

Name: _____ Phone: _____

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

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

AT _____
[location of court]Parent/Spouse A: _____
(Plaintiff) [your full name]Parent/Spouse B: _____ Case No. _____
(Defendant) [full name of other party] [leave blank, court will fill in]☐ There is an open Child in Need of Aid (CINA) case involving children of the marriage.

Court Location: _____ Case No. [if known]: _____

COMPLAINT FOR LEGAL SEPARATION WITH CHILDREN

I, _____ [your name], state that the following facts are true and request the following relief:

1. I am a resident of ☐ the State of Alaska. ☐ _____.
2. Date of marriage: _____ Place of marriage: _____
Date of separation: _____
3. Have you previously been granted a legal separation for this marriage by any court?
☐ No
☐ Yes. [**STOP.** Under Alaska law, you cannot be granted a legal separation more than once. You will need to file for divorce, dissolution, or some other relief.]
4. There is an incompatibility of temperament between my spouse and me that makes it impossible to live together, but I want to stay legally married to preserve or protect significant legal, financial, social, or religious interests. I understand that:
 - A legal separation is **not** a required step before getting a divorce or dissolution.
 - I will stay legally married to my spouse.
 - The court will divide the marital property and debt my spouse and I received during the marriage (from the date of marriage until the date of separation).
 - My spouse and I will have a court-ordered parenting plan that covers decision-making about the children, the children's living arrangements and schedules, and child-related financial matters, such as what to do with the children's PFDs and federal tax deductions.
 - The court will order a child support order based on the parenting plan and the income of both spouses.

5. **Minor Children (children under age 18)**

Were **any** children born or adopted during the marriage that are still minors? ☐ Yes ☐ No
Do you have any minor children **together**, that were born or adopted **before** the marriage? ☐ Yes ☐ No
Is a spouse pregnant? ☐ Yes ☐ No
If you marked "No" to **all** questions, **STOP**. Do not use this form. Use *Complaint for Legal Separation without Children*, [DR-862](#). If you marked "Yes" to any question, continue with this form.

- A. Spouse/Parent B and I have the following children under the age of 18 [include unborn children]:

Full Name of Each Child	Date of Birth [estimate if unknown]

☐ More minor children of this relationship are listed on an attachment.

- B. Have the children lived for at least the last 6 months in Alaska (or for infants less than six months old, lived in Alaska since birth)? ☐ Yes ☐ No

[If any child has not lived in Alaska for the last 6 months, the Alaska court probably does not have the authority, called "jurisdiction," to make decisions about them. You may want to contact a lawyer to learn about your options.]

☐ I attached the **required** *Child Custody Jurisdiction Affidavit*, form [DR-150](#), to this complaint form to show that the Alaska court has jurisdiction.

6. **Parenting Plan**

- A. Decision-Making. [How the parents will make important decisions about the children. For example: educational, medical, and religious decisions.]

Joint Decision-Making: both parents discuss the issues and decide together, because they can communicate about the children, even though they may not get along otherwise. Joint decision-making is the most common arrangement.

Sole Decision-Making: one parent makes decisions about the children, because the parents are not able to communicate about the children, or one parent is unfit due to severe mental illness, substance abuse, or domestic violence issues. Both parents usually have access to school and medical records, both parents have the authority to make a decision in an emergency when the child is with them, and neither parent can move out of the state with the children without permission from the court or the other parent.

Because it is in the best interests of the children, I request

☐ joint decision-making.

☐ sole decision-making to ☐ me. ☐ Spouse/Parent B.

- B. Living Arrangements. [The children's schedule. Which parent the children will physically be with and live with **on particular days and times.**]

Usual schedule during the week or year: [Be as specific as possible.]

Special schedule for summer or other vacation periods (spring break, winter break, etc.):

Special arrangements for holidays and birthdays:

Other special schedule arrangements:

You may also attach one of the following forms to show the parenting schedule:

☐ *Weekly Scheduling Chart*, SHC-1132 [Word](#) | [PDF](#)

☐ *Parenting Plan*, form [DR-475](#)

- C. Travel costs necessary for the children to see each parent should be divided as follows:

- D. Safety Concerns.

[Note: a history of domestic violence can significantly affect the parenting plan in your case. If one or both parents have a history of domestic violence, as defined by the law, the court may be limited in the kind of parenting plan it can order. If this applies to your situation, **you are strongly encouraged to discuss the situation with a lawyer.**]

☐ I am concerned about the children's safety around Parent B, because:

Therefore, I request that Parent B's parenting time be restricted as follows:

7. Child & Medical Support

Information about child support:

To calculate child support, figure out the percentage of time during the year the children will be with each parent based on the number of overnights.

1. Look at an annual calendar and count the days each parent will have overnights with the children.
2. To figure out what percentage of the year the children will have overnights with each parent, divide the total number of overnights with each parent by 365, then multiply that number by 100.
3. If there are 109 overnights or fewer for one parent, fill out form [DR-305](#) only. If **both parents** have 110 overnights or more, fill out both form [DR-305](#) and form [DR-306](#). If you have a less common schedule, see ak-courts.info/css.

For links to many school calendars:

<http://www.courts.alaska.gov/shc/family/docs/calendars.pdf>.

For a one-page annual calendar without school dates: www.timeanddate.com/calendar/.

To learn more about child support: <http://courts.alaska.gov/shc/family/support.htm>.

- ☐ I completed and attached the **required** *Child Support Guidelines Affidavit*, form [DR-305](#).
- ☐ I am proposing a **shared parenting time schedule** (the children are with each parent at least 110 overnights per year), so I have **also** completed and attached *Shared Custody Child Support Calculation*, form [DR-306](#).
- ☐ I attached *Divided Custody Child Support Calculation*, form [DR-307](#), because I am proposing that type of parenting plan. [See the form for a description.]
- ☐ I attached *Hybrid Custody Child Support Calculation*, form [DR-308](#), because I am proposing that type of parenting plan. [See the form for a description.]
- A. Civil Rule 90.3 Calculation. [You can read the full rule at ak-courts.info/civrules.]
- ☐ The Court should enter child support according to the formula in Civil Rule 90.3.
- ☐ The Court should vary from Civil Rule 90.3, because: [**Note:** variances are rare.]

B. Child Support should start on:

- ☐ the date we stopped living together: _____
- ☐ the date when the court signs the final legal separation decree.
- ☐ other: _____

C. Income and Employment Information.

My Current or Most Recent Employer: _____

Address: _____

Dates of Employment: _____

Spouse/Parent B's Current or Most Recent Employer: _____

Address: _____

Dates of Employment: _____

I believe that Parent B:

- ☐ is making approximately \$_____ per ☐ hour ☐ year at their current job.
- ☐ has a work history of being able to make \$_____ per ☐ hour ☐ year as a _____ [type of job].

The court should use the amount above to calculate child support if Parent B does not respond to my complaint. I used this amount when I filled out form [DR-305](#).

- D. Child support can continue while the child is 18 years old, if the child is (1) not married, (2) actively pursuing a high school diploma or equivalent level of training, and (3) living as a dependent with a parent.
Do you want support to continue while the children are 18 years old? ☐ Yes ☐ No
- E. Has Child Support Enforcement Division (CSED), any other child support agency, or any state or tribal court ordered anyone to pay child support for the children? ☐ Yes ☐ No
If yes, who was ordered to pay? ☐ Me ☐ Parent B ☐ _____
[Attach copy of child support order if you have it. Read about registering orders from another state or tribe at <http://www.courts.alaska.gov/shc/family/shcforeign.htm>.]
- F. Has anyone applied for public benefits (ATAP, TANF, SNAP, etc.) to support these children? ☐ No ☐ Yes, name of person: _____
- G. Do you want CSED to enforce the child support order and keep records of the payments? ☐ No ☐ Yes [Fill out form [DR-315](#) and attach it, or apply online at www.childsupport.alaska.gov.]
- H. The court must order immediate income withholding from the person ordered to pay child support, unless there is an exception under Alaska Statute 25.27.062(m). If you want to ask for an exception, explain below:
- _____

8. Other Financial Issues Related to the Children

- A. Alaska Permanent Fund Dividend (PFD)
- ☐ The children are not eligible to receive a PFD currently and/or will not be eligible to receive one in the future.
- ☐ The children are eligible to receive a PFD or will be in the future.
I request that the court designate ☐ me ☐ Parent B ☐ _____
as the authorized person to apply for the children's PFDs.
- ☐ The children's PFDs must be placed in a savings account. Both parents will have access to the account records, and both parents must agree before spending any money from the accounts.
- ☐ The PFDs may be spent on the children's expenses, in their best interests.
- ☐ Other arrangement for spending or saving the children's PFDs: _____
- _____
- B. Alaska Native Corporation (ANC) Dividend
- ☐ The children are not eligible to receive an ANC dividend currently and/or will not be eligible to receive one in the future.
- ☐ The children are eligible to receive an ANC dividend or will be in the future.
- ☐ ANC dividends must be placed in a savings account. Both parents will have access to the account records, and both parents must agree before spending any money from the accounts.
- ☐ ANC dividends may be spent on the children's expenses, in their best interests.
- ☐ Other arrangement for spending or saving the children's ANC dividends: _____
- _____

C. Federal Taxes

- ☐ I request that the court designate ☐ me ☐ Parent B to claim all the children as dependents on federal income taxes
- ☐ every year.
- ☐ in alternating years, where I will have ☐ odd years. ☐ even years.
- ☐ I request that I claim the following children every year on my federal income taxes:
- _____
- and Parent B claim the following children every year on their federal income taxes:
- _____
- ☐ Other arrangement for claiming the children as dependents on federal income taxes:
- _____
- _____

9. **Pregnant Spouse.**

Is one of the spouses currently pregnant?

- ☐ No.
- ☐ Yes, and the other spouse is the unborn child's biological parent. [The court can include the unborn child in the parenting plan and child support order.]
- ☐ Yes, and the other spouse is **not** the unborn child's biological parent.
[Explain below. Include any requests you have about parental rights and responsibilities for each spouse after the child is born.]
- _____
- _____
- _____
- _____

10. **Disestablish Paternity**

A. Do you need to disestablish paternity on any children born during the marriage?

- ☐ No
- ☐ Yes [If yes, complete the chart below. Read more at ak-courts.info/paternity.]

Child's Name	Affidavit of Paternity? (Y or N)	DNA Test Done? (Y or N)	DNA Test Planned? (Y or N)	Name (if any) of Father Listed on Birth Certificate

- ☐ More children needing paternity disestablishment are listed on an attachment.

B. I attached the following documents to disestablish paternity:

- ☐ *Three-Way Affidavit to Disestablish and Establish Paternity*, form [DR-521](#)
- ☐ A completed DNA test
- ☐ A certified birth certificate or previous court order showing the correct legal and biological father
- ☐ *Motion and Affidavit for Genetic (DNA) Testing*, form [DR-530](#), because I need the court to order a DNA test to determine paternity

11. 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 12.]
- ☐ 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/Parent A's Retirement Savings
☐ 401(k)/403(b) account ☐ IRA ☐ Pension (PERS, TRS, FERS, etc.)
☐ Military ☐ SBS ☐ Other: _____

- ☐ Spouse/Parent 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: _____

12. 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.]

REQUEST FOR RELIEF

I REQUEST that the court:

1. Issue a decree of legal separation.
2. Enter a final order granting the parenting plan, as requested in section 6.
3. Calculate child support and enter a child support order, as requested in section 7.
4. Enter a final order regarding financial matters related to the children, as requested in section 8.
5. Enter a final order and judgment regarding property and debt, as requested in section 11.
6. ☐ Disestablish paternity for the children born during the marriage, as requested in section 10, and order the birth certificates to be amended.
7. ☐ Other: _____

I attached the following **REQUIRED** forms:

- ☐ *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.]
- ☐ *Case Description Form*, form [CIV-125S](#) [This is **not required** if you use TrueFiling.]

I attached the following **additional** documents:

- ☐ *Request for Exemption from Payment of Fees*, form [TF-920](#)
- ☐ *Shared Custody Child Support Calculation*, form [DR-306](#)
- ☐ *Application for CSED Services*, form [DR-315](#)
- ☐ *Property & Debt Worksheet*, SHC-1000 [Word](#) | [PDF](#)
- ☐ Proposed Parenting Plan
- ☐ Other: _____

Date

Signature

See notice about use of TrueFiling on next page.

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: _____

Information about Filing and Serving Your Documents & Next Steps

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

Open the case and serve the other party

1. **Using TrueFiling:** Create a TrueFiling account and log in. Upload this complaint and all attachments as one “bundle.” See instructions at ak-courts.info/tfhowto.

Not Using TrueFiling: Make two copies of the complaint and all attachments: one for your records and one for the other party. Bring the original to the court in person or mail it (court directory: ak-courts.info/dir).

2. There is a **fee** to file a case (see fee amounts at ak-courts.info/courtfees). In TrueFiling, pay the fee with a credit or debit card. In person, you can pay the court clerk with most forms of payment. By mail, include a check or money order. If you **cannot afford** the fee, ask the court to waive it. Call the Family Law Self-Help Center at (907) 264-0851 or (866) 279-0851, or attach form [TF-920](#) to request a waiver from the judge.

Nothing will happen in your case until you pay or the court approves your waiver.

3. After you open the case, the court clerk will send or give you a signed summons and usually a “Standing Order” that has important information about your case. If you got these papers electronically, print a copy for the other party.

4. You must give the other party a copy of
 - everything you filed with the court, and
 - the summons signed by the clerk, and
 - the standing order.

This is called “service.” When you start a case, you must serve these documents on the other party **one** of these ways:

- By certified mail with restricted delivery and return receipt, so that the other party must sign for the mail and the post office will send you a receipt.
- Hire a process server to serve them.

For details, read *How to Serve a Summons*, form [CIV-106](#).

Save the receipt or proof of service in case the other party does not file an answer.

Future service

After the case is open, service is different. 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 start your case and serve the other party

The other party has 20 days to respond to your complaint. Day 1 is the day after:

- The other party signed the certified mail with restricted delivery and return receipt. This date is on the green postcard or electronic receipt you got back from the post office.

OR

- The process server delivered your court documents to the other party. This date is on the process server’s proof of service.

The other party’s response to what you wrote in the complaint is called an “answer.” After the other party files their answer, the court will set a hearing and send you a notice with the date, time, and location of the hearing.

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

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.

