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| Responding in Your Custody Case | |
|  | Your Action Plan in 24 steps |

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| {%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')) %} | answer\_jurisdiction\_step  April 22, 2025 |
| Step : {% if type\_of\_response['case in 2 states'] and stage\_of\_other\_case == 'ended with no order' %}You can move forward with your Alaska case{% elif type\_of\_response.all\_true('case in 2 states', 'default') and jurisdiction and stage\_of\_other\_case == 'still going' and stage\_of\_default =='judgment entered' %}Learn about default judgment{% else %}Learn if Alaska is the right state for your custody case{% endif %} | {%p if type\_of\_response['case in 2 states'] and stage\_of\_other\_case == 'ended with no order' %}  If the case in the other state is over, and the court did not issue any orders, you can move forward with the Alaska case.  {%p elif type\_of\_response['case in 2 states'] and jurisdiction and stage\_of\_other\_case == 'still going' and stage\_of\_default == 'judgment entered' %}  A default judgment is when the judge decides your case without hearing from you.  When a judge enters a default judgment, they usually also enter a {% if user\_need == 'answer custody' %}custody decree, parenting plan, and child support order{% elif user\_need == 'answer divorce' %}divorce decree and findings of fact and conclusions of law dividing your property and debt{% if minor\_children %}, parenting plan, and child support order{% endif %}{% endif %}. These are final orders in the case.  If you have final orders in your Alaska case and an open case in another state, your situation is complicated.  [Talk to a lawyer](https://courts.alaska.gov/shc/shclawyer.htm). It is important to let both courts know there are 2 cases going on.  If you want to ask the Alaska judge to undo the orders in your Alaska case you can file a **Motion to Set Aside** the Alaska orders.  {%p else %}  You can argue that the Alaska court is the wrong court for your {{ case\_type }} if the court does not have the authority, called "jurisdiction," to issue a {% if user\_need == 'answer custody' %}custody decree, parenting plan, and child support order{% elif user\_need == 'answer divorce' %}divorce decree and findings of fact and conclusions of law dividing your property and debt{% if minor\_children %}, parenting plan, and child support order{% endif %}{% endif %}.{% if jurisdiction %}  Generally, if your children have lived in Alaska for the last 6 months, Alaska is the children’s “home state.” The Alaska court has jurisdiction to make decisions, enter a parenting plan, or order child support.{% endif %}{% if not jurisdiction %}  Generally, if your children have not lived in Alaska the last 6 months, Alaska is not the children’s “home state,” and the Alaska court does not have jurisdiction to make decisions, enter a parenting plan, or order child support.  Sometimes there is no home state. 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 the child, even though the child hasn't lived here for 6 months. If you think your child does not have a home state, [talking to a lawyer](https://courts.alaska.gov/shc/shclawyer.htm) can help you decide the best state for your case.{% endif %}{% if jurisdiction %}  If you want to learn about other reasons Alaska might be the wrong court for your case, [talking to a lawyer](https://courts.alaska.gov/shc/shclawyer.htm) can help.{% endif %} Or you can get help from the resources listed in Step 24: Get more information or help.  {% if (type\_of\_response['wrong state'] and type\_of\_response.all\_false('default')) or ((type\_of\_response.any\_true('wrong state', 'case in 2 states') and type\_of\_response['default']) and stage\_of\_default in ('application filed', 'hearing scheduled') and jurisdiction) %}If you think your custody case should be in another state, you can tell the judge in the Affirmative Defense section of your **Answer** and attach a **Motion to Dismiss**.{% if type\_of\_response.all\_false('default') %}{% if not jurisdiction %}See:   * Step 9: Fill out the forms to respond and tell the court Alaska is the wrong state within 20 days, and * Step 10: File a motion to dismiss your Alaska case.{% endif %}   Whatever you decide, you should file an **Answer** to respond to the Complaint.  If you do not respond {% if type\_of\_response.all\_false('improper service') %}in 20 days{% endif %}, the other party can ask for a default judgment, and the judge can decide without hearing from you. {% endif %}{% endif %}{% if type\_of\_response.any\_true('wrong state', 'case in 2 states') and type\_of\_response['default'] and stage\_of\_default == 'judgment entered' and not jurisdiction %}If you think the Alaska court did not have jurisdiction to decide your custody case, you can file a **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).{% endif %}  {%p endif %} |
| {%tr endif %} |  |
| {%tr if type\_of\_response['improper service'] or type\_of\_response['default'] %} | proper\_service\_step 2025-06-30 |
| Step 2: Learn about {% if (type\_of\_response['improper service'] and not type\_of\_response['default']) or (type\_of\_response['default'] and not proper\_service)%}proper service{% if type\_of\_response.all\_true('improper service', exclusive = True) or (type\_of\_response.any\_true('improper service', 'default') and not proper\_service) %} and {% endif %}{% endif %}{% if type\_of\_response.all\_true('improper service', exclusive = True) or (type\_of\_response.any\_true('improper\_service', 'default') and not proper\_service) or type\_of\_response['default'] %}default judgment{% endif %} | {%p if (type\_of\_response['improper service'] and not type\_of\_response['default']) or (type\_of\_response['default'] and not proper\_service) %} Proper service {{ capitalize(other\_party\_in\_case) }} started a {{ case\_type }} by filing documents in court. They were supposed to give you a copy of the documents they filed one of these ways:   * A process server, delivered the court documents to you or a responsible person at your home or work. Or * You got the court documents by certified mail, restricted delivery, return receipt and you had to sign your name to get the papers.   Giving you the court documents is called "serving you."  After you are served, you have **20 days** to file an Answer.  If you do not file an Answer in 20 days, {{ other\_party\_in\_case }} may ask the court for a default judgment.{% if type\_of\_response.all\_true('improper service', exclusive = True) or type\_of\_response['default'] or (type\_of\_response.any\_true('wrong state', 'cases in 2 states') and not proper\_service) %} Default judgment{% endif %} {%p endif %}  {%p if type\_of\_response.all\_true('improper service', exclusive = True) or type\_of\_response['default'] or (type\_of\_response.any\_true('wrong state', 'cases in 2 states') and not proper\_service) %}  A default judgment is when the court decides your case without hearing from you.  {%p endif %}  {%p if type\_of\_response.all\_true('improper service', exclusive = True) or (type\_of\_response.any\_true('wrong state', 'cases in 2 states') and not proper\_service) and not type\_of\_response['default'] %}  If {{ other\_party\_in\_case }} thinks they served you correctly, they may ask the court for a default judgment if you do not file an Answer in 20 days. They are supposed to give you a copy of the **Default Application** if they file one with the court. If you want to make sure {{ other\_party\_in\_case }} has not filed for default, you can look up your case on [the court’s CourtView webpage](https://records.courts.alaska.gov/eaccess/home.page.2).  {%p endif %}  {%p if type\_of\_response['default'] %}  {% if stage\_of\_default in('application filed', 'hearing scheduled') %}If you do not file an Answer within 20 days of receiving the Complaint, {{ other\_party\_in\_case }} may ask the court for a default judgment.{% if not proper\_service %} If you want to see what {{ other\_party\_in\_case }} filed for default, or if the judge entered any orders, you can look up your case on [the court’s CourtView webpage](https://records.courts.alaska.gov/eaccess/home.page.2).{% endif %}  There are 3 steps to get a default judgment:   1. {{ capitalize(other\_party\_in\_case) }} files a **Default Application** and gives you a copy by mailing it or hand delivering it to you. 2. The Clerk of Court enters an **Entry of Default** and sets a date and time for a “default hearing.” 3. The Judge holds the **Default Hearing**. The judge may end your case without hearing from you and enter a default judgment order and other orders like a {% if user\_need == 'answer custody' %}custody decree, parenting plan, and child support order{% elif user\_need == 'answer divorce' %}divorce decree and findings of fact and conclusions of law dividing your property and debt{% if minor\_children %}, parenting plan, and child support order{% endif %}   {% endif %}.{% elif stage\_of\_default == 'judgment entered' %}When a judge enters a default judgment, they usually also enter a {% if user\_need == 'answer custody' %}custody decree, parenting plan and child support order{% else %}divorce decree and findings of fact and conclusions of law dividing your property and debt{% if minor\_children %}, parenting plan, and child support order{% endif %}{% endif %}. These are final orders in the case.  {% if type\_of\_response['case in 2 states'] and stage\_of\_case == 'still going' %}If you have final orders in your Alaska case and an open case in another state, your situation is complicated. You should [talk to a lawyer](https://courts.alaska.gov/shc/shclawyer.htm) and let both courts know there are 2 cases going on.  If you want to ask the Alaska judge to undo the orders in your Alaska case you can file a **Motion to Set Aside** the Alaska orders.{% endif %}{% endif %}{% 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 type\_of\_response.all\_true('default', exclusive = True) or (type\_of\_response['default'] and type\_of\_response['wrong state'] and jurisdiction) or (type\_of\_response['default'] and type\_of\_response['case in 2 states'] and stage\_of\_other\_case == 'still going' and jurisdiction and stage\_of\_default in('application filed', 'hearing scheduled')) or (type\_of\_response['default'] and type\_of\_response['case in 2 states'] and stage\_of\_other\_case == 'ended with no order') %}  If the **Servicemembers Civil Relief Act** does not apply to your case to stop the default judgment, you have other options.{% endif %}{% endif %}  {%p endif %}  {%p if type\_of\_response['default'] or (type\_of\_response['improper service'] and not proper\_service) %} Link{% if type\_of\_response['improper service'] and military %}s{% endif %} in this step {% if (type\_of\_response['default'] and stage\_of\_default in('application filed', 'hearing scheduled')) or (type\_of\_response['improper service'] and not proper\_service) %}[the court’s CourtView webpage](https://records.courts.alaska.gov/eaccess/home.page.2) records.courts.alaska.gov/eaccess/home.page.2{% elif type\_of\_response['default'] and stage\_of\_default == 'judgment entered' %}{% if type\_of\_response['case in 2 states'] and stage\_of\_case == 'still going' %}[talk to a lawyer](https://courts.alaska.gov/shc/shclawyer.htm) courts.alaska.gov/shc/shclawyer.htm{% endif %}{% endif %}{% if military%}  [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 %}  {%p endif %} |
| {%tr endif %} |  |
| {%tr if type\_of\_response.all\_true('improper service', exclusive = True) or (type\_of\_response.all\_true('improper service', 'wrong state', exclusive = True) and not proper\_service) %} | decide\_after\_improper\_service\_step  July 10, 2025 |
| Step 3: Decide if you want to move forward or wait | If {{ other\_party\_in\_case }} properly served you, you should file an Answer within 20 days or you risk default judgment.  If {{ other\_party\_in\_case }} did not properly serve you, you have 2 options. Move forward with the case or wait. If you do not respond, you risk the judge deciding the case without hearing from you{% if type\_of\_response['wrong state'] %} and without knowing Alaska may be the wrong state{% endif %}. Move forward Even if you were not properly served, you can file an Answer if:   * {%p if type\_of\_response['wrong state'] %} * You want to tell the Alaska court it does not have jurisdiction, or * {%p else%} * You agree with {{ other\_party\_in\_case }} that there should be a case to {% if user\_need == 'answer custody' %}get a custody, Parenting Plan and child support order. Or{% elif user\_need == 'answer divorce' %}end your marriage. Or{% endif %} * {%p endif %} * You do not want to risk a default judgment.   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. Read about [getting copies of your court file](https://courts.alaska.gov/trialcourts/index.htm#recs) on the court’s website. 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. You can look up your case on [the court’s CourtView webpage](https://records.courts.alaska.gov/eaccess/home.page.2) to see if {{ other\_party\_in\_case }} files anything new.  If neither you nor {{ other\_party\_in\_case }} files anything, the court will close your case. Links in this step [getting copies of your court file](https://courts.alaska.gov/trialcourts/index.htm#recs) courts.alaska.gov/trialcourts/index.htm#recs  [the court’s CourtView webpage](https://records.courts.alaska.gov/eaccess/home.page.2) records.courts.alaska.gov/eaccess/home.page.2 |
| {%tr endif %} |  |
| {%tr if ((type\_of\_response['case in 2 states'] and stage\_of\_other\_case == 'still going') or (type\_of\_response['case in 2 states'] and stage\_of\_other\_case == 'ended with order' and type\_of\_response == 'improper service')) and (not (type\_of\_response['default'] and stage\_of\_default == 'judgment entered')) %} | case\_in\_2\_states\_step  June 24, 2025 |
| Step 4: Options {% if type\_of\_response['default'] %}if {{ other\_party\_in\_case }} asks for default judgment {% endif %}when you have {% if stage\_of\_other\_case == ‘ended with order’ %}a court order from another state{% elif stage\_of\_other\_case == ‘still going’ %}cases in 2 states{% if type\_of\_response.any\_true('improper service', ‘default’) and not proper\_service %} and you were not properly served{% endif %}{% endif %} | {%p if type\_of\_response[‘default’] and stage\_of\_default in('application filed', 'hearing scheduled') %}  {% if not proper\_service %}If {{ other\_party\_in\_case }} asked for a default judgment, it means they told the court they served you correctly. The judge may decide without hearing from you if you do not respond. {% else %}If {{ other\_party\_in\_case }} asked for a default judgment, the judge may decide without hearing from you if you do not respond. {% endif %} You could end up with custody orders in 2 different states. To prevent this, you should tell the Alaska judge about the other case  {%p endif %}  {%p if stage\_of\_other\_case == ‘still going’ %}  {% if not type\_of\_response[‘default’] %}If you have open custody cases in 2 states, one state will close its case. {% endif %}You can (1) tell both judges you think your case should be in Alaska, or (2) ask the Alaska judge to dismiss your case so you can move forward in the other state.  {% if type\_of\_response.any\_true('improper service', ‘default’) and not proper\_service %}You can also tell the Alaska judge you were not served correctly. {% endif %}The judges will then decide which court has jurisdiction.  See Step ?: What to expect after you file your document.  {%p endif %}  {%p if not type\_of\_response['default'] %}  If you do not respond in Alaska, you risk the Alaska judge deciding the case without hearing from you. You could end up with custody orders in 2 different states.  {%p endif %}  {%p if type\_of\_response.any\_true('improper service', 'default') and not proper\_service %}  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. Read about [getting copies of your court file](https://courts.alaska.gov/trialcourts/index.htm#recs) on the court’s website. If you are not sure you want to respond, you should [talk to a lawyer](https://courts.alaska.gov/shc/shclawyer.htm).  {%p endif%} {%p if stage\_of\_other\_case == ‘still going’ %}Option 1: Tell both judges you think your case should be in Alaska  1. Fill out and file your Answer form. Tell the Alaska judge what you want to happen in your custody case. Fill out the Counterclaim section with the Parenting Plan you want the judge to order. Use section 5 to tell the judge:  * There are 2 cases. And{% if (user\_need == 'answer custody' or (user\_need == 'answer divorce' and minor\_children) and jurisdiction) %} * Why you think the case should move forward in Alaska. * Include where the children have lived the last 6 months{% elif (user\_need == 'answer custody' or (user\_need == 'answer divorce' and minor\_children) and not jurisdiction) %}Why you think the Alaska court should hear the case even though your children have not lived in Alaska 6 months.{% endif %} * See Step 3: If you decide to move forward in Alaska, fill out the forms you need to answer the complaint and respond{% if type\_of\_response.any\_true('improper service', ‘default’) and proper\_service %} within 20 days{% endif %}.  1. Ask the other state court to close its case. Talk to a lawyer in the other state or try one of these nationwide directories:  * Legal Services Corporation’s [Find Legal Aid tool](http://www.lsc.gov/find-legal-aid). Find free legal aid programs in your state for people with low incomes. * American Bar Association’s [Lawyer Referral Directory](http://apps.americanbar.org/legalservices/lris/directory/home.html). Find dependable referrals to local for-fee lawyers if you do not qualify for free legal aid. The ABA also offers a national [Consumers' Guide to Legal Help](https://apps.americanbar.org/legalservices/findlegalhelp/home.cfm).  Option 2: Ask the Alaska judge to dismiss your case so you can move forward in the other state File a **Motion to Dismiss** in Alaska. {% if jurisdiction %}Explain why you think the other court should hear the case, even though your children have lived in Alaska for the last 6 months.{% else %}Include where your children have lived for the last 6 months. {% endif %}**{%** if type\_of\_response.any\_true('improper service', ‘default’) and not proper\_service  **%}**You can also tell the judge you were not properly served. {% endif %}  See Step 4: If you decide to move forward in the other state, file a **Motion to Dismiss** your Alaska case.  {%p endif %} Links in this step {%p if type\_of\_response[‘default’] and stage\_of\_default in(‘application filed’, ‘hearing scheduled’) %}  {% if stage\_of\_default == ‘application filed’ and proper\_service %}**TF-706 Motion (Request) and Affidavit** [[Fill-In PDF](https://public.courts.alaska.gov/web/forms/docs/tf-706.pdf)] public.courts.alaska.gov/web/forms/docs/tf-706.pdf{% elif stage\_of\_default == 'hearing scheduled' %}  **Motion** to Set Aside Entry of Default and Accept Late Filed Answer, SHC-410 as a [Word file](http://courts.alaska.gov/shc/family/docs/shc-410.doc)  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 %}  {%p endif %}  {%p if type\_of\_response.any\_true('improper service', 'default') and not proper\_service %}  [getting copies of your court file](https://courts.alaska.gov/trialcourts/index.htm#recs) courts.alaska.gov/trialcourts/index.htm#recs  [talk to a lawyer](https://courts.alaska.gov/shc/shclawyer.htm) courts.alaska.gov/shc/shclawyer.htm  {%p endif%} |
| {%tr endif %} |  |
| {%tr if type\_of\_response.all\_true('default', exclusive = True) or (type\_of\_response['default'] and type\_of\_response['wrong state'] and jurisdiction) or (type\_of\_response.all\_true('default', 'case in 2 states') and stage\_of\_other\_case == 'ended with order' and stage\_of\_default == 'judgment entered') or (type\_of\_response['default'] and type\_of\_response['case in 2 states'] and stage\_of\_other\_case == 'ended with no order') %} | default\_options\_step June 18 2025 |
| Step : Options {% if stage\_of\_default in('application filed', 'hearing scheduled') %}if {{ other\_party\_in\_case }} asked for default judgment{% if type\_of\_response['case in 2 states'] and stage\_of\_other\_case == 'still going' %} when you have cases in 2 states{% endif %}{% if not proper\_service %} and did not properly serve you{% endif %}{% else %}when the judge entered a default judgment{% endif %} | {%p if stage\_of\_default == 'judgment entered' %}  {% if not proper\_service %}If {{ other\_party\_in\_case }} asked for a default judgment, it means they told the court they served you correctly. You can (1) tell the judge you were not served the correct way and ask to set aside the default judgment or (2) do nothing.{% else %}You can (1) ask the judge to set aside the default judgment or (2) do nothing.{% endif %} Option 1. Ask to Set Aside the Default Judgment {% if type\_of\_response['case in 2 states'] and stage\_of\_case == 'ended with order' %}It can be complicated to have custody orders from 2 different state courts. {% if proper\_service %}You may want to ask the judge to set aside the default judgment. {% else %}You may want to tell the judge you were not served properly and ask to set aside the default judgment. {% endif %}{% else %}{% if not proper\_service %}If you were not served the correct way, you can tell the judge and ask the judge to set aside the judgment.  {% endif %}If you {% if proper\_service %}decide{% else %}want{% endif %} to ask the judge to set aside the default judgment, fill out{% endif %}{% if type\_of\_response['case in 2 states'] and stage\_of\_case == 'ended with order' %}Fill out {% endif %}and file the paperwork as soon as you can.  The longer you wait, the harder it is to set the judgement aside.  Read about asking the judge to set aside the default judgment in steps ? to ?. Option 2. Do nothing {% if not (type\_of\_response['case in 2 states'] and stage\_of\_case == 'ended with order') %}If you are okay with the judge’s orders you do not need to do anything. {% endif %}Be sure you know exactly what the judge ordered. Read about [getting copies of your court file](https://courts.alaska.gov/trialcourts/index.htm#recs) on the court’s website. {% if type\_of\_response['case in 2 states'] and stage\_of\_case == 'ended with order' %}If the Alaska order is different from the custody order in the other state, it can be very complicated. It may be best to tell the judge about the other order and try to set aside the Alaska order {% endif %}You should decide quickly. The longer you wait, the harder it is to set aside the court’s order.{% if type\_of\_response['case in 2 states'] and stage\_of\_case == 'ended with order' %} You may want to [talk to a lawyer](https://courts.alaska.gov/shc/shclawyer.htm). {% else %}  If something substantially changes and you want to ask to change the judge’s custody parenting plan or child support order, read [Modifying Child Custody or Child Support Order](https://courts.alaska.gov/shc/family/shcmodify.htm) on the court’s website.{% endif %}  {%p elif stage\_of\_default in('application filed', 'hearing scheduled') %}  {% if not proper\_service %}If {{ other\_party\_in\_case }} asked for a default judgment, it means they told the court they served you correctly. The judge may decide without hearing from you if you do not respond.{% else %}If {{ other\_party\_in\_case }} asked for a default judgment, the judge may decide without hearing from you if you do not respond.{% endif %}  You can (1) move forward with the case, or {% if not proper\_service %}(2) tell the judge you were not served the correct way and ask to dismiss the case, or (3){% else %}(2){% endif%} do nothing Option 1. Move forward with the case {% if not proper\_service %}Even if you were not properly served, you{% else %}You{% endif %} can file an Answer if:   * you agree with the other parent that there should be a case to get a custody, Parenting Plan, and child support order, or * you do not want to risk a default judgment.   If you do not have a copy of the filed documents, you can ask the other parent or get a copy from your file at the courthouse. Read about getting [copies of your court file](https://courts.alaska.gov/trialcourts/index.htm#recs) on the court’s website.  {% if stage\_of\_default == ‘application filed’ and proper\_service %}And because you did not file an Answer within 20 days of getting the Complaint, ask the judge to accept your Answer even though it is late. Fill out a **TF-706 Motion (Request) and Affidavit** [[Fill-In PDF](https://public.courts.alaska.gov/web/forms/docs/tf-706.pdf)].   * Fill in the title for “accepting a late Answer”. And * File it with your Answer.{% endif %}.{% if stage\_of\_default == 'hearing scheduled' %}   Because the clerk signed the entry of default, you will have to ask the judge to accept your Answer even though it is late. Fill out a **Motion 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).   * Explain why you did not reply in 20 days. * File it with your Answer. * Read Steps ? to ? about filling out your Answer forms.{% endif %}   {% if not proper\_service %}  Option 2. Tell the judge you were not served the correct way and ask to dismiss the case  If you think you were not served the correct way and you want the court to dismiss the case, you can fill out and file a **Motion to Dismiss** that tells the court why you think you were not served in the correct way.  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) Title it “Motion to Dismiss. Give a brief description of why you want to dismiss the case.  **Affidavit & Memorandum, SHC-1301** [Word](https://courts.alaska.gov/shc/family/docs/shc-1301.doc) | [PDF](https://courts.alaska.gov/shc/family/docs/shc-1301n.pdf) {% if type\_of\_response['wrong state'] %}Explain why you think the Alaska court does not have jurisdiction over the children.{% else %}Explain if you got a copy of the Complaint and tell the judge why you think the case should be dismissed.{% endif %} Wait to sign this affidavit until you can sign in front of a notary or file the form at court.  **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) Learn more Watch: [Motions Part 1: How to Ask the Court For Something](https://www.youtube.com/watch?v=2irmxT0_0EA)**.**  Read: **Getting Your Message to the Judge, SHC-1380** [Word](https://courts.alaska.gov/shc/family/docs/shc-1380.doc) | [PDF](https://courts.alaska.gov/shc/family/docs/shc-1302n.pdf).  Learn about motions: See [Motions: Requesting an Order from the Court; Opposing a Motion](https://courts.alaska.gov/shc/family/motions.htm).  If {{ other\_party\_in\_case }} properly serves you in the future, the court may decide not to dismiss your case. Read Steps ? to ? to learn about filing an Answer. Option 3. Do nothing {% else %} Option 2. Do nothing {% 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.  {%p endif %} |
| {%tr endif %} |  |
| {%tr if type\_of\_response[‘default’] and stage\_of\_default =='judgment entered' %} | learn\_set\_aside\_step and fill\_set\_aside\_step updated 27 June 2025 |
| Step 6: 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 user\_need == 'change AK order' and type\_of\_final\_order.all\_true('custody order', exclusive = True) %}custody {% endif %}decision in your case, and * Start {% if user\_need == 'change AK order' and 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 {% if user\_need in('answer custody', 'answer divorce') %}the default judgment{% else %}your child support order{% endif %} 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 7: {% if user\_need in('answer custody', 'answer divorce') %}If you want to ask the court to set aside the default, fill out the forms{% else %}Fill out forms if you want to file a Motion to Set Aside{% endif %} | 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 (user\_need == 'answer custody' and type\_of\_response['ak custody case'] and response\_to\_complaint == 'none' and want\_help\_to\_agree) or (user\_need == 'answer divorce' and (type\_of\_response['stay married'] or (type\_of\_response['ak divorce case'] and case\_type == 'legal separation' and want\_legal\_separation in('no', 'unsure') and want\_help\_to\_agree))) or (user\_need in('answer custody', 'answer divorce') and (type\_of\_response.all\_false() or ((type\_of\_response['ak custody case'] or (type\_of\_response['ak divorce case'] and case\_type == 'divorce') or (type\_of\_response['ak divorce case'] and case\_type == 'legal separation' and want\_legal\_separation == 'yes') or (type\_of\_response['case in 2 states'] and stage\_of\_other\_case == 'ended with no order')) and (response\_to\_complaint in('agree', 'some') or (response\_to\_complaint == 'none' and want\_help\_to\_agree))) or (type\_of\_response['ak divorce case'] and case\_type == 'legal separation' and want\_legal\_separation in('no', 'unsure') and want\_help\_to\_agree))) %} | want\_help\_to\_agree\_step  October 24, 2024 |
| Step 8: {% if user\_need == 'answer divorce' and type\_of\_response.all\_true('stay married', exclusive=True) %}What you can do when {{other\_party\_in\_case}} wants to end the marriage and you do not{% elif user\_need == 'answer divorce' and type\_of\_response.all\_false() %}Options if {{other\_party\_in\_case}} wants to talk about ending a marriage{% endif %}{% if user\_need == 'answer custody' and type\_of\_response.all\_false() %}Options if {{other\_party\_in\_case}} wants to talk about a Parenting Plan and starting a custody case{% endif %}{% if (user\_need == 'answer custody' and type\_of\_response['ak custody case']) or (type\_of\_response['case in 2 states'] and stage\_of\_other\_case == 'ended with no order') %}{% if response\_to\_complaint == 'agree' %}Review your options when you agree with what {{other\_party\_in\_case}} is asking{% elif response\_to\_complaint == 'some' %}Review your options when you agree with some of what {{other\_party\_in\_case}} is asking{% elif response\_to\_complaint == 'none' and want\_help\_to\_agree %}Resources to help you reach an agreement with {{other\_party\_in\_case}}{% endif %}{% endif %}{% if user\_need == 'answer divorce' and type\_of\_response['ak divorce case']%}{% if case\_type == 'divorce' or (case\_type == 'legal separation' and want\_legal\_separation == 'yes') and response\_to\_complaint == 'agree' %}Review your options when you agree with what {{other\_party\_in\_case}} is asking{% elif case\_type == 'divorce' or (case\_type == 'legal separation' and want\_legal\_separation == 'yes') and response\_to\_complaint == 'some' %}Review your options when you agree with some of what {{other\_party\_in\_case}} is asking{% elif case\_type == 'divorce' and response\_to\_complaint == 'none' and want\_help\_to\_agree %}Resources to help you reach an agreement with {{other\_party\_in\_case}}{% elif case\_type == 'legal separation' and ((want\_legal\_separation == 'yes' and response\_to\_complaint == 'none') or want\_legal\_separation in ('no', 'unsure')) and want\_help\_to\_agree %}Decide if you want to try to reach an agreement with {{other\_party\_in\_case}}{% endif %}{% endif %} | {%p if user\_need == 'answer custody' and type\_of\_response.all\_false() %}  One parent cannot stop {{ other\_party\_in\_case }} from starting a {{ case\_type }} 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 {{ case\_type }} case, there are benefits to reaching an agreement.  {%p endif %}  {%p if user\_need == 'answer divorce' and (type\_of\_response.all\_false() or type\_of\_response['stay married']) %}  One spouse cannot stop the other spouse from starting a case to end your marriage. One spouse cannot stop the other spouse from getting a divorce. If either spouse tells the court the marriage has broken down and cannot be saved, the court will grant the divorce.{% if type\_of\_response['stay married'] %}This can be emotionally difficult if you are the spouse who wants to stay married. Counseling may be helpful.  Find a therapist or marriage counselor{% elif type\_of\_response.all\_false() %}  If you do not want the marriage to end, counseling can be helpful. The following resources may be helpful to find a therapist for yourself or marriage counselors for both of you:   * {% endif %}You can ask friends, family, or community and religious leaders in your area for referrals to trusted therapists for yourself or marriage counselors for both of you. * You can call Alaska 2-1-1 and ask about counseling and mental health services by dialing 2-1-1 or 1-800-478-2221 * You can search for mental health services on [Alaska 2-1-1](https://alaska211.org/).   If the marriage is going to end, there are benefits to reaching an agreement.  {%p endif %}  You **must file your Answer within 20 days** of getting the Complaint, even if you are trying to work out an agreement with {{other\_party\_in\_case}}.  If you miss the 20-day deadline, the court may enter a default judgment against you.{% if response\_to\_complaint in('agree', 'some') %}  {%p if response\_to\_complaint == 'agree' %}  If you agree with everything {{other\_party\_in\_case}} asked for in the Complaint:   * State that you agree in your Answer * Decide if you want to write out an agreement with {{other\_party\_in\_case}}.   {%p elif response\_to\_complaint == 'some' %}  If you agree with some of what the {{other\_party\_in\_case}} asked for in the Complaint:   * State that you agree in your Answer * Decide if you want to try to work with {{other\_party\_in\_case}} to write out your agreement.   {%p endif %} Review the benefits of reaching an agreement{% endif %} {%p if type\_of\_response.all\_false() or (user\_need == 'answer custody' and type\_of\_response['ak custody case']) or (user\_need == 'answer divorce' and type\_of\_response['ak divorce case']) or (type\_of\_response['case in 2 states'] and stage\_of\_other\_case == 'ended with no order') %} {% if (case\_type in ('custody', 'divorce') and response\_to\_complaint == 'none') or (case\_type == 'legal separation' and want\_legal\_separation == 'yes' and response\_to\_complaint == 'none') or (case\_type == 'legal separation' and want\_legal\_separation in ('no', 'unsure') and want\_help\_to\_agree) or type\_of\_response.all\_false() %}The benefits of reaching an agreement If you and {{other\_party\_in\_case}} reach an agreement about the issues in the case, you can avoid a trial.{% elif case\_type in ('custody','divorce') or (case\_type == 'legal separation' and want\_legal\_separation == 'yes') and response\_to\_complaint in ('agree', 'some') %}If you and {{other\_party\_in\_case}} agree about the issues in the case, you can avoid a trial.{% endif %}  {%p endif %}  **Some benefits are**:   * {%p if (user\_need == 'answer custody' and type\_of\_response['ak custody case']) or (user\_need == 'answer divorce' and type\_of\_response['ak divorce case'] and minor\_children) or (type\_of\_response.all\_false() and want\_help\_to\_agree) or (type\_of\_response['case in 2 states'] and stage\_of\_other\_case == 'ended with no order') %} * Working out the parenting plan instead of fighting is better for the children. * {%p endif %} * You decide the outcome rather than a judge - you know more about the issues in your case than the judge ever will. * {%p if user\_need == 'answer custody' %} * 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. * {%p elif user\_need == 'answer divorce' %} * Reaching an agreement may be more cooperative than dealing with the issues in a trial, where each spouse presents evidence and makes arguments about what they want the judge to decide. * {%p endif %} * 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 {{ other\_party\_in\_case }}. Options for working with the other parent to write out your agreement  * Talk to the other parent about settling the case without a trial * Mediation{% if type\_of\_response.any\_true() %} * Settlement Conference{% endif %} * Collaborative Law  Talk to the other parent about settling the case without a trial {% if user\_need == 'answer custody' %}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.{% elif user\_need == 'answer divorce' %}Some spouses 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.{% endif %} Mediation Mediation is a voluntary and confidential way to resolve disagreements. No one else, like a judge or the mediator, decides for you. A neutral person, called the mediator, helps people outside the court process:   * Figure out the important issues in the disagreement. * Explain and understand each other's needs. * Clear up misunderstandings. * Explore creative solutions. And * Reach acceptable agreements.   {%p if type\_of\_response.any\_true() %}  Alaska courts offer mediation in cases in which parents need to create a parenting plan. The mediator helps parents resolve disputes about access and visitation concerns and create workable co-parenting plans. There is no fee for this service unless parents wish to mediate additional issues or require more time than allowed by program.  The form, **Request for Court-Sponsored Parenting Plan Dispute Resolution,** [MED-405](https://public.courts.alaska.gov/web/forms/docs/med-405.pdf), may be used to request mediation.  {%p endif %}  You can hire your own private mediator to help resolve any issue in your case. If there was abuse or domestic violence in your relationship, be sure to hire someone with training and experience working with domestic violence. Tell your mediator if you want to bring a support person with you.  [Read about mediation](http://www.courts.alaska.gov/mediation/index.htm).  [Find a private mediator](https://pmoa.wildapricot.org/directory) on the Professional Mediators of Alaska website.{% if type\_of\_response.any\_true() %} Settlement Conference A settlement conference is a meeting with a judge before trial to explore ways to settle your issues.   * The meeting includes you, {{ other\_party\_in\_case }}, 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 to help you reach an agreement, not to be a decision-maker. * Each side makes offers about what they want 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 **Joint Motion for a 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 {% if user\_need in('divorce', 'answer divorce', 'change custody order order', 'change divorce order') %}divorce{% if minor\_children %} and parenting{% endif %}{% elif user\_need in('custody', 'answer custody', 'change AK order') %}parenting{% endif %} issues themselves. The judge does not get involved in making the decisions. Learn more about the Association on [their website](https://www.alaskacollaborative.org).{% if type\_of\_response.all\_false() and not agreement\_documents %} What to do if you reach an agreement Use the Court Guide Action Plan: {% if user\_need == 'answer custody' %}[Starting a Custody Case](https://docassemble.akcourts.gov/start/AskingForChildCustody).{% elif user\_need == 'answer divorce' %} [Starting a Case to End Your Marriage](https://docassemble.akcourts.gov/start/DivorceAndSeparation/). {% endif %}{% endif %} Links in this step [Short video that discusses resolving your case](https://youtube.com/watch?v=4EuW9HET3nM) youtube.com/watch?v=4EuW9HET3nM  {%p if type\_of\_response.any\_true() %}  **Request for Court-Sponsored Parenting Plan Dispute Resolution,** [MED-405](https://public.courts.alaska.gov/web/forms/docs/med-405.pdf) public.courts.alaska.gov/web/forms/docs/med-405.pdf  {%p endif %}  [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  {%p if not type\_of\_response.all\_false() %}  **Joint Motion for a Settlement Conference, SHC-1062** as a[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  {%p endif %}  [Alaska Association of Collaborative Professionals](https://alaskacollaborative.org/) alaskacollaborative.org |
| {%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 custody', 'answer divorce') and ((type\_of\_response['case in 2 states'] and stage\_of\_other\_case in('still going', 'ended with no order')) or type\_of\_response['wrong state'])) %} | answer\_step  updated July 10, 2025 |
| Step 9: {% if type\_of\_response['wrong state'] and not jurisdiction %}Fill out the forms to respond{% if not(type\_of\_response.any\_true('improper service', 'default') and not proper\_service) %} in 20 days{% endif %} and ask to dismiss if you think Alaska is the wrong state{% else %}{% if (type\_of\_response['wrong state'] and jurisdiction) or (type\_of\_response['case in 2 states'] and stage\_of\_other\_case == 'still going') or (type\_of\_response.all\_true('default', exclusive=True) and stage\_of\_default in ['application filed', 'hearing scheduled']) %}If you decide to move forward{% if type\_of\_response['case in 2 states'] and stage\_of\_other\_case == 'still going' %} in Alaska{% endif %}, fill{% else %}Fill{% endif %} out the forms to answer the complaint{% if type\_of\_response.all\_true('ak custody case', exclusive=True) or type\_of\_response.all\_true('improper\_service', exclusive=True) or type\_of\_response.all\_true('wrong state', exclusive=True) or type\_of\_response.all\_true('case in 2 states', exclusive=True) or (type\_of\_response.any\_true('ak custody case','improper\_service','wrong state','case in 2 states') and type\_of\_response.any\_true('improper\_service','default') and proper\_service) %} and respond within 20 days{% endif %}{% endif %} | You have **20 days** from the date you get the complaint to:   1. File an **Answer** and other required forms with the court to tell the judge what you want to happen in your case. 2. Give a copy of the forms to the other parent. Read step 6. Serve the other parent.   {%p if type\_of\_response['wrong state'] %}  If you think Alaska is not the "home state," you can ask the court to dismiss your case:   * Fill out your **Answer** and tell the Alaska court why you think the case should be in another state. * Fill out the **Motion to Dismiss** forms that ask the court to dismiss your case. Read Step 10: File a motion to dismiss your Alaska case. * File the motion forms with your **Answer**.   {%p endif%} Use {%p if user\_need == 'answer custody' %}  **Answer & Counterclaim to a Custody Complaint, SHC-117**  [Word](https://courts.alaska.gov/shc/family/docs/shc-117.doc) | [PDF](https://courts.alaska.gov/shc/family/docs/shc-117n.pdf)  {%p endif %}  {%p if user\_need == 'answer divorce' %}  {% 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](https://courts.alaska.gov/shc/family/docs/shc-105.doc) | [PDF](https://courts.alaska.gov/shc/family/docs/shc-105n.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](https://courts.alaska.gov/shc/family/docs/shc-107.doc) | [PDF](https://courts.alaska.gov/shc/family/docs/shc-107n.pdf){% elif type\_of\_response['ak divorce case'] and case\_type == 'legal separation' %} **Answer & Counterclaim to Legal Separation Without Children, SHC-095**{% endif %}{% endif %}  {%p 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 section **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 the plaintiff's name,    * your name goes above the line for the defendant's name, and    * the case number from the complaint. This section of the form is called the 'Caption.' 3. 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.    * {%p if (user\_need == 'answer custody' and type\_of\_response.all\_true('ak custody case', exclusive = True)) or (user\_need == 'answer divorce' and type\_of\_response.all\_true('ak divorce case', exclusive = True)) %}    * {% if (case\_type == 'custody' or case\_type == 'divorce' or (case\_type == 'legal separation' and want\_legal\_separation == 'yes')) and response\_to\_complaint == 'agree' %} If you agree with what {{ other\_party\_in\_case }} asked for in their complaint, check the box in this section that says you “agree with all of the statements in the complaint.”{% elif (case\_type == 'custody' or case\_type == 'divorce' or (case\_type == 'legal separation' and want\_legal\_separation == 'yes')) and response\_to\_complaint == 'some' %} If you disagree with any of the paragraphs in the complaint, list the paragraph numbers you disagree with.{% else %}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.    * If you are not sure if you agree or disagree with any of the paragraphs in the complaint, list the paragraph numbers you are not sure about.{% endif %}    * {%p endif %} 4. Affirmative Defenses:   An affirmative defense is the facts and arguments that attack the plaintiff’s legal right to bring the court case.  The affirmative defense can mean you win your case even if everything in the plaintiff’s complaint is true.  If you are unsure if an affirmative defense applies to you, [talking to a lawyer](https://courts.alaska.gov/shc/shclawyer.htm) can help because this is a complicated and important area.   * + {%p if type\_of\_response['wrong state'] and (not jurisdiction or (user\_need == 'divorce' and not residency)) %}   + If you think Alaska is not the "home state," you can ask the court to dismiss your case. 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 for Lack of Jurisdiction**.{% endif %}   + {%p endif %}   + {%p 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.   + {%p endif %}   + {%p if type\_of\_response['case in 2 states'] and stage\_of\_other\_case == 'still going' %} If you think your case should be in the other state, you can tell the Alaska court by stating it in your Answer and filing a “Motion to Dismiss” your Alaska case.     - Check the "other" box and tell the Alaska court:       * There is another case,       * the court location, and       * the case number.   + {%p endif %}   + {%p if (type\_of\_response.all\_true('improper service', exclusive = True) or (type\_of\_response.all\_true('improper service', 'wrong state') or type\_of\_response.all\_true('improper service', 'case in 2 states') or type\_of\_response['default'] ) and not proper\_service) %}     - You can add here that you were not served correctly.   + {%p endif %}   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 Counterclaims section.  1. Counterclaims:  {% if user\_need == 'answer custody' or (user\_need == 'divorce' and minor\_children)%}Fill out the Counterclaim section with the parenting plan you want the judge to order.{% endif %}{% 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 %}.{% if type\_of\_response['case in 2 states'] and stage\_of\_other\_case == 'still going' %}If you think the Alaska court should hear the case, use section 5 to tell the judge there are 2 cases{% if (user\_need == 'answer custody' or (user\_need == 'answer divorce' and minor\_children)) and jurisdiction %} and you think the case should move forward in Alaska. Include where the children have lived the last 6 months. {% elif (user\_need == 'answer custody' or (user\_need == 'answer divorce' and minor\_children)) and not jurisdiction %}. Explain why you think the Alaska court should hear the case even though your children have not lived in Alaska. 6 months {% endif %}{% endif %} 2. Request for Relief:  {% if type\_of\_response['wrong state'] and not jurisdiction %}You can add here that you want the court to dismiss your case. {% endif %} {% if type\_of\_response['case in 2 states'] and stage\_of\_other\_case == 'still going' %}Use the Request for Relief section to ask the judge to move forward with the case in Alaska or dismiss it. {% endif %}If there is anything else you want the judge to order, you can write it here.{% if type\_of\_response[‘default’] and stage\_of\_default in(‘application filed’, ‘hearing scheduled’) %}{% if stage\_of\_default == ‘application filed’ and proper\_service %}   Because you did not file an Answer within 20 days of getting the Complaint, ask the judge to accept your Answer even though it is late. Fill out a **TF-706 Motion (Request) and Affidavit** [[Fill-In PDF](https://public.courts.alaska.gov/web/forms/docs/tf-706.pdf)].   * Fill in the title for “accepting a late Answer”. And * File it with your Answer.{% endif %}{% if stage\_of\_default == 'hearing scheduled' %}   Because the clerk signed the entry of default, you will have to ask the judge to accept your Answer even though it is late. Fill out a **Motion 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).   * Explain why you did not reply in 20 days. * File it with your Answer.{% endif %}{% endif %}   {% 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](https://courts.alaska.gov/shc/shclawyer.htm){% endif %}  **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 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)] {% if type\_of\_response['case in 2 states'] and stage\_of\_other\_case == 'still going' %}In paragraph 3 on page 3, tell the judge about the other case.  {% endif %}**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.  Wait **Wait** to sign your 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 %}   {% if (user\_need == 'answer custody' and type\_of\_response['ak custody case']) or (user\_need == 'answer divorce' and type\_of\_response['ak divorce case']) or (type\_of\_response['case in 2 states'] and stage\_of\_other\_case == 'ended with no order') %}{% if response\_to\_complaint in('agree','some') or (response\_to\_complaint == 'none' and want\_help\_to\_agree) %}  {%p 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:  {%p endif %}  {%p if response\_to\_complaint == 'none' and want\_help\_to\_agree %} Forms to use if you reach an agreement {%p endif %}   * {%p if user\_need == 'answer custody' or (user\_need == 'answer divorce' and minor\_children) %} * **Parenting Plan Agreement & Order,** **SHC-1128** [Word](https://courts.alaska.gov/shc/family/docs/shc-1128.docx) | [PDF](http://courts.alaska.gov/shc/family/docs/shc-1128n.pdf) Do **not** sign the Order section. * {%p endif %} * **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) * {%p if user\_need == 'answer custody' or (user\_need == 'answer divorce' and minor\_children) %} * **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) * {%p endif %}   {% endif %}{% endif %} Links in this step {%p if user\_need == 'answer custody' %}  **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  {%p endif %}  {%p if type\_of\_response[‘default’] and stage\_of\_default in(‘application filed’, ‘hearing scheduled’) %}  {% if stage\_of\_default == ‘application filed’ and proper\_service %} **TF-706 Motion (Request) and Affidavit** [[Fill-In PDF](https://public.courts.alaska.gov/web/forms/docs/tf-706.pdf)] public.courts.alaska.gov/web/forms/docs/tf-706.pdf{% elif stage\_of\_default == ‘hearing scheduled’ and proper\_service %} **Motion 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 %}  {%p endif %}  **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  {%p if user\_need == 'answer custody' or (user\_need == 'answer divorce' and minor\_children) %}  **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)] 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  {%p endif %}  **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  {% if (user\_need == 'answer custody' and type\_of\_response['ak custody case']) or (user\_need == 'answer divorce' and type\_of\_response['ak divorce case']) or (type\_of\_response['case in 2 states'] and stage\_of\_other\_case == 'ended with no order') %}{% if response\_to\_complaint in('agree','some') or (response\_to\_complaint == 'none' and want\_help\_to\_agree) %}  {%p if user\_need == 'answer custody' or (user\_need == 'answer divorce' and minor\_children) %}  **Parenting Plan Agreement & Order,** **SHC-1128** as a [Word](https://courts.alaska.gov/shc/family/docs/shc-1128.docx) file courts.alaska.gov/shc/family/docs/shc-1128.docx as a [PDF](http://courts.alaska.gov/shc/family/docs/shc-1128n.pdf) courts.alaska.gov/shc/family/docs/shc-1128n.pdf  {%p endif %}  **Joint Motion to Put Settlement on the Record, SHC-1063** as a [Word file courts.alaska.gov/shc/family/docs/shc-1063.doc as a](http://courts.alaska.gov/shc/family/docs/shc-1063.doc) [PDF](http://courts.alaska.gov/shc/family/docs/shc-1063n.pdf) courts.alaska.gov/shc/family/docs/shc-1063n.pdf  {%p if user\_need == 'answer custody' or (user\_need == 'answer divorce' and minor\_children) %}  **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  {%p endif %}  {% endif %}{% endif %} |
| {%tr endif %} |  |
| {%tr if (user\_need == 'answer custody' and type\_of\_response['wrong state'] and not jurisdiction) or (user\_need == 'answer divorce' and type\_of\_response['wrong state']) or (type\_of\_response['case in 2 states'] and stage\_of\_other\_case in('still going', 'ended with order')) or (type\_of\_response['default'] and stage\_of\_default in('application filed', 'hearing scheduled') and not proper\_service) %} | dismiss\_step 2025-07-16 |
| Step 10: {% if type\_of\_response.all\_false['default']%}{% if type\_of\_response['wrong state'] %}If you think Alaska is the wrong state, file a motion to dismiss your Alaska case{% endif %}{% if type\_of\_response['case in 2 states'] and stage\_of\_other\_case == 'still going' %}If you decide to move forward in the other state, file a motion to dismiss your Alaska case{% endif %}{% if type\_of\_response['case in 2 states'] and stage\_of\_other\_case == 'ended with order' %}File a motion to dismiss your Alaska case{% endif %}{% else %}{% if (type\_of\_response['wrong state'] or type\_of\_response['case in 2 states'] and stage\_of\_case == 'still going') and not jurisdiction %}Fill out the forms to respond and tell the court Alaska is the wrong state{% endif %}{% if stage\_of\_other\_case == 'still going' %}If you decide to move forward in the other state, file a motion to dismiss your Alaska case.{% endif %}{% endif %} | {%p if type\_of\_response['case in 2 states'] and stage\_of\_other\_case == 'ended with order' %}  {% if (type\_of\_response['improper service'] and not proper\_service and type\_of\_response.all\_false('default')) or type\_of\_response['default'] %}Your situation is complicated. You may want to [talk to a lawyer](https://courts.alaska.gov/shc/shclawyer.htm). If you do not respond to the Alaska case, the Alaska judge may enter a custody order. This could be very complicated if you already have a custody order in another state. It is best to file a **Motion to Dismiss** your Alaska case to tell the Alaska judge {% if proper\_service %}about the order from the other state{% else %}(1) about the order from the other state and (2) that you were not served properly{% endif %}.{% else %}If the case in another state is over and the other court issued final orders you can file a **Motion to Dismiss** your Alaska case. {% endif %}  File a copy of the final orders from the other state, and any other documents that support your request.  {%p endif %}  {%p if (type\_of\_response['improper service'] and not proper\_servce) or type\_of\_response['default'] %}  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. Read about [getting copies of your court file](https://courts.alaska.gov/trialcourts/index.htm#recs) on the court’s website.  {%p endif %}  {%p if type\_of\_response['default'] %}  {% if type\_of\_response['wrong state'] and not jurisdiction %}If the Alaska Court does not have jurisdiction~~,~~ and you want the court to dismiss the case, you can fill out and file a “**Motion to Dismiss**” that tells the court why you want to dismiss the case.  Because the other parent asked for a default judgment, it is important to file your motion as soon as possible to prevent the judge entering a default judgment order.{% endif %}{% if type\_of\_response['case in 2 states'] and stage\_of\_other\_case == 'still going' and not jurisdiction %}If the other parent asked for a default judgment, the judge may decide without hearing from you if you do not respond. You could end up with 2 different custody orders from 2 different states . To prevent this, file a motion to dismiss to tell the Alaska judge (1) about the other case and (2) that your children have not lived in Alaska for the last 6 months. Tell the judge in the other state about the Alaska case.  Because the other parent asked for a default judgment, it is important to file your motion as soon as possible to prevent the judge entering a default judgment order.{% endif %}  {%p endif %}  If you choose to ask the judge to dismiss your case, use **Motion (Request) and Affidavit, TF-706** [[Fill-in PDF](https://public.courts.alaska.gov/web/forms/docs/tf-706.pdf)]. Tell the judge why you think the court does not have jurisdiction and any other reason you think the case should be dismissed.  **Wait** to sign your motion 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)] Learn more Watch: [Motions Part 1: How to Ask the Court For Something](https://www.youtube.com/watch?v=2irmxT0_0EA)**.**  Read: **Getting Your Message to the Judge, SHC-1380** [Word](https://courts.alaska.gov/shc/family/docs/shc-1380.doc) | [PDF](https://courts.alaska.gov/shc/family/docs/shc-1302n.pdf).  Learn about motions: See [Motions: Requesting an Order from the Court; Opposing a Motion](https://courts.alaska.gov/shc/family/motions.htm).  {%p if type\_of\_response.all\_true('improper service', exclusive = True) or (type\_of\_response.any\_true('improper service', 'default') and not proper\_service) %}  If {{ other\_party\_in\_case }} properly serves you in the future, the court may decide not to dismiss your case.{% if (type\_of\_response['case in 2 states'] and stage\_of\_other\_case == 'still going') or (type\_of\_response['default'] and stage\_of\_default in('application filed', 'hearing scheduled'))%}  Read "Step 9: If you decide to move forward, fill out the forms you need to answer the complaint and respond" to learn about filing an Answer".{% endif %}  {%p endif %} Links in step **Generic Motion, TF-706** [[Fill-In PDF](https://public.courts.alaska.gov/web/forms/docs/tf-835.pdf)] public.courts.alaska.gov/web/forms/docs/tf-835.pdf  [Motions Part 1: How to Ask the Court For Something](https://www.youtube.com/watch?v=2irmxT0_0EA) youtube.com/watch?v=2irmxT0\_0EA  **Getting Your Message to the Judge, SHC-1380** as a [Word file](https://courts.alaska.gov/shc/family/docs/shc-1380.doc) courts.alaska.gov/shc/family/docs/shc-1380.doc as a [PDF](https://courts.alaska.gov/shc/family/docs/shc-1302n.pdf) courts.alaska.gov/shc/family/docs/shc-1302n.pdf  [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 agreement\_documents %} |  |
| Step 11: 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** [[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 (type\_of\_response.any\_true('ak custody case', 'ak divorce case')) or (user\_need == 'answer custody' and type\_of\_response['wrong state'] and not jurisdiction) or (user\_need == 'answer divorce' and type\_of\_response['wrong state']) or type\_of\_response['case in 2 states'] or (type\_of\_response['default'] and stage\_of\_default == 'judgment entered') %} | certificate\_of\_service\_step |
| Step 12: 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’sTrueFiling eFiling system, TrueFiling 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:  * {% if user\_need in('answer custody', 'answer divorce', 'respond to motion in custody', 'respond to motion in divorce')%}The court will send you a **Deficiency Notice**, and * The judge may not get your paperwork.{% else %} * The court may not accept your motion or may send you a **Deficiency Notice**, and * The judge may not see your motion or make a decision.{% endif %}   {% for image\_data in images\_list %}  {{ image\_data['text'] }}  {{ image\_data['image'].show(width='5in%') }}  {% endfor %} |
| {%tr endif %} |  |
| {%tr if (type\_of\_response['default'] and stage\_of\_default == 'judgment entered' ) or (type\_of\_response['case in 2 states'] and stage\_of\_other\_case == 'ended with order')%} | file\_motion\_step in aka2j\_templates.yml and Step 1 in "G:\Family Law\Legal Navigator\A Interviews\Conventions\File and Serve\File and serve a motion.docx" |
| Step 13: {% if defined('file\_step\_heading') %}{{ file\_step\_heading }}{% else %}File your motion forms{% endif %} | {{ file\_motion\_to\_enforce }}{% if defined('file\_step\_heading') and file\_step\_heading == 'File your Motion to Set Aside' %}If you decide that a **Motion to Set Aside** fits your case:{% endif %}   1. Make 2 copies of everything you are going to give the court. 2. 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). * Email the documents, if your local court accepts email filings. [See if your court accepts documents by email](https://courts.alaska.gov/courtdir/efiling.htm).{% if middle\_of\_case == 'no' and why\_change in ('review', 'schedule', 'income') and why\_change\_divorce\_order == 'changed circumstances' %}  1. Pay one $75 fee to file both **Motions to Modify** at the same time. If you file your motions on different days, you must pay a $75 filing fee for each **Motion to Modify**. 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/selfhelp.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)]. {% elif user\_need == 'change foreign custody order' or (middle\_of\_case == 'no' and ((type\_of\_final\_order.any\_true('custody','child support') and why\_change in ('review', 'schedule', 'income') and (type\_of\_final\_order.all\_false('spousal support', 'property or debt') or (type\_of\_final\_order.any\_true('spousal support', 'property or debt') and why\_change\_divorce\_order != 'changed circumstances'))) or (type\_of\_final\_order.any\_true('spousal support', 'property or debt ') and why\_change\_divorce\_order == 'changed circumstances' and (type\_of\_final\_order.all\_false('child support', 'custody') or (type\_of\_final\_order.any\_true('child support', 'custody') and not why\_change in ('review', 'schedule', 'income')))))) %}  1. Pay the $75 fee to file your Motion to Modify. 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/selfhelp.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)].{% endif %}  1. Keep 1 copy for your own records. 2. Give the 2nd copy to {{ other\_party\_in\_case }} on the date and way you wrote on your **Certificate of Service**. 3. Read Step 16: Serve {{ other\_party\_in\_case }}.  Links in this step {% if user\_need == 'change foreign custody order' or (middle\_of\_case == 'no' and (why\_change in('review', 'schedule', 'income') or why\_change\_divorce\_order == 'changed circumstances')) %}[**Family Law Self-Help Center**](https://courts.alaska.gov/shc/family) courts.alaska.gov/shc/family  **Exemption From the Payment of Fees,** [**TF-920**](https://public.courts.alaska.gov/web/forms/docs/tf-920.pdf) [[Fill-In PDF](https://public.courts.alaska.gov/web/forms/docs/tf-920.pdf)] public.courts.alaska.gov/web/forms/docs/tf-920.pdf  {% endif %}[**See if your court uses TrueFiling** courts.alaska.gov/efile/index.htm#current-courts](https://courts.alaska.gov/efile/index.htm#current-courts)  **See if your court accepts documents by email** courts.alaska.gov/courtdir/efiling.htm |
| {%tr endif %} |  |
| {%tr if (type\_of\_response.any\_true('ak custody case', 'ak divorce case')) or (user\_need == 'answer custody' and type\_of\_response['wrong state'] and not jurisdiction) or (user\_need == 'answer divorce' and 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 14: File your original with the court | You have **20 days** to file and serve {{ other\_party\_in\_case }} your {% if (type\_of\_response['wrong state'] and not jurisdiction) or (type\_of\_response['case in 2 states'] and stage\_of\_other\_case in('ended with order', 'still going')) or (type\_of\_response['default'] and proper\_service == 'neither') %}**Motion to Dismiss**{% else %}Answer, **Affidavits**, **Information Sheet**,{% endif %}and other documents.  {% if type\_of\_response['case in 2 states'] and stage\_of\_other\_case == 'ended with order' %}When you fille your **Motion to Dismiss,** include copies of the {% if user\_need == 'answer custody' %}custody order{% elif user\_need == 'answer divorce' and minor\_children %}divorce decree and custody order{% elif user\_need == 'answer divorce' and not minor\_children %}divorce decree{% endif %} from the other state.   1. {% endif %}Make 2 copies of everything you are going to give the court. 2. Give the original version of your documents{% if type\_of\_response['case in 2 states'] and stage\_of\_other\_case == 'ended with order' %} and a copy of the order from the other state{% endif %} to the court that is listed on the top of the complaint.  * 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 * Send your documents to the court electronically.   + Use the court’s [TrueFiling eFiling system](https://courts.alaska.gov/efile) 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). Or   + 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)  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 16: Serve {{ other\_party\_in\_case }}.  Links in this step [Court Directory](http://courts.alaska.gov/courtdir/index.htm#trial) courts.alaska.gov/courtdir/index.htm#trial  [TrueFiling eFiling system](https://courts.alaska.gov/efile) courts.alaska.gov/efile  [See](https://courts.alaska.gov/efile/index.htm#current-courts) if your court uses Truefiling 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 |
| {%tr endif %} |  |
| {%tr if type\_of\_response.all\_false and agreement\_documents %} | file\_complaint\_step in aka2j\_templates.yml and Step 1 in "G:\Family Law\Legal Navigator\A Interviews\Conventions\File and Serve\File and Serve in Starting a case.docx |
| Step : 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 (user\_need == 'divorce' and (legal\_separation\_or\_divorce == 'divorce' and ((minor\_children and agree\_or\_settle\_kids == 'yes') or (not minor\_children and agree\_or\_settle in('no prop debt or pregnancy', 'agree', 'do not know')))) or (legal\_separation\_or\_divorce == 'legal separation' and agree\_or\_settle\_kids == 'yes')) or (user\_need == 'custody' and which\_forms in('agree', 'both')) %}{% if (user\_need == 'divorce' and legal\_separation\_or\_divorce == '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{% else %}Because{% endif %} you both of you 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 file 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 (user\_need == 'divorce' and legal\_separation\_or\_divorce == 'divorce' and ((minor\_children and agree\_or\_settle\_kids in('yes', 'do not know')) or (not minor\_children and agree\_or\_settle in('no prop debt or pregnancy','agree','do not know')))) or (user\_need == 'custody' and which\_forms in('agree','both')) or (user\_need == 'answer custody') %}  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 Center](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)] public.courts.alaska.gov/web/forms/docs/tf-920.pdf |
| {%tr endif %} |  |
| {%tr if (type\_of\_response.any\_true('ak custody case', 'ak divorce case')) or (user\_need == 'answer custody' and type\_of\_response['wrong state'] and not jurisdiction) or (user\_need == 'answer divorce' and type\_of\_response['wrong state']) or type\_of\_response['case in 2 states'] or (type\_of\_response['default'] and stage\_of\_default == 'judgment entered') %} |  |
| Step 16: Serve {{ other\_party\_in\_case }} | 1. Give a copy of all your documents to {{ other\_party\_in\_case }} the way you wrote on the **Certificate of Service**. 2. Serve them on the date you said you would. 3. 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). 4. File the new **Certificate of Service** with the court.  Link in this step [Certificate of Service, SCH-1620](https://courts.alaska.gov/shc/family/docs/shc-1620.doc) courts.alaska.gov/shc/family/docs/shc-1620.doc |
| {%tr endif %} |  |
| {% if (type\_of\_response.any\_true('ak custody case', 'ak divorce case')) or (user\_need == 'answer custody' and type\_of\_response['wrong state'] and not jurisdiction) or (user\_need == 'answer divorce' and 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')) or (type\_of\_response.all\_false and agreement\_documents) %} |  |
| Step : Read the "Domestic Relations Procedural Order" or Standing Order {% if user\_need == 'answer custody' and type\_of\_response.all\_false()%}if the clerk gives you one when you file your case{% else %}that was with the complaint{% endif %} | 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 usually states, unless {{ other\_party\_in\_case }} agrees, or the court gives permission:   * {% if user\_need in('custody', 'answer custody') or (user\_need in('divorce', 'answer divorce') and minor\_children) %}Do not take your children out of Alaska. * {% endif %}{% if user\_need in('divorce', 'answer divorce') %}Do not sell or get rid of marital property. * {% endif %}Do not cancel or change any insurance policy.{% if user\_need in('custody', 'answer custody') or (user\_need in('divorce', 'answer divorce') and minor\_children) %}   Also, check with your local court for their [parent education requirements](http://courts.alaska.gov/shc/family/shcparent-ed.htm).{% endif%}  If you want to do something 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:  the Court Guide Action Plan: [Asking for an Order in a Divorce Case When the Issue Cannot Wait for the Court’s Final Decision (Filing a Motion)](https://docassemble.akcourts.gov/start/FilingAMotion) and  [Motions: Requesting an Order from the Court; Opposing a Motion](https://courts.alaska.gov/shc/family/motions.htm) Links in this step {% if user\_need in('custody', 'answer custody') or (user\_need in('divorce', 'answer divorce') and minor\_children) %}[parent education requirements](http://courts.alaska.gov/shc/family/shcparent-ed.htm) courts.alaska.gov/shc/family/shcparent-ed.htm  {% endif%}[Asking for an Order in a Divorce Case When the Issue Cannot Wait for the Court’s Final Decision (Filing a Motion)](https://docassemble.akcourts.gov/start/FilingAMotion) docassemble.akcourts.gov/start/FilingAMotion  [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 (type\_of\_response['case in 2 states'] and stage\_of\_other\_case in('still going', 'ended with no order')) or (type\_of\_response['wrong state'] and not jurisdiction) or (user\_need in('answer custody', 'answer divorce') and type\_of\_response.any\_true('ak custody case', 'ak divorce case')) %} | expect\_after\_answer\_step |
| Step 18: What to expect after you file your Answer | {%p if type\_of\_response['case in 2 states'] and stage\_of\_other\_case == 'still going' %}   * 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. * {%p endif %}  The court will set a hearing They will send you a notice with the date and time of the hearing.  {% if user\_need == 'answer divorce' %}Within 45 days of the date you file and serve your spouse with your Answer, both of you are supposed to tell each other about all your property and debt. Fill out and give your spouse:  **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) Links in this step **Civil Rule 26.1 Questionnaire, SHC-1010** as a [Word](https://courts.alaska.gov/shc/family/docs/shc-1010.doc) file 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](https://courts.alaska.gov/shc/family/docs/shc-1000.doc) file 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 type\_of\_response['case in 2 states'] and stage\_of\_other\_case == 'ended with order' %} | expect\_after\_motion\_step in aka2j\_mod\_cust\_div\_templates.yml and "G:\Family Law\Legal Navigator\A Interviews\Conventions\File and Serve\File and serve a motion.docx" |
| Step 19: What to expect after you file a {{ motion\_type }} | * {% if user\_need in('answer custody', 'answer divorce') and type\_of\_response['case in 2 states'] and stage\_of\_other\_case == 'still going' %}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.  {% endif %}{{capitalize( other\_party\_in\_case) }} may file a response or "opposition" If you serve {{ other\_party\_in\_case }}:   * + by hand delivery, email, or TrueFiling, they have 10 days to file a written response.   + by mail, they have 13 days to file a written response.   Counting:   * + Day 1 is the day after you delivered, emailed, or mailed it.   + Count weekends and holidays.   + If the due date is a weekend or holiday, the {{ other\_party\_in\_case }}‘s response is due the next day the court is open. For example, if it is due on a Saturday, and the court is open Monday, their response is due Monday.   {% if user\_need == 'child support' and (existing\_case == "none" or (existing\_case == "unknown" and after\_courtview == "none")) %}If you file your **Motion for Interim Child Support** with your complaint, the other parent does not have to respond until they respond to the complaint. This is usually 20 days after they get the complaint.  {% endif %}The documents {{ other\_party\_in\_case }} files after you serve them is their "response" or "opposition.” You can reply to their response If {{ other\_party\_in\_case }} files a response you can file a reply.  If they serve you:   * + by hand delivery, email, or TrueFiling, you have 5 days to file.   + by mail, you have 8 days.   Counting:   * + Day 1 is the day after they delivered, emailed, or mailed it to you.   + Do not count weekends and holidays.   + If the due date is a weekend or holiday, your reply is due the next day the court is open. For example, if it is due on a Saturday, and the court is open Monday, your reply is due Monday.   Draft your reply:   * + Watch 2 videos:   + [**Motions Part 3: Preparing a Reply**](https://youtube.com/watch?v=egoBeRFB_Uw), and   + [**Motions Part 4: Mailings and Deadlines**](https://youtu.be/YQvG7GEGeoo)   + Read: [How do I reply to an opposition?](https://courts.alaska.gov/shc/family/motions.htm#reply) on the court's website   + Use: **Reply to Opposition to Motion,** [**SHC-1305**](https://courts.alaska.gov/shc/family/docs/shc-1305n.pdf).   Remember to fill out the **Certificate of Service** and tell the court how and when you deliver your reply to {{ other\_party\_in\_case }}  {% for image\_data in reply\_certificate\_list %} {{ image\_data['text'] }} {{ image\_data['image'].show(width='5in%') }} {% endfor %} The judge will issue an order  * + The judge may set a date for a hearing, but they may decide your motion without a hearing.   + The judge may grant your **{{ motion\_type }}.** If they do, you will get a copy of the {% if user\_need in('answer custody', 'answer divorce') %}order granting your motion.{% else %}new order.{% endif %}   + The judge may deny your **{{ motion\_type }}.** If they do, you will get an order denying the motion.{% if user\_need in('change foreign order', 'change foreign custody order') or (user\_need in('change AK order', 'change custody order', 'change divorce order') and middle\_of\_case == 'no') %}   + Keep following your court order unless the judge grants your motion and issues a new order.   Either one of you can decide to appeal the decision about the **{{ motion\_type }}** if you believe the judge made a legal mistake. Learn more about [filing an appeal](https://courts.alaska.gov/shc/appeals/appeals.htm).{% endif %} Links in this step [**Motions Part 3: Preparing a Reply**](https://www.youtube.com/watch?v=egoBeRFB_Uw) youtube.com/watch?v=egoBeRFB\_Uw  **Motions Part 4: Mailings and Deadlines** youtu.be/YQvG7GEGeoo  **How do I reply to an opposition?** courts.alaska.gov/shc/family/motions.htm#reply  **Reply to Opposition to Motion, SHC-1305** courts.alaska.gov/shc/family/docs/shc-1305n.pdf  {% if user\_need =='change foreign custody order' or (user\_need in('change custody order', 'change divorce order') and middle\_of\_case == 'no') %}[**filing an appeal**](https://courts.alaska.gov/shc/appeals/appeals.htm) courts.alaska.gov/shc/appeals/appeals.htm{% endif %} |
| {%tr endif %} |  |
| {%tr if type\_of\_response.all\_false() and agreement\_documents %} | expect\_after\_complaint\_step in aka2jtemplates.yml |
| Step 20: What to expect after you file your Complaint | {%p if (user\_need == 'divorce' and not know\_spouse\_whereabouts) or (user\_need == 'custody' and alternate\_service) %}   * Now you wait. {% if user\_need == 'custody' %}The clerk will sign the **Notice to Absent Defendant** if the court finds you did enough to try to serve {{ other\_party\_in\_case }}.{% elif user\_need == 'divorce' %}The clerk will sign the **Notice to Absent Spouse** if the court finds you did enough to try to serve {{ other\_party\_in\_case }}.{% endif %} The court will then post the notice on the Alaska Court System's legal notice website for 4 weeks in a row. * {% if user\_need == 'divorce' and not minor\_children and legal\_separation\_or\_divorce == 'divorce' and agree\_or\_settle == 'no prop debt or pregnancy' %}After the notice has been posted 4 weeks, fill out and file the **Proof of Notice**, [DR-225](https://public.courts.alaska.gov/web/forms/docs/dr-225.pdf). When you file your Proof of Notice, ask the clerk's office for instructions on setting a hearing date. The hearing must be at least 30 days after the end of the 4 weeks the notice was posted on the court’s website. * Attend the hearing. The court will ask you questions about trying to find your spouse and about ending the marriage.{% else %}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 %}  {%p endif %} {% if (user\_need == 'divorce' and (legal\_separation\_or\_divorce == 'divorce' and ((minor\_children and agree\_or\_settle\_kids == 'yes') or (not minor\_children and agree\_or\_settle == 'agree') or (agree\_or\_settle == 'no prop debt or pregnancy' and no\_prop\_or\_debt\_agree))) or (legal\_separation\_or\_divorce == 'legal separation' and agree\_or\_settle\_kids == 'yes')) or (user\_need == 'custody' and which\_forms == 'agree') or user\_need == 'answer custody' %}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 **Error! Reference source not found.**: 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 your spouse filing their answer, both of you are supposed to tell each other about all your property and debt. Fill out and give your spouse:  **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) or (user\_need == 'divorce' and not know\_spouse\_whereabouts) %}**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 (type\_of\_response.any\_true('ak custody case', 'ak divorce case')) or (user\_need == 'answer custody' and type\_of\_response['wrong state'] and not jurisdiction) or (user\_need == 'answer divorce' and 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 : Learn more about the process | 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](https://courts.alaska.gov/shc/family/docs/shc-180.doc) file 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](http://www.aklawselfhelp.org/): aklawselfhelp.org [Spanish](http://www.aklawselfhelp.org/resources/4b145751b31d22d28010f9e03c6e9580.html):aklawselfhelp.org/resources/4b145751b31d22d28010f9e03c6e9580.html [Tagalog](http://www.aklawselfhelp.org/resources/63a0e14b62dbdfd5895a75a2400fd693.html) aklawselfhelp.org/resources/63a0e14b62dbdfd5895a75a2400fd693.html   Find [Alaska Family Law Hearing & Trial Preparation Videos yout](https://www.youtube.com/playlist?list=PL82589B66ED712B4B)ube.com/playlist?list=PL82589B66ED712B4B |
| {%tr endif %} |  |
| {%tr if domestic\_violence %} | answer\_domestic\_violence\_step in aka2jtemplates.yml |
| Step 22: {% if type\_of\_response.any\_true()%}{% if ((user\_need == 'answer custody' and type\_of\_response['ak custody case']) or (user\_need == 'answer divorce' and type\_of\_response['ak divorce case']) or (type\_of\_response['case in 2 states'] and stage\_of\_other\_case == 'ended with no order')) and (response\_to\_complaint in('agree', 'some') or (response\_to\_complaint == 'none' and want\_help\_to\_agree))%}Abuse or domestic violence resources and reaching an agreement{% else %}Abuse or domestic violence and parenting{% endif %}{% else %}Abuse or domestic violence resources and reaching an agreement{% 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 in your area](https://andvsa.org/communitys-programs) to learn about the services they offer (counseling, financial assistance, housing and safe shelter, resources for children, and help with court). * You can get information about asking the court for a protective order by answering more questions. See the Court Guide Action Plan: [Protective Orders](https://docassemble.akcourts.gov/start/ProtectiveOrders). * 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).   {%p if ((user\_need == 'answer custody' and type\_of\_response['ak custody case']) or (user\_need == 'answer divorce' and type\_of\_response['ak divorce case']) or (type\_of\_response['case in 2 states'] and stage\_of\_case == 'ended with no order')) and (response\_to\_complaint in('agree', 'some') or (response\_to\_complaint == 'none' and want\_help\_to\_agree)) %}  {% if user\_need == 'answer divorce' %}However, some people in a marriage with domestic violence are comfortable reaching an agreement about {% if minor\_children %}a parenting plan and {% endif %}dividing marital property and debt for a variety of reasons.  Sometimes, domestic violence does not make either spouse uncomfortable or afraid to ask for what they want in the {% if minor\_children %}parenting plan or {% endif %}property & debt division.  If the domestic violence does make a spouse uncomfortable or afraid, provisions are used to make the process of trying to reach an agreement feel safer (having a support person present, having a mediator or a trusted third person help with discussions, not meeting in-person, meeting in different rooms, or talking about an agreement through email, text or telephone).  Sometimes, one spouse's main goal is to finish the case and be done in a safe manner so they are willing to give up some things in the agreement that they may be entitled to under the law.{% endif %}{% if user\_need == 'answer custody' %}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, 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).  Sometimes, 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.{% endif %}  You can decide if you are comfortable trying to reach an agreement with {{ other\_party\_in\_case }} based on the facts and circumstances of your case.  {% if user\_need in('custody', 'answer custody') or (user\_need in('divorce', 'answer divorce') and minor\_children) %}If you want to try to reach an agreement about the parenting plan, your options may be limited if there has been domestic violence. {% endif %} Your Parenting Plan agreement may be limited if there is domestic violence{%p else %}{% if user\_need in('custody', 'answer custody') or (user\_need in('divorce', 'answer divorce') and minor\_children) %}How domestic violence affects custody{% endif %} {%p endif %}  {%p if user\_need in('custody', 'answer custody') or (user\_need in('divorce', 'answer divorce') and minor\_children) %}  The law presumes that a parent with a "history of domestic violence" not get custody or unsupervised visitation unless they meet 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.  {%p endif %}  {%p if ((user\_need == 'answer custody' and type\_of\_response['ak custody case']) or (user\_need == 'answer divorce' and type\_of\_response['ak divorce case']) or (type\_of\_response['case in 2 states'] and stage\_of\_case == 'ended with no order')) and (response\_to\_complaint in('agree', 'some') or (response\_to\_complaint == 'none' and want\_help\_to\_agree)) %}  {%p if user\_need in('custody', 'answer custody') or (user\_need in('divorce', 'answer divorce') and minor\_children) %} Considerations if you and {{ other\_party\_in\_case }} cannot agree {%p endif %}  {%p else %}  {%p if user\_need in('custody', 'answer custody') or (user\_need in('divorce', 'answer divorce') and minor\_children) %} Contact between parent and children {%p endif %}  {%p endif %}  {%p if user\_need in('custody', 'answer custody') or (user\_need in('divorce', 'answer divorce') and minor\_children) %}  If you think the other parent should not have any contact with your children, you 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 their children. Research 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 ((user\_need == 'answer custody' and type\_of\_response['ak custody case']) or (user\_need == 'answer divorce' and type\_of\_response['ak divorce case']) or (type\_of\_response['case in 2 states'] and stage\_of\_case == 'ended with no order')) and (response\_to\_complaint == 'none' and not want\_help\_to\_agree) %} Tell the judge your concerns{% endif %} The judge will only know about your domestic violence concerns if you state them in the documents you file and when you talk in court. If you have concerns for the children's safety when in the care of the other parent, or for yourself when interacting with the other parent, describe them to the judge. If the judge is going to allow the other parent to have parenting time (visitation) with the children, you can suggest ways to address your concerns. Some options include:   * no drugs or alcohol prior to or during the visits, * drug or alcohol testing and/or treatment, * no overnight visitation, * no excessive discipline or spanking, * no emotional abuse such as cursing at or name calling, * no saying anything bad about you to or in front the children or letting anyone else do it, * no inappropriate exposure to adult activities such as pornography, * exchanges only at public or specified places, * supervised exchanges by a willing and available third party who you trust, * parenting time only occur in a public or specified place, * supervised parenting time with a willing and available third party who you trust, or * no contact between the children and specific individuals you are concerned about.   If you think you or your children's health, safety, or liberty would be harmed by providing the information on the **Child Custody Jurisdiction Affidavit, DR-150** 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)).  {%p endif %}Links in this step [Find a domestic violence program](https://andvsa.org/communitys-programs) andvsa.org/communitys-programs  [Protective Orders](https://docassemble.akcourts.gov/start/ProtectiveOrders) docassemble.akcourts.gov/start/ProtectiveOrders  [legal assistance through your local domestic violence program](https://andvsa.org/for-survivors/) andvsa.org/for-survivors  [Alaska Legal Services](https://alsc-law.org/apply-for-services) alsc-law.org/apply-for-services  {%p if response\_to\_complaint == 'none' and not agreement\_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  {%p endif %} |
| {%tr endif %} |  |
| {%tr if paternity %} |  |
| Step 23 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 24: 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](https://courts.alaska.gov/shc/shclawyer.htm).  Depending on your income, you may qualify for [Alaska Free Legal Answers](https://alaska.freelegalanswers.org/).  Depending on your income and circumstances, you may qualify for a free lawyer from [Alaska Legal Services](https://alsc-law.org/apply-for-services). Links in this step [Family Law Self-Help Center](https://courts.alaska.gov/shc/family/selfhelp.htm) courts.alaska.gov/shc/family/selfhelp.htm  [Find a Lawyer](https://courts.alaska.gov/shc/shclawyer.htm) courts.alaska.gov/shc/shclawyer.htm  [Alaska Free Legal Answers](https://alaska.freelegalanswers.org/) alaska.freelegalanswers.org/  [Alaska Legal Services](https://alsc-law.org/apply-for-services) alsc-law.org/apply-for-services |