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| Responding in Your Custody Case | |
|  | Your Personal Action Plan in 23 steps |

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| {%tr if type\_of\_response['improper service'] %} |  |
| Step : If you were not "served" correctly | If {{ other\_party\_in\_case }} starts a {{ case\_type }} case by filing documents in court, they are supposed to give you a copy of what was filed by:   * process server, or * sending it by certified mail / restricted delivery / return receipt. This means you sign a green postcard when you get the mail.   This is called “serving you.”  After you are served, you have **20 days** to file an **Answer**.  If {{ other\_party\_in\_case }} gave you the documents another way, you can decide to move forward with the case or wait. Move forward  * Even if you were served a different way, if you agree with {{ other\_party\_in\_case }} that {% if user\_need == ' answer custody ' %}there should be a case to get a Parenting Plan and custody order{% elif user\_need == ' answer custody ' %}the marriage should end{% endif %}, if you do not want to risk a default judgment, you can file an **Answer**. * If you do not have a copy of the filed documents, you can ask {{ other\_party\_in\_case }}, or get a copy from your file at the courthouse.  Wait If you do not want to do anything unless {{ other\_party\_in\_case }} serves you properly:   * Wait for proper service and then file your **Answer**. Or * Do nothing. If neither you nor {{ other\_party\_in\_case }} files anything, the court will close your case.   You can always look the case up on [CourtView](https://records.courts.alaska.gov/eaccess/home.page.2) to see if anything has been filed or ordered.  {% if type\_of\_response['improper service'] and improper\_service['answer'] %}See Step **5**: Fill out an answer form to respond to the complaint{% endif %} Watch out for a Default Judgment If you were served by either a process server or certified mail, and you do not file an **Answer** in 20 days, {{ other\_party\_in\_case }} may ask the court for a “default judgment.” A default judgment is when the court decides your case without hearing from you.  Even if you were served a different way, {{ other\_party\_in\_case }} could ask for a default judgment. Then you will have to tell the court you think you were not served the correct way.  {% if type\_of\_response['improper service'] and improper\_service['default'] %}See Step 4 Options when {{ other\_party\_in\_case }} asks for a default judgment{% endif %} Links in this step **CourtView** records.courts.alaska.gov/eaccess/home.page.2 |
| {%tr endif %} |  |
| {%tr if type\_of\_response['wrong state'] or (type\_of\_response['case in 2 states'] and stage\_of\_other\_case in('still going', 'ended with no order')) %} |  |
| Step 2: {% if type\_of\_response['wrong state'] and type\_of\_response.all\_false('case in 2 states') %}{% if jurisdiction %}Resources to learn more about {% if user\_need == 'answer divorce' %}residency & {% endif %}jurisdiction{% else %}Decide if Alaska is the right state for your case{% endif %}{% endif %}{% if type\_of\_response['case in 2 states'] %}Decide which court you want to hear your case{% endif %} | {% if type\_of\_response['case in 2 states'] and stage\_of\_other\_case == 'still going' %}{% if user\_need == 'answer divorce' %}Only one state court can end a marriage. If you and your spouse have open cases in two states, 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 & jurisdiction in Alaska {% elif user\_need == 'answer custody' %}If you and the other parent have open custody cases in two states, one of the courts will close their case.  To decide the correct state for your case, the courts will look at which court has the authority, called “jurisdiction” to decide the case. Check if the Alaska courts have jurisdiction {% endif %}{% endif %}{% if user\_need == 'answer divorce' and type\_of\_response['wrong state'] and type\_of\_response.all\_false('case in 2 states') %}{% if jurisdiction %}**Residency & jurisdiction**  {% endif %}There is a residency requirement in Alaska. Generally, you meet the residency requirement to end your marriage if {% if military %}either 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.{% endif %}   * {% if (type\_of\_response['wrong state'] and type\_of\_response.all\_false('case in 2 states')) or (type\_of\_response['case in 2 states'] and stage\_of\_case == 'still going') %}{% if user\_need == 'answer custody' or (user\_need == 'answer divorce' and minor\_children) %}{% if user\_need == 'answer divorce' %}Children: {% endif %}A court must have the authority called jurisdiction to issue an order about a custody or parenting plan or a child support order. * {% if user\_need == 'answer divorce' %}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. * {% endif %}Generally, only the court in the state where the children have lived for the last 6 months can make decisions, enter a parenting plan, or order child support. This is called the children’s "home state." * Jurisdiction{% if user\_need == ' answer divorce' %}and residency{% endif %} 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.” The Alaska court may be able to decide issues about a child, even though the child hasn’t lived here for 6 months. [Talking to a lawyer](https://courts.alaska.gov/shc/shclawyer.htm) can help you decide which is the best state for your case.   {% if user\_need == 'answer divorce' %}Similarly, 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.{% endif %}{% elif user\_need == 'answer divorce' and not minor\_children %}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, 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.{% endif %}{% endif %}{% if user\_need == 'answer divorce' and type\_of\_response['case in 2 states'] and stage\_of\_case == 'still going' %}Your case can only happen in one state. If you and your spouse disagree about which state, the courts will decide after hearing both side’s arguments. The decision generally depends on each state’s residency and jurisdiction laws{% endif %}{% if type\_of\_response['wrong state'] and type\_of\_response.all\_false('case in 2 states') and jurisdiction %}If you think your case may be an exception to these general rules, you can get help from the resources listed in Step 23.{% endif %}{% if type\_of\_response['wrong state'] and type\_of\_response.all\_false('case in 2 states') and not jurisdiction %}If you think your {{ case\_type }} case should be in another state, tell the court you think Alaska is the wrong state:   * Use your Answer. See Step 9: Fill out the forms you need to answer and respond to the complaint. And * Ask the Alaska court to dismiss your Alaska case. .See Step 11 Fill out a Motion to Dismiss your Alaska case.{% endif %}{% if type\_of\_response['case in 2 states'] %}   {% if stage\_of\_case == 'ended with order' %}If the case in another state is over and the other court ended your marriage, you can file a “Motion to Dismiss” when you file your Answer in your Alaska case. See {% elif stage\_of\_case == 'ended with no order' %}If the case in the other state is over, but did not end your marriage, you can move forward with the Alaska case.{% endif %}{% endif %} Link in this step [Talking to a lawyer](https://courts.alaska.gov/shc/shclawyer.htm) courts.alaska.gov/shc/shclawyer.htm |
| {%tr endif %} |  |
| {%tr if type\_of\_response['case in 2 states'] and stage\_of\_other\_case == 'still going' %} |  |
| Step : Take steps based on which court you want to continue with the case | If you want to have your case in Alaska  1. Fill out and file your **Answer** forms. Tell the court what you want to happen in the case See Step 5: Fill out the forms you need to answer and respond to the complaint. **And** 2. Ask the other state court to close its case. Talk to a lawyer in the other state  https://www.ncsc.org/information-and-resources/state-court-websites#astates or lawhelp.org search the internet to learn about that state’s self-help resources and forms.(Links to NCSC court websites, ABA find a laywer, lawhelp.org)  If you want your case in the other state  1. Tell the Alaska court about the other case in your answer. See Step 5: Fill out the forms you need to answer and respond to the complaint. **And** 2. 2.Ask the Alaska court to dismiss your Alaska case. See Step 6 Fill out a **Motion to Dismiss** your Alaska case |
| {%tr endif %} |  |
| {%tr if type\_of\_response['default'] %} |  |
| Step 4: Options when the other parent asks for a default judgment | Service If the other parent starts a custody case by filing documents in court, they are supposed to give you a copy of the documents they filed by:   * process server, or * sending it by certified mail/restricted delivery/return receipt (this means you sign the green postcard when you get the mail).   This is called “serving you.” After you are served, you have 20 days to file an “Answer.” Default judgment If you do not file your Answer within 20 days, the other parent can ask for a default judgment which means that the court will decide the case without hearing your side of the story. There are 3 steps to get a default judgment:   * The other parent files a Default Application and gives you a copy by mailing it or by hand delivery. * The Clerk of Court enters an Entry of Default and sets a date and time for a “default hearing.” * The Judge holds the “default hearing” and may enter the Default Judgment order ending the case without hearing from you.  {% if military %}Military Protections Under the Servicemembers Civil Relief Act, you may have some protections against default judgment if the case is filed while you were on active duty. You can learn more about [the Servicemembers Civil Relief Act](https://www.militaryonesource.mil/financial-legal/personal-finance/servicemembers-civil-relief-act/) on the federal website, [Military OneSource](https://www.militaryonesource.mil/).  If the Servicemembers Civil Relief Act does not apply to your case to stop the default judgment, you have other options.{% endif %} {% if stage\_of\_default == 'judgment entered' %}Ask the court to set aside the default judgment If the court has a default hearing and enters a default judgment, the only way to undo it is a **Motion for Reconsideration** (if the default judgment was in the last 10 days) or a **Motion and Affidavit to Set Aside the Judgment or Order**. In either motion you tell the court why it should undo the judgment even though you did not respond to the case.  There are specific reasons that a judgment can be set aside and it must be done within a “reasonable time.” In some cases, it must be within 1 year.  Read more about [**Motions to Set Aside**](http://www.courts.alaska.gov/shc/family/after-judgment.htm#set-aside) on the court's website.  Fill out and file:   * **Motion and Affidavit to Set Aside the Judgment or Order, SHC-1548** [Word](http://www.courts.alaska.gov/shc/family/docs/shc-1548.doc) | [PDF](http://www.courts.alaska.gov/shc/family/docs/shc-1548n.pdf) * **Proposed Order on Motion, SHC-1302** [Word](http://www.courts.alaska.gov/shc/family/docs/shc-1302.doc) | [PDF](http://www.courts.alaska.gov/shc/family/docs/shc-1302n.pdf)   You can answer more questions to get information about Motions to Set Aside and Motions for Reconsideration. 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 “Changing a Custody Order”{% endif %} {% if stage\_of\_default in('application filed', 'hearing scheduled')%}{% if military %} Other options{% else %}Options{% endif %} if the other parent files for default judgment {% if proper\_service == 'neither' %}If the other parent filed for default judgment, it means the other parent told the court you were served the correct way. If you do not think you were, you have 2 options:  **1. Tell the court you were not served the correct way**  If you think you were not served the correct way and want the court to dismiss the case, you can fill out and file a document called a “motion” that tells the court what you want to happen. Write the title, “Motion to Dismiss for Failure to Correctly Serve the Complaint” and explain that the other parent did not serve you one of the correct ways and you want the case dismissed.  **2. Go forward with the case. You can ask the court to move ahead with the case, even if you were not served the correct way.**  If you want to court to hear your side of the story, file an Answer and ask the court not to enter an **Entry of Default** or set a default hearing.{% endif %} {% if proper\_service in('process server', 'return receipt mail') %}Tell the court your side of the story{% endif %}  * Fill out and file an Answer Learn about filing an Answer. See the court's web page [Responding to a Complaint Served on You](http://courts.Alaska.gov/shc/family/answer.htm). {% if stage\_of\_default == 'application filed' %} * Fill out and file a document called a “motion"   + Title it "Motion and Affidavit to Accept Late Filed Answer,"   + Ask the court to accept your Answer even though it is late. And   + Ask the court to not enter an **Entry of Default.**   See Asking for an Order in a Divorce Case When the Issue Cannot Wait for the Court’s Final Decision (Filing a Motion)”{% elif stage\_of\_default == 'hearing scheduled' %}   * Fill out and file **Motion and Affidavit to Set Aside Entry of Default and Accept Late Filed Answer, SHC-410** [Word](http://courts.alaska.gov/shc/family/docs/shc-410.doc) | [PDF](http://courts.alaska.gov/shc/family/docs/shc-410n.pdf). This asks the court to undo the **Entry of Default** and to accept your Answer even though it is late.   + Fill in your contact information at the top.   + Fill in the rest of the top of the page to match the information and case number on the **Complaint and Summons**.   + Explain why you did not file your Answer by the 20-day deadline.   + Sign in front of a notary, who will need to see a picture ID. Court staff can notarize your signature for free. {% endif %}   {% endif %}   * Give the other parent a copy. You have to give the other parent a copy of every document you file with the court. You can use regular mail or deliver it by hand.  {% if stage\_of\_default in('application filed', 'hearing scheduled') %}{% if proper\_service in('process server', 'return receipt mail') %}Go forward with the case without telling the court your side of the story{% endif %} If you are okay with the judge deciding the case based on the other parent’s Complaint without hearing from you, you do not need to do anything. But once the judge decides, it is much harder to undo it. If you file an Answer, the judge will consider what you want and there may be resources for you and the other parent to work out any disagreements through mediation or a settlement conference.{% endif %} Links in this step {% if stage\_of\_default in('application filed', 'hearing scheduled') %}[**Responding to a Complaint Served on You**](http://courts.alaska.gov/shc/family/answer.htm) courts.alaska.gov/shc/family/answer.htm{% endif %}  {% if military %}[**the Servicemembers Civil Relief Act**](https://www.militaryonesource.mil/financial-legal/personal-finance/servicemembers-civil-relief-act/) militaryonesource.mil/financial-legal/personal-finance/servicemembers-civil-relief-act  [**Military OneSource**](https://www.militaryonesource.mil/) militaryonesource.mil{% endif %}  {% if stage\_of\_default == 'judgment entered' %}**Motion and Affidavit to Set Aside the Judgment or Order, SHC-1548** as a [Word](http://www.courts.alaska.gov/shc/family/docs/shc-1548.doc) file courts.alaska.gov/shc/family/docs/shc-1548.doc as a [PDF](http://www.courts.alaska.gov/shc/family/docs/shc-1548n.pdf) courts.alaska.gov/shc/family/docs/shc-1548n.pdf  **Proposed Order on Motion, SHC-1302**  [Word](http://www.courts.alaska.gov/shc/family/docs/shc-1302.doc) courts.alaska.gov/shc/family/docs/shc-1302.doc  as a [PDF](http://www.courts.alaska.gov/shc/family/docs/shc-1302n.pdf) courts.alaska.gov/shc/family/docs/shc-1302n.pdf{% elif stage\_of\_default == 'hearing scheduled' %}  **Motion and Affidavit to Set Aside Entry of Default and Accept Late Filed Answer, SHC-410** as a [Word](http://courts.alaska.gov/shc/family/docs/shc-410.doc) file courts.alaska.gov/shc/family/docs/shc-410.doc as a [PDF](http://courts.alaska.gov/shc/family/docs/shc-410n.pdf) courts.alaska.gov/shc/family/docs/shc-410n.pdf{% endif %} |
| {%tr endif %} |  |
| {%tr if (user\_need == 'answer divorce' and (type\_of\_response['ak divorce case'] or (type\_of\_response['wrong state'] and not residency))) or (user\_need == 'answer custody' and type\_of\_response['ak custody case']) or (user\_need in('answer divorce', 'answer custody') and ((type\_of\_response['case in 2 states'] and stage\_of\_other\_case in('still going', 'ended with order')) or (type\_of\_response['wrong state'] and not jurisdiction))) %} |  |
| Step 5: Fill out the forms you need to answer and respond to the complaint{% if type\_of\_response['wrong state'] and not jurisdiction %} and tell the court Alaska is the wrong state{% endif %} | You **have** **20 days** from the date you get the complaint to:   1. File these forms with the court. And 2. Mail, email or give a copy of the forms to {{ other\_party\_in\_case }}.  {% if type\_of\_response['case in 2 states'] and stage\_of\_other\_case == 'still going' %}If you want to have your case in Alaska {% endif %}Fill out and file your Answer form and tell the court what you want to happen in your {{ case\_type}} case.{% if type\_of\_response['ak divorce case'] or type\_of\_response['ak custody case'] or (type\_of\_response['case in 2 states'] and stage\_of\_other\_case in('still going', 'ended with no order')) %} Answer each question completely.{% endif %} Use {% if minor\_children or wife\_is\_pregnant in('husband', 'not husband') %}{% if type\_of\_response['ak divorce case'] and case\_type == 'divorce' %}**Answer & Counterclaim to Divorce With Children**, **SHC-105** Word | PDF{% elif type\_of\_response['ak divorce case'] and case\_type == 'legal separation' %}**Answer & Counterclaim to Legal Separation With Children, SHC-094**{% endif %}{% if not minor\_children and wife\_is\_pregnant in('husband', 'not husband') %} You must use this form because wife is pregnant.{% endif %}{% elif not minor\_children and wife\_is\_pregnant == 'not pregnant' %}{% if type\_of\_response['ak divorce case'] and case\_type == 'divorce' %}**Answer & Counterclaim to Divorce Without Minor Children, SHC-107** Word | PDF{% elif type\_of\_response['ak divorce case'] and case\_type == 'legal separation' %} **Answer & Counterclaim to Legal Separation Without Children, SHC-095**{% endif %}{% endif %}   1. At the top of the Answer & Counterclaim form, put your name, mailing address, contact phone number, and email address. 2. Fill out the rest of the top portion exactly as it is filled out on {{ other\_party\_in\_case }}'s complaint:  * the location of the court, * {{ other\_party\_in\_case }}'s name goes above the line for plaintiff's name, * your name goes above the line for defendant's name, and * the case number from the complaint.  This section of the form is called the 'Caption'.  1. The Answer section: Look at each paragraph in {{ other\_party\_in\_case }}'s complaint and decide if you agree, disagree, or you are not sure.  Check the appropriate box in your Answer.  If you disagree with any of the paragraphs in the complaint, list the paragraph numbers you disagree with. 2. Affirmative Defenses: {% if type\_of\_response['wrong state'] and (not jurisdiction or (user\_need == 'divorce' and not residency)) %}' ○ Check the box, "I state the following affirmative defense(s)." {% if user\_need == 'answer custody' or (user\_need == 'answer divorce' and minor\_children) %}If you think Alaska is not the "home state," you can ask the court to dismiss your case. ○ Check the box that describes the reason you think Alaska is the wrong state to decide custody of your children. ○ Check the box that says you are attaching a Motion to Dismiss the Child Custody Claim.{% endif %}{% endif %}{% if user\_need == 'divorce' and type\_of\_response['wrong state'] and not residency %}○ Check the box, that describes the reason you think Alaska is the wrong state to decide your {{ case\_type }} case. ○ Check the box that says you are attaching a Motion to Dismiss{% endif %}{% if type\_of\_response['case in 2 states'] and stage\_of\_other\_case in('still going', 'ended with order') %}{% if stage\_of\_other\_case == 'still going' %} If you want your case in the other state{% elif stage\_of\_other\_case == 'ended with order' %} If the case in another state is over and the other court {% if user\_need == 'answer custody' %}issued a custody order{% elif user\_need == 'answer divorce' %}ended your marriage{% endif %}, you can tell the Alaska court by stating it in your Answer and filing a “Motion to Dismiss” your Alaska case.{% endif %}Check the "other" box and tell the Alaska court:  * There is another case, * the court location, and * the case number.{% endif %} An affirmative defense is the facts and arguments that attack the plaintiff’s legal right to bring the court case. The affirmative defense might win for the defendant even if everything in the plaintiff’s complaint is true.  If you are unsure if an affirmative defense might apply to you, you are strongly encouraged to consult with a lawyer because this is a very complicated and important area.  If you have no affirmative defenses, check the box at the beginning of the section that states "I have no affirmative defenses" and go to the next section.  1. Counterclaims: Use this section, to tell the court your version of the facts and what you want.{% if type\_of\_response['wrong state'] and (not jurisdiction or (user\_need == 'answer divorce' and not residency)) %} Check the box at the beginning of this section that says, "I have stated above that the case should be dismissed because the Alaska court does not have jurisdiction over {% if user\_need == 'answer custody' %}the child(ren).{% elif user\_need == 'answer divorce' and minor\_children %}the marital estate and/or child custody.{% elif user\_need == 'answer divorce' and not minor\_children %}the marital estate.{% endif %}{% endif %}{% if type\_of\_response['ak divorce case'] %}{% if (case\_type == 'legal separation' and want\_legal\_separation == 'yes') or case\_type == 'divorce' %} If you agree with everything in the Complaint and do not have any counterclaims, mark the box at the beginning of the section that says "I have no counterclaims" and go to the "Request for Relief" section.{% elif case\_type == 'legal separation' and want\_legal\_separation == 'unsure' %} If you decide you want a divorce instead of a legal separation, check the box telling the court “I do NOT agree to a legal separation because I want the marriage to end in a divorce”. {% elif case\_type == 'legal separation' and want\_legal\_separation == 'no' %}Check the box telling the court “I do NOT agree to a legal separation because I want the marriage to end in a divorce.” {% endif %}{% endif %} 2. Request for Relief: {% if type\_of\_response['case in 2 states'] and stage\_of\_other\_case in('still going', 'ended with order') %}{% if stage\_of\_other\_case == 'still going' %}If you want your case in the other state, check{% elif stage\_of\_other\_case == 'ended with order' %}Check{% endif %} the "other" box and ask the Alaska court to dismiss your Alaska case.{% endif %}Fill in the information to let the court know what you want the judge to order.   {% if type\_of\_response['wrong state'] and (not jurisdiction or (user\_need == 'answer divorce' and not residency)) %} If you have any questions about whether Alaska is the correct place for your case or you want to ask the court to dismiss your case, you may want to talk to a lawyer{% endif %}  **Information Sheet,** DR-314 If {{ other\_party\_in\_case }} filed an **Information Sheet**, check the first box;. If they did not file this form: Answer 1 through 3, Sign, and date the form.  {% if user\_need == 'answer custody' or (user\_need == 'divorce' and minor\_children) %}**Child Custody Jurisdiction Affidavit**, **DR-150** [[Fill-In PDF](https://public.courts.alaska.gov/web/forms/docs/dr-150.pdf)] **Wait** to sign this affidavit until you can sign in front of a notary or file the form at court.  **Child Support Guidelines Affidavit, DR-305** [[Fill-In PDF](https://public.courts.alaska.gov/web/forms/docs/dr-305.pdf)]   * + See [**How to Fill out the Child Support Guidelines Affidavit**](http://courts.alaska.gov/shc/family/docs/shc-dr305f-sample.pdf)  to help you fill in this form   + Attach your most recent tax return and pay stubs to the **Child Support Guidelines Affidavit**.   + **Wait** to sign this affidavit until you can sign in front of a notary or file the form at court   **Information** **Sheet, DR-314** [[Fill in PDF](https://public.courts.alaska.gov/web/forms/docs/dr-314.pdf)]   * + If {{ other\_party\_in\_case }} filed an **Information Sheet**,  check the first box.   + If they **did not** file this sheet,  answer 1 through 3,   + Sign, and date the sheet.  Wait **Wait** to sign the 2 affidavits until you are in front of someone who has the power to take oaths, like a notary public.   * The court clerk can do this for free. * Bring a valid photo ID with you. * If you cannot get to a notary or someone with the power to take oaths, you can "self-certify." Use: **Self-Certification (No Notary Available), TF-835** [[Fill-In PDF](https://public.courts.alaska.gov/web/forms/docs/tf-835.pdf)]{% endif %}  Links in this step **Answer & Counterclaim to a Custody Complaint, SHC-117** as a [Word](http://courts.alaska.gov/shc/family/docs/shc-117.doc) file courts.alaska.gov/shc/family/docs/shc-117.doc as a [PDF](http://courts.alaska.gov/shc/family/docs/shc-117n.pdf) courts.alaska.gov/shc/family/docs/shc-117n.pdf  **Child Custody Jurisdiction Affidavit**, **DR-150** [[Fill-In PDF](https://public.courts.alaska.gov/web/forms/docs/dr-150.pdf)] public.courts.alaska.gov/web/forms/docs/dr-150.pdf  **Child Support Guidelines Affidavit, DR-305** [[Fill-In PDF](https://public.courts.alaska.gov/web/forms/docs/dr-305.pdf)] 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) courts.alaska.gov/shc/family/docs/shc-dr305f-sample.pdf  **Information** **Sheet, DR-314** [[Fill in PDF](https://public.courts.alaska.gov/web/forms/docs/dr-314.pdf)] public.courts.alaska.gov/web/forms/docs/dr-314.pdf  **Self-Certification (No Notary Available), TF-835** [[Fill-In PDF](https://public.courts.alaska.gov/web/forms/docs/tf-835.pdf)] public.courts.alaska.gov/web/forms/docs/tf-835.pdf |
| {%tr if (type\_of\_response['wrong state'] and not jurisdiction) or (type\_of\_response['case in 2 states'] and stage\_of\_other\_case == 'still going') or (type\_of\_response['defaut'] and proper\_service == 'neither') %} |  |
| Step 6: Fill out a Motion to Dismiss {% if type\_of\_response.any\_true('wrong state','case in 2 states') %}your Alaska case{% endif %} (motion to dismiss tf) | 1. Fill out a **Motion to Dismiss.** Use: **Motion, SHC-1300** [Word](http://courts.alaska.gov/shc/family/docs/shc-1300.doc) | [PDF](http://courts.alaska.gov/shc/family/docs/shc-1300n.pdf), and title it {% if stage\_of\_other\_case == 'still going' or not jurisdiction %} “Motion to Dismiss.” 2. {% if not jurisdiction %}Explain that the Alaska court does not have jurisdiction over the children.{% endif %}{% if stage\_of\_other\_case == 'still going' %}Explain why you think the judge should dismiss the Alaska case.{% endif %}{% endif %}{% if type\_of\_response['default'] %}"Motion to Dismiss for Failure to Correctly Serve the Complaint”. 3. Explain that the other parent did not serve you one of the correct ways and you want the case dismissed.{% endif %} 4. Watch: [Motions Part 1: How to Ask the Court For Something](https://www.youtube.com/watch?v=2irmxT0_0EA) 5. Fill out the Certificate of Service, file and serve your **Motion to Dismiss** with your **Answer** forms. See: Step 7: Certificate of Service, Step 8: File the originals, and Step 9: 99Serve {{ other\_party\_in\_case }}.  Links in this step **Motion, SHC-1300**  as a [Word file](http://courts.alaska.gov/shc/family/docs/shc-1300.doc) courts.alaska.gov/shc/family/docs/shc-1300.doc as a [PDF](http://courts.alaska.gov/shc/family/docs/shc-1300n.pdf) courts.alaska.gov/shc/family/docs/shc-1300n.pdf  [**Motions Part 1: How to Ask the Court For Something**](https://www.youtube.com/watch?v=2irmxT0_0EA) youtube.com/watch?v=2irmxT0\_0EA |
| {%tr endif %} |  |
| Step 7: Fill Out the Certificate of Service | You must give {{ other\_party\_in\_case }} 1 copy of everything you file with the court. This is called “service.”   1. Decide on the way you will serve {{ other\_party\_in\_case }}.  * You can send the copy you made for them by regular, 1st class mail, or hand-deliver it. * If they file anything in court that says they agree to service by email, you can email the copy you made for them. * If they have a lawyer, email, mail, or hand-deliver the copy to their lawyer. * If you use the court’sTrueFile eFiling system, TrueFile serves {{ other\_party\_in\_case }} for you.  1. Decide the date you will serve {{ other\_party\_in\_case }}. Try to serve {{ other\_party\_in\_case }} the same day you file your documents with the court. 2. Fill out the **Certificate of Service** at the end of your court forms. The "certificate" tells the court how you are giving a copy of all the documents you file with the court to {{ other\_party\_in\_case }}.  Important Be sure you can serve {{ other\_party\_in\_case }} on the date and in the way you put in the Certificate of Service.   1. If you do not fill out the Certificate(s) of Service:  * The court will send you a **Deficiency Notice**, and * The judge may not see your ~~motion~~ and make a decision.   {% for image\_data in images\_list %}  {{ image\_data['text'] }}  {{ image\_data['image'].show(width='5in%') }}  {% endfor %} |
| Step 8: File the originals (file tf) | You have **20 days** to file and serve {{ other\_party\_in\_case }} your **Answer, Affidavits, Information Sheet**{% if filing\_motion\_to\_dsimiss %}, **Motion to Dismiss,**{% endif %} and other documents.   1. Make 2 copies of everything you are going to give the court. 2. Give the original version of your documents to the court that is listed on the top of the complaint. You can:  * Find the address on the court's [Court Directory](http://courts.alaska.gov/courtdir/index.htm#trial) web page and   + .Give the documents to the clerk at the court yourself.   + Mail the documents by first-class mail.   + or * Use the court’s TrueFile eFiling system to send the documents to the court electronically.  1. Keep 1 copy for your own records. 2. Give the 2nd copy to {{ other\_party\_in\_case }} on the date and way you wrote on your **Certificate of Service**. 3. Read Step 99: Serve {{ other\_party\_in\_case }}.  Link in this step [**Court Directory**](http://courts.alaska.gov/courtdir/index.htm#trial) courts.alaska.gov/courtdir/index.htm#trial  [**TrueFile eFiling system**](https://courts.alaska.gov/efile) courts.alaska.gov/efile |
| Step 9: Serve {{ other\_party\_in\_case }} | Give a copy of all your documents to {{ other\_party\_in\_case }}, or their lawyer, the way you wrote on the **Certificate of Service**.  Serve them on the date you said you would.  If you did not serve {{ other\_party\_in\_case }} on the date or the way you wrote on your Certificate of Service, fill out a new[**Certificate of Service**, **SCH-1620**](https://courts.alaska.gov/shc/family/docs/shc-1620.doc).  File it with the court. Link in this step [**Certificate of Service, SCH-1620**](https://courts.alaska.gov/shc/family/docs/shc-1620.doc) courts.alaska.gov/shc/family/docs/shc-1620.doc |
| Step : Read the "domestic relations procedural order" or "standing order" if the clerk gives you one when you file your case (read drpo tf) | This is the first order from your judge that sets out the basic rules for you and the other parent to follow during the case. Violating this order can affect the outcome of your case. The order usually state you cannot take your children out of Alaska unless the other parent agrees or the court gives permission.  Also, check with your local court for their [parent education requirements](http://courts.alaska.gov/shc/family/shcparent-ed.htm).  If you want to do something forbidden by the order and the other parent does not agree, ask the court by filing a motion and wait for the court's answer before doing it. Learn about motions 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 Cannot Wait for the Court’s Final Decision (Filing a Motion) and Responding to a Motion." |
| Step : Learn more about the process (learn more tf) | Read  * Flow Chart for Case Process, SHC-185:  as a [Word file](https://courts.alaska.gov/shc/family/docs/shc-185.doc) courts.alaska.gov/shc/family/docs/shc-185.doc as a [PDF](https://courts.alaska.gov/shc/family/docs/shc-185n.pdf) courts.alaska.gov/shc/family/docs/shc-185n.pdf * The Life of a Case, SHC-180  as a [Word file](https://courts.alaska.gov/shc/family/docs/shc-180.doc) courts.alaska.gov/shc/family/docs/shc-180.doc as a [PDF](https://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://youtu.be/z2d2CLllPUU?si=r-f9LKnxV9FfS3Sm) youtu.be/z2d2CLllPUU?si=r-f9LKnxV9FfS3Sm * [Overview and Timeline of the Case](https://youtu.be/EzSV4Caz6Co?si=h0tWLjcwF608hjRt) youtu.be/EzSV4Caz6Co?si=h0tWLjcwF608hjRt * Find other Alaska Videos: [English](http://www.aklawselfhelp.org) | [Spanish](http://www.aklawselfhelp.org/resources/4b145751b31d22d28010f9e03c6e9580.html) | [Tagalog](http://www.aklawselfhelp.org/resources/63a0e14b62dbdfd5895a75a2400fd693.html) English: aklawselfhelp.org Spanish:aklawselfhelp.org/resources/4b145751b31d22d28010f9e03c6e9580.html Tagalog aklawselfhelp.org/resources/63a0e14b62dbdfd5895a75a2400fd693.html * Find [Alaska Family Law Hearing & Trial Preparation Videos](https://www.youtube.com/playlist?list=PL82589B66ED712B4B) youtube.com/playlist?list=PL82589B66ED712B4B |
| {%tr endif %} |  |
| {%tr if some\_condition %} |  |
|  |  |
| {%tr endif %} |  |
| {%tr if stage\_of\_other\_case == 'still going' %} |  |
| Step 12: What to expect | * Every 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. |
| {%tr endif %} |  |
| {%tr if type\_of\_response['parent agreement options'] or response\_to\_complaint in ('agree', 'some') or parent\_agreement\_info %} |  |
| Step 13: {% if type\_of\_response == 'parent agreement\_options' %} Options if the other parent wants to talk about a parenting plan & starting a custody case (agreement options tf){% endif %}{% if response\_to\_complaint == 'agree' %}Review your options when you agree with what the other parent is asking {% elif response\_to\_complaint == 'some' %} Review your options when you agree with some of what the other parent is asking (some agreement tf){% elif parent\_agreement\_info %}Resources to help you reach an agreement with the other parent(reach agreement tf){% endif %} | {% if type\_of\_response == 'parent agreement options' %}One parent cannot stop the other parent from starting a custody case to get a court order about the parenting plan. If either parent asks, the court will issue a parenting plan, custody, and child support order. If there is going to be a custody case, there are benefits to reaching an agreement.{% endif %}  {% if response\_to\_complaint in('agree', 'some') %}{% if response\_to\_complaint == 'agree' %}If you agree with everything the other parent asked for in the Complaint:{% elif response\_to\_complaint == 'some' %}If you agree with some of what the other parent asked for in the Complaint: {% endif %}   * State that you agree in your Answer * Decide if you want to write out an agreement with the other parent.   Remember, even if you are trying to work out an agreement with the other parent, **you must file your Answer within 20 days** of getting the Complaint or risk the court entering a default judgment against you.  State in your Answer that you agree with what the other parent asked for in the complaint.  {% if response\_to\_complaint == 'agree' %} Check the box in the first paragraph of your Answer that says you “agree with all of the statements in the complaint.” :{% elif response\_to\_complaint == 'some' %}In the first paragraph of your Answer, state the paragraph numbers of the other parent’s complaint that you agree with.{% endif %}  Decide if you want to work with the other parent to write out your agreement.  Review the benefits of reaching an agreement  {% endif %} The benefits of reaching an agreement If you and the other parent agree about the issues in the case, you can avoid a trial. Some benefits are:  Working out the parenting plan instead of fighting is better for the children   * 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 parent 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  Watch a video about reaching an agreement Watch a [short video that discusses resolving your case](https://www.youtube.com/watch?v=4EuW9HET3nM&list=PLRS0LlEIQsuTsfO0wSTsSTIvVE5RO8sLc&index=6&t=3s) by reaching agreement with the other parent. {% if response\_to\_complaint in('agree', 'some') %}Forms to use if you and the other parent write out your agreement If you want to work with the other parent to write out the agreement and both sign it, use: {% endif %} {% if parent\_agreement\_info %}Forms to use if you reach an agreement{% endif %} {% if type\_of\_response.all\_false('parent agreement options') %}   * **Parenting** Agreement & Order, [SHC-1128](http://courts.alaska.gov/shc/family/docs/shc-1128n.pdf) * **Joint Motion to Put Settlement on the Record, SHC-1063** [Word](http://courts.alaska.gov/shc/family/docs/shc-1063.doc)  | [PDF](http://courts.alaska.gov/shc/family/docs/shc-1063n.pdf) * **Custody Findings of Fact & Conclusions of Law, DR-460** [[Fill-In PDF]](https://public.courts.alaska.gov/web/forms/docs/dr-460.pdf) * **Custody Judgment, DR-465** [[Fill-In PDF]](https://public.courts.alaska.gov/web/forms/docs/dr-465.pdf){% endif %}  Options for working with the other parent to write out your agreement  * Talk to the other parent about reaching an agreement * Mediation   {% if type\_of\_response.all\_false('parent agreement options') %}   * Settlement Conference{% endif %} * Collaborative Law  Talk to the other parent about settling the case without a trial Some parents want to work out the issues by agreement without the judge deciding and are able to talk to each other in person, on-line, or with the help of a friend or family member. 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   {% if type\_of\_response.all\_false('parent agreement options') %}  For child custody issues in Anchorage, Palmer, Fairbanks, Kenai, Homer, Juneau, Ketchikan, and Sitka, the court offers free mediation. The mediator helps parents resolve disputes about parenting time and create workable co-parenting plans. This service is free unless parents wish to mediate additional issues or require more time than allowed by program. If you want to go to mediation for a child custody issue, you can file a motion asking the court to order it:   * **Motion for Mediation Through Child Custody & Visitation Mediation Program,** [DR-405](https://public.courts.alaska.gov/web/forms/docs/dr-405.pdf){% endif %}   Parents can hire their own private mediator 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).  [Find a private mediator](https://www.alaskamediators.org/directory) on the Professional Mediators of Alaska website. {% if type\_of\_response.all\_false('parent agreement options') %}Settlement Conferences A settlement conference is a meeting with a judge before trial to explore ways to settle your issues. The meeting includes you, the other parent, your lawyers (if you have them) and a judge. The judge may or may not be the same judge you will have if you go to trial. The judge's role is to try help you to reach an agreement, not to be a decision-maker. Each side makes offers about what he/she wants and the judge comments on whether it meets the legal requirements and is reasonable. The judge has no official power to make the parties settle at this stage, but usually strongly encourages settlement by critiquing the parties' trial positions. The judge also indicates how a judge would likely rule on disputed issues during the trial. If both parties want a judge to help settle the issues, file a motion asking for a settlement conference:   * **Joint Motion for Settlement Conference, SHC-1062** [[Word](http://www.courts.alaska.gov/shc/family/docs/shc-1062.doc)] | [[PDF](http://www.courts.alaska.gov/shc/family/docs/shc-1062n.pdf)]{% endif %}  Collaborative Law The [Alaska Association of Collaborative Professionals](https://www.alaskacollaborative.org/) helps people resolve parenting issues outside of the court process without a judge making decisions. Learn more about the group.  {% if type\_of\_response['parent agreement options'] %} What to do if you reach an agreement “Starting A Custody Case” or use:  **Dissolution or Uncontested Forms** [https://courts.Alaska.gov/shc/family/shcuncontested.htm#5]{% endif %}  {% if type\_of\_response.all\_false('parent agreement options') %}  If you both agree, you can change things on your own.  Whether or not you must tell the court depends on the type of change you make.   * If you make a minor change, such as changing a pick-up time by an hour, or a change to the holiday schedule, you do not have to tell the court. * If you make a change about something big, like changing the parenting schedule from weekends with one parent to week on / week off, tell the court in writing. * If you want to be sure you are both bound by the new agreement, tell the court in writing so the judge can make the agreement part of the court order in your case. * If you want to change child support because either the parenting schedule or a parent’s income changes, you should always tell the court in writing so the judge can decide whether the child support amount should change. The parent who owes money under the child support order you want to change will continue to owe that amount until the judge signs a new order.{% endif %}  Links in this step **Short video that discusses resolving your case** youtube.com/watch?v=4EuW9HET3nM  **Parenting Agreement & Order,** [SHC-1128](http://courts.alaska.gov/shc/family/docs/shc-1128n.pdf) courts.alaska.gov/shc/family/docs/shc-1128n.pdf  **Joint Motion to Put Settlement on the Record, SHC-1063** As a [Word file](http://courts.alaska.gov/shc/family/docs/shc-1063.doc) courts.alaska.gov/shc/family/docs/shc-1063.doc As a [PDF](http://courts.alaska.gov/shc/family/docs/shc-1063n.pdf) courts.alaska.gov/shc/family/docs/shc-1063n.pdf  **Custody Findings of Fact & Conclusions of Law, DR-460** [[Fill-In PDF]](https://public.courts.alaska.gov/web/forms/docs/dr-460.pdf) public.courts.alaska.gov/web/forms/docs/dr-460.pdf  **Custody Judgment, DR-465** [[Fill-In PDF]](https://public.courts.alaska.gov/web/forms/docs/dr-465.pdf) public.courts.alaska.gov/web/forms/docs/dr-465.pdf  **Motion for Mediation Through Child Custody & Visitation Mediation Program,** [DR-405](https://public.courts.alaska.gov/web/forms/docs/dr-405.pdf) public.courts.alaska.gov/web/forms/docs/dr-405.pdf  [Read about mediation](http://www.courts.alaska.gov/mediation/index.htm) courts.alaska.gov/mediation/index.htm.  [Find a private mediator](https://www.alaskamediators.org/directory) alaskamediators.org/directory  **Joint Motion for Settlement Conference, SHC-1062 as s** [Word file](http://www.courts.alaska.gov/shc/family/docs/shc-1062.doc) courts.alaska.gov/shc/family/docs/shc-1062.doc as a [PDF](http://www.courts.alaska.gov/shc/family/docs/shc-1062n.pdf) courts.alaska.gov/shc/family/docs/shc-1062n.pdf  Alaska Association of Collaborative Professionals alaskacollaborative.org/ |
| {%tr endif %} |  |
| {%tr if stage\_of\_default == 'judgment entered' and order\_within\_10\_days %} |  |
| Step : Learn about Motions to Reconsider | To ask your judge to reconsider a decision, file a **Motion to Reconsider**.  You have only 10 days after the date the court sent your {{ case\_type }} order to you.  Look at the last page of the order. The date to count from is in the box at the bottom of the page. It looks something like this.  {% for image\_data in distribution\_certificate\_list %}  {{ image\_data['text'] }}  {{ image\_data['image'].show(width='5in%') }}  {% endfor %}If the **10th** day is a weekend or holiday, your motion is due the next day the court is open. For example, if the 10th day is a Saturday, and the court is open Monday, your motion is due Monday. If Monday is a holiday, your motion is due Tuesday. You can ask a judge to reconsider their decision for 4 reasons The judge overlooked, misapplied or failed to consider a statute, decision or principle directly controlling. This means the judge made a mistake when they applied the law in your case. For example  * Rule 90.3 states that if a child spends at least 256 nights with one parent, that parent has primary custody and the other parent pays 20% of their adjusted annual income for child support to the parent the child lives with. * If the judge used 27% of adjusted income instead of 20%, the **Motion to Reconsider** would state that the judge misapplied Civil Rule 90.3.   The judge overlooked or misconceived some material fact or proposition of law. This means the judge got an important fact wrong. For example  * The parents agree that mom makes $25,000 every year. They file the forms to tell the judge they agree. The judge calculated child support using $35,000 for mom’s income. * The **Motion to Reconsider** would state that the judge used the wrong income to calculate child support.   The judge overlooked or misconceived a material question in the case. This means the judge misunderstood what you were asking for. For example  * A child changed from living full time with their mom to living full time with their dad. Under the child support formula, dad used to pay child support to mom based on the primary custody child support calculation. Now, mom should pay child support to dad based on the primary custody child support calculation. Dad filed a motion to modify child support. The judge denied dad's motion because the parents' incomes did not change.   The **Motion to Reconsider** would state the judge did not include the changed parenting schedule in the child support calculation.  The law applied in the ruling was changed by a later court decision or statute. This means the judge used a rule or law that changed. For example  * On April 15, 2018, Civil Rule 90.3 changed to allow a parent to deduct the cost of their own health insurance from their gross income, up to 10% of the parent's gross income. * If the judge calculated child support on April 14 and did not subtract the cost of the parent's health insurance, the Motion to Reconsider would explain the cost of the parent's health insurance and state that Civil Rule 90.3 changed on April 15, 2018.   See [Alaska Rule of Civil Procedure](https://courts.alaska.gov/rules/docs/civ.pdf) 77(k) to read the court rules about the **4 reasons** you can ask the court to reconsider a judge's decision. Link in this step **Alaska Rules of Civil Procedure** courts.alaska.gov/rules/docs/civ.pdf |
| Step 15: Fill out the Motion to Reconsider forms | Use  * **Motion and Affidavit to Reconsider, SHC-1545** [Word](https://courts.alaska.gov/shc/family/docs/shc-1545.doc) | [PDF](https://courts.alaska.gov/shc/family/docs/shc-1545n.pdf)   + Put everything you want the judge to know and think about in your motion. You will not be able to tell the judge in person because they rarely hold a hearing for a **Motion to Reconsider**.   + Your **Motion to Reconsider** must be no more than 5 pages, including attachments.   + Wait to sign the form until you are in front of someone who has the power to take oaths, like a notary public.     - The court clerk can do this for free.     - Bring a valid photo ID with you.   + If you cannot get to a notary public or someone who has the power to take oaths, you can “self-certify.” Use:     - Self**-Certification(No Notary Available), TF-835** [[Fill-In PDF](https://public.courts.alaska.gov/web/forms/docs/tf-835.pdf)] * **Proposed Order on Motion, SHC-1302** [Word](https://courts.alaska.gov/shc/family/docs/shc-1302.doc) | [PDF](https://courts.alaska.gov/shc/family/docs/shc-1302n.pdf). Do **not** sign this form.  Links in this step **Motion to Reconsider, SHC-1545** as a [Word](https://courts.alaska.gov/shc/family/docs/shc-1545.doc) file courts.alaska.gov/shc/family/docs/shc-1545.doc as a [PDF](https://courts.alaska.gov/shc/family/docs/shc-1545n.pdf) file courts.alaska.gov/shc/family/docs/shc-1545n.pdf  **Self-Certification(No Notary Available), TF-835** [[Fill-In PDF](https://public.courts.alaska.gov/web/forms/docs/tf-835.pdf)] public.courts.alaska.gov/web/forms/docs/tf-835.pdf  **Proposed Order on Motion, SHC-1302** as a [Word](https://courts.alaska.gov/shc/family/docs/shc-1302.doc) file courts.alaska.gov/shc/family/docs/shc-1302.doc as a [PDF](https://courts.alaska.gov/shc/family/docs/shc-1302n.pdf) file courts.alaska.gov/shc/family/docs/shc-1302n.pdf  Motions Part 1: How to Ask the Court for Something youtube.com/watch?v=2irmxT0\_0EA |
|  |  |
| {%tr endif %} |  |
| {%tr if stage\_of\_default =='judgment entered' and order\_more\_than\_10\_days %} |  |
| Step 16: Learn about the Motion to Set Aside Judgment or Order | A Motion to Set Aside Judgment or Order asks the judge to:   * Set aside or undo the final {% if type\_of\_final\_order.all\_true('custody order', exclusive = True) %}custody {% endif %}decision in your case, and * Start {% if not type\_of\_final\_order == 'custody order' %}that part of {% endif %}your case all over again.   Judges rarely agree to do this.  Civil Rule 60(a) and (b) describe the reasons you can use to file this motion. You may decide to file a **Motion to Set Aside Judgment or Order** if:   * The final order has a problem listed in Civil Rule 60(a) or (b). The problems are described below. And * You can file within a "reasonable time" after the date the court sent your child support order to you. For any of the first 3 reasons in Civil Rule 60(b), you must file within **1 year** of the date the court sent the order to you.   The date the court sent the order to you is in the box at the bottom of the last page of your order.  {% for image\_data in distribution\_certificate\_list %}  {{ image\_data['text'] }}  {{ image\_data['image'].show(width='5in%') }}  {% endfor %}  Act quickly! The judge defines "reasonable" and “in a reasonable time." The judge may refuse to set aside the order if you file **after** a "reasonable time" has passed, even if your reason for filing is a good one. Also, include the reason you waited to file your motion. Reasons you may file a Motion to Set Aside Judgment or Order Civil Rule 60(a)  The court made a clerical mistake or accidentally left something out of a document. For example  * The order has the wrong birthday for one of your children. Or * The order was sent to both parents on January 4, **2023**, but the date on the order is January 4, **2022**.   Civil Rule 60(b)  The court made a mistake listed below.  For the first 3 types of mistakes, you must file your **Motion to Set Aside**  Within **1 year** of the date the court sent the order to you, **and**  The amount of time before you file must be "reasonable.”   1. Inadvertence, surprise or excusable neglect:  * A parent made a mistake or did not pay close attention -inadvertence, * An unexpected action, sudden confusion or an unanticipated event - surprise, or * A legitimate excuse for failing to take required action - excusable neglect.  For example You ask the judge to set aside the decision made at a hearing you missed because:   * You had a heart attack the day before, and * You were in the ICU, so you could not attend.  1. Newly discovered evidence which could not have been discovered by taking reasonable steps within the 10 days allowed to request a new trial.  For example  * You gave your spouse $1,000 before the trial to pay the property taxes on your marital home, and * 1 month after trial you learn your spouse did not pay the taxes.  1. Fraud, misrepresentation, or other misconduct from the other side.  For example One spouse forges an appraisal of the marital home and uses it as evidence at the divorce trial to argue the value of the house.  For the next 3 types of mistakes, the amount of time before you file must be "reasonable.”   1. The judgment is void.  For example  * An Alaska court generally does not have the authority or "jurisdiction" to make a parenting plan for a child who has lived in another state for the past 6 or more months. * If a child was living in Oregon for 6 months before the divorce case started, and * A parent hid this detail from the other parent and the court, * The parenting plan order would be void because the court did not have jurisdiction to decide the parenting plan.  1. The judgment has been satisfied, released or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated or it is no longer fair that the judgment should apply at this time.  For example  * The court orders a parent to pay child support. The child files for Emancipation and the judge grants it. Parents do not have to support their emancipated child. The child support judgment would be released or discharged.  1. Any other reason justifying relief from the judgment.   You may be able to come up with a different good reason the judge should start the case over again. But your reason cannot be any of the 6 listed above – it must be something different. |
| Step 17: Fill out forms if you want to file a Motion to Set Aside | If you decide to file a **Motion to Set Aside** because it fits your case: Use  * **Motion and Affidavit to Set Aside the Judgment or Order, SHC-1548** [Word](https://courts.alaska.gov/shc/family/docs/shc-1548.doc) | [PDF](https://courts.alaska.gov/shc/family/docs/shc-1548n.pdf)   + Put everything you want the judge to know and think about in your motion. You may not be able to tell the judge in person because they may not hold a hearing.   + Wait to sign the form until you are in front of someone who has the power to take oaths, like a notary public.     - The court clerk can do this for free.     - Bring a valid photo ID with you.   + If you cannot get to a notary public or someone who has the power to take oaths, you can “self-certify.”Use:     - **Self-Certification(No Notary Available), TF-835** [[Fill-In PDF](https://public.courts.alaska.gov/web/forms/docs/tf-835.pdf)] * **Proposed Order on Motion, SHC-1302** [Word](https://courts.alaska.gov/shc/family/docs/shc-1302.doc) | [PDF](https://courts.alaska.gov/shc/family/docs/shc-1302n.pdf) * **Notice of Motion, SHC-1630** [Word](http://courts.alaska.gov/shc/family/docs/shc-1630.doc) | [PDF](http://courts.alaska.gov/shc/family/docs/shc-1630n.pdf)  Watch [**Motions Part 1: How to Ask the Court for Something**](https://youtu.be/2irmxT0_0EA) Links in this step **Motion and Affidavit to Set Aside the Judgment or Order, SHC-1548** as a [Word file](https://courts.alaska.gov/shc/family/docs/shc-1548.doc) courts.alaska.gov/shc/family/docs/shc-1548.doc as a | [PDF file](https://courts.alaska.gov/shc/family/docs/shc-1548n.pdf) courts.alaska.gov/shc/family/docs/shc-1548n.pdf  **Self-Certification(No Notary Available), TF-835** [[Fill-In PDF](https://public.courts.alaska.gov/web/forms/docs/tf-835.pdf)] public.courts.alaska.gov/web/forms/docs/tf-835.pdf  **Proposed Order on Motion, SHC-1302** as a [Word file](https://courts.alaska.gov/shc/family/docs/shc-1302.doc) courts.alaska.gov/shc/family/docs/shc-1302.doc  as a [PDf file](https://courts.alaska.gov/shc/family/docs/shc-1302n.pdf) courts.alaska.gov/shc/family/docs/shc-1302n.pdf  **Motions Part 1: How to Ask the Court for Something** youtube.com/watch?v=2irmxT0\_0EA |
| {%tr endif %} |  |
| {%tr if stage\_of\_default =='judgment entered' and (order\_within\_10\_days or order\_more\_than\_10\_days) %} |  |
| Step 18: {% if motion\_for\_reconsideration %}File and serve your Motion to Reconsider {% elif standing\_order or set\_aside %}File and serve your motion to Set Aside{% endif %} | Make 2 copies of your motion. Keep 1 copy for your own records.  You must give the other parent (or their lawyer if they have one) 1 copy of everything you file with the court.  You can mail or hand deliver it.  Do this the day you file your motion. This is called “serving” the other side.  You have to write how you serve the other parent on your motion.  {%p if type\_of\_interim\_order in('motion', 'standing order') %}  File the original with the court.  See [How do I serve answers motions oppositions and other documents?](http://courts.alaska.gov/shc/family/serve.htm#9) On the court website. Links in this step **How do I serve answers motions oppositions and other documents?** courts.alaska.gov/shc/family/serve.htm#9  {%p endif %} |
| {%tr endif %} |  |
| {%tr if motion\_for\_reconsideration %} |  |
| Step 19: What to expect after you file your Motion for Reconsideration | * The other parent should not respond to a **Motion for Reconsideration** unless the court asks for a response. * There will not be a hearing. * The court may write a decision, but if the court does not issue a decision 30 days after the motion or response was filed, **whichever is later,** the **Motion for Reconsideration** is denied, which means the original decision is not changed. * If the court grants the **Motion for Reconsideration**, it will either enter a new order or ask both parents for more information. |
| {%tr endif %} |  |
| {%tr if parents\_agree\_documents %} |  |
| Step 20: Fill out the forms to start your uncontested custody case | If you and the other parent agree on everything (a parenting plan including decision-making and schedule, paternity, and child support), you can fill out forms to start the case together. This is called an uncontested case.  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. Required forms – 1 copy that both parents sign if signatures are needed  * **Uncontested Complaint for Custody of Minor Children**, SHC-118  as a [Word](https://courts.alaska.gov/shc/family/docs/shc-118.doc) file courts.alaska.gov/shc/family/docs/shc-118.doc as a |[PDF](https://courts.alaska.gov/shc/family/docs/shc-118n.pdf) courts.alaska.gov/shc/family/docs/shc-118n.pdf   + 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 the other parent’s name above “Defendant.”   + Follow the directions on the form and fill out every section. * **Joint Motion to Put Settlement on the Record, SHC-1063** as a [Word](http://www.courts.alaska.gov/shc/family/docs/shc-1063.doc) file courts.alaska.gov/shc/family/docs/shc-1063.doc as a [PDF](http://www.courts.alaska.gov/shc/family/docs/shc-1063n.pdf) courts.alaska.gov/shc/family/docs/shc-1063n.pdf * **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  Required forms – 2 copies (each parent fills out and signs a separate copy)  * **Child Custody Jurisdiction Affidavit,** [**DR-150**](https://public.courts.alaska.gov/web/forms/docs/dr-150.pdf) [Fill-In PDF] (2 copies - each parent fills out their own) public.courts.alaska.gov/web/forms/docs/dr-150.pdf   and   * **Child Support Guidelines Affidavit,** [**DR-305**](https://public.courts.alaska.gov/web/forms/docs/dr-305.pdf) [Fill-In PDF] (2 copies - each parent fills out their own) public.courts.alaska.gov/web/forms/docs/dr-305.pdf * 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**. * Sign these forms in front of a notary, who will need to see a picture ID. Court staff can notarize your signature for free. * **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, the other parent if you know it, and then sign and date  Required Forms - fill out but do **not** sign because the judge will sign them  * 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 * **Custody Findings of Fact & Conclusions of Law,** [**DR-460**](https://public.courts.alaska.gov/web/forms/docs/dr-460.pdf) **[Fill-In PDF]** public.courts.alaska.gov/web/forms/docs/dr-460.pdf * **Custody** Judgment and Decree, [DR-465](https://public.courts.alaska.gov/web/forms/docs/dr-465.pdf) [Fill-In PDF] public.courts.alaska.gov/web/forms/docs/dr-465.pdf  Optional forms depending on your situation  * **Choose** 1 form based on the parenting schedule if it is not a primary custody calculation (where children are with 1 parent for at least 256 overnights/year) * **Shared Custody Support Calculation,**[DR-306](https://public.courts.alaska.gov/web/forms/docs/dr-306.pdf)[Fill-In PDF] public.courts.alaska.gov/web/forms/docs/dr-306.pdf * **Divided Custody Support Calculation,**[DR-307](https://public.courts.alaska.gov/web/forms/docs/dr-307.pdf)[Fill-In PDF] public.courts.alaska.gov/web/forms/docs/dr-307.pdf   **Hybrid Custody Child Support Calculation,** [DR-308](https://public.courts.alaska.gov/web/forms/docs/dr-308.pdf) [Fill-In PDF] public.courts.alaska.gov/web/forms/docs/dr-308.pdf  **Application for Services of Child Support Services Division,**[DR-315](https://public.courts.alaska.gov/web/forms/docs/dr-315.pdf" \t "_blank)[Fill-In PDF] public.courts.alaska.gov/web/forms/docs/dr-315.pdf. |
| {%tr endif %} |  |
| {%tr if domestic\_violence %} |  |
| Step 21: {% if response\_to\_complaint in('agree', 'some') or (response\_to\_complaint == 'none' and parents\_agree\_documents) %} Abuse or domestic violence resources and reaching an agreement(dv agree tf) {% else %} Abuse or domestic violence and parenting(dv contested tf){% endif %} | If you are in immediate danger, call 911 {% if user\_need == 'custody' %}**People who have experienced domestic violence can be at greater risk when they start a court case.**{% elif user\_need == 'divorce' %}**People who have experienced domestic violence can be at greater risk when they separate from their spouse or start a court case to end their marriage.**{% elif user\_need in('answer custody', 'answer divorce') %} **People who have experienced domestic violence can be at greater risk during a court case.**{% endif %} 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 do not 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 the services they offer (counseling, financial assistance, housing and safe shelter, resources for children, and help with court). * Ask the court for a protective order. You can get information about asking 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 [legal assistance through your local domestic violence program](https://www.andvsa.org/for-survivors/) or [Alaska Legal Services Corporation](https://www.alsc-law.org/apply-for-services).   {% if response\_to\_complaint in('agree', 'some') or (response\_to\_complaint == 'none' and parents\_agree\_documents) %}However, some parents in a relationship with domestic violence are comfortable reaching an agreement about a parenting plan for a variety of reasons. Sometimes:   * the domestic violence does not make either parent uncomfortable or afraid to ask for what they want in their Parenting Plan; * if the domestic violence does make a parent 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 parent’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 the other parent based on the facts and circumstances of your case. As explained below, if you want to try to reach an agreement 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{% else %}How domestic violence affects a custody case{% endif %}  * 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 response\_to\_complaint in('agree', 'some') or (response\_to\_complaint == 'none' and parents\_agree\_documents) %}Considerations if you and {{ other\_party\_in\_case }} do not agree{% else %}Contact between parent & 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 response\_to\_complaint == 'none' and not parents\_agree\_documents %}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 response\_to\_complaint == 'none' and not parents\_agree\_documents %}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** andvsa.org/communitys-programs  **legal assistance through your local domestic violence program** andvsa.org/for-survivors/  **Alaska Legal Services** alsc-law.org/apply-for-services  {% if response\_to\_complaint == 'none' and not parents\_agree\_documents %}**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{% endif %} |
| {%tr endif %} |  |
| {%tr if paternity %} |  |
| Step 22 Learn about paternity | 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. Establishing or disestablishing paternity in your custody case {% if user\_need in('custody', 'divorce') %}When you file your complaint, state that paternity is an issue in section 3D of the complaint.{% endif %}{% if user\_need == 'respond to custody case' %}When you file your Answer, state that paternity is an issue in section 4 of the Counterclaims section of the Answer.{% endif %} You can prove or disprove paternity several ways.   * Each parent signs an affidavit stating the biological father. Fill out:   + **Three-Way Affidavit to Disestablish and Establish Paternity, DR-521** | [[Fill-in PDF](https://public.courts.alaska.gov/web/forms/docs/dr-521.pdf) * The mother, child, and person who may be the father take a DNA test using a painless swab inside the cheek. The whole process takes about 15 minutes and the result is ready within about 3 weeks. If someone is not cooperating or you want Child Support Services Division to do the testing, fill out and attach these forms to your Answer:   + **Motion & Affidavit for Genetic (DNA) Testing, SHC-1370** [Word](http://www.courts.alaska.gov/shc/family/docs/shc-1370.doc) | 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) * {% if user\_need in('custody', 'divorce') %}You can attach any DNA test results that have already been done to your complaint.{% endif %}{% if user\_need == 'answer custody' %}The person filing the Complaint attaches any DNA test results that have already been done. {% endif %}  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 **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 [Fill-in PDF](https://courts.alaska.gov/shc/family/docs/shc-151n.pdf) courts.alaska.gov/shc/family/docs/shc-151n.pdf  **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) 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 |
| {%tr endif %} |  |
| Step 23: 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 Lawyer**.  Depending on your income, you may qualify for [**Alaska Free Legal Answers**](https://legalnav.org/resource/alaska-free-legal-answers/).  Depending on your income and circumstances, you may qualify for a free lawyer from [**Alaska Legal Services**](https://alsc-law.org/apply-for-services/). Links in this step **Family Law Self-Help Center** courts.alaska.gov/shc/family/selfhelp.htm  **Find a Lawyer** courts.alaska.gov/shc/shclawyer.htm  **Alaska Free Legal Answers** LegalNav.org/resource/alaska-free-legal-answers  **Alaska Legal Services** alsc-law.org/apply-for-services |