|  |  |
| --- | --- |
| {{ all\_variables(special='metadata').get('title') }} | |
|  | Your Personal Action Plan in 16 Steps |

|  |  |
| --- | --- |
| {%tr if user\_need == 'divorce' %} |  |
| Step 1: Try another Guided Assistant | Because you are married to your children's other parent, you need a different Guided Assistant to build your Plan of Action. See  [Starting a Case to End Your Marriage](https://docassemble.akcourts.gov/start/DivorceAndSeparation) docassemble.akcourts.gov/start/DivorceAndSeparation |
| Step 2: Look at the court's self-help web pages | [Filing for Dissolution or Divorce - Ending Your Marriage](https://courts.alaska.gov/shc/family/shcstart.htm) courts.alaska.gov/shc/family/shcstart.htm  [Family Law Home](https://courts.alaska.gov/shc/family/index.htm)courts.alaska.gov/shc/family |
| {%tr endif %} |  |
| {%tr if user\_need == 'custody' and not jurisdiction %} |  |
| Step 3: Check if Alaska has jurisdiction | * A court must have the authority called jurisdiction to issue an order about a custody or parenting plan or a child support order. * Generally, only the court in the state where the child has lived for the last 6 months can make decisions, enter a parenting plan, or order child support. This is called the child’s "home state." * Jurisdiction can be very complicated. For example, if a baby is less than 6 months old and has moved between states, there may not be a “home state.” This is one example of an exception when the Alaska court may be able to decide issues about a child that hasn’t lived here for 6 months. [Talking to a lawyer](https://courts.alaska.gov/shc/shclawyer.htm) can help you decide which is the best state for your case.  Links in this step **Talking to a lawyer** courts.alaska.gov/shc/shclawyer.htm |
| {%tr endif %} |  |
| {%tr if alternate\_service %} |  |
| Step 4: Starting a case when you do not know where the other parent is | When you start a case you must give {{ other\_party\_in\_case }} a copy of every form you file with the court. This is called “service.” If you do not know where your {{ other\_party\_in\_case }} is, you can ask the court to let you use “alternate service."   1. Read: [Tips on Locating People](http://courts.alaska.gov/shc/family/shctips.htm) 2. Review and fill out the **Request to Serve Defendant by Posting or Alternative Service, and Affidavit of Diligent Inquiry**, **CIV-145** [[Fill-in PDF](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 and serve them before you can ask for alternate service.    * **Wait** to sign this 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 your signature on it with you.  Links in this step **Tips on locating people** courts.alaska.gov/shc/family/shctips.htm  **Request to Serve Defendant by Posting or Alternative Service, and Affidavit of Diligent Inquiry**, **CIV-145** [[Fill-in PDF](https://public.courts.alaska.gov/web/forms/docs/civ-145.pdf)] public.courts.alaska.gov/web/forms/docs/civ-145.pdf |
| {%tr endif %} |  |
| {%tr if paternity %} |  |
| Step 5: 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 When you file your complaint, state that paternity is an issue in section 3D of the complaint. 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, SHC-151** [Word](http://courts.alaska.gov/shc/family/docs/shc-151.doc) | [PDF](https://courts.alaska.gov/shc/family/docs/shc-151n.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 complaint:   + **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) * You can attach any DNA test results that have already been done to your complaint.  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 [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 %} |  |
| {%tr if which\_forms in ('agree','both') %} |  |
| Step 6: Talk to {{ other\_party\_in\_case }} to see if you agree | 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   If you want help reaching an agreement before the case is open, some options are:   * Talk to the other parent about settling the case without a trial. * Mediation. * 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   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](https://courts.alaska.gov/mediation/index.htm). 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.  Watch a video  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. 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 parents 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 parents’ 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 which\_forms == 'both' %}  If you and {{ other\_party\_in\_case }} agree See Steps:  7: Fill out the forms to start your uncontested custody case, 9: File the original with your local court and 12: What to expect after you file your Complaint ### If you do not agree See Steps:  8: Fill out the forms to start your custody case,  9: File the original with your local court, 11: Serve the complaint and summons and 12: What to expect after you file your Complaint {% endif %} Links in this step **Read about mediation** courts.alaska.gov/mediation/index.htm  **Alaska Association of Collaborative Professionals** alaskacollaborative.org/  **Video that discusses resolving your case** youtube.com/watch?v=4EuW9HET3nM  **Find a lawye**r courts.alaska.gov/shc/shclawyer.htm  **free legal answers** alaska.freelegalanswers.org/  **Alaska Legal Services Corporation** alsc-law.org/apply-for-services/ |
| Step 7: Fill out the forms to start your uncontested custody case | If you and the other parent agree on 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** [[Fill-In PDF](https://public.courts.alaska.gov/web/forms/docs/dr-150.pdf)] (2 copies - each parent fills out their own) 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)] (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** [[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 and Decree, 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  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** [[Fill-In PDF](https://public.courts.alaska.gov/web/forms/docs/dr-306.pdf)] public.courts.alaska.gov/web/forms/docs/dr-306.pdf * **Divided Custody Support Calculation,DR-307** [Fill-In PDF] public.courts.alaska.gov/web/forms/docs/dr-307.pdf   **Hybrid Custody Child Support Calculation, DR-308** [[Fill-In PDF](https://public.courts.alaska.gov/web/forms/docs/dr-307.pdf)] public.courts.alaska.gov/web/forms/docs/dr-308.pdf   * **Application for Services of Child Support Services Division,DR-315** [[Fill-In PDF](https://public.courts.alaska.gov/web/forms/docs/dr-315.pdf)] public.courts.alaska.gov/web/forms/docs/dr-315.pdf. |
| {%tr endif %} |  |
| {%tr if which\_forms in('both', 'contested') %} |  |
| Step 8: Fill out the forms to start your custody 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  * **Custody Complaint, SHC-115**  as a [Word](http://courts.alaska.gov/shc/family/docs/shc-115.doc) file courts.alaska.gov/shc/family/docs/shc-115.doc as a [PDF](http://courts.alaska.gov/shc/family/docs/shc-115n.pdf) courts.alaska.gov/shc/family/docs/shc-115n.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. * **Child Custody Jurisdiction Affidavit, DR-150** [[Fill-In PDF](https://public.courts.alaska.gov/web/forms/docs/dr-150.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** [[Fill-In PDF](https://public.courts.alaska.gov/web/forms/docs/dr-305.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 * **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 * **Case Description Form**,[CIV-125S](https://public.courts.alaska.gov/web/forms/docs/civ-125s.pdf) Check "Uncontested Custody (Unmarried Parents) public.courts.alaska.gov/web/forms/docs/civ-125s.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** [[Fill-In PDF](https://public.courts.alaska.gov/web/forms/docs/dr-306.pdf)] public.courts.alaska.gov/web/forms/docs/dr-306.pdf * **Divided Custody Support Calculation,DR-307** [[Fill-In PDF](https://public.courts.alaska.gov/web/forms/docs/dr-307.pdf)] public.courts.alaska.gov/web/forms/docs/dr-307.pdf   **Hybrid Custody Child Support Calculation**, DR-308 [[Fill-In PDF](https://public.courts.alaska.gov/web/forms/docs/dr-308.pdf)] public.courts.alaska.gov/web/forms/docs/dr-308.pdf   * **Application for Services of Child Support Services Division,DR-315** [[Fill-In PDF](https://public.courts.alaska.gov/web/forms/docs/dr-315.pdf)] public.courts.alaska.gov/web/forms/docs/dr-315.pdf. |
| {%tr endif %} |  |
| {%tr if which\_forms in ('agree', 'contested', 'both') %} |  |
| Step 9: File the original with your local court | 1. Make 2 copies of your forms: 1 copy for your own records and 1 copy for {{ other\_party\_in\_case }}. {% if which\_forms in('agree','both') %}{% if which\_forms == 'both' %}If{% else %}Because{% endif %} both of you both sign the forms and you each have a copy, you do not have to "serve" {{ other\_party\_in\_case }} by mailing documents or using a process server.{% endif %} 2. Find the closest Alaska court to file your paperwork on the [Court Directory](http://courts.alaska.gov/courtdir/index.htm#trial). 3. Give the original version of your documents to the court. This is called “filing” your documents. You can:    * Deliver the documents to the court yourself.    * Mail the documents by first-class mail.    * Use the court’s TrueFiling eFiling system to send the documents to the court electronically, if your local court uses TrueFiling. [See if your court uses TrueFiling](https://courts.alaska.gov/efile/index.htm#current-courts).    * File the documents by email, if your local court accepts email filings. [See if your court accepts documents by email](https://courts.alaska.gov/courtdir/efiling.htm). 4. Pay the $250 filing fee to start your case. If you cannot afford the filing fee, you can ask the court to waive it:    * Call the [Family Law Self-Help Center](https://courts.alaska.gov/shc/family/shcabout.htm) (907)264-0851, or (866)279-0851,   or   * + Use **Exemption From the Payment of Fees,** [**TF-920**](https://public.courts.alaska.gov/web/forms/docs/tf-920.pdf) [[Fill-In PDF](https://public.courts.alaska.gov/web/forms/docs/tf-920.pdf)].  Note Check with your local court to make sure you understand the procedure to follow after the court decides whether or not to grant your exemption.   1. After you pay the filing fee or the court says you can file for free, the court clerk will give you 2 copies of:    * a “**Summons**” and    * a “**Standing Order**.” The Standing order has important information about your case. Usually the clerk will give you this order when you file.   1 copy is for you. The other copy is for {{ other\_party\_in\_case }}. {% if which\_forms in('agree','both') %}Note If you file an uncontested complaint you may not get a **Summons**.{% endif %} Links in this step [**Court directory**](http://courts.alaska.gov/courtdir/index.htm#trial) courts.alaska.gov/courtdir/index.htm#trial  [**See if your court uses TrueFiling**](https://courts.alaska.gov/efile/index.htm#current-courts)courts.alaska.gov/efile/index.htm#current-courts  [**See if your court accepts documents by email**](https://courts.alaska.gov/courtdir/efiling.htm) courts.alaska.gov/courtdir/efiling.htm  [**Family Law Self-Help Cente**r](https://courts.alaska.gov/shc/family/selfhelp.htm) courts.alaska.gov/shc/family/selfhelp.htm  [**Exemption From the Payment of Fees,** [**TF-920**](https://public.courts.alaska.gov/web/forms/docs/tf-920.pdf) [[Fill-In PDF](https://public.courts.alaska.gov/web/forms/docs/tf-920.pdf)]](https://public.courts.alaska.gov/web/forms/docs/tf-920.pdf) public.courts.alaska.gov/web/forms/docs/tf-920.pdf |
| Step 10: 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 {{other\_party\_in\_case }} to follow during the case. Violating this order can affect the outcome of your case. The order states, unless {{other\_party\_in\_case }} agrees or the court gives permission:   * Do not take your children out of Alaska. * Do not cancel or change any insurance policy.   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 the order forbids, and {{ other\_party\_in\_case }} will not agree, file a motion to ask the court for permission.  **Wait** for the court's answer before you act. Learn about motions. See [Motions: Requesting an Order from the Court; Opposing a Motion](https://courts.alaska.gov/shc/family/motions.htm). Links in this step [**parent education requirements**](http://courts.alaska.gov/shc/family/shcparent-ed.htm) courts.alaska.gov/shc/family/shcparent-ed.htm  [**Motions: Requesting an Order from the Court; Opposing a Motion**](https://courts.alaska.gov/shc/family/motions.htm)  courts.alaska.gov/shc/family/motions.htm |
| {%tr endif %} |  |
| {%tr if which\_forms in ('contested', 'both') %} |  |
| Step 11: Serve the complaint and summons | {% if (user\_need == 'custody' and which\_forms == 'both') %}If you file an uncontested case and both of you sign the forms and each of you have a copy, you do not have to "serve" {{other\_party\_in\_case}}. {% endif %}Regular service You have to give {{ other\_party\_in\_case }} copies of everything you file in court plus the **Summons** and **the Standing Order**. This is called “service.” There are special requirements about how to serve {{other\_party\_in\_case}} the forms that start the case:  Choose how you want to serve the forms that start the case:   * 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 {{other\_party\_in\_case}} 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 {{other\_party\_in\_case}}.   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 {{ other\_party\_in\_case }} will not 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 Alaska, contact the local court where {{ other\_party\_in\_case }} 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 they complete service, you will receive a **Proof of Service** form. * If you hire a process service outside Alaska, give them the **Return of Service, SHC-193** [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 {{ other\_party\_in\_case }}. * 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).  Note After the case has started, most documents can be served on {{ other\_party\_in\_case }} through first class mail, hand delivery, or TrueFiling. If {{other\_party\_in\_case}} has agreed to receive court documents by email, you can email them. Options if regular service does not work **Alternate service**  If you cannot find {{ other\_party\_in\_case }}, you may ask the court for permission to serve {{ other\_party\_in\_case }} 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 {{ other\_party\_in\_case }} reads or post at a shelter or some other location {{ other\_party\_in\_case }} is known to frequent. Read more about [alternate service](http://courts.alaska.gov/shc/family/shc-184.htm).  **Special situations**  Read more about [special situations](http://www.courts.alaska.gov/shc/family/serve.htm#11), 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  [**Instructions for Alternate Service**](http://courts.alaska.gov/shc/family/shc-184.htm) courts.alaska.gov/shc/family/shc-184.htm  [**special situations**](http://www.courts.alaska.gov/shc/family/serve.htm#11) courts.alaska.gov/shc/family/serve.htm#11 |
| {%tr endif %} |  |
| {%tr if user\_need == 'custody' and defined('which\_forms')%} |  |
| Step 12: What to expect after you file your Complaint | {% if user\_need == 'custody' and alternate\_service %}Now you wait. The clerk will sign the **Notice to Absent Defendant** if the court finds you did enough to try to serve {{ other\_party\_in\_case }}.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. {% endif %} {% if user\_need == 'custody' and which\_forms == 'agree' %}The court will set a hearing They will send you a notice with the date and time of the hearing.{% else %}{% if ( user\_need == 'divorce' and (minor\_children and agree\_or\_settle\_kids == 'do not know') or (not minor\_children and agree\_or\_settle =='do not know')) or (user\_need == 'custody' and which\_forms == 'both') %}If you and {{ other\_party\_in\_case }} do not agree about all the issues in your case and you file a complaint on your own, {{ other\_party\_in\_case }} may file an Answer. {% else %}{{ capitalize(other\_party\_in\_case) }} may file an Answer{% endif %} {{ capitalize(other\_party\_in\_case) }} has 20 days to file an Answer with the court and send you a copy.  {{ capitalize(other\_party\_in\_case) }}'s Answer is their response to what you put in your Complaint. If {{ other\_party\_in\_case }} does not file an Answer in 20 days, you can ask for a default judgment A default judgment is when the court decides your case without hearing from {{ other\_party\_in\_case }}.{% if not default\_info %}  Read [Filing for Default in Divorce and Custody Cases](https://courts.alaska.gov/shc/family/shcdefault.htm).{% else %}See Step 15: File for default if {{ other\_party\_in\_case }} does not respond within 20 days.{% endif %}  If {{ other\_party\_in\_case }} does not file an Answer and you do nothing, the court will close your case after 120 days. The court will set a hearing and send you a notice with the date and time {% if user\_need == 'divorce' %}Within 45 days of {{ other\_party\_in\_case }} filing their answer, both of you are supposed to tell each other about all your property and debt. Fill out and give {{ other\_party\_in\_case }}:  **Civil Rule 26.1 Questionnaire, SHC-1010** [Word](https://courts.alaska.gov/shc/family/docs/shc-1010.doc) | [PDF](https://courts.alaska.gov/shc/family/docs/shc-1010n.pdf)  **Property & Debt Worksheet, SHC-1000** [Word](https://courts.alaska.gov/shc/family/docs/shc-1000.doc) | [PDF](https://courts.alaska.gov/shc/family/docs/shc-1000n.pdf)  Read [Dividing Property & Debt](https://courts.alaska.gov/shc/family/property.htm){% endif %} Links in this step {% if user\_need == 'custody' and alternate\_service %}**Affidavit, SHC-1625** as a [Word](http://courts.alaska.gov/shc/family/docs/shc-1625.doc) file courts.alaska.gov/shc/family/docs/shc-1625.doc as a [PDF](http://courts.alaska.gov/shc/family/docs/shc-1625n.pdf) courts.alaska.gov/shc/family/docs/shc-1625.doc{% endif %}  {% if agree\_or\_settle in('no', 'dont know') or agree\_or\_settle\_kids in('no', 'dont know') %}[**Filing for Default in Divorce and Custody Cases**](https://courts.alaska.gov/shc/family/shcdefault.htm) courts.alaska.gov/shc/family/shcdefault.htm{% endif %}  **Civil Rule 26.1 Questionnaire, SHC-1010** as a [Word file](https://courts.alaska.gov/shc/family/docs/shc-1010.doc) courts.alaska.gov/shc/family/docs/shc-1010.doc as a [PDF](https://courts.alaska.gov/shc/family/docs/shc-1010n.pdf) courts.alaska.gov/shc/family/docs/shc-1010n.pdf  **Property & Debt Worksheet, SHC-1000** as a [Word file](https://courts.alaska.gov/shc/family/docs/shc-1000.doc) [courts.alaska.gov/shc/family/docs/shc-1000.doc](https://courts.alaska.gov/shc/family/docs/shc-1000.doc) as a [PDF](https://courts.alaska.gov/shc/family/docs/shc-1000n.pdf) courts.alaska.gov/shc/family/docs/shc-1000n.pdf  [Dividing Property & Debt](https://courts.alaska.gov/shc/family/property.htm) courts.alaska.gov/shc/family/property.htm{% endif %} |
| {%tr endif %} |  |
| {%tr if user\_need == 'custody' and which\_forms in('contested','both') %} |  |
| Step 13: Learn more about the process | Read  * **Flow Chart for Case Process, SHC-185**  as a [Word](http://courts.alaska.gov/shc/family/docs/shc-185.doc) file courts.alaska.gov/shc/family/docs/shc-185.doc as a [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=0s&index=2&list=PLRS0LlEIQsuTsfO0wSTsSTIvVE5RO8sLc) youtube.com/watch?v=z2d2CLllPUU * [Overview and Timeline of the Case](https://www.youtube.com/watch?v=EzSV4Caz6Co&index=4&list=PLRS0LlEIQsuTsfO0wSTsSTIvVE5RO8sLc&t=0s) **yo**utube.com/watch?v=EzSV4Caz6Co * Find other Alaska Videos: * [English](https://www.youtube.com/playlist?list=PLRS0LlEIQsuTsfO0wSTsSTIvVE5RO8sLc) youtube.com/playlist?list=PLRS0LlEIQsuTsfO0wSTsSTIvVE5RO8sLc * [Spanish](http://aklawselfhelp.org/?page_id=29) aklawselfhelp.org/?page\_id=29 * [Tagalog](http://aklawselfhelp.org/?page_id=158) http://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 domestic\_violence %} |  |
| Step 14: {% if which\_forms in ('agree','both') %}Abuse or domestic violence resources and reaching an agreement {% else %}Abuse or domestic violence and parenting{% endif %} | If you are in immediate danger, call 911 **People who have experienced domestic violence can be at greater risk when they start a court case.** 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). * 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 the [legal assistance through your local domestic violence program](https://www.andvsa.org/for-survivors/) or [Alaska Legal Services](https://www.alsc-law.org/apply-for-services).   {% if which\_forms in ('agree','both') %}However, some parents in a relationship that includes 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 the 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 whether 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 custody{% 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 which\_forms in ('agree','both') %}Considerations if you don't 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 which\_forms == 'contested' %}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).  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  **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 15: File for Default if the other parent does not respond within 20 days | Wait for 20 days If the other parent 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 the other parent Fill out a **Proof of Service Form, SHC-405**: [Word](http://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](http://www.courts.alaska.gov/shc/family/docs/shc-400.doc) | PDF  Be aware that if {{ other\_party\_in\_case }} 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 the other parent first Include **Findings of Fact and Conclusions of Law (Custody) & Decree of Custody and Judgment**, [DR-460 & DR-465](https://public.courts.alaska.gov/web/forms/docs/dr-460-465.pdf)   * Fill out the top of the first page with the case information. * You can leave the “Background” section blank. * Fill out the “Child Custody and Visitation” and “Financial Issues” sections. * On the **Decree of Custody and Judgment**, fill in the top of the page with the case information, the children’s names and dates of birth, and leave the rest blank.  Serve {{ other\_party\_in\_case }} Mail or hand deliver a copy of your Default Application and copies of all the other forms you are filing to {{ other\_party\_in\_case }}. If you mail the forms, use U.S. first class mail. File your application and ask about a 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](http://www.courts.alaska.gov/shc/family/docs/shc-405.doc) file courts.alaska.gov/shc/family/docs/shc-405.doc as a [PDF](http://www.courts.alaska.gov/shc/family/docs/shc-405n.pdf) courts.alaska.gov/shc/family/docs/shc-405n.pdf  **Default Application, SHC-400** as a [Word](http://www.courts.alaska.gov/shc/family/docs/shc-400.doc) file courts.alaska.gov/shc/family/docs/shc-400.doc as a [PDF](http://www.courts.alaska.gov/shc/family/docs/shc-400n.pdf) courts.alaska.gov/shc/family/docs/shc-400n.pdf  **Findings of Fact and Conclusions of Law (Custody) & Decree of Custody and Judgment**, [DR-460 & DR-465](https://public.courts.alaska.gov/web/forms/docs/dr-460-465.pdf) public.courts.alaska.gov/web/forms/docs/dr-460-465.pdf |
| {%tr endif %} |  |
| Step 16: 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 |