

INSTRUCTIONS FOR COMPLAINT FOR LEGAL SEPARATION WITH CHILDREN

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

- Complaint for Legal Separation with Children*, form [DR-857](#)
- Child Custody Jurisdiction Affidavit*, form [DR-150](#)
- Child Support Guidelines Affidavit*, form [DR-305](#)
- Information Sheet*, form [DR-314](#)
- Summons*, form CIV-100 [Select your location from the list at [ak-courts.info/civ100.](#)]
- If you do **not** use TrueFiling: *Case Description Form*, form [CIV-125S](#)

If you have one of the following parenting plan arrangements:

- Shared custody: *Shared Custody Child Support Calculation*, form [DR-306](#)
- Divided custody: *Divided Custody Child Support Calculation*, form [DR-307](#)
- Hybrid custody: *Hybrid Custody Child Support Calculation*, form [DR-308](#)
- If you cannot afford the filing fee and want to ask that it be waived: *Request for Exemption from Payment of Fees*, form [TF-920](#)
- If you want to have Child Support Enforcement Division (CSED) help you collect and keep track of child support: *Application for CSED Services*, form [DR-315](#). You can also apply online for CSED services at [www.childsupport.alaska.gov](#).

All forms listed above are available on the court's website at [ak-courts.info/forms](#). They are also available in paper copy from the court clerk upon request.

2. How do I fill out the complaint?

The complaint asks for information about you, your spouse, any marital property or debt, and your children. List the children's names and birthdays and describe what parenting plan you want. List all property and debt of the marriage that you want the court to divide.

3. How do I fill out *Child Support Guidelines Affidavit* and *Child Custody Jurisdiction Affidavit*?

- Answer each question completely. Fill in as much information as you know for the other parent. For more detailed information, see the online tutorial at [ak-courts.info/dr305howto](#), or read *How to Calculate Child Support under Civil Rule 90.3* (form [DR-310](#)). A paper copy of the DR-310 booklet is available from the court clerk for customers with limited or no internet access.
- *Child Support Guidelines Affidavit* requires that you include your most recent tax return, three pay stubs, and documents that show information about any deductions you want to claim.
- You must sign these forms 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)*, form [TF-835](#).

4. **How do I fill out the *Summons*?**

Find the CIV-100 Summons for your court location from the list at ak-courts.info/civ100.

Fill in the blank spaces in the top half of the form, except the case number. When you file your papers, the clerk completes the lower half, gives your case a case number, and assigns a judge.

If you use TrueFiling, the clerk will email you the completed summons. If you file in person, the clerk may give you the summons right away, or the clerk may mail it. If you file your case by mail, you will receive the summons back by mail.

5. **How do I know if I need to fill out any extra child support forms (DR-306, DR-307, or DR-308)?**

Count up the number of overnights the children spend with each parent over the course of one year. That number determines the formula you use to calculate child support. These forms will help you complete the formula according to Civil Rule 90.3. For more information, see ak-courts.info/css, or read *How to Calculate Child Support under Civil Rule 90.3* (form [DR-310](http://ak-courts.info/dr310)). A paper copy of the DR-310 booklet is available from the court clerk for customers with limited or no internet access.

6. **What is my case type?**

When you start a case, you need to tell the court the case type.

When you start your case in TrueFiling, use the "Initiate Case" button for Domestic Relations cases. Enter:

- the location of the court you are filing in.
- for Case Type: Legal Separation
- for Case Sub-Type: Stay Legally Married (have minor children or pregnant) - do NOT Agree (or are unsure) on Property/Debt Division or Parenting Plan

If you do not use TrueFiling,

- fill out and file *Case Description Form*, form [CIV-125S](http://ak-courts.info/civ125s)
- check the box: Stay Legally Married (have minor children or pregnant) - do **not** Agree (or are unsure) on Property/Debt Division or Parenting Plan

7. **What do I do with the completed forms?**

File all of your completed forms with the court. You must use the court's electronic filing platform, TrueFiling, unless you are exempt. For detailed instructions on using TrueFiling, see ak-courts.info/tfhowto. You must either pay the filing fee in TrueFiling or ask the court to waive the fee by filing *Request for Exemption from Payment of Fees*, form [TF-920](http://ak-courts.info/TF-920).

You are exempt from using TrueFiling 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 complaint form. Make two copies of all your forms and attachments (one for your records and one to give to your spouse). File the **originals** of your completed forms in person at the courthouse or by mail. See ak-courts.info/dir for a list of addresses.

8. What happens after I open the case?

You must give a copy of everything you filed with the court to your spouse. This is called "service." When you first open a case, you must also serve your spouse with the *Summons* that was signed by the clerk and the *Standing Order in Domestic Relations Cases*. The court clerk will send or give you the *Standing Order* after you file your complaint. At the beginning of the case, you must use certified mail delivery or a process server to serve your spouse.

For more information on service at the beginning of the case, see:

- Civil Rule 4, available to read at ak-courts.info/civrules. A copy of the rule book is also available at any courthouse and most public libraries.
- *How to Serve a Summons in a Civil Lawsuit*, form [CIV-106](#). This booklet is also available in paper copy from the court clerk.
- Family Law Self-Help Center website at <https://courts.alaska.gov/shc/family/serve.htm#8>

Once the other spouse files a response to your complaint (called an "answer"), the court will set a hearing and notify you of the date, time, and location. Usually, the purpose of the hearing is to discuss the trial date and trial deadlines, determine if the parties want a formal or informal trial, and learn if the parties want to try mediation.

9. 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: ak-courts.info/selfhelp
- Learn about getting help from a lawyer: ak-courts.info/findlawyer
- Learn about the court's TrueFiling system: ak-courts.info/tfhowto
- The Zoom Family Law Education Class explains the court process for people who do not have lawyers: ak-courts.info/flecinfo
- The Zoom Hearing and Trial Preparation class helps people without lawyers prepare for a hearing or trial: ak-courts.info/HTP
- The court offers parents free mediation to help you draft a parenting plan agreement. To request this, use *Request for Court-Sponsored Parenting Plan Dispute Resolution*, form [MED-405](#).
- If you are having difficulty co-parenting, you can participate in the court's co-parenting coaching program. Learn about the program at ak-courts.info/cpp. Both parents can ask to attend by filing *Joint Request for Court's Co-Parenting Program*, form [MED-460](#). One parent can ask to attend by filing *Request for Court's Co-Parenting Program*, form [MED-461](#).