fill out the Child Support Guidelines Affidavit](http://courts.alaska.gov/shc/family/docs/shc-dr305f-sample.pdf).   + Attach your most recent tax return and pay stubs to the Child Support Guidelines Affidavit.   + Wait to sign these forms 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. * {%p endif %} * **Information Sheet**, [DR-314](https://public.courts.alaska.gov/web/forms/docs/dr-314.pdf)  Fill in 1-3 with complete information for yourself, {% if minor\_children %}the children in the case, {% endif %}your spouse if you know it, and then sign and date.  Required Forms Fill out but do **not** sign because the judge will sign them.   * {%p if minor\_children %} * **Child Support Order**, [DR-300](https://public.courts.alaska.gov/web/forms/docs/dr-300.pdf)   **Finding of Fact and Conclusions of Law & Decree of Divorce,** [DR - 800 & 805](https://public.courts.alaska.gov/web/forms/docs/dr-800-805.pdf) Fill out the “Findings of Fact” section   * {%p if not have\_property\_and\_debt %} * **Decree and Judgment, SHC-525** [Word](https://www.courts.alaska.gov/shc/family/docs/shc-525.doc) | [PDF](https://www.courts.alaska.gov/shc/family/docs/shc-525n.pdf) * {%p endif %} * {%p else %} * **Finding of Fact and Conclusions of Law, SHC-540** [Word](http://www.courts.alaska.gov/shc/family/docs/shc-540.doc) | [PDF](http://www.courts.alaska.gov/shc/family/docs/shc-540n.pdf) (fill out the “Findings of Fact” section) * **Decree and Judgment, SHC-545** [Word](https://www.courts.alaska.gov/shc/family/docs/shc-545.doc) | [PDF](https://www.courts.alaska.gov/shc/family/docs/shc-545n.pdf) * {%p endif %}   {%p if pregnant in('husband', 'not husband') %} Form if wife is pregnant {%p if wife\_is\_pregnant == 'husband' %}  Some courts will allow a divorce case to move forward when the wife is pregnant. Other courts require that the child be born before completing the case. You can ask the court to divorce you before the child is born, and deal with the parenting plan and child support after by filing:  {%p else %}If a wife is pregnant when a marriage ends the law considers the husband to be the father. If the husband is not the father, the court can remove the husband’s rights and responsibilities for that child. This is called “disestablishing paternity.” You can ask the court to divorce you before the child is born, and deal with the paternity after by filing:  {%p endif %}   * **Joint Motion, Affidavit and Order to Bifurcate Divorce for Subsequent Determination of Paternity, SHC-153** [Word](http://courts.alaska.gov/shc/family/docs/shc-153.doc) | [PDF](http://courts.alaska.gov/shc/family/docs/shc-153n.pdf) (do **not** sign the order section)   {%p endif %}  {% if paternity in('yes','dont know') %} Paternity form If the husband is not the biological or adopted father of a child born during the marriage you can ask the court to remove the husband’s rights and responsibilities for that child. This is called “disestablishing paternity.” Use:   * **Three-Way Affidavit to Disestablish and Establish Paternity, SHC-151** ([Word](http://courts.alaska.gov/shc/family/docs/shc-151.doc) | [PDF](http://courts.alaska.gov/shc/family/docs/shc-151n.pdf)). This can be filled out by:   + the mother, the husband and the man who is the father stating the husband is NOT the father and that the man is the biological father   + the mother and the husband saying the husband is NOT the father to disestablish the husband as the biological father   {% endif %} Optional Forms Depending on Your Situation  * {%p if minor\_children %} * **Shared Custody Child Support Calculation**, [DR-306](https://public.courts.alaska.gov/web/forms/docs/dr-306.pdf) * {%p endif %} * **Joint Motion, Affidavit & Order to Appear and Testify By Telephone, SHC-1342** [Word](https://www.courts.alaska.gov/shc/family/docs/shc-1342.doc) | [PDF](http://www.courts.alaska.gov/shc/family/docs/shc-1342n.pdf) (do **not** sign the Order section)  If you and your spouse realize you do not agree, you can:  * return to the Guided Assistant to answer questions and get the specific forms for your case, or * find the forms you need on-line: [Filing for Divorce, Dissolution, or Custody Forms](https://courts.alaska.gov/shc/family/shcforms.htm#start)  Links in this step |
| {%tr endif %} |  |
| {%tr if legal\_separation\_or\_divorce == 'divorce' and ((minor\_children and agree\_or\_settle\_kids == 'no') or (not minor\_children and agree\_or\_settle == 'no'))%} |  |
| Step 10: Fill out the forms to start a divorce case | You get your case number when you file your documents with the court. Write the case number on your forms when you file them. Required forms  * {% if minor\_children or wife\_is\_pregnant in('husband', 'not husband')%}**Divorce Complaint With Children, SHC-101** [Word](http://courts.alaska.gov/shc/family/docs/shc-101.doc) | [PDF](http://courts.alaska.gov/shc/family/docs/shc-101n.pdf) {% else %}**Divorce Complaint Without Children, SHC-102:** [Word](http://www.courts.alaska.gov/shc/family/docs/shc-102.doc) | [PDF](http://www.courts.alaska.gov/shc/family/docs/shc-102n.pdf){% endif %}   + Print your name, address, phone number in the upper left corner of the first page.   + Print your name above "Plaintiff" and your spouse's name above "Defendant."   + Follow the directions on the form and fill out every section. * {% if minor\_children or wife\_is\_pregnant in('husband', 'not husband')%} * **Child Custody Jurisdiction Affidavit**, [DR-150](https://public.courts.alaska.gov/web/forms/docs/dr-150.pdf) & **Child Support Guidelines Affidavit**, [DR-305](https://public.courts.alaska.gov/web/forms/docs/dr-305.pdf)   + Answer each question completely.   + See [**How to Fill out the Child Support Guidelines Affidavit**.](http://courts.alaska.gov/shc/family/docs/shc-dr305f-sample.pdf)   + Attach your most recent tax return and pay stubs to the **Child Support Guidelines Affidavit***.*   + Wait to sign these forms 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..{% endif %} * **Information Sheet**, [DR-314](https://public.courts.alaska.gov/web/forms/docs/dr-314.pdf) (fill in 1-3 with complete information for yourself,{% if minor\_children %} the children in the case,{% endif %} your spouse if you know it, and then sign and date) * **Summons, CIV-100** [Fill-in PDF] [Anchorage](https://public.courts.alaska.gov/web/forms/docs/civ-100ancno.pdf) | [Fairbanks](https://public.courts.alaska.gov/web/forms/docs/civ-100faino.pdf) | [Kenai](https://public.courts.alaska.gov/web/forms/docs/civ-100kenno.pdf) | [Palmer](https://public.courts.alaska.gov/web/forms/docs/civ-100palno.pdf) | [All Other Locations](https://public.courts.alaska.gov/web/forms/docs/civ-100.pdf) (fill in the blank spaces on the top half of the form and the clerk will fill out the case number and the lower half when you file your case) * **Case Description Form,**[**CIV-125S**](https://public.courts.alaska.gov/web/forms/docs/civ-125s.pdf)(check {% if minor\_children or wife\_is\_pregnant in('husband', 'not husband')%}"Divorce With Children (or Pregnant)"{% else %}” Divorce Without Children"{% endif %}**)** * **Certificate of Divorce, Dissolution or Annulment, VS-401 - Get** this form at the court or at Health Analytics & Vital Records. You must use an original form (printed on archival-quality, acid-free paper). **You may not use a photocopy.**Fill in boxes 9-32 in black ink without cross-outs or corrections; if you don't know an answer about your spouse, leave it blank.  Optional form depending on your circumstances  * If you think your spouse might not respond to your case, which is called “default,” file: **Property & Debt Worksheet, SHC-1000** [Word](http://courts.alaska.gov/shc/family/docs/shc-1000.doc) | [PDF](http://courts.alaska.gov/shc/family/docs/shc-1000n.pdf)  {% if wife\_is\_pregnant in('husband', 'not husband')%}Form if Wife is Pregnant {% if husband\_is\_father %}  Some courts allow a divorce case to move forward when the wife is pregnant. Other courts require that the child be born before completing the case.  You can file a motion asking the court to divorce you before the child is born, and deal with the parenting plan and child support after. There is no guarantee the judge will grant your motion. The decision depends on whether delaying your divorce until after the child is born will harm one of the spouses. To ask the court, you can file:   * If both parents agree: **Joint Motion, Affidavit & Order to Bifurcate Divorce for Custody, SHC-155** [Word](http://courts.alaska.gov/shc/family/docs/shc-155.docx) | [PDF](http://courts.alaska.gov/shc/family/docs/shc-155n.pdf) (Do **not** sign the order section) * If 1 parent is asking: **Motion, Affidavit & Order to Bifurcate Divorce for Custody, SHC-154** [Word](http://courts.alaska.gov/shc/family/docs/shc-154.docx) | [PDF](http://courts.alaska.gov/shc/family/docs/shc-154n.pdf) (one parent files the motion on their own and the other parent will be able to file a response if he/she does not agree the divorce should move ahead before the child is born) (Do **not** sign the order section)   {% else %}  If a wife is pregnant when a marriage ends the law considers the husband to be the father. If the husband is not the father, the court can remove the husband’s rights and responsibilities for that child. This is called “disestablishing paternity.”  You usually cannot disestablish paternity before a child is born. You can file a motion asking the court to divorce you and deal with paternity after the child is born.   * If both parents agree: **Joint Motion, Affidavit and Order to Bifurcate Divorce for Subsequent Determination of Paternity, SHC-153** [Word](http://courts.alaska.gov/shc/family/docs/shc-153.docx) | [PDF](http://courts.alaska.gov/shc/family/docs/shc-153n.pdf) (Do **not** sign the order section) * If 1 parent is asking: **Motion, Affidavit and Order to Bifurcate Divorce for Subsequent Determination of Paternity, SHC-152** [Word](http://courts.alaska.gov/shc/family/docs/shc-152.docx) | [PDF](https://courts.alaska.gov/shc/family/docs/shc-152n.pdf) (one parent files the motion on their own and the other parent will be able to file a response if he/she does not agree the divorce should move ahead before the child is born) (Do **not** sign the order section)   {% endif %}  {% endif %}  {% if paternity %} Paternity Forms If a parent thinks the husband is not the biological or adopted father of a child born during the marriage, that parent can ask the court to remove the husband’s rights and responsibilities for that child.   This is called “disestablishing paternity.”  You need clear and convincing evidence. There are different ways to do this depending on the facts of the situation. Every case is different so you need to figure out what will work in your case. Some options are:   * All of the people involved in the case sign affidavits: **Three-Way Affidavit to Disestablish and Establish Paternity, SHC-151** ([Word](http://courts.alaska.gov/shc/family/docs/shc-151.doc) | [PDF](http://courts.alaska.gov/shc/family/docs/shc-151n.pdf)). This can be filled out by:   + the mother, the husband, and the man who is the father stating the husband is NOT the father and that the man is the biological father   + the mother and the husband saying the husband is NOT the father to disestablish the husband as the biological father   + the mother and the man saying he IS the father to establish him as the biological father   + the mother only if others are not cooperating and she can provide convincing facts about the paternity * Get genetic (DNA) testing of the child, the mother, the man believed to be the father, and the husband if the mother is married. The test results must be provided to the court. This can be done voluntarily if all of the people are cooperating or by court order.  To ask for a court order, you can file:   + **Motion & Affidavit for Genetic (DNA) Testing, SHC-1370**[Word](http://courts.alaska.gov/shc/family/docs/shc-1370.doc) | [PDF](http://courts.alaska.gov/shc/family/docs/shc-1370n.pdf)   + **Order for Genetic (DNA) Testing, SHC-1375** [Word](http://courts.alaska.gov/shc/family/docs/shc-1375.doc) | [PDF](http://courts.alaska.gov/shc/family/docs/shc-1375n.pdf)   {% endif %} Links in this step {% if minor\_children or wife\_is\_pregnant in('husband', 'not husband')%}**Divorce Complaint With Children, SHC-101** [Word](http://courts.alaska.gov/shc/family/docs/shc-101.doc) | [PDF](http://courts.alaska.gov/shc/family/docs/shc-101n.pdf)  **Child Custody Jurisdiction Affidavit**, [DR-150](https://public.courts.alaska.gov/web/forms/docs/dr-150.pdf)  **Child Support Guidelines Affidavit**, [DR-305](https://public.courts.alaska.gov/web/forms/docs/dr-305.pdf)  [**How to Fill out the Child Support Guidelines Affidavit**.](http://courts.alaska.gov/shc/family/docs/shc-dr305f-sample.pdf) {% else %} **Divorce Complaint Without Children, SHC-102:** [Word](http://www.courts.alaska.gov/shc/family/docs/shc-102.doc) | [PDF](http://www.courts.alaska.gov/shc/family/docs/shc-102n.pdf){% endif %}  **Information Sheet**, [DR-314](https://public.courts.alaska.gov/web/forms/docs/dr-314.pdf)  **Summons, CIV-100** [Fill-in PDF] [Anchorage](https://public.courts.alaska.gov/web/forms/docs/civ-100ancno.pdf) | [Fairbanks](https://public.courts.alaska.gov/web/forms/docs/civ-100faino.pdf) | [Kenai](https://public.courts.alaska.gov/web/forms/docs/civ-100kenno.pdf) | [Palmer](https://public.courts.alaska.gov/web/forms/docs/civ-100palno.pdf) | [All Other Locations](https://public.courts.alaska.gov/web/forms/docs/civ-100.pdf)  **Case Description** Form, [CIV-125S](https://public.courts.alaska.gov/web/forms/docs/civ-125s.pdf)  **Property & Debt Worksheet, SHC-1000** [Word](http://courts.alaska.gov/shc/family/docs/shc-1000.doc) | [PDF](http://courts.alaska.gov/shc/family/docs/shc-1000n.pdf)  {% if wife\_is\_pregnant == 'husband' %}  **Joint Motion, Affidavit & Order to Bifurcate Divorce for Custody, SHC-155** [Word](http://courts.alaska.gov/shc/family/docs/shc-155.docx) | [PDF](http://courts.alaska.gov/shc/family/docs/shc-155n.pdf)  **Motion, Affidavit & Order to Bifurcate Divorce for Custody, SHC-154** [Word](http://courts.alaska.gov/shc/family/docs/shc-154.docx) | [PDF](http://courts.alaska.gov/shc/family/docs/shc-154n.pdf)  {% elif wife\_is\_pregnant == 'not husband' %}  **Joint Motion, Affidavit and Order to Bifurcate Divorce for Subsequent Determination of Paternity, SHC-153** [Word](http://courts.alaska.gov/shc/family/docs/shc-153.docx) | [PDF](http://courts.alaska.gov/shc/family/docs/shc-153n.pdf)  **Motion, Affidavit and Order to Bifurcate Divorce for Subsequent Determination of Paternity, SHC-152** [Word](http://courts.alaska.gov/shc/family/docs/shc-152.docx) | [PDF](https://courts.alaska.gov/shc/family/docs/shc-152n.pdf)  {% endif %}  {% if paternity %}  **Three-Way Affidavit to Disestablish and Establish Paternity, SHC-151** ([Word](http://courts.alaska.gov/shc/family/docs/shc-151.doc) | [PDF](http://courts.alaska.gov/shc/family/docs/shc-151n.pdf)).  **Motion & Affidavit for Genetic (DNA) Testing, SHC-1370**[Word](http://courts.alaska.gov/shc/family/docs/shc-1370.doc) | [PDF](http://courts.alaska.gov/shc/family/docs/shc-1370n.pdf)  **Order for Genetic (DNA) Testing, SHC-1375** [Word](http://courts.alaska.gov/shc/family/docs/shc-1375.doc) | [PDF](http://courts.alaska.gov/shc/family/docs/shc-1375n.pdf)  {% endif %} |
| {%tr endif %} |  |
| {%tr if legal\_separation\_or\_divorce == 'legal separation' and agree\_or\_settle\_kids =='yes' %} |  |
| Step 11: Fill out the forms to start a legal separation case | Required Forms – 1 copy that both spouses sign if signatures are needed {% if minor\_children or wife\_is\_pregnant in('husband', 'not husband')%}   * **Uncontested Complaint for Legal Separation With Children,**[SHC-090](http://www.courts.alaska.gov/shc/family/docs/shc-090.doc)  courts.alaska.gov/shc/family/docs/shc-090.doc {% if wife\_is\_pregnant in('husband', 'not husband')%}   + You must use this form because wife is pregnant{% endif %}   {% else %}   * **Uncontested Complaint for Legal Separation Without Children**, [SHC-091](http://www.courts.alaska.gov/shc/family/docs/shc-091.doc) courts.alaska.gov/shc/family/docs/shc-091.doc   {% endif %}   * + Print your name, address, and phone number in the upper left-hand corner of the first page.   + In the caption, print your name above "Plaintiff" and your spouse's name above "Defendant."   + Follow the directions on the form and fill out every section. * **Joint** **Motion to put a Settlement on Record**, **SHC-1063**  as a [Word](http://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   + Do **not** sign the Order section.   {% if minor\_children or wife\_is\_pregnant == 'husband' %}   * **Case Description Form**, [CIV-125S](https://public.courts.alaska.gov/web/forms/docs/civ-125s.pdf) Check "Legal Separation With Children (or Pregnant)  Required Forms - 2 copies (each spouse fills out and signs a separate copy)  * **Child Custody Jurisdiction Affidavit**, [DR-150](https://public.courts.alaska.gov/web/forms/docs/dr-150.pdf) (you can note the child is not yet born) & **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   + Answer each question completely.   + See [**How to Fill out the Child Support Guidelines Affidavit**](http://courts.alaska.gov/shc/family/docs/shc-dr305f-sample.pdf). courts.alaska.gov/shc/family/docs/shc-dr305f-sample.pdf   + Attach your most recent tax return and pay stubs to **the Child Support Guidelines Affidavit**.   + Wait to sign these forms 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. * **Information Sheet**, [DR-314](https://public.courts.alaska.gov/web/forms/docs/dr-314.pdf)  public.courts.alaska.gov/web/forms/docs/dr-314.pdf   + Fill in 1-3 with complete information for yourself, the children in the case, your spouse if you know it, and then sign and date the form.  Required Form - fill out but do NOT sign because the judge will sign it  * **Child Support Order**, [DR-300](https://public.courts.alaska.gov/web/forms/docs/dr-300.pdf) public.courts.alaska.gov/web/forms/docs/dr-300.pdf * **Legal Separation with Children and Property Findings of Fact and Conclusions of Law,** [SHC-590](http://courts.alaska.gov/shc/family/docs/shc-590.doc) courts.alaska.gov/shc/family/docs/shc-590.doc   {% else %}   * **Case Description Form**, [CIV-125](https://public.courts.alaska.gov/web/forms/docs/civ-125.pdf) public.courts.alaska.gov/web/forms/docs/civ-125.pdf Check "Legal Separation Without Children"  Required Forms - 2 copies (each spouse fills out and signs a separate copy)  * Information **Sheet**, [DR-314](https://public.courts.alaska.gov/web/forms/docs/dr-314.pdf) public.courts.alaska.gov/web/forms/docs/dr-314.pdf   + Fill in 1-3 with complete information for yourself and your spouse if you know it, and then sign and date the form.  Required Form - fill out but do NOT sign because the judge will sign it  * **Legal Separation with Property and No Children Findings of Fact and Conclusions of Law**, [SHC-591](http://courts.alaska.gov/shc/family/docs/shc-591.doc) courts.alaska.gov/shc/family/docs/shc-591.doc   {% endif %}  {% if wife\_is\_pregnant in('husband', 'not husband')%} Form if Wife is Pregnant {% if husband\_is\_father %}  Some courts will allow a legal separation case to move forward when the wife is pregnant. Other courts require that the child be born before completing the case. You can ask the court to legally separate you before the child is born, and deal with the parenting plan and child support after by filing:   * **Joint Motion, Affidavit and Order to Bifurcate Legal Separation for Custody, SHC-155a** Call the [Family Law Self-Help Center](https://courts.alaska.gov/shc/family/shcabout.htm#1c) for this form courts.alaska.gov/shc/family/shcabout.htm (907) 264-0851 or (866) 279 0851   + Do **not** sign the order section {% else %}   If a wife is pregnant when spouses legally separate the law considers the husband to be the father. If the husband is not the father, the court can remove the husband’s rights and responsibilities for that child. This is called “disestablishing paternity.” You can ask the court to legally separate you before the child is born, and deal with the paternity after by filing:   * **Joint Motion, Affidavit and Order to Bifurcate Legal Separation for Subsequent Determination of Paternity,** **SHC-153a** Call the [Family Law Self-Help Center](https://courts.alaska.gov/shc/family/shcabout.htm#1c) for this form  courts.alaska.gov/shc/family/shcabout.htm (907) 264-0851 or (866) 279 0851   + Do **not** sign the order section{% endif %}   {% endif%}  {% if minor\_children or wife\_is\_pregnant in('husband', 'not husband')%}{% if wants\_paternity %} Paternity Form If the husband is not the biological or adopted father of a child born during the marriage you can ask the court to remove the husband’s rights and responsibilities for that child. This is called “disestablishing paternity.” Use:   * **Three-Way Affidavit to Disestablish and Establish Paternity, SHC-151**  as a [Word](http://courts.alaska.gov/shc/family/docs/shc-151.doc) file courts.alaska.gov/shc/family/docs/shc-151.doc as a [PDF](http://courts.alaska.gov/shc/family/docs/shc-151n.pdf) courts.alaska.gov/shc/family/docs/shc-151n.pdf This can be filled out by:   + The mother, the husband and the man who is the father stating the husband is NOT the father and that the man is the biological father   + The mother and the husband saying the husband is **not** the father to disestablish the husband as the biological father {% endif %}  Optional Forms Depending on Your Situation  * **Shared Custody Child Support Calculation**, [DR-306](https://public.courts.alaska.gov/web/forms/docs/dr-306.pdf)  public.courts.alaska.gov/web/forms/docs/dr-306.pdf * **Joint Motion, Affidavit & Order to Appear and Testify By Telephone**, **SHC-1342** as a [Word](http://www.courts.alaska.gov/shc/family/docs/shc-1342.doc) file courts.alaska.gov/shc/family/docs/shc-1342.doc as a [PDF](http://www.courts.alaska.gov/shc/family/docs/shc-1342n.pdf) courts.alaska.gov/shc/family/docs/shc-1342n.pdf   + Do **not** sign the Order section.   {% else %} Optional Forms Depending on Your Situation  * **Joint Motion, Affidavit & Order to Appear and Testify By Telephone**, **SHC-1342** as a [Word](http://www.courts.alaska.gov/shc/family/docs/shc-1342.doc) file courts.alaska.gov/shc/family/docs/shc-1342.doc as a [PDF](http://www.courts.alaska.gov/shc/family/docs/shc-1342n.pdf) courts.alaska.gov/shc/family/docs/shc-1342n.pdf   + Do **not** sign the Order section.   {% endif %} |
| {%tr endif %} |  |
| {%tr if legal\_separation\_or\_divorce == 'legal separation' and agree\_or\_settle\_kids =='no' %} |  |
| Step 12: Fill out the forms to start your case | You get your case number when you file your documents with the court. Write the case number on your forms when you file them. Required Forms {% if minor\_children or wife\_is\_pregnant in('husband', 'not husband')%}   * **Complaint for Legal Separation With Children** [SHC-092](http://www.courts.alaska.gov/shc/family/docs/shc-092.doc)  courts.alaska.gov/shc/family/docs/shc-092.doc{% if wife\_is\_pregnant in('husband', 'not husband')%}   + You must use this form because wife is pregnant{% endif %}   {% else %}   * **Complaint for Legal Separation Without Children**, [SHC-093](http://www.courts.alaska.gov/shc/family/docs/shc-093.doc) courts.alaska.gov/shc/family/docs/shc-093.doc   {% endif %}   * + Print your name, address, and phone number in the upper left-hand corner of the first page.   + In the caption, print your name above "Plaintiff" and your spouse's name above "Defendant."   + Follow the directions on the form and fill out every section.   {% if minor\_children or wife\_is\_pregnant == 'husband' %}   * **Child** Custody **Jurisdiction Affidavit**, [DR-150](https://public.courts.alaska.gov/web/forms/docs/dr-150.pdf) public.courts.alaska.gov/web/forms/docs/dr-150.pdf {% if wife\_is\_pregnant in('husband', 'not husband')%}   + You can note the child is not yet born{% endif %} * **Child Support Guidelines Affidavit**, [DR-305](https://public.courts.alaska.gov/web/forms/docs/dr-305.pdf)   + Answer each question completely.   + See [**How to Fill out the Child Support Guidelines Affidavit**](http://courts.alaska.gov/shc/family/docs/shc-dr305f-sample.pdf). courts.alaska.gov/shc/family/docs/shc-dr305f-sample.pdf   + Attach your most recent tax return and pay stubs to **the Child Support Guidelines Affidavit**.   + Wait to sign these forms 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.   {% endif %}   * **Information Sheet**, [DR-314](https://public.courts.alaska.gov/web/forms/docs/dr-314.pdf)  public.courts.alaska.gov/web/forms/docs/dr-314.pdf   + Fill in 1-3 with complete information for yourself, {% if minor\_children %}the children in the case,{% endif %} your spouse if you know it, and then sign and date the form. * **Summons, CIV-100** [Fill-in PDF]   + Fill in the blank spaces on the top half of the form and the clerk will fill out the case number and the lower half when you file your case.  [Anchorage](https://public.courts.alaska.gov/web/forms/docs/civ-100ancno.pdf) |  public.courts.alaska.gov/web/forms/docs/civ-100ancno.pdf [Fairbanks](https://public.courts.alaska.gov/web/forms/docs/civ-100faino.pdf) |  public.courts.alaska.gov/web/forms/docs/civ-100faino.pdf [Kenai](https://public.courts.alaska.gov/web/forms/docs/civ-100kenno.pdf) |  public.courts.alaska.gov/web/forms/docs/civ-100kenno.pdf [Palmer](https://public.courts.alaska.gov/web/forms/docs/civ-100palno.pdf) |  public.courts.alaska.gov/web/forms/docs/civ-100palno.pdf [All Other Locations](https://public.courts.alaska.gov/web/forms/docs/civ-100.pdf) public.courts.alaska.gov/web/forms/docs/civ-100.pdf   {% if minor\_children or wife\_is\_pregnant in('husband', 'not husband')%}   * **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   + Check "Legal Separation With Children (or Pregnant)   {% else %}   * **Case Description Form**, [CIV-125](https://public.courts.alaska.gov/web/forms/docs/civ-125.pdf) public.courts.alaska.gov/web/forms/docs/civ-125.pdf   + Check "Legal Separation Without Children"   {% endif %}  {% if wife\_is\_pregnant in('husband', 'not husband')%} Form if Wife is Pregnant {% if husband\_is\_father %}  Some courts allow a legal separation case to move forward when the wife is pregnant. Other courts require that the child be born before completing the case.  You can file a motion that asks the court for a legal separation before the child is born, and let you deal with the parenting plan and child support after. To ask the court to allow your legal separation to move forward, you can file:   * If both parents agree: **Joint Motion, Affidavit & Order to Bifurcate Legal Separation for Custody, SHC-155a** Call the [Family Law Self-Help Center](http://courts.alaska.gov/shc/family/shcabout.htm) for this form courts.alaska.gov/shc/family/shcabout.htm (907) 264-0851 or (866) 279 0851   + Do **not** sign the order section * If 1 parent is asking: **Motion, Affidavit & Order to Bifurcate Divorce for Custody, SHC-155a** Call the [Family Law Self-Help Center](https://courts.alaska.gov/shc/family/shcabout.htm#1c) for this form courts.alaska.gov/shc/family/shcabout.htm (907) 264-0851 or (866) 279 0851   + One parent files the motion on their own and the other parent can file a response if they do not agree the legal separation should go forward before the child is born.   + Do **not** sign the order section)   {% else %}  If a wife is pregnant when spouses become legally separated, the law considers the husband to be the father. If the husband is not the father, the court can remove the husband’s rights and responsibilities for that child. This is called “disestablishing paternity.”  You usually cannot disestablish paternity before a child is born. You can file a motion that asks the court to legally separate you and deal with paternity after the child is born. To ask the court go ahead with your legal separation case before the child is born, you can file:   * If both parents agree: **Joint Motion, Affidavit & Order to Bifurcate Legal Separation for Subsequent Determination of Paternity, SHC-153a**, Call the [Family Law Self-Help Center](https://courts.alaska.gov/shc/family/shcabout.htm#1c) for this form courts.alaska.gov/shc/family/shcabout.htm (907) 264-0851 or (866) 279 0851.   + Do **not** sign the order section. * If 1 parent is asking: **Motion, Affidavit & Order to Bifurcate Divorce for Subsequent Determination of Paternity**, **SHC-152a** Call the [Family Law Self-Help Center](https://courts.alaska.gov/shc/family/shcabout.htm#1c), for this form courts.alaska.gov/shc/family/shcabout.htm (907) 264-0851 or (866) 279 0851. * One parent files the motion on their own and the other parent can file a response if they do not agree the legal separation should move ahead before the child is born   + Do **not** sign the order section.   {% endif %}  {% endif%}  {% if minor\_children and wants\_paternity %} Paternity Form If a parent thinks the husband is not the biological or adopted father of a child born during the marriage, that parent can ask the court to remove the husband’s rights and responsibilities for that child. This is called “disestablishing paternity.” You need clear and convincing evidence. There are different ways to do this depending on the facts of the situation. Every case is different so you need to figure out what will work in your case. Some options are:   * All of the people involved in the case sign affidavits: **Three-Way Affidavit to Disestablish and Establish Paternity, SHC-151**  as a [Word](http://courts.alaska.gov/shc/family/docs/shc-151.doc) file courts.alaska.gov/shc/family/docs/shc-151.doc as a [PDF](http://courts.alaska.gov/shc/family/docs/shc-151n.pdf) courts.alaska.gov/shc/family/docs/shc-151n.pdf   + This can be filled out by:   + the mother, the husband and the man who is the father stating the husband is **not** the father and that the man is the biological father   + the mother and the husband saying the husband is **not** the father to disestablish the husband as the biological father   + the mother and the man saying he IS the father to establish him as the biological father   + the mother only if others are not cooperating and she can provide convincing facts about the paternity * Get genetic (DNA) testing of the child, the mother, the man believed to be the father, and the husband if the mother is married. The test results must be provided to the court. This cannot be done voluntarily if all of the people are cooperating or by court order. To ask for a court order, you can file:   + **Motion & Affidavit for Genetic (DNA) Testing, SHC-1370** as a [Word](http://courts.alaska.gov/shc/family/docs/shc-1370.doc) file courts.alaska.gov/shc/family/docs/shc-1370.doc as a [PDF](http://courts.alaska.gov/shc/family/docs/shc-1370n.pdf) courts.alaska.gov/shc/family/docs/shc-1370n.pdf   + **Order for Genetic (DNA) Testing, SHC-1375** as a [Word](http://courts.alaska.gov/shc/family/docs/shc-1375.doc) file as a [PDF](http://courts.alaska.gov/shc/family/docs/shc-1375n.pdf) courts.alaska.gov/shc/family/docs/shc-1375n.pdf   {% endif %} Optional Forms Depending on Your Situation  * **Shared Custody Child Support Calculation**, [DR-306](https://public.courts.alaska.gov/web/forms/docs/dr-306.pdf)  public.courts.alaska.gov/web/forms/docs/dr-306.pdf * **Joint Motion, Affidavit & Order to Appear and Testify By Telephone**, **SHC-1342** as a [Word](http://www.courts.alaska.gov/shc/family/docs/shc-1342.doc) file courts.alaska.gov/shc/family/docs/shc-1342.doc as a [PDF](http://www.courts.alaska.gov/shc/family/docs/shc-1342n.pdf) courts.alaska.gov/shc/family/docs/shc-1342n.pdf   + Do **not** sign the Order section.   {% else %} Optional Forms Depending on Your Situation  * If you think your spouse might not respond to your case, which is called “default,” file: **Property & Debt Worksheet, SHC-1000** [Word](http://courts.alaska.gov/shc/family/docs/shc-1000.doc) | [PDF](http://courts.alaska.gov/shc/family/docs/shc-1000n.pdf) |
| {%tr endif %} |  |
| {%tr if defined('legal\_separation\_or\_divorce') %} |  |
| Step 13: File the original with your local court | * Make 2 copies of your forms: 1 copy for your own records and 1 copy for your spouse.{% if legal\_separation\_or\_divorce == 'divorce' and (minor\_children and agree\_or\_settle\_kids in('yes', 'do not know') or (not minor\_children and agree\_or\_settle in('no prop debt or pregnancy','agree','do not know'))) %} Because you both signed the forms and both have a copy, you do not have to mail the documents to your spouse or send them by a process server (which is called "service" or "serving the other side"). * Make 2 copies of your forms: 1 copy for your own records and 1 copy for your spouse. Because you both signed the forms and both have a copy, you do not have to formally "serve" your spouse by mailing documents or using a process server. * {% endif %} * Find the closest Alaska Trial Courthouse to file your petition: [Court Directory](http://courts.alaska.gov/courtdir/index.htm#trial) * The clerk of court will open your case, give you 2 copies of a “Summons” and usually a “Standing Order” that contains important information about your case. 1 copy is for you; 1 copy is for your spouse. (Note: if you file a dissolution or uncontested divorce, you may not get a Summons.) * There is a fee to file a case. If you cannot afford it and want to file the case for free, you can file: Exemption From the Payment of Fees, [TF-920](https://public.courts.alaska.gov/web/forms/docs/tf-920.pdf). Usually, you file the TF-920 form with your Complaint and other papers when you file your case. The judge decides whether you have to pay the filing fee or get to file for free before the case starts. After you pay the filing fee or the court says you can file for free, the court will give you a Summons. At some courts, you must return to the court to get your Summons, other courts will issue it automatically after the deciding you don’t have to pay the filing fee. Check with your local court to make sure you understand the procedure in using the TF-920 form and getting the Summons.  Links in this step [**Court directory**](http://courts.alaska.gov/courtdir/index.htm#trial) courts.alaska.gov/courtdir/index.htm#trial  [**TF-920**](https://public.courts.alaska.gov/web/forms/docs/tf-920.pdf) public.courts.alaska.gov/web/forms/docs/tf-920.pdf |
| Step 14: Read the "Domestic Relations Procedural Order" or Standing Order if the clerk gives you one when you file your case | This is the first order from your judge that sets out the basic rules for you and your spouse to follow during the case. Violating this order can affect the outcome of your case. The Order states, unless your spouse agrees or the court gives permission:   * {% if minor\_children %} Do not take your child(ren) out of Alaska. * {% endif %}Do not sell or get rid of marital property * Do not cancel or change any insurance policy.   {% if minor\_children %} Also, check with your local court for their [parent education requirements](http://courts.alaska.gov/shc/family/shcparent-ed.htm).{% endif%}  If you want to do something forbidden by the order, and your spouse will not agree, ask the court by filing a motion and wait for the court's answer before doing it. You can learn about motions by answering more questions. If you want to save this Action Plan, be sure to download, save, or print it. Then return to the Guided Assist page and use the Guided Assist search box to find "Asking for an Order in a Divorce Case When the Issue Can’t Wait for the Court’s Final Decision (Filing a Motion) and Responding to a Motion." |
| {%tr endif %} |  |
| {%tr if (legal\_separation\_or\_divorce == 'divorce' and ((minor\_children and agree\_or\_settle\_kids == 'no') or (not minor\_children and agree\_or\_settle == 'no') or (not minor\_children and agree\_or\_settle == 'no prop debt or pregnancy' and not no\_prop\_or\_debt\_agree and know\_spouse\_whereabouts))) or (legal\_separation\_or\_divorce == 'legal separation' and agree\_or\_settle\_kids == 'no') %} |  |
| Step 15: Serve the complaint and summons | **Regular Service** **You have to give your spouse copies of everything you file in court plus the Summons. This is called “service.” There are special requirements about how to serve your spouse the forms that start the case.**  **Choose how you want to serve the forms that start the case (you cannot serve these forms by hand delivery or 1st class mail, but you can serve later documents by these methods):**   * **Certified Mail/Restricted Delivery/Return Receipt, OR** * **Hiring a Process Server**  **Certified Mail (less expensive – less than $10)**  * **Make sure you pay for certified mail, restricted delivery, and return receipt so that only your spouse can sign for the mail and sends the green card back to you after signing it.** * **Save the green card in case you need to show you served your spouse.**   **Read how to prepare the envelope and the certified mail postal forms in: How to Serve a Summons,** [**CIV-106**](https://public.courts.alaska.gov/web/forms/docs/civ-106.pdf)**.** **Process Server: (more expensive – up to $65 in Alaska – but may be best if your spouse refused to sign for certified mail)**   * **Choose a process server and pay for their services. Find a** [**statewide list of authorized process servers**](https://public.courts.alaska.gov/web/trialcourts/docs/process-servers.pdf)**. For process servers outside of Alaska, contact the local court where the opposing party lives, or do internet research.** * **Fill out the form Service Instructions,** [**CIV-615**](https://public.courts.alaska.gov/web/forms/docs/civ-615.pdf)**. Give this form to the process server so that when he or she completes service, you will receive a Proof of Service form.** * **If you are hiring a process service outside of Alaska, give them the Return of Service, SHC-194** [**Word**](http://www.courts.alaska.gov/shc/family/docs/shc-193.doc) **|** [**PDF**](http://www.courts.alaska.gov/shc/family/docs/shc-193n.pdf)**. They will send it back to you after serving the Summons and Complaint.** * **Save the Proof of Service or Return of Service form in case you need to show you served your spouse.** * **You can read more about serving with a process server in: How to Serve a Summons,** [**CIV-106**](https://public.courts.alaska.gov/web/forms/docs/civ-106.pdf)**.**  **Options if Regular Service Doesn’t Work** **Alternate Service**  **If you cannot find your spouse, you may ask the court for permission to serve your spouse in a different way. For example, you can ask to post on the court’s legal notice website, post to someone’s social media account, email, publish in a newspaper that your spouse reads or post at a shelter or some other location your spouse is known to frequent. Read more about alternate service.**  **Special Situations**  **Read more about special situations like serving someone in a foreign country, the military or jail.** Links in this step [**How to Serve a Summons, CIV-106**](https://public.courts.alaska.gov/web/forms/docs/civ-106.pdf) public.courts.alaska.gov/web/forms/docs/civ-106.pdf  [**statewide list of authorized process servers**](https://public.courts.alaska.gov/web/trialcourts/docs/process-servers.pdf) public.courts.alaska.gov/web/trialcourts/docs/process-servers.pdf  [**Service Instructions, CIV-615**](https://public.courts.alaska.gov/web/forms/docs/civ-615.pdf) public.courts.alaska.gov/web/forms/docs/civ-615.pdf  **Return of Service**, **SHC-194** as a [Word file](http://www.courts.alaska.gov/shc/family/docs/shc-193.doc) courts.alaska.gov/shc/family/docs/shc-193.doc as a [PDF file](http://www.courts.alaska.gov/shc/family/docs/shc-193n.pdf) courts.alaska.gov/shc/family/docs/shc-193n.pdf |
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| {%tr if (legal\_separation\_or\_divorce == 'divorce' and ((not minor\_children and (agree\_or\_settle == 'no' or (agree\_or\_settle == 'no prop debt or pregnancy' and not no\_prop\_or\_debt\_agree and know\_spouse\_whereabouts))) or (minor\_children and agree\_or\_settle\_kids == 'no'))) or (legal\_separation\_or\_divorce == 'legal separation' and agree\_or\_settle\_kids == 'no') %} |  |
| Step 16: Learn more about the process | Read{% if legal\_separation\_or\_divorce == 'legal separation' %} (although these are about divorce, the process is the same){% endif %}  * **Flow Chart for Case Process of Divorce and Child Custody between Unmarried Parents, SHC-185**:  [Word](https://courts.alaska.gov/shc/family/docs/shc-185.doc) courts.alaska.gov/shc/family/docs/shc-185.doc  [PDF](http://courts.alaska.gov/shc/family/docs/shc-185n.pdf) courts.alaska.gov/shc/family/docs/shc-185n.pdf * **The Life of a Divorce or Custody Case**, [SHC-180](http://courts.alaska.gov/shc/family/docs/shc-180n.pdf) courts.alaska.gov/shc/family/docs/shc-180n.pdf  Watch a Video  * [Introduction to Divorce and Custody Cases in Alaska](https://www.youtube.com/watch?v=z2d2CLllPUU&t) youtube.com/watch?v=z2d2CLllPUU&t * [Overview and Timeline of the Case](https://www.youtube.com/watch?v=EzSV4Caz6Co&list=PLRS0LlEIQsuTsfO0wSTsSTIvVE5RO8sLc&index=5) youtube.com/watch?v=EzSV4Caz6Co * Find other Alaska Divorce Videos: [English](https://www.youtube.com/playlist?list=PLRS0LlEIQsuTsfO0wSTsSTIvVE5RO8sLc) | [Spanish](http://aklawselfhelp.org/?page_id=29) | [Tagalog](http://aklawselfhelp.org/?page_id=158) English: youtube.com/playlist?list=PLRS0LlEIQsuTsfO0wSTsSTIvVE5RO8sLc Spanish AKlawSelfHelp.org/?page\_id=29 Tagalog AKlawSelfHelp.org/?page\_id=158 * Find [Alaska Family Law Hearing & Trial Preparation Videos](https://www.youtube.com/playlist?list=PL82589B66ED712B4B) .youtube.com/playlist?list=PL82589B66ED712B4B |
| {%tr endif %} |  |
| {%tr if not minor\_children and not know\_spouse\_whereabouts %} |  |
| Step 17: File to end your marriage when you don't know where your spouse is, there are no children, and there is no property or debt to divide | Usually when you start a case you are required to give your spouse all the forms you file with the court. This is called "service." If you don't know where your spouse is you can ask the court to let you serve by "alternate service." You can only use "alternate service" after you look for your spouse with "diligent inquiry." These steps are described below. Fill out the forms to start your dissolution case and ask the court to let you use alternate service You will not know your case number until you file your documents with the court. You can write the case number on all your forms then.   * Petition for Dissolution of Marriage: One Spouse, [DR-200](https://public.courts.alaska.gov/web/forms/docs/dr-200.pdf) * Affidavit of Diligent Inquiry, [DR-210](https://public.courts.alaska.gov/web/forms/docs/dr-210.pdf) (this form lists all the ways you should look for your spouse - if the court thinks you did not do enough to find your spouse, you may have to do more) * Information Sheet, [DR-314](https://public.courts.alaska.gov/web/forms/docs/dr-314.pdf) (fill in 1-3 with complete information for yourself, your spouse if you know it, and then sign and date) * Certificate of Divorce, Dissolution or Annulment, VS-401 - Get this form at the court or at Health Analytics & Vital Records. You must use an original form (printed on archival-quality, acid-free paper). **You may not use a photocopy**. Fill in boxes 9-32 in black ink without cross-outs or corrections; if you don't know an answer about your spouse, leave it blank.  Make 2 Copies of Your Forms: 1 copy for your own record and 1 copy for your spouse **File the Original with Your Local Cour**t (Find the closest Alaska Trial Courthouse to file your petition: [Court Directory](http://courts.alaska.gov/courtdir/index.htm#trial).)  There is a fee to file a case. If you cannot afford it and want to file the case for free, you can file **Exemption From the Payment of Fees**, [TF-920](https://public.courts.alaska.gov/web/forms/docs/tf-920.pdf). Usually, you file the TF-920 form with your complaint and other papers when you file your case. The judge decides whether you have to pay the filing fee or get to file for free before the case starts. After you pay the filing fee or the court says you can file for free, the court will give you a summons. At some courts, you must return to the court to get your summons, other courts will issue it automatically after they decide you don’t have to pay the filing fee. Check with your local court to make sure you understand the procedure in using the TF-920 form and getting the summons. Final Steps of Alternate Service  * The clerk will sign a **Notice to Absent Spouse** if the court finds your attempts to notify your spouse to be sufficient. The court will then post the Notice on the Alaska Court System's legal notice website for 4 weeks in a row. * After the notice has been posted 4 weeks, fill out and file the **Proof of Notice**, [DR-225](https://public.courts.alaska.gov/web/forms/docs/dr-225.pdf). When you file your Proof of Notice, ask the clerk's office for instructions on setting a hearing date. The hearing must be at least 30 days after the end of the 4 weeks the notice was posted on the court’s website. * Attend the hearing. The court will ask you questions about trying to find your spouse and about ending the marriage.  Links in this step **Petition for Dissolution of Marriage: One Spouse,** [**DR-200**](https://public.courts.alaska.gov/web/forms/docs/dr-200.pdf) public.courts.alaska.gov/web/forms/docs/dr-200.pdf  **Affidavit of Diligent Inquiry,** [**DR-210**](https://public.courts.alaska.gov/web/forms/docs/dr-210.pdf) public.courts.alaska.gov/web/forms/docs/dr-210.pdf  **Information Sheet,** [**DR-314**](https://public.courts.alaska.gov/web/forms/docs/dr-314.pdf) public.courts.alaska.gov/web/forms/docs/dr-314.pdf  [**Court Directory**](http://courts.alaska.gov/courtdir/index.htm#trial) courts.alaska.gov/courtdir/index.htm#trial  **Exemption From the 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  **Proof of Notice,** [**DR-225**](https://public.courts.alaska.gov/web/forms/docs/dr-225.pdf) public.courts.alaska.gov/web/forms/docs/dr-225.pdf |
| {%tr endif %} |  |
| {%tr if paternity %} |  |
| Step 18: Learn about paternity testing | General paternity information  * Establishing paternity means legally determining the biological father of a child, and can make a big difference in a child's health, financial outlook and sense of identity in knowing who both parents are. Once established, the father's name can be placed on the child's birth certificate and he has legal and financial responsibility for the child. Disestablishing paternity is legally un-naming a man as the child's biological father. * Courts use genetic testing, more commonly called "DNA testing," to establish or disestablish paternity. To take the test, a DNA sample is collected using a swab, similar to a Q-Tip, inside the cheek to pick up cells. Samples are collected from the mother, the child, and the person who may be the father. The testing is painless and the whole process takes about 15 minutes. Once all the samples have been collected, the result is ready within about 3 weeks.  If you are unsure, you can ask for a paternity test **In Court**: Once you open a case to end your marriage, you can file:   * Motion & Affidavit for Genetic (DNA) Testing, SHC-1370 [Word](http://www.courts.alaska.gov/shc/family/docs/shc-1370.doc) | [PDF](http://www.courts.alaska.gov/shc/family/docs/shc-1370n.pdf) * Order for Genetic (DNA) Testing, SHC-1375 [Word](http://www.courts.alaska.gov/shc/family/docs/shc-1375.doc) | [PDF](http://www.courts.alaska.gov/shc/family/docs/shc-1375n.pdf) * The court will decide where the test is done (usually CSSD) and who will pay.   **Child Support Services Division (CSSD)**: Before you open a case, you can ask CSSD to establish or disestablish paternity.   * Either the mother or the father may complete an application for CSSD services (if there isn't already an open CSSD case) and a paternity affidavit. * If the father isn't willing to sign a voluntary affidavit, CSSD may order DNA testing to prove fatherhood. If CSSD orders the test, the State will pay the costs for the mother, the child and the man named as the father. If the father is identified by the tests, he will be asked to reimburse the State for the costs. If the man is not the father, he will not have to pay for the tests. If either the mother or the father challenges the original test results, he or she may pay for a second test. * If the father lives outside Alaska, CSSD can ask the other state to help establish paternity. * Sometimes CSSD may decide it cannot do a DNA test based on the specific situation and tell you to file a paternity case in court. * CSSD charges about $51 per person taking the test. * See [CSSD's FAQs about paternity](http://www.childsupport.alaska.gov/FAQ/FAQ_Paternity.aspx) and [contact CSSD](http://www.childsupport.alaska.gov/contacts.aspx) for the appropriate forms.  Private Labs  * You can hire a private lab to do DNA testing. * They are usually more expensive. You and your spouse will have to work out who pays. * The court does not accept do-it-yourself DNA tests as evidence.  Change the Birth Certificate If the court decides that the biological father is someone not listed on the birth certificate, you must send a copy of the court order to the Health Analytics & Vital Records to change the birth certificate. After the birth certificate is changed, the child is considered "legitimated" and the heir of that father. This means that if the child should be eligible for any medical or financial benefits connected to the father such as health insurance, or benefits based on military service or being Alaska Native or American Indian. Also, if the father dies, the child will be able to inherit and collect financial or medical benefits that the child may be eligible for such as Social Security Children's Insurance Benefits or military benefits. If you do not notify Health Analytics & Vital Records to change the birth certificate, the child may miss out on these benefits. Links in this step **Motion & Affidavit for Genetic (DNA) Testing, SHC-1370** as a [Word](http://www.courts.alaska.gov/shc/family/docs/shc-1370.doc) file courts.alaska.gov/shc/family/docs/shc-1370.doc as a [PDF](http://www.courts.alaska.gov/shc/family/docs/shc-1370n.pdf) file courts.alaska.gov/shc/family/docs/shc-1370n.pdf  **Order for Genetic (DNA) Testing, SHC-1375** as a [Word](http://www.courts.alaska.gov/shc/family/docs/shc-1375.doc) file courts.alaska.gov/shc/family/docs/shc-1375.doc as a [PDF](http://www.courts.alaska.gov/shc/family/docs/shc-1375n.pdf) courts.alaska.gov/shc/family/docs/shc-1375n.pdf  [**CSSD's FAQs about paternity**](http://www.childsupport.alaska.gov/FAQ/FAQ_Paternity.aspx) childsupport.alaska.gov/FAQ/FAQ\_Paternity.aspx  [**contact CSSD**](http://www.childsupport.alaska.gov/contacts.aspx) childsupport.alaska.gov/contacts.aspx |
| {%tr endif %} |  |
| {%tr if info\_on\_agree %} |  |
| Step 19: Learn about options to help you and your spouse reach an agreement | The Benefits of Reaching an Agreement If you and your spouse reach an agreement about the issues in the case, you can avoid a trial. Some benefits are: {% if minor\_children %}   * Working out the parenting plan instead of fighting is better for the children   {% endif %}   * You decide the outcome rather than a judge - you know more about the issues in your case than the judge ever will * Reaching an agreement may be more cooperative than dealing with the issues in a trial, where each spouse presents evidence and makes arguments about what they want the judge to decide * Reaching an agreement outside of court can save time and money, and provide more privacy and confidentiality   If you want help reaching an agreement before the case is open, some options are:   * Talk to your spouse about settling the case without a trial * Mediation * Collaborative Law  Talk to your spouse about settling the case without a trial Some couples want to work out the issues by agreement without a trial and are able to talk to each other in person, on-line, or with the help of a friend or family member. You can use the dissolution and uncontested divorce forms in the next section of this Action Plan to see what you need agree on. 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 * reach acceptable agreements   Spouses can hire their own private mediators to help resolve any issue in the case. If there was abuse or domestic violence in your marriage, be sure to hire someone with training and experience working with domestic violence, and tell your mediator if you want to bring a trusted support person with you. Read about [mediation](http://www.courts.alaska.gov/mediation/index.htm). Collaborative Law The [Alaska Association of Collaborative Professionals](https://www.alaskacollaborative.org/) helps people resolve divorce cases outside of the court process without a judge making decisions. Watch a video Watch [a short video that discusses resolving your case](https://youtu.be/4EuW9HET3nM) by reaching agreement with your spouse. It discusses mediation and settlement conferences which may be available to you using free court programs once you file your case. Talk to a Lawyer It is a good idea to get legal advice by talking to an attorney about an agreement. Both spouses need to understand how agreeing to each issue affects the other issues in the agreement. If you agree to something without thinking it through, there can be serious and long-standing consequences. Once a judge signs off on your agreement, it will be a binding court order that outlines each spouses’ responsibilities and rights regarding the issues in the case.   * Many lawyers offer free or flat fee consultations without having to hire them for the whole case. [Find a lawyer](http://courts.alaska.gov/shc/shclawyer.htm). * Depending on your income, you may qualify for [free legal answers](https://alaska.freelegalanswers.org/). * Depending on your income and circumstances, you may qualify for a free lawyer. [Alaska Legal Services Corporation](https://www.alsc-law.org/apply-for-services).  What to Do if You Reach an Agreement Before you start a case in court –You can get the right forms for your case by re-taking this Guided Assistant and answering questions for spouses that agree, or fill out {% if legal\_separation\_or\_divorce == 'divorce' %}{% if minor\_children %}[Uncontested Divorce With Children Packet](https://courts.alaska.gov/shc/family/shcforms.htm#shc-pac9a).{% else %}[Uncontested Complaint for Divorce without Children Packet](https://courts.alaska.gov/shc/family/shcforms.htm#shc-pac9b).{% endif %}{% else %}[Forms for Starting a Legal Separation When Both Spouses Agree](http://www.courts.alaska.gov/shc/family/shclegsep.htm#agree).{% endif %}  After you start a court case - Fill out and file:   * **Marital Property and Debt Division Agreement, SHC-1005** [Word](https://courts.alaska.gov/shc/family/docs/shc-1005.docx) | [PDF](https://courts.alaska.gov/shc/family/docs/shc-1005n.pdf) (do **not** sign the Order section) * {% if minor\_children %} * **Parenting Plan Agreement & Order, SHC-1128** [Word](https://courts.alaska.gov/shc/family/docs/shc-1128.docx) | [PDF](https://courts.alaska.gov/shc/family/docs/shc-1128n.pdf) (for custody agreements) (do **not** sign the Order section) * {%p endif %} * **Joint Motion to Put Settlement on the Record, SHC-1063** [Word](https://courts.alaska.gov/shc/family/docs/shc-1063.doc) | [PDF](https://courts.alaska.gov/shc/family/docs/shc-1063n.pdf) * {% if legal\_separation\_or\_divorce == 'divorce' %} * **Findings of Fact and Conclusions of Law & Decree of Divorce**, **DR 800 & 805** [[Fill-In PDF](https://public.courts.alaska.gov/web/forms/docs/dr-800-805.pdf)]   {% else %}   * {% if minor\_children %} * **Legal Separation with Children and Property Findings of Fact and Conclusions of Law**, [SHC-590](http://www.courts.alaska.gov/shc/family/docs/shc-590.doc), and * **Judgment and Decree for Legal Separation with Children and Property**, [SHC-595](http://www.courts.alaska.gov/shc/family/docs/shc-595.doc) * {% else %} * **Legal Separation with Property and No Children Findings of Fact and Conclusions of Law**, [SHC-591](http://www.courts.alaska.gov/shc/family/docs/shc-591.doc), and * **Judgment and Decree for Legal Separation with Property and No Children**, [SHC-596](https://www.courts.alaska.gov/shc/family/docs/shc-596.doc) * {% endif %} * {% endif %}  Links in this step [**mediation**](http://www.courts.alaska.gov/mediation/index.htm) courts.alaska.gov/mediation/index.htm  [**Alaska Association of Collaborative Professionals**](https://www.alaskacollaborative.org) .alaskacollaborative.org  [**a short video that discusses resolving your case**](https://youtu.be/4EuW9HET3nM) youtu.be/4EuW9HET3nM  [**Find a Lawyer**](https://courts.alaska.gov/shc/shclawyer.htm) courts.alaska.gov/shc/shclawyer.htm  [**Alaska Free Legal Answers**](https://legalnav.org/resource/alaska-free-legal-answers/) LegalNav.org/resource/alaska-free-legal-answers [**Alaska Legal Services**](https://alsc-law.org/apply-for-services/) alsc-law.org/apply-for-services {% if divorce %}  {% if minor\_children %}  [**Uncontested Divorce with Children Packet**](https://courts.alaska.gov/shc/family/shcforms.htm#shc-pac9a). courts.alaska.gov/shc/family/shcforms.htm#shc-pac9acccc  {% else %}  [**Uncontested Complaint for Divorce without Children Packet**](https://courts.alaska.gov/shc/family/shcforms.htm#shc-pac9b) courts.alaska.gov/shc/family/shcforms.htm#shc-pac9b  {% endif %}  {% endif %}  **Marital Property and Debt Division Agreement, SHC-1005** Do **not** sign the Order section As a [Word](https://courts.alaska.gov/shc/family/docs/shc-1005.docx) file courts.alaska.gov/shc/family/docs/shc-1005.docx as a [PDF](https://courts.alaska.gov/shc/family/docs/shc-1005n.pdf) file courts.alaska.gov/shc/family/docs/shc-1005n.pdf  {% if minor\_children %}  **Parenting Plan Agreement & Order, SHC-1128** For custody agreements. Do **not** sign the Order section.  as a [Word](https://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) file courts.alaska.gov/shc/family/docs/shc-1128n.pdf  {% endif %}  **Joint Motion to Put Settlement on the Record, SHC-1063** as a [Word](https://courts.alaska.gov/shc/family/docs/shc-1063.doc) file courts.alaska.gov/shc/family/docs/shc-1063.doc as a [PDF](https://courts.alaska.gov/shc/family/docs/shc-1063n.pdf) file courts.alaska.gov/shc/family/docs/shc-1063n.pdf  {% if divorce %}  **Findings of Fact and Conclusions of Law & Decree of Divorce,** [**DR 800 & 805**](https://public.courts.alaska.gov/web/forms/docs/dr-800-805.pdf) **[**Fill-In PDF] public.courts.alaska.gov/web/forms/docs/dr-800-805.pdf  {% else %}  {% if minor\_children %}  **Legal Separation with Children and Property Findings of Fact and Conclusions of Law,** [**SHC-590**](http://www.courts.alaska.gov/shc/family/docs/shc-590.doc)**,** courts.alaska.gov/shc/family/docs/shc-590.doc  **Judgment and Decree for Legal Separation with Children and Property,** [**SHC-595**](http://www.courts.alaska.gov/shc/family/docs/shc-595.doc) courts.alaska.gov/shc/family/docs/shc-595.doc  {% else %}  **Legal Separation with Property and No Children Findings of Fact and Conclusions of Law,** [**SHC-591**](http://www.courts.alaska.gov/shc/family/docs/shc-591.doc) courts.alaska.gov/shc/family/docs/shc-591.doc  **Judgment and Decree for Legal Separation with Property and No Children,** [**SHC-596**](https://www.courts.alaska.gov/shc/family/docs/shc-596.doc) courts.alaska.gov/shc/family/docs/shc-596.doc  {% endif %}  {% endif %} |
| {%tr endif %} |  |
| {%tr if domestic\_violence %} |  |
| Step 20: Learn about abuse or domestic violence resources {% if agree\_or\_settle == 'no' or (agree\_or\_settle == 'no prop debt or pregnancy' and not no\_prop\_or\_debt\_agree) or (agree\_or\_settle\_kids in('yes', 'do not know')) %} & reaching an agreement{% else %}and Parenting{% endif %} | **If you are in immediate danger, call 911**  **People who have experienced domestic violence can be at greater risk when they separate from their spouse or start a court case to end the marriage. During this time, safety is very important.** The dynamics in a relationship with domestic violence may also cause people to feel pressured to agree to something they don’t want. If this is your situation, these resources may help:   * Find a [domestic violence program](https://www.andvsa.org/communitys-programs) in your area to learn about what services they offer (counseling, financial assistance, housing and safe shelter, resources for children, and help with court). * You can get information about asking the court for a protective order by answering more questions. If you want to save this Action Plan, be sure to download, save, or print it. then return to the Guided Assist page and use the Guided Assist search box to find "Protective Orders.” * See if you qualify for a free lawyer through your local domestic violence program. * see if you qualify for a free lawyer through Alaska legal services.   {% if minor\_children and agree\_or\_settle\_kids in('yes',' do not know') or (agree\_or\_settle == 'no prop debt or pregnancy' and no\_prop\_or\_debt\_agree) or agree\_or\_settle in ('yes', 'do not know') %}  However, some people in a marriage with domestic violence are comfortable reaching an agreement about{% if minor\_children %} a parenting plan and{% endif %} dividing marital property and debt for a variety of reasons. Sometimes:  the domestic violence does not make either spouse uncomfortable or afraid to ask for what they want in the{% if minor\_children %} parenting plan or{% endif %} property & debt division;   * if the domestic violence does make a spouse uncomfortable or afraid, provisions are used to make the process of trying to reach an agreement feel safer (having a support person present, having a mediator or a trusted third person help with discussions, not meeting in-person, meeting in different rooms, or talking about an agreement through email, text or telephone); * one spouse’s main goal is to finish the case and be done in a safe manner so they are willing to give up some things in the agreement that they may be entitled to under the law. * You can decide if you are comfortable trying to reach an agreement with your spouse based on the facts and circumstances of your case. {% if minor\_children %} As explained below, if you want to try to reach an agreement with your spouse about the parenting plan, your options may be limited if there has been domestic violence.  Your Parenting Plan Agreement may be limited if there is domestic violence{% endif %} {% else %}  {% if minor\_children %} How domestic violence affects a custody case {% endif %}  {% endif %}  {% if minor\_children %}   * The law presumes that a parent with a "history of domestic violence" not get custody or unsupervised visitation unless he or she meets certain requirements. These may include completing a batterer’s intervention or substance abuse treatment program. * A "history of domestic violence" is defined by the law as either one incident of domestic violence that caused serious physical injury, or more than one incident. The parent's domestic violence behavior needs to fit under one of the domestic violence crimes in the law. There does not have to be a protective order or criminal case for the court to find a parent has a history of domestic violence. The court can find domestic violence based on one parent's testimony.   {% if agree\_or\_settle\_kids in('yes','do not know') or (agree\_or\_settle == 'no prop debt or pregnancy' and no\_prop\_or\_debt\_agree) or agree\_or\_settle in ('yes','do not know') %} Considerations if you and your spouse do not reach an agreement {% else %} Contact between Parent and Children {% endif %}  If you think the other parent should not have any contact with your children you will need to convince the judge that it is in the children’s best interest. Generally, it is unusual for a judge in a divorce or custody case to decide that a parent cannot see his or her children. There is research that shows it is important for children to have a relationship with both parents if it can happen in a safe manner. If the judge finds the domestic violence presumption applies, the judge will usually permit supervised contact between the parent and the children while the parent is completing a batterer’s intervention or substance abuse treatment program. After the parent finishes the program and any other requirements the judge ordered, the judge may lift the supervision restriction and allow a different parenting schedule.  {% if agree\_or\_settle\_kids == 'no' or agree\_or\_settle == 'no' or (agree\_or\_settle == 'no prop debt or pregnancy' and not no\_prop\_or\_debt\_agree) %} Tell the judge your concerns {% endif %}  The judge will only know about your domestic violence concerns if you state them in the documents you file and when you talk in court. If you have concerns for the children’s safety when in the care of the other parent, or for yourself when interacting with the other parent, describe them to the judge. If the judge is going to allow the other parent to have parenting time (visitation) with the children, you can suggest ways to address your concerns. Some options include:   * no drugs or alcohol prior to or during the visits, * drug or alcohol testing and/or treatment, * no overnight visitation, * no excessive discipline or spanking, * no emotional abuse such as cursing at or name calling, * no saying anything bad about you to or in front the children or letting anyone else do it, * no inappropriate exposure to adult activities such as pornography, * exchanges only at public or specified places, * supervised exchanges by a willing and available third party who you trust, * parenting time only occur in a public or specified place, * supervised parenting time with a willing and available third party who you trust, or * no contact between the children and specific individuals you are concerned about.   If you think you or your children's health, safety, or liberty would be harmed by providing the information on the **Child Custody Jurisdiction Affidavit**, [DR-150](https://public.courts.alaska.gov/web/forms/docs/dr-150.pdf) to the other parent:   * do not give the other parent a copy of the completed **Child Custody Jurisdiction Affidavit** after you file it with the court, and * file **Direction to Seal Child Custody Jurisdiction Affidavit**, [DR-151](https://public.courts.alaska.gov/web/forms/docs/dr-151.pdf).   {% endif %} Links in this step [**domestic violence program**](https://www.andvsa.org/communitys-programs) andvsa.org/communitys-programs  See if You Qualify For A Free Lawyer Through Your Local Domestic Violence Program.  See if You Qualify For A Free Lawyer Through Alaska Legal Services.  **Child Custody Jurisdiction Affidavit,** [**DR-150**](https://public.courts.alaska.gov/web/forms/docs/dr-150.pdf) public.courts.alaska.gov/web/forms/docs/dr-150.pdf  **Direction to Seal Child Custody Jurisdiction Affidavit,** [**DR-151**](https://public.courts.alaska.gov/web/forms/docs/dr-151.pdf) public.courts.alaska.gov/web/forms/docs/dr-151.pdf |
| {%tr endif %} |  |
| {%tr if default\_info %} |  |
| Step 21: File for default if your spouse does not respond within 20 days | Wait 20 days If your spouse does not file an Answer within 20 days of being served your Complaint, you may ask the court to “default” the other side and grant you everything you asked for. To do this, you must have proof that you served the other party according to the rules. Tell the court how you served your spouse Fill out a **Proof of Service Form**, **SHC-405**: [Word](https://www.courts.alaska.gov/shc/family/docs/shc-405.doc) | [PDF](http://www.courts.alaska.gov/shc/family/docs/shc-405n.pdf) Ask for a Default Fill out a **Default Application, SHC-400**: [Word](https://www.courts.alaska.gov/shc/family/docs/shc-400.doc) | [PDF](https://www.courts.alaska.gov/shc/family/docs/shc-400n.pdf)  {% if military %}  Be aware that if your spouse is on active duty in the military, the court likely will not enter a default judgment right away. The court may appoint a lawyer to contact your spouse first.  {% endif %} Include the final forms for your type of case {% if legal\_separation\_or\_divorce == 'divorce' %}- **Fill out the top section, but do not sign where it says “Judge” at the end.**  {% if minor\_children %}  {% if property\_for\_default %}   * **Findings of Fact and Conclusions of Law & Decree of Divorce**, [DR-800-805](https://public.courts.alaska.gov/web/forms/docs/dr-800-805.pdf) (fill out the “Findings of Fact” section)   {% else %}   * **Divorce Findings of Fact & Conclusions of Law, SHC-520**: [Word](https://www.courts.alaska.gov/shc/family/docs/shc-520.doc) | [PDF](https://www.courts.alaska.gov/shc/family/docs/shc-520n.pdf) (fill out the "Findings of Fact" section) * **Divorce Judgment and Decree, SHC-525:** [Word](https://www.courts.alaska.gov/shc/family/docs/shc-525.doc) **|** [PDF](https://www.courts.alaska.gov/shc/family/docs/shc-525n.pdf)   {% endif %}  {% else %}  {% if property\_for\_default %}   * **Divorce Findings of Fact & Conclusions  of Law with Property and No Children**, [DR-801-806](https://public.courts.alaska.gov/web/forms/docs/dr-801-806.pdf) (fill out the “Findings of Fact” section)   {% else %}   * **Divorce Findings of Fact & Conclusions of Law, SHC-540**: [Word](https://www.courts.alaska.gov/shc/family/docs/shc-540.doc) | [PDF](https://www.courts.alaska.gov/shc/family/docs/shc-540n.pdf) (fill out the “Findings of Fact” section) * Divorce Judgment and Decree, SHC-545: [Word](https://www.courts.alaska.gov/shc/family/docs/shc-545.doc) | [PDF](https://www.courts.alaska.gov/shc/family/docs/shc-545n.pdf).   {% endif %}  {% endif %}  {% else %}  {% if minor\_children %}   * Legal Separation with Children and Property Findings of Fact and Conclusions of Law, [SHC-590](https://courts.alaska.gov/shc/family/docs/shc-590.doc)   + Fill out the top section of page 1 with your contact information and the case name and number just like it appears on the Complaint.   + Fill out the Findings of Fact section (paragraphs 1 through 13 on pages 2 to 5).   + Fill out paragraph 7 on page 6 if the wife wants to return to her maiden name.   + Do not sign where it says “Judge” at the end. * Judgment and Decree for Legal Separation with Children and Property, [SHC-595](https://courts.alaska.gov/shc/family/docs/shc-595.doc)   + Fill out the top section with your contact information and the case name and number just like it appears on the Complaint.   + Fill out paragraph 6 on page 1 if the wife wants to return to her maiden name.   + Do not sign where it says “Judge” at the end.   {% else %}   * Legal Separation with Property and No Children Findings of Fact and Conclusions of Law, [SHC-591](https://www.courts.alaska.gov/shc/family/docs/shc-591.doc)   + Fill out the top section of page 1 with your contact information and the case name and number just like it appears on the Complaint.   + Fill out the Findings of Fact section (paragraphs 1 through 8 on pages 2 to 4).   + Fill out paragraph 7 on page 4 if the wife wants to return to her maiden name.   + Do not sign where it says “Judge” at the end. * Judgment and Decree for Legal Separation with Property and No Children, [SHC-596](https://www.courts.alaska.gov/shc/family/docs/shc-596.doc)   + Fill out the top section with your contact information and the case name and number just like it appears on the Complaint.   + Fill out paragraph 3 on page 1 if the wife wants to return to her maiden name.   + Do not sign where it says “Judge” at the end.   {% endif %}  {% endif %} Serve your spouse Send your spouse a copy of your default application by first class U.S. mail or hand delivery. File with the court and find out about a default hearing File your forms and ask your local court if they will contact you or you need to contact them to schedule a default hearing. Links in this step **Proof of Service Form, SHC-405** as a [Word](https://www.courts.alaska.gov/shc/family/docs/shc-405.doc) file as a [PDF](http://www.courts.alaska.gov/shc/family/docs/shc-405n.pdf) file  **Default Application, SHC-400** as a [Word](https://www.courts.alaska.gov/shc/family/docs/shc-400.doc) file as a [PDF](https://www.courts.alaska.gov/shc/family/docs/shc-400n.pdf) file |
| {%tr endif %} |  |
| Step 22: 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 from an Alaska-based phone outside of Anchorage.  Many lawyers offer free or flat fee consultations without having to hire them for the whole case. [**Find a Lawye**r](https://courts.alaska.gov/shc/shclawyer.htm).  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**](https://courts.alaska.gov/shc/family/selfhelp.htm) courts.alaska.gov/shc/family/selfhelp.htm  [**Find a Lawyer**](https://courts.alaska.gov/shc/shclawyer.htm) courts.alaska.gov/shc/shclawyer.htm  [**Alaska Free Legal Answers**](https://legalnav.org/resource/alaska-free-legal-answers/) LegalNav.org/resource/alaska-free-legal-answers  [**Alaska Legal Services**](https://alsc-law.org/apply-for-services/) alsc-law.org/apply-for-services |