

Name: _____

Email: _____ Phone: _____

Mailing Address: _____

☐ I agree to get documents by email instead of mail, check my email regularly, and tell the court and other participants of email changes. [Electronic Delivery of Case Documents, TF-820](#)

NOTE: If you do not wish to list your physical address, you still must list a mailing address.

[Fill in the court location, names, and case number exactly the same as on the complaint.]

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

AT _____

_____ (Plaintiff)

_____ (Defendant 1)

_____ (Defendant 2) CASE NO: _____

**ANSWER AND COUNTERCLAIM
TO COMPLAINT TO DISESTABLISH AND ESTABLISH PATERNITY**

A. ANSWER

1. I am:

- ☐ the biological mother.
- ☐ the current legal father (Plaintiff is asking to disestablish me as the legal father).
- ☐ the person Plaintiff thinks is the biological father (Plaintiff is asking to establish me as the legal and biological father)

2. This is my response to Plaintiff's complaint:

- ☐ I agree with everything in the complaint.
- ☐ I agree with some of the complaint, but I disagree with the statements in these paragraphs: _____
- ☐ I am not sure if I agree or disagree with the statements in these paragraphs: _____

B. AFFIRMATIVE DEFENSES

[An “affirmative defense” means that you do not think Plaintiff has a legal right to bring this case. You are arguing that even if everything Plaintiff says in the complaint is true, Plaintiff still should not win the case. You must give facts and legal arguments to support each affirmative defense.]

☐ None of the statements in section B apply to me, and I have no affirmative defenses.
[Go to Section C.]

☐ The following affirmative defenses apply to me: [Check all that apply.]

1. ☐ **This court does not have jurisdiction over any child in this case,** because:

- ☐ None of the children have ever lived in Alaska.
- ☐ The children used to live in Alaska, but moved on _____ [date].
- ☐ The children live in Alaska right now, but have lived here for less than six months. They moved to Alaska on _____ [date].
- ☐ Another court has already decided paternity.

[If you checked one of these boxes, you must fill out and attach to this answer (1) [Child Custody Jurisdiction Affidavit, DR-150](#) and (2) a “Motion” form. Name it “Motion to Dismiss Paternity Case for Lack of Jurisdiction.” Attach it to this answer. You can use these [Motion Forms](#) (ak-courts.info/motpac).]

2. ☐ **This court does not have jurisdiction over me in this case,** because:

- ☐ Plaintiff is trying to establish that I am the biological and legal father, but I have never lived in Alaska or done anything in Alaska that could result in a pregnancy with someone who lives in Alaska. I want the court to dismiss this case, because I will be harmed (prejudiced) if this issue is decided in Alaska.
- ☐ I do not live in Alaska and do not have connections with Alaska that would give the court jurisdiction (authority) over me. I want the court to dismiss this case, because I will be harmed (prejudiced) if this issue is decided in Alaska.

[If you checked one of these boxes, you must fill out a “Motion” form. Name it “Motion to Dismiss Paternity Case for Lack of Jurisdiction.” Attach it to this answer. You can use these [Motion Forms](#) (ak-courts.info/motpac).]

3. ☐ **This case is in the wrong venue and should have been filed in a different Alaska court location,** because:

[If you checked this box, you must fill out a “Motion” form. Name it “Motion for Change of Venue.” Attach it to this answer. You can use these [Motion Forms](#) (ak-courts.info/motpac).]

4. ☐ **Other affirmative defenses:**

C. COUNTERCLAIMS

[A counterclaim is your side of the story. If you disagree with things Plaintiff said in the complaint, you can tell the court your side by answering the questions below.]

- ☐ I have no counterclaims. [Go to Section D.]
- ☐ My counterclaims are in the responses below. In making these counterclaims, I am not giving up (waiving) my affirmative defenses. [Check all that apply.]

1. ☐ I disagree with Plaintiff's description of the family relationships:

2. ☐ I disagree with Plaintiff's description of where people live:

3. ☐ I disagree with what Plaintiff says about who is on the birth certificates:

4. ☐ I disagree with Plaintiff's description of how paternity was established:

5. ☐ I disagree with Plaintiff's description of the marital statuses:

6. ☐ I disagree with who Plaintiff says is the biological father:

7. ☐ Plaintiff did not ask for DNA testing, and I want the court to order DNA testing.

[If you checked this box, you must fill out and attach to this answer (1) [Motion and Affidavit for Genetic \(DNA\) Testing, DR-530](#) and (2) [Order for Genetic \(DNA\) Testing, DR-531](#)]

8. ☐ I disagree with Plaintiff's statements about child support or public benefits:

9. ☐ Other things I want the court to know about this case:

☐ More pages are attached. [Only write on one side of the page.]

D. REQUEST FOR RELIEF

I REQUEST THAT THE COURT:

1. ☐ Not enter a final order (decree) that disestablishes the current legal father.
☐ Enter a final order (decree) disestablishing ☐ Plaintiff ☐ the other Defendant ☐ me as the legal father.
 2. ☐ Not establish anyone as the children's legal and biological father.
☐ Enter a final order (decree) establishing ☐ Plaintiff ☐ the other Defendant ☐ me as the children's legal and biological father.
 3. ☐ Keep the children's birth certificates the same (not order that the birth certificates be changed).
☐ Order that the children's birth certificates be changed by
☐ removing _____ [name] as the father.
☐ adding _____ [name] as the father.
☐ other: _____
- [IMPORTANT:** If the court orders this as part of the decree, you must send a certified copy of the decree to the Alaska Office of Health Analytics and Vital to change the birth certificates.]
4. ☐ Order that I do not owe any child support after the date Plaintiff filed the complaint.
 5. ☐ Modify past due child support (arrearages) as the law will allow.
[The general rule is that the court can't go back and change what was owed in the past. But depending on how the original child support was decided, the court may be able to cancel some or all of the arrearages. This is a complicated area of law and you should talk to a lawyer if you want the court to change the past due child support.]
 6. ☐ Other: _____
 7. Anything else the court finds appropriate.

Date

Your Signature

ATTACHMENTS

I attached the following documents and served them together with this answer on **both** Plaintiff and the other Defendant:

Required if there is an existing child support order:

- ☐ A copy of the court's or CSSD's child support order

Required if DNA testing already happened and you have a copy:

- ☐ The DNA test results

Required if you want the court to order DNA testing:

- ☐ [Motion and Affidavit for Genetic \(DNA\) Testing, DR-530](#)
☐ [Order for Genetic \(DNA\) Testing, DR-531](#)

Other attachments:

- ☐ Motion to Dismiss
☐ Motion to Change Venue
☐ _____

Certificate of Service

[Read below for instructions about filling out this Certificate of Service.]

- ☐ I am filing this document through the court's TrueFiling program and will fill out the Certificate of Service through that program.
- ☐ I certify that I gave a copy of this document by ☐ hand-delivery ☐ mail ☐ email (only if the other person agreed to email service) on _____ at _____ [date/time] to:
☐ Plaintiff/Lawyer ☐ Other Defendant/Lawyer ☐ Other: _____

Your Signature: _____

Information about Filing and Serving Your Answer & Next Steps

You have 20 days after you receive the complaint to file your answer and any other documents you are attaching to it. If the due date is a weekend or holiday, your answer is due the next day the court is open. For example, if you count 20 days and it lands on a Saturday, and the court is open Monday, your answer is due Monday. Count 20 days from

- the date you signed the certified mail green postcard, or
- the date the process server delivered the court documents.

File Your Documents in the Court where the Case was Started and Serve Plaintiff and the Other Defendant

You must give **both** Plaintiff and the other Defendant a copy of everything you file with the court. This is called "service."

1. Fill out the Certificate of Service. This is a section at the end of your answer. Be sure you can serve the other parties on the date and in the way you put on the Certificate of Service. You can serve by regular first-class mail or hand-delivery. If Plaintiff or the other Defendant files anything in court that says they agree to service by email, you can email it instead. If the other party has a lawyer, you must email, mail, or hand-deliver the copy to their lawyer. If you use the court's [TrueFiling system](http://ak-courts.info/truefile) (ak-courts.info/truefile), it will serve any party who also uses TrueFiling.

2. File with the Court. Make 3 copies of everything you are going to give the court. Give the original version of your documents to the court. You can bring the original to your local court or mail it. Or [contact your local court](http://ak-courts.info/dir) to see if they accept email or TrueFile filings (ak-courts.info/dir).

3. Serve. Keep 1 copy for your own records. Give the second copy to Plaintiff on the date and in the way you wrote on your Certificate of Service. Give the third copy to the other Defendant on the date and in the way you wrote on your Certificate of Service. If you did not serve another party on the date or in the way you wrote on your Certificate of Service, fill out a new [Certificate of Service, TF-700](#).

What to Expect after You File Your Answer and Serve Copies on Plaintiff and the Other Defendant

If you do not file an answer, Plaintiff can ask the judge to decide the case without hearing from you. Read about [Filing for Default](http://ak-courts.info/default) (ak-courts.info/default). If the other Defendant has counterclaims, they can also ask for default on those claims.

After you file your answer, the court will set a hearing and send you a notice with the date, time, and location.

For more help, call the Family Law Self-Help Center at (907) 264-0851 or (866) 279-0851, or visit the [Family Law Self-Help Center Website](http://ak-courts.info/family) (ak-courts.info/family).

