

Person Submitting Proposed Order:

Name: _____ Phone: _____

Address: _____

Email: _____

☐ Attorney for _____ ☐ Self-Represented (I don't have an attorney)

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA AT _____

Parent A (Plaintiff/Co-Petitioner)

Parent B (Defendant/Co-Petitioner)

Case Number: _____

CHILD SUPPORT ORDER

☐ Interim ☐ Final ☐ Modification of order dated _____

1. Children. Custody and support are ordered for the following minor children:

<u>Full Name of Child</u>	<u>Birth Date</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

2. Parent A.

Full Name: _____ DOB: _____

Mailing Address: _____

Residence Address (if different): _____

Most Recent Employer: _____

Employer's Address: _____

Parent B.

Full Name: _____ DOB: _____

Mailing Address: _____

Residence Address (if different): _____

Most Recent Employer: _____

Employer's Address: _____

Custodian (if not a parent).

Full Name: _____ DOB: _____

Mailing Address: _____

Residence Address (if different): _____

3. Legal Custody.

☐ Joint ☐ Sole to _____ ☐ Described in parenting plan dated _____

4. Physical Custody.

The parenting plan ordered or agreed to is detailed in the following document:

_____ [title] _____ [date]

The plan results in the following type of physical custody for purposes of calculating child support: *[See the definitions in Civil Rule 90.3(a) & (b).]*

- a. ☐ Primary custody
☐ Parent A ☐ Parent B ☐ Custodian has primary custody of all children.
- b. ☐ Shared custody (all children live with each parent at least 30% of the year)
____% to Parent A ____% to Parent B ____% to Custodian
- c. ☐ Divided custody (each parent has primary custody of at least one child and the parents do not have shared custody of any children)
☐ Parent A has primary custody of _____
☐ Parent B has primary custody of _____
☐ Custodian has primary custody of _____
- d. ☐ Hybrid custody (at least one parent has primary custody of at least one child and the parents have shared custody of at least one child)
☐ Parent A has primary custody of _____
☐ Parent B has primary custody of _____
☐ Custodian has primary custody of _____
☐ Custody of _____ is shared as follows:
____% to Parent A ____% to Parent B ____% to Custodian

Note: In shared custody schedules, you may ask for modification of this support order if a parent fails to take physical custody of the children at least 30% of the year. However, the court won't increase child support if the failure to take custody was because the other parent denied or prevented it. *[See Civil Rule 90.3(b)(1)(E).]*

5. Child Support.

- a. The court finds that the parties' **Adjusted Annual Income** for child support purposes is: Parent A \$_____ Parent B \$_____
- The determination of adjusted annual income is based on: *[Check all that apply.]*
- ☐ Parent A's *Child Support Guidelines Affidavit* dated _____
- ☐ Parent B's *Child Support Guidelines Affidavit* dated _____
- ☐ Parent A's tax returns and/or paystubs dated _____
- ☐ Parent B's tax returns and/or paystubs dated _____
- ☐ Testimony on record: date _____ ctrm _____ start time _____
- ☐ Employer-reported wages of ☐ Parent A ☐ Parent B
- ☐ The court imputed income to ☐ Parent A ☐ Parent B based on the following facts and legal considerations:
- _____
- _____
- _____
- ☐ Other: _____
- _____
- _____

b. Amount of Support Obligation

Obligor (the parent who owes support) is _____, and must pay child support to **Obligee**, _____, according to the chart below.

[Write the current number of children on the first line and calculate across. Then subtract one number on each line and calculate across again. For example, if there are 3 children today, calculate support for 3 children on the first line, calculate support for 2 children on the next line, and for 1 child on the line after that.]

Number of Children <i>[Write current # on first row, then subtract 1 each row.]</i>	Basic Monthly Support Owed	Health Insurance Adjustment			Total Monthly Child Support Owed
		Obligee's Cost to Buy Children's Health Ins.	Obligor's Cost to Buy Children's Health Ins.	50% Health Insurance Adjustment + (-)	

Unless otherwise indicated in section e below, as each child turns 18, otherwise legally emancipates, or dies, the amount of support will change to the next lower amount.

☐ Social Security Child's Insurance Benefits (CIB) apply. CIB payments are a credit against child support when Obligor is the source of the entitlement. CSED may administratively apply the CIB credit.

c. Attached Documents Showing Court's Calculation

- ☐ CSED Calculator Printout
 ☐ DR-307, *Divided Custody Calculation*
☐ DR-306, *Shared Custody Calculation*
☐ DR-308, *Hybrid Custody Calculation*
☐ _____

d. Effective Dates

The child support obligation starting date is _____ based on

☐ child's date of birth.
 ☐ parents' separation date.
 ☐ motion to modify service date.
☐ _____

The first payment is due no later than _____. All other payments are due by the ☐ 1st ☐ _____ day of each month.

- e. Support must continue while each child is 18 years old if the child is (1) unmarried, (2) actively pursuing a high school diploma or equivalent level of technical or vocational training, and (3) living as a dependent with the obligee parent or a guardian or a designee of the parent or guardian, **unless** the following box is checked:
☐ Child support will end when each child reaches age 18.
- f. This child support order is suspended for the time periods when a child is taken into State custody in a child in need of aid case or juvenile delinquency proceeding and one of the following two conditions exist: (1) the State places the child with Obligor; or (2) this child support order is based on shared, divided, or hybrid custody. CSED may redirect or administratively establish child support as necessary.

6. ☐ **Extended Visitation Credit.** Extended visitation credit applies to this case (available in primary custody cases only). Obligor will have physical custody of the children for the following periods of over 27 consecutive days:

If this visitation is exercised, child support is reduced for the above periods as follows:

[This reduction may not be more than 75% of the amount owed for the period, per Civil Rule 90.3(a)(3).] If this visitation is not exercised, child support is not reduced.

7. ☐ **Seasonal Income.** The court finds: (1) Obligor's income is seasonal; (2) Obligee agrees that, as long as total annual amount remains the same, Obligor can make higher payments during high-income months and lower payments during low-income months as set forth below; and (3) Obligee should have the burden of budgeting for low-income months. Annual support: \$_____ Average monthly support: \$_____

Therefore, it is ordered that the monthly support amount in section 5.b will be varied as follows:

High-Income Months. Obligor must pay \$_____ per month in the following months: _____

Low-Income Months. Obligor must pay \$_____ per month in the following months: _____

If this support order takes effect in a low-income month, Obligor must pay the "average monthly support" each month until a high-income month is reached, at which time the unequal monthly payment schedule will begin.

This order varying the monthly support amount applies only to the support amount for the number of children listed on the first row of the chart in section 5.b. When support is no longer owed for the first child, the seasonal variation in monthly support amounts ☐ must be recalculated. ☐ will be as follows: _____

8. **Application of Civil Rule 90.3 Formula.**

The amount of child support in section 5 was determined according to:

- a. ☐ the formula in Civil Rule 90.3(a)(1-4) and (b).
b. ☐ Civil Rule 90.3(a)(5)(B), (a)(2), and (b). Obligor's total annual income is \$30,000 or less, and the low-income adjustment was applied.
c. ☐ Civil Rule 90.3(c)(2) and (b). Obligor's adjusted annual income is over \$138,000.
d. ☐ Civil Rule 90.3(c)(3). Obligor's calculated amount of support is less than \$600 per year so the \$600 minimum was ordered. Obligor's income is low, because
☐ Obligor is incarcerated.
☐ Obligor is unable to work: _____
☐ _____
e. ☐ Civil Rule 90.3(c)(1). The court finds good cause upon proof by clear and convincing evidence that manifest injustice would result if the support award were not varied.

The support that would have been owed but for this 90.3(c)(1) variation is \$_____ for _____ children per month to be paid by ☐ Parent A. ☐ Parent B. The estimated value of any property conveyed instead of support calculated under 90.3 is \$_____.

9. Medical Support Order. This order concerns health insurance for the children covered by this child support order. It does not concern health insurance for any other children or for the parents. *[See AS 25.27.060(c) and Civil Rule 90.3(d)(1).]*

a. ☐ Indian Health Service or Military Medical Benefits.

The children are eligible for services through ☐ the Indian Health Service.

☐ the military. These services are available to the children in the area where they live. No additional insurance is required while these services are available.

b. ☐ Health Insurance Available at Reasonable Cost.

☐ Obligor ☐ Obligee must purchase health insurance for the children, because such insurance is available at reasonable cost through their employer, union, or otherwise. Name and address of employer/union through which insurance will be purchased: _____

The insurance cost (currently \$_____ per month) will be divided between the parties equally **unless** the following box is checked. ☐ A different division of cost is ordered as follows: _____

The child support calculation in section 5.b includes:

☐ a **credit** of \$_____ per month (50% of the cost to Obligor) for health insurance purchased for the children by Obligor. If Obligor fails to purchase the insurance, the monthly child support obligation will increase by this amount, without further order of the court, until Obligor purchases the insurance and provides proof of the purchase to the other parent and to the Child Support Enforcement Division (CSED), if CSED is handling collections.

☐ an **extra** \$_____ per month (50% of the cost to Obligee) for health insurance purchased for the children by Obligee. If Obligee fails to purchase the insurance, the monthly child support obligation will decrease by this amount, without further order of the court, until Obligee purchases the insurance and provides proof of the purchase to the other parent and to the Child Support Enforcement Division (CSED), if CSED is handling collections.

If the cost of the insurance changes, the amount of the child support obligation will be adjusted without further court order. The parent purchasing the insurance must provide documentation of the change to the other parent and to CSED, if CSED is handling collections. If either parent believes the cost of the insurance has become unreasonable, that parent may file a motion asking the court to suspend the requirement that insurance be purchased.

The parent purchasing the insurance must notify the insurance company that the other parent or custodian can apply for benefits on behalf of the children and should be reimbursed directly. The purchaser must also provide coverage information to the other parent or custodian and all forms and instructions necessary to apply for benefits. The parent with insurance who receives statements or Explanations of Benefits from the insurance company regarding any of the children must send a copy to the other parent or custodian upon request.

c. ☐ No Services or Insurance / Future Coverage.

Health insurance is not available at a reasonable cost and services through the Indian Health Service, the military, or otherwise are not available, or availability is unknown. If the Indian Health Service, the military, or other services become available, no additional health insurance is required. If insurance becomes

available to a parent at a reasonable cost, that parent must purchase the insurance after giving notice to the other parent. The cost of insurance must be divided equally unless a different division of the cost is ordered. Without further court order, the monthly child support obligation will increase by 50% of the cost of the insurance if Obligee purchases it and decrease by 50% of the cost of the insurance if Obligor purchases it, unless otherwise ordered. If the parents disagree about whether the cost of insurance is reasonable, or about which insurance policy should be purchased, either parent may file a motion asking the court to resolve the dispute. ☐ The children are currently receiving Medicaid benefits or are eligible to receive Medicaid benefits. The parents must cooperate to apply for and maintain Medicaid benefits for the children, if eligible, until coverage becomes available under the circumstances of this paragraph.

- 10. Uncovered Health Care Expenses.** The cost of the children's reasonable health care expenses (including medical, dental, vision, and mental health counseling expenses) not covered by insurance, up to \$5,000 in a calendar year, must be paid as follows:

- ☐ Obligor will pay half, and Obligee will pay half.
☐ Obligor will pay _____, and Obligee will pay _____, because

A parent must reimburse the other parent for their share of the uncovered expenses within 30 days after receiving the health care bill, proof of payment, and if applicable, a health insurance statement showing what part of the cost is uncovered. The bill and other materials should be sent within a reasonable time. If the uncovered expenses are more than \$5,000 in a calendar year, they must be divided based on the parties' relative financial circumstances when the expenses occur.

- 11. Travel Expenses.** Travel expenses that are necessary for a parent to spend time with the children will be divided between the parents as follows: *[See Civil Rule 90.3(g).]*

- 12. Income Withholding Order.** Unless one of the following boxes is checked (or CSED later authorizes an exemption for one of these reasons), Obligor, any employer of Obligor, and any person, political subdivision, department of the State, or other entity possessing Obligor's property must immediately withhold from Obligor's income and any other money due Obligor the amount of child support due pursuant to AS 25.27.062 and must pay this amount to the Child Support Enforcement Division (CSED).

- ☐ This is a modification of a previous child support order. The previous order in this case did not require immediate withholding and CSED is not enforcing this order. Therefore, income withholding will not be initiated until the requirements of AS 25.27.062(c) are met.
- ☐ Obligor is receiving social security or other disability compensation that includes regular payments to the children at least equal to the support owed each month. To the extent these payments to the children do not satisfy the monthly amount owed, the remaining amount due will be withheld from Obligor's income per AS 25.27.062.

- ☐ The parties agreed on an alternative arrangement described in the attached document signed by both parties. Obligor has agreed to keep Obligee (or CSED, if CSED is enforcing the order) informed of Obligor's current employer and the availability of employment-related health insurance coverage for the children until the support order is satisfied. In addition, if this is a modification of an existing order, income withholding has not been terminated previously and subsequently initiated.
- ☐ The court finds good cause not to require immediate income withholding, because it would not be in the best interests of the children for the following reasons:

Obligor has agreed to keep Obligee (or CSED, if CSED is enforcing the order) informed of Obligor's current employer and the availability of employment-related health insurance coverage for the children until the support order is satisfied.

- ☐ This is a modification order, so the court further finds that Obligor made voluntary support payments under the previous order and has not been in arrears in an amount equal to the support payable for one month, as defined in AS 25.27.062(m)(2)(B).

Even if one of the above boxes is checked, exempting Obligor from immediate income withholding, such withholding may be initiated under AS 25.27.062(c) through the court or through CSED.

13. CSED Services. All child support payments must be made to the Child Support Enforcement Division (CSED) if one of the parents applies for the services of CSED. In addition, if the above income withholding order is served on Obligor's employer or anyone holding money belonging to Obligor, the money withheld must be paid to CSED.

- ☐ An application for CSED services was already submitted by one of the parents.
- ☐ An application for CSED services is attached to this order.
- ☐ No application for CSED services has been submitted, but one or both parents intend to submit one.
- ☐ Neither parent intends to apply for CSED services.

When payments are made through CSED:

- a. Payments must include the **case number** and **names of both parents** and must be made payable to the CHILD SUPPORT ENFORCEMENT DIVISION, PO Box 100380, Anchorage, Alaska 99510-0380. CSED must distribute the payments as required by law after deducting any fee required by law.
- b. CSED must maintain a record of support payments.
- c. Interest will be imposed in accordance with AS 25.27.020 on payments that are 10 or more days overdue, or if payment is made by a check backed by insufficient funds. No interest will be charged, except on arrearages more than 30 days past due, if payments are made under an income withholding order.
- d. The parties must notify CSED, in writing, of any change in their mailing or residence addresses within 5 days after the change.
- e. Obligor must tell CSED the name and address of their current employer. Whenever employment changes, Obligor must notify CSED in writing within 20 days. This employment information must be given to Obligee instead of CSED, if CSED is not enforcing the order.

- f. The parent ordered to buy insurance must give CSED proof of medical insurance coverage for the children within 20 days of this order. If insurance becomes unavailable, that parent must notify CSED within 20 days. When insurance again becomes available, that parent must, within 20 days, give CSED proof that the children are insured. The above proof and notice of insurance must be given to the other parent instead of CSED, if CSED is not enforcing the order.
- g. If a parent applies for CSED services:
- (1) CSED will take whatever enforcement action is deemed legally proper, including recommending contempt proceedings against the parent ordered to pay support.
Failure to pay support as ordered may result in execution against the Obligor's property or arrest of Obligor.
 - (2) Unless the box below is checked, CSED may issue a withholding order, pursuant to AS 25.27.062 or AS 25.27.250, to attach funds owed to Obligor by any corporation created by the Alaska Native Claims Settlement Act (ANCSA) or any settlement trusts established pursuant to section 39 of ANCSA, codified at 43 USC 1629e. Upon service of such an order, Obligor's dividends, distributions, and/or other periodic monetary benefits of ANCSA stock or benefits paid by a settlement trust must be transferred to Obligee pursuant to the terms of the withholding order. The ANCSA corporation or settlement trust must pay the funds so transferred to CSED for distribution to Obligee. Obligor is prohibited from transferring, selling, or otherwise alienating their ANCSA stock or trust benefits after CSED issues a withholding order based on an arrearage.
☐ CSED is not authorized to issue the withholding order described above, because _____
But, CSED may issue a withholding order if Obligor accrues arrears more than two times the monthly support obligation under this order.

14. Effect of Assignment of Right to Child Support to State. This order does not bind the Child Support Enforcement Division of Alaska or of any other state to the child support herein ordered if Obligee is receiving or has currently applied for welfare benefits and assigns their rights to child support to the state. AS 25.27.120 - .130. If child support rights are assigned to the state, any alternative arrangement for immediate income withholding will not be allowed unless approved by CSED.

15. Application for Permanent Fund Dividend (PFD) Required. Unless the box below is checked, Obligor is ordered to apply for a PFD if Obligor is an Alaska resident and is more than two months in arrears as of December 31 of the previous year. Obligor must submit a complete and accurate PFD application to the PFD Division by January 15 and must timely submit any supplemental information or documentation requested by the PFD Division. If Obligor is not eligible for a dividend, Obligor must file proof of non-eligibility with CSED, if CSED is enforcing this support order.

☐ Obligor is not required to apply for an Alaska PFD, because:

16. Notice to Party Who is Ordered to Pay Support (Obligor).

- a. You must pay the amount of support in this order. You cannot give gifts, clothes, food, or other things instead of paying this money. **The other parent cannot waive this order. Even if the other parent says you do not have to pay, you still owe the money. If CSED or the other parent later asks the court to enforce this order, you will owe all the back child support plus interest, even if the other parent told you that you did not need to pay.** This can add up to a large debt (arrearages). Only the court can change the amount of child support you owe. See section 17 for more information on how to change the order.
- b. You must pay support on time. You still have to pay even if the other parent denies you visitation with the children. If you are denied visitation, you can file a motion to enforce visitation with the court, but you must still pay the child support. See ak-courts.info/enforce for more information on how to ask the court to enforce the order.
- c. You must pay child support before your other bills and debts. Child support payments have priority over most other debts.
- d. If you get married or take on an obligation to support someone else, you must still pay the support in this order. If you fail to do so and a case is brought against you to enforce payment, your new obligations will not be an excuse for failing to pay.

17. Notice to Both Parties: If your situation changes, immediately ask the court to change this order.

This child support order is based on:

- your **current** income, and
- your **current** parenting schedule.

If either changes significantly (for example, if a child starts living with a different parent), you can ask the court to change the custody order or child support order. The court has forms to help you do this (the DR-700 Packet, available at ak-courts.info/forms).

It is very important to ask the court to change the order as soon as a change in income or custody occurs, because child support cannot be changed retroactively (a new order cannot cancel the amount ordered to be paid in the past).

Past due amounts continue to remain due even if the person owed support does not ask for payment (except in the special situation described in Civil Rule 90.3(h)(3)). With interest added, these past due amounts can grow into a substantial debt.

Once a year, either parent can ask the other parent to provide documents such as tax returns and pay stubs showing the parent's income and deductions for the prior calendar year. The request must be in writing, and the parent making it must attach copies of their own tax return and pay stubs (and deductions, if applicable) to the request. The other parent must respond with documentation of their income and deductions within 30 days.

18. Other.

Recommended for approval on:

Date

Superior Court Master

Superior Court Judge

Date

Print or Type Name

Print or Type Name

I certify that on _____, I distributed a copy of this order to:

- ☐ CSED by email to dor.csed.records.tracking@alaska.gov for the state case registry with a copy of:
- ☐ DR-314, *Confidential Information Sheet* (REQUIRED)
 - ☐ DR-343, *Confidential Info. Sheet – Support Order from Another State* (if order modifies another state's child support order)
 - ☐ DR-315, *Application for CSED Services* (if any)

☐ Parties (list): _____

☐ Attorneys (list): _____

☐ If the Attorney General has filed an Entry of Appearance on behalf of CSED, I also sent a copy to the Attorney General by email to c-s.ecf@alaska.gov

☐ If 8.e on page 4 is checked, I also sent a copy to the Administrative Director of the Court System by email to ordersthatdeviate@akcourts.gov

☐ If 9.b on page 5 is checked, I also sent a copy of this order & the DR-330 notice** to: _____ Employer(s) of: ☐ Obligor ☐ Obligee

Clerk/JA: _____

** A copy of the order and the DR-330, *Notice to Employer Re: Children's Medical Insurance*, must be sent to the employer of the party ordered to purchase insurance for the children if that party is eligible for family health care coverage through their employer. AS 25.27.063(b).

For Court Clerk

Enter this order and disposition (interim, final, mod) into CourtView's petition screen.