

**PACKET NO. 835 FOR
ANSWER AND COUNTERCLAIM TO
COMPLAINT FOR DIVORCE WITHOUT CHILDREN**

Forms included in this packet:	
<u>DR-836</u>	Instructions
<u>DR-837</u>	Answer and Counterclaim to Complaint for Divorce without Children
<u>DR-314</u>	Information Sheet
Where can I find more information?	
<p>You can also contact the Family Law Self-Help Center at (907) 264-0851 or (866) 279-0851 or visit the court's website: ak-courts.info/family.</p> <p>The statutes, court rules, and the forms referenced in this packet are available on the court's website at ak-courts.info/home.</p>	

INSTRUCTIONS FOR ANSWER AND COUNTERCLAIM TO COMPLAINT FOR DIVORCE WITHOUT CHILDREN

1. What forms do I need to fill out when filing for divorce? (Use this as your checklist.)

REQUIRED

- Answer and Counterclaim to Complaint for Divorce Without Children**, [DR-837](http://ak-courts.info/dr837), ak-courts.info/dr837
- Information Sheet**, [DR-314](http://ak-courts.info/314), ak-courts.info/314

OPTIONAL (depending on your situation)

- If you do **not** use TrueFiling: **Case Description Form**, [CIV-125S](http://ak-courts.info/civ125s), ak-courts.info/civ125s

2. How do I fill out the Answer and Counterclaim for Divorce without Children?

The Answer and Counterclaim is your response to the Complaint. The Answer tells the court which parts of the Complaint you agree with and which parts you disagree with, and allows you to tell the judge if you think the Alaska court does not have the authority to decide your case, called [jurisdiction](http://ak-courts.info/cusjurs), ak-courts.info/cusjurs. It also includes a counterclaim section where you can tell the judge what you want to happen in your case.

3. How do I fill out the *Information Sheet*?

The other side should have already **completed** this form and given you a copy. If the form was filled out correctly, check the box at the top of the form that states the information was already provided and is correct.

If any of the information is wrong or **not complete**:

- Fill in all of the information requested in # 1, 2 and 3.
- Provide complete information for yourself and your spouse if you know it.
- Sign your name and date.

4. What do I do with the completed forms?

File your documents. File all of your completed forms with the court where the Complaint was filed. You must use the court's electronic filing platform, 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, check and sign the text box at the end of your Answer form.

Serve your documents. You must give a copy of this form (and everything attached to it) to every party in the case. This is called "service."

Use TrueFiling to serve the other party if:

- Both you and the other party are using TrueFiling.
- You are using TrueFiling and the other party gave their email address to the court.

Fill out the Certificate of Service at the end of your Answer form if:

- The other party is not using TrueFiling and did not give their email address to the court.
- You are exempt from using TrueFiling.

5. **What happens next?**

The court will set a hearing to schedule the trial date after the defendant files an answer. Usually, the purposes of the hearings are to discuss the trial date and trial deadlines and determine if the parties want a formal or informal trial.

Learn about the difference between formal and informal trials in **Domestic Relations Trials – Understanding the Two Options**, [PUB-45](#), ak-courts.info/pub45.

6. **Are there other resources?**

- The Family Law Self-Help Center has legal information for people without lawyers. Call (907) 264-0851 or (866) 279-0851. Staff can also answer questions about using the court's TrueFiling electronic filing system.
- Visit the court's family law self-help page: www.courts.alaska.gov/shc/family/selfhelp.htm.
- Learn about representing yourself at: ak-courts.info/findlawyer
- Learn about the court's TrueFiling system at: ak-courts.info/dr305howto.
- The Zoom Family Law Education Class explains the court process for people who do not have lawyers. Learn about the class at: ak-courts.info/flecinfo.
- The Zoom Hearing and Trial Preparation class helps people without lawyers prepare for a hearing or trial. Learn about the class: <https://courts.alaska.gov/shc/classes.htm#trial-prep>.

Name: _____ Date of Birth: _____

Mailing Address: _____

[You must give a mailing address for the court and other parties to mail you required documents. You can use any address, as long as you will get all mail sent to this address as soon as it is delivered.]

Email: _____ Phone: _____

By providing an email address, I agree that the court and other parties can send me court documents at this email address.

[Fill out the case caption below exactly the same as on the complaint.]

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
AT _____Spouse A: _____
(Plaintiff)Spouse B: _____ Case No. _____
(Defendant)**ANSWER AND COUNTERCLAIM TO
COMPLAINT FOR DIVORCE WITHOUT CHILDREN**

I, _____ [your name], state that the following facts are true and respond to Spouse A's complaint as follows:

A. ANSWER

- I agree with all of the statements in the complaint.
- I agree with the statements in the complaint, **except** for [list the specific section numbers and letters you disagree with]: _____
- I am not sure if I agree or disagree with the statements in these sections of the complaint:

B. AFFIRMATIVE DEFENSES

Affirmative defenses are facts or legal arguments that stop Spouse A from bringing this court case at all. When you claim an affirmative defense, you usually also need to file a motion to dismiss the case. If you prove an affirmative defense, you might get what you are asking for, even if everything in the complaint is true.

- I have no affirmative defenses. [Go to Section C.]
- I state the following affirmative defenses. [Check all sections below that apply.]
- There are minor children born or adopted during this marriage **or** one of the spouses is currently pregnant. This case should have been filed as a divorce with children.
 - I attached a *Motion to Convert Case to Divorce with Children*. [You can use form [TF-706](#).]
 - I also filled out section C.4 of this form with my counterclaims related to the children or the unborn child.
 - I attached a separate document with my counterclaims related to the children or the unborn child. [You can use section C of form [DR-832](#).]

2. I have never resided or been present in the State of Alaska. It is my position that the Alaska court does not have jurisdiction over me and/or over any of the property or debt of the marital estate. I want the Alaska court to dismiss this case because I will be prejudiced if we are divorced before the property division occurs in another state.
- I attached a *Motion to Dismiss for Lack of Jurisdiction*. [You can use form [TF-706](#).]
3. The location of this case is not correct. The case should have been filed at the courthouse in _____ [name of city or town].
- I attached a *Motion to Change Venue*. [You can use form [TF-706](#).]
4. Other:
- _____
- _____
- _____

C. COUNTERCLAIMS

A counterclaim is where you write what you want the judge to order. If you do not fill out this section, the judge may order what Spouse A asked for without knowing what you want.

- I make the counterclaims below. If I asked the court to dismiss the case in section B (Affirmative Defenses), and the court does not dismiss the case, I do not waive my claim about the court's lack of jurisdiction:
- I have no counterclaims. [Go to Request for Relief section.]

1. Date of marriage: _____ Place of marriage: _____
Date of separation: _____

2. **Change or Restore Name.**

- I want a **new name** that I did not have before this marriage.
[If you are asking for a name **other than a name you had before this marriage**, you must fill out *Request to Change to New Name in Divorce Case* (form DR-956). This form is available from the court clerk or online at ak-courts.info/dr956.]
- I want to restore (return to) a **prior name**. I want to change from my current name:

_____	_____	_____
First Name	Middle Name	Last Name

to my former name:

_____	_____	_____
First Name	Middle Name	Last Name

NOTE: If you are asking to restore your prior name, **and** you are:

- currently charged with a crime; **or**
- incarcerated (for example, in jail, in prison, or at a halfway house); **or**
- on supervised felony probation or on parole for a criminal conviction; **or**
- required to register as a sex offender or child kidnapper under AS 12.63.010;

You **must** file *Notice of Request to Restore Name in Dissolution or Divorce Case* (form DR-957), available from the court clerk or online at ak-courts.info/dr957.

3. Property and Debt

We have already divided all marital property and debt so there is none for this court to divide. We can each keep what we have in our possession or control.
[Go to section 4.]

There is marital property and debt for the court to divide in a fair and equitable manner.

I have attached a *Property & Debt Worksheet*, SHC-1000 [Word](#) | [PDF](#).

I am aware of the following property bought, earned, or received during the marriage:

Home. Value: \$ _____ Mortgage Amount: \$ _____

Other Building [describe]: _____
Value: \$ _____ Mortgage Amount: \$ _____

Land [describe]: _____
Value: \$ _____ Mortgage Amount: \$ _____

Vehicle (car, truck, snow machine, boat, etc.): _____
Value: \$ _____ Loan Amount: \$ _____

Vehicle (car, truck, snow machine, boat, etc.): _____
Value: \$ _____ Loan Amount: \$ _____

Vehicle (car, truck, snow machine, boat, etc.): _____
Value: \$ _____ Loan Amount: \$ _____

Vehicle (car, truck, snow machine, boat, etc.): _____
Value: \$ _____ Loan Amount: \$ _____

Furniture Household Goods Guns Jewelry Tools Artwork

Other Valuable Personal Property [list]:

Bank Accounts [list bank name and last four of account number]:

Stocks, Bonds, Crypto, Other Financial Instruments [describe]:

Spouse A's Retirement Savings

401(k)/403(b) account IRA Pension (PERS, TRS, FERS, etc.)

Military SBS Other: _____

Spouse B's Retirement Savings

401(k)/403(b) account IRA Pension (PERS, TRS, FERS, etc.)

Military SBS Other: _____

Other: _____

I am aware of the following debt and other liabilities incurred during the marriage, not already listed above:

Credit card debts [list card name and last four of account number]:

Unpaid medical bill Unpaid utility bill Unpaid cell phone bill

Student loans Liens on the home Other unpaid bill: _____

Other: _____

4. **Other requests or information I want the court to know about:**

[For example: lawyer’s fees, spousal support, etc. If you want the court to award you lawyer’s fees or spousal support before the end of the case, you must file a separate motion in addition to writing it in this section. See ak-courts.info/motpac for forms.]

D. REQUEST FOR RELIEF

I REQUEST that the court:

1. End our marriage and issue a decree of divorce.
2. Enter a final order and judgment regarding property and debt, as requested in section C.3 of this answer.
3. Change or restore my name, as requested in section C.2 of this answer.
4. Other: _____

I attached the following **REQUIRED** form:

Information Sheet, form [DR-314](#)

I attached the following **additional** documents:

Property & Debt Worksheet, SHC-1000 [Word](#) | [PDF](#)

Other: _____

Date

Signature

Use of TrueFiling

([Administrative Bulletin No. 92](#) - AB 92)

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, check and sign the text box below. If you sign below, you can only give documents to the court by mail or in person. You cannot email them.

I certify that I am exempt from using TrueFiling for a reason listed in AB 92.
 Signature: _____ Print or Type Name: _____

****See next page for instructions on REQUIRED service.****

You must give a copy of this form (and everything attached to it) to every party in the case. This is called "service."

Use TrueFiling to serve the other party if:

- Both you and the other party are using TrueFiling.
- You are using TrueFiling and the other party gave their email address to the court.

Use the Certificate of Service below if:

- The other party is not using TrueFiling and did not give their email address to the court.
- TrueFiling is not available - check TrueFiling availability at <https://ak-courts.info/tfcourts>
- You are exempt from using TrueFiling.

Certificate of Service

I certify on _____ at _____ [date/time] I gave a copy of this document **and** any attachments by mail. hand-delivery. TrueFiling. email. [You can only use email if the other party provided an email address to the court].

I served these people: _____

Signature: _____

Information about Filing and Serving Your Answer & Next Steps

(You do not need to file this page with the court)

You have 20 days after you receive the complaint to file your answer and any attachments 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 ends 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 restricted delivery receipt, or
- the date the process server delivered the court documents.

File your documents in the court where the case was started and serve the other party

Even if you ask to change the court location, you must still file your answer in the same court where the other party filed the complaint.

1. File with the Court.

Using TrueFiling: Create a TrueFiling account and log in. Upload this answer and all attachments as one “bundle.” See the User Guide at ak-courts.info/tfhowto.

Not Using TrueFiling: Make two copies of this answer and all attachments: one copy for your records and one copy for the other party. Bring the original to the court in person or mail it (court directory: ak-courts.info/dir). Make sure to mail it early enough for the court to get it before the 20-day deadline.

2. Service. If the other party has a lawyer, you must serve the lawyer instead of serving the other party directly.

If both of you use TrueFiling, you will complete service through TrueFiling. If not, service varies. See ak-courts.info/tfservice for instructions.

What to expect after you file your answer and serve a copy on the other party

If you do not file an answer, the other party can ask the judge to decide the case without hearing from you. This is called “default.” Read more at ak-courts.info/default.

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

For more help, call the Family Law Self-Help Center at (907) 264-0851 or (866) 279-0851. Or visit the self-help website at ak-courts.info/family.



Clerk: This form is CONFIDENTIAL and must be kept in a confidential envelope or file.

Information Sheet

Case Number: _____ Court Location: _____

I am not filling out the following three paragraphs because an Information Sheet providing all this information has already been filed in this case and I agree the information is correct.

1. Full Name of Party A/Parent A: _____

Date of Birth: _____ Social Security No.* _____

2. Full Name of Party B/Parent B: _____

Date of Birth: _____ Social Security No.* _____

3. Children Involved in This Case:

<u>Full Name of Child</u>	<u>Date of Birth</u>	<u>Social Security Number*</u>

I certify that the above information is correct.
[If you are filing an uncontested case together with the other party, **both** must sign below.]

Date Signature of Party 1 Print or Type Name of Party 1

Date Signature of Party 2 Print or Type Name of Party 2

* Disclosure of social security numbers is mandatory under AS 25.24.210(f), AS 18.50.280(a) and 42 USC 666(a)(13). The numbers may be used to insure compliance with the child support order.