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| Changing Your Child Support Order  in Alaska | |
|  | Your Personal Action Plan in 20 Steps |

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| {%tr if (today - distrib\_cert\_date <= 10) or (guess\_date == 'within 10 days') or (unknown\_interim\_date in (‘reconsider’, ‘both’)) or (final\_order\_date <= 10) or (unknown\_final\_date in (‘reconsider’, ‘both’)) %} |  |
| Step 5: Learn about Motions to Reconsider | To ask your trial judge to reconsider a decision, file a Motion to Reconsider. You only have 10 days after the order is distributed to file the motion. Find the distribution date at the bottom of the order on the Certificate of Distribution. It is the day court staff sent the order to you.  {Image}  [Alaska Rule of Civil Procedure](https://courts.alaska.gov/rules/docs/civ.pdf) 77(k) lists **4 reasons** you can ask the court to reconsider a judge's decision:  :   * + - * 1. The court has overlooked, misapplied or failed to consider a statute, decision or principle directly controlling. This means the court made a mistake in applying the law to the case.  For example, Civil Rule 90.3 states the child support calculations for different parenting arrangements. If there is one child primarily living with one parent, Rule 90.3 states the other parent is supposed to pay 20% of their adjusted annual income to the other parent for the child support. If the judge figures out the child support amount to be 27% of adjusted income for one child, the motion for reconsideration would state that the judge misapplied Civil Rule 90.3.         2. The court has overlooked or misconceived some material fact or proposition of law. This means the court got an important fact wrong.  For example, in a divorce case, the parties agree that the marital home is worth $100,000. The judge states that the house is worth $200,000. The spouse who was awarded the house could file a motion for reconsideration. The motion for reconsideration would state the judge used the wrong dollar amount for the house in dividing the property.         3. The court has overlooked or misconceived a material question in the case. This means the court misunderstood what you were asking for in your case or in a motion.  For example, a child changed from living full time with their mom to living full time with their dad. Under the child support formula, dad used to pay child support to mom based on the primary custody child support formula. Now, mom should pay child support to dad based on the primary custody child support formula. Dad filed a motion to modify child support. The judge denied dad’s motion because the parents’ incomes did not change. Dad can file a motion to reconsider and tell the judge they overlooked the question about whether there was a change in the parenting schedule.         4. The law applied in the ruling was changed by a later court decision or statute. This means the court applied a rule or law that changed.  For example, on April 15, 2018, Civil Rule 90.3 changed to allow a parent to deduct the cost of their own health insurance from their gross income, up to 10% of the parent’s gross income. If the court calculated child support on April 14, but did not allow for the health insurance deduction which resulted in a higher child support amount, the parent could file a motion for reconsideration based on the changed Civil Rule 90.3.  Links in this step [Alaska Rule of Civil Procedure](https://courts.alaska.gov/rules/docs/civ.pdf) https://courts.alaska.gov/rules/docs/civ.pdf |
| Step 6: Fill out the forms to file a Motion to Reconsider | Use  * Motion and Affidavit for Reconsideration, SHC-1545 [Word](https://courts.alaska.gov/shc/family/docs/shc-1545.doc) | [PDF](https://courts.alaska.gov/shc/family/docs/shc-1545n.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)  Procedure  * The judge does not hold a hearing about a Motion to Reconsider so write your whole argument in the motion. * Your Motion to Reconsider and all the attachments must be 5 pages or less. * Usually when you file a motion: * the other side files a written response, * you have a chance to reply, and * the judge decides. * A Motion to Reconsider is different: * The other parent does not have to respond unless the judge sends a written request for a response. * If the judge does nothing for 30 days, it means the judge is not going to grant your motion to reconsider. You will not get anything in writing. * Read [Options after you get a judge’s decision](https://courts.alaska.gov/shc/family/after-judgment.htm).  Links in this step Motion and Affidavit for Reconsideration, SHC-1545 as a [Word](https://courts.alaska.gov/shc/family/docs/shc-1545.doc) file: courts.alaska.gov/shc/family/docs/shc-1545.doc as a [PDF](https://courts.alaska.gov/shc/family/docs/shc-1545n.pdf) file courts.alaska.gov/shc/family/docs/shc-1545n.pdf  Proposed Order on Motion, SHC-1302 as a  [Word](https://courts.alaska.gov/shc/family/docs/shc-1302.doc)  file courts.alaska.gov/shc/family/docs/shc-1302.doc as a  [PDF](https://courts.alaska.gov/shc/family/docs/shc-1302n.pdf) file courts.alaska.gov/shc/family/docs/shc-1302n.pdf  [Options after you get a judge’s decision](https://courts.alaska.gov/shc/family/after-judgment.htm). courts.alaska.gov/shc/family/after-judgment.htm |
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| Step 7: Learn about Motions to Modify | Changing your child support order is called “modifying” child support. The child support rule, [Alaska Rule of Civil Procedure](https://courts.alaska.gov/rules/docs/civ.pdf) 90.3, states you need to prove there has been a “material change in circumstances” to modify child support. The most common changes in circumstances are:   * Your children’s schedule changes and they spend more or fewer overnights with you than they used to, or * Your income or the other parent’s income changes.  Calculate your new child support amount Figure out the new child support amount using the new schedule or new income information.   * Calculate the percent of overnights your children spend with you and with the other parent. For example, if your child spends 4 nights each week with you and 3 nights each week with their other parent, they spend 209 overnights each year with you and 156 nights each year with the other parent. This is 57% of overnights with you and 43% of overnights with the other parent. * Use the percentages to fill out the [Child Support Guidelines Affidavit](https://courts.alaska.gov/shc/family/docs/shc-dr305f-sample.pdf) . Read [How to Fill out the Child Support Guidelines Affidavit PDF](https://courts.alaska.gov/shc/family/docs/shc-dr305f-sample.pdf) to help you fill out this form. * If your children have a primary custody child support schedule, the Child Support Guidelines Affidavit tells you the new child support amount. If you do not have a primary custody child support schedule, use one of these forms: * **Shared Custody Support Calculation, DR-306** [Fill-In PDF] for a shared custody schedule, * **Hybrid Custody Child Support Calculation, DR-308** for a hybrid custody child support schedule, or * **Divided Custody Child Support Calculation, DR-307** for a divided custody child support schedule.   Compare the old and new child support amounts to see if there is a material change in circumstances**.**   * If the new child support amount is 15% more or less than the old amount, there is a presumption that there is a material change in circumstances. * For example, if the old child support amount was $100 per month, there would be a material change if the new amount was * $85 or less, or * $115 or more.  Timing  * If your parenting schedule changes, or your income or the other parent’s income changes, it is important to tell the court **right away.** * The judge cannot go back and change child support that was due in the past. They can only change child support starting when you file something asking to change it, and notify the other parent that you are asking for a change. * Until you file a motion in court, the old child support amount applies and the parent who owes child support still owes the old amount, even if income or the schedule has changed. * After you file your motion, but before the judge decides, can be confusing. If the judge changes child support, they also pick the day the new amount starts. This is usually the day a parent filed a motion to modify and gave it to the other parent.   If child support changes, 1 parent may owe the other money for the time between when the motion was filed and when the judge decided. Links in this step [Alaska Rule of Civil Procedure](https://courts.alaska.gov/rules/docs/civ.pdf) courts.alaska.gov/rules/docs/civ.pdf  [Child Support Guidelines Affidavit](https://courts.alaska.gov/shc/family/docs/shc-dr305f-sample.pdf) courts.alaska.gov/shc/family/docs/shc-dr305f-sample.pdf  [How to Fill out the Child Support Guidelines Affidavit PDF](https://courts.alaska.gov/shc/family/docs/shc-dr305f-sample.pdf) courts.alaska.gov/shc/family/docs/shc-dr305f-sample.pdf  [Shared Custody Support Calculation, DR-306 [Fill-In PDF]](https://public.courts.alaska.gov/web/forms/docs/dr-306.pdf) public.courts.alaska.gov/web/forms/docs/dr-306.pdf  [Hybrid Custody Child Support Calculation, DR-308](https://public.courts.alaska.gov/web/forms/docs/dr-308.pdf) public.courts.alaska.gov/web/forms/docs/dr-308.pdf  [Divided Custody Child Support Calculation, DR-307](https://public.courts.alaska.gov/web/forms/docs/dr-307.pdf) public.courts.alaska.gov/web/forms/docs/dr-307.pdf |
| Step 8: Fill out forms to file a Motion to Modify | Use  * Motion to Modify Custody, Visitation & Support Packet, [SHC-PAC12](https://courts.alaska.gov/shc/family/shcforms.htm#shc-pac12)  Procedure There is a $75 filing fee for a Motion to Modify  The other parent has 10 days to file a response (13 if you mail it).  You have 5 days to file a reply  Read [Options after you get a judge’s decision](https://courts.alaska.gov/shc/family/after-judgment.htm) Links in this step **[Motion to Modify Custody, Visitation & Support Packet, SHC-PAC12](\\\\polaris\\groups\\Family Law\\Legal Navigator\\A2J Author\\Child Support\\Changing Child Support\\courts.alaska.gov\\shc\\family\\shcforms.htm" \l "shc-pac12)** [courts.alaska.gov/shc/family/shcforms.htm#shc-pac12](\\\\polaris\\groups\\Family Law\\Legal Navigator\\A2J Author\\Child Support\\Changing Child Support\\courts.alaska.gov\\shc\\family\\shcforms.htm" \l "shc-pac12)  [**Options after you get a judge’s decision**](https://courts.alaska.gov/shc/family/after-judgment.htm) courts.alaska.gov/shc/family/after-judgment.htm |
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| Step 20: Get more information or help | For help with forms or understanding the process, call the [**Family Law Self-Help Center**](https://courts.alaska.gov/shc/family/selfhelp.htm) (907) 264-0851 or (866) 279-0851 from an Alaska-based phone outside of Anchorage.  Many lawyers offer free or flat fee consultations without having to hire them for the whole case. [**Find a Lawye**r](https://courts.alaska.gov/shc/shclawyer.htm).  Depending on your income, you may qualify for [**Alaska Free Legal Answers**](https://legalnav.org/resource/alaska-free-legal-answers/).  Depending on your income and circumstances, you may qualify for a free lawyer from [**Alaska Legal Services**](https://alsc-law.org/apply-for-services/). Links in this step [**Family Law Self-Help Center**](https://courts.alaska.gov/shc/family/selfhelp.htm) courts.alaska.gov/shc/family/selfhelp.htm  [**Find a Lawyer**](https://courts.alaska.gov/shc/shclawyer.htm) courts.alaska.gov/shc/shclawyer.htm  [**Alaska Free Legal Answers**](https://legalnav.org/resource/alaska-free-legal-answers/) LegalNav.org/resource/alaska-free-legal-answers  [**Alaska Legal Services**](https://alsc-law.org/apply-for-services/) alsc-law.org/apply-for-services |