

INSTRUCTIONS FOR FILING A MOTION TO CHANGE PARENTING PLAN OR CHILD SUPPORT

Use these instructions to ask the court to change a custody or visitation order (parenting plan) or child support order that was issued in Alaska. If the order was a **support** order issued **in another state or by a tribal court** and registered in Alaska, use the [DR-360](#) packet of forms to ask to modify the order.

Step 1 Fill out the following forms:

- a. *Motion to Change Alaska Order about Parenting Plan or Child Support* ([DR-705](#)).
- b. *Notice of Motion to Change Parenting Plan or Child Support* ([DR-710](#)).
- c. *Child Custody Jurisdiction Affidavit* ([DR-150](#)). List every child covered by your most recent court order.
- d. *Child Support Guidelines Affidavit* ([DR-305](#)). You **must** fill in your own column about your own finances. Fill in as much as you can about the finances of the other parent. Attach a copy of your most recent federal tax return, at least 3 most recent pay stubs, and documentation for any deductions other than standard taxes.
- e. *Shared Custody Child Support Calculation* ([DR-306](#)). Only required if you are asking for shared custody. If you are requesting "divided" or "hybrid" custody (defined in [Civil Rule 90.3\(f\)](#)), you must instead attach form [DR-307](#) (divided custody) or form [DR-308](#) (hybrid custody).

All publicly available court forms are posted on the court's website at <https://courts.alaska.gov/forms/index.htm>. They are also available in paper copy from the court clerk upon request, or you can call the Family Law Self-Help Center to ask for forms to be mailed to you: (907) 264-0851 in Anchorage, (866) 279-0851 outside of Anchorage.

Child Support Instructions Booklet. For more information about how to complete the child support calculation forms ([DR-305](#), [DR-306](#), [DR-307](#), & [DR-308](#)), read the booklet *How to Calculate Child Support* (form [DR-310](#)).

Notary. You must sign the response and the two affidavits in front of a notary public. A court clerk can provide this notary service for you for free if you bring the documents to court. Bring a photo ID with you for the notarization. If you do not have access to a notary or court clerk, you can fill out and attach *Self-Certification (No Notary Available)* ([TF-835](#)).

IMPORTANT
Notice on Using TrueFiling

1. See if TrueFiling is available for your case type and court location at ak-courts.info/tfcourts.
2. If available, you **must** use TrueFiling unless you are exempt. You are exempt if one of these applies:
 - You are in a jail or correctional facility.
 - You have a disability under the Americans with Disabilities Act (ADA).
 - You do not have safe access to a computer, internet, or email.
 - You cannot access the help you need to use TrueFiling.
 - You have a language barrier or are Limited English Proficient.

You do not need to prove you are exempt. If you are exempt **and** you choose not to use TrueFiling, you must tell the court and the other parent you are exempt on your first filing with the court. Many forms have a check box and space for you to do this already on the form. If not, write the following statement on your document and sign your name after it: "I certify that I am exempt from using TrueFiling for a reason listed in Administrative Bulletin 92."

For TrueFiling Users: Steps 2 and 3

- Step 2** If you filled out your forms electronically, save them as separate documents to your local device. If you filled out your forms on paper, scan or photograph them (make sure they are legible) and save them in a PDF or TIFF file format.

Create a TrueFiling account (if you don't already have one) and log in: <https://akfile.truefiling.com/login>. Upload your motion and all attachments as one "bundle." See ak-courts.info/tfhowto for detailed instructions on using TrueFiling.

- Step 3** You must give a copy of everything you file in court to the other party in the case. This is called "service." If the other party was represented by a lawyer during the case, and the case has been closed **less than a year**, serve the lawyer. If it has been **one year or more** since the case was closed, serve the other party directly. If the other party represented themselves during the case, serve the other party directly, no matter how long the case has been closed.

If the other party is also using TrueFiling, you can complete service on them within TrueFiling by selecting their name in the service screen after you file. TrueFiling will automatically create a certificate of service to prove that you did this.

If the other party is **not** also using TrueFiling, but **did** give the court an email address, you can use the same screen and procedure to serve them within TrueFiling. However, you will have to type in their email address yourself rather than select from a list.

If the other party is **not** using TrueFiling, and did **not** give the court an email address, you will have to complete service one of these ways:

- Fill out the certificate of service section on the form with the date you served the other party and the method (mail or hand-delivery) that you used. You must complete service on the other party and fill out this section of the form before you upload the documents into TrueFiling, so that it is included on the completed document that the court can see.

- Within TrueFiling, you can select that you served the other party by mail or hand-delivery, **but you must also serve at least one person by email at the same time**. If there are no other parties to serve by email, you can serve yourself by email to get TrueFiling to create the certificate. You must also type in the address you used to mail or deliver the documents to the other party and the date you served them or will serve them.
- Serve the other party as soon as possible after you file and then fill out a separate certificate of service. You can use [TF-700](#) or write your own. Include the name of the person you served, when you served them, the method you used (mail or hand-delivery), and the names of the documents you gave them. Upload this separate certificate to TrueFiling as soon as complete. Your filed documents will not be processed by the court until you file the certificate of service.

For People NOT Using TrueFiling: Steps 2 and 3

Step 2 You must give a copy of everything you file in court to the other party in the case. This is called "service." If the other party was represented by a lawyer during the case, and the case has been closed **less than a year**, serve the lawyer. If it has been **one year or more** since the case was closed, serve the other party directly. If the other party represented themselves during the case, serve the other party directly, no matter how long the case has been closed.

Make two copies of everything you plan to file in court, including any attachments. One set of copies is for you to keep for your records. The other set is to give ("serve on") the other party. Keep the originals to file with the court (explained in Step 3).

Use **one** of the following methods to serve the other party:

- a. by first-class mail to the mailing address they last used in the court case; or
- b. by hand-delivery to the other party in person; or
- c. if the other party is using TrueFiling **or** gave an email address to the court, by email to the email address they listed; or
- d. if the other party agreed to it during the case on any paperwork, by fax to the fax number they provided.

After serving the documents on the other party, fill out the certificate of service section on the original of the motion form that you will file in court. You may also attach a separate certificate of service instead, such as [TF-700](#), or write your own. If using a separate certificate, include the name of the person you served, when you served them, the method you used (mail or hand-delivery), and the names of the documents you gave them. Your filed documents will not be processed by the court until you file a certificate of service.

Step 3 File the **originals** of all the documents at the same court location that issued the order you want changed. For a list of court mailing and physical addresses, go to ak-courts.info/dir.

For Everybody: Step 4

Step 4 Filing Fee. If you **agree** with the other parent about the change to the parenting plan or child support, and you either file it together or file a document from the other parent that says the other parent agrees (stipulates) to your motion, there is no fee. If you do not agree, you can look up the current filing fee on the court's website at ak-courts.info/courtfees. If you are unable to pay the filing fee, you can file a *Request for Exemption from Payment of Fees* (form [TF-920](#)) to ask the court to waive the fee. The motion will not go to the judge until the fee is paid or waived. Do not give your motion to the other parent until you either pay the fee or the court waives it.

RESPONSE. The other parent has 10 days (13 days if you mailed it) to file a response with the court. If the deadline falls on a weekend or holiday, then it is due by the end of the next day the court is open. The other parent must serve you with a copy of this response.

REPLY. If you get a response by hand-delivery or email, you have 5 days to reply if you wish (filing a reply is optional). If the response was mailed to you, you have 8 days from the postmarked date to reply. Do not count weekends or holidays for this deadline. You may use *Reply to Response* (form [DR-730](#)). You must serve your reply on the other parent.

HEARING. The judge may schedule a hearing to get more information or decide any disagreements. The court will send you a notice if a hearing is scheduled.

Legal Information

Some resources are listed below. You should also read the "Annotations" that follow these statutes and rules. Annotations are brief paragraphs describing the Alaska Supreme Court decisions interpreting that particular rule or statute.

Child Support	Civil Rule 90.3 and the "Commentary" that explains this rule Alaska Statutes 25.24.160(a)(1), 25.24.170, 25.24.240, 25.24.910, and 25.27.060 - .070
Parenting Plans	Alaska Statutes 25.20.060 - 25.20.140, 25.24.150, 25.24.170, 25.24.240, 25.30.310, and 25.30.320

Parenting Plan Decisions: "Best Interests of the Child"

The court will not grant a change in the parenting plan unless there has been a **substantial** change in circumstances since the last order was entered. Also, the requested change must be in the best interests of the children. Alaska Statute 25.24.150(c) lists the things the court must consider in order to decide what the children's best interests are. It states:

In determining the best interests of the child, the court shall consider:

- (1) the physical, emotional, mental, religious, and social needs of the child;
- (2) the capability and desire of each parent to meet these needs;
- (3) the child's preference if the child is of sufficient age and capacity to form a preference;
- (4) the love and affection existing between the child and each parent;
- (5) the length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity;
- (6) the willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the other parent and the child, except that the court may not consider this willingness and ability if one parent shows that the other parent has sexually assaulted or engaged in domestic violence against the parent or a child, and that a continuing relationship with the other parent will endanger the health or safety of either the parent or the child;
- (7) any evidence of domestic violence, child abuse, or child neglect in the proposed custodial household or a history of violence between the parents;
- (8) evidence that substance abuse by either parent or other members of the household directly affects the emotional or physical well-being of the child;
- (9) other factors the court considers pertinent.

This statute also says that "the court may consider only those facts that directly affect the well-being of the child" and that the court must comply with the provisions of the Indian Child Welfare Act (ICWA). In 2004, the legislature added new sections (g) through (k) to AS 25.24.150. These sections limit the court's ability to give legal custody or unsupervised parenting time to a parent who "has a history of perpetrating domestic violence against the other parent, a child, or a domestic living partner."