

## **INSTRUCTIONS FOR ANSWER AND COUNTERCLAIM: LEGAL SEPARATION WITH CHILDREN**

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

- Answer and Counterclaim to Complaint for Legal Separation with Children*, form [DR-867](#)
- Child Custody Jurisdiction Affidavit*, form [DR-150](#)
- Child Support Guidelines Affidavit*, form [DR-305](#)
- Information Sheet*, form [DR-314](#)

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 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](http://www.childsupport.alaska.gov).

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

### **2. How do I fill out the answer and counterclaim?**

This form 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. You can also tell the judge if you think the Alaska court does not have the authority (called "jurisdiction") to decide the case. See [ak-courts.info/cusjurs](http://ak-courts.info/cusjurs) for more information on jurisdiction. The counterclaim section is where you can tell the judge what you want to happen in your case: the parenting plan, child support arrangements, and division of marital property and debt.

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

- Answer each question completely. If you disagree with the income the other parent provided on their DR-305, fill out what you think the information should be on yours. For more detailed information, see the online tutorial at [ak-courts.info/dr305howto](http://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.
- *Child Custody Jurisdiction Affidavit* has a checkbox where you can say that you agree with what the other parent already wrote in their affidavit. If you disagree, fill out completely what you think the correct information is.
- 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 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](http://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.

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

File all of your completed forms with the same court where the complaint was filed. 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](http://ak-courts.info/tfhowto).

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 answer 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](http://ak-courts.info/dir) for a list of addresses.

You must give a copy of your answer (and everything attached to it) to your spouse. This is called "service."

Use TrueFiling to serve your spouse if:

- Both of you are using TrueFiling.
- You are using TrueFiling and your spouse gave their email address to the court.

Fill out the certificate of service at the end of your answer form if:

- Your spouse is not using TrueFiling and did not give their email address to the court.
- You are exempt from using TrueFiling.

**6. What happens next?**

Once your answer is filed, 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.

## 7. 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](http://ak-courts.info/selfhelp)
- Learn about getting help from a lawyer: [ak-courts.info/findlawyer](http://ak-courts.info/findlawyer)
- Learn about the court's TrueFiling system: [ak-courts.info/tfhowto](http://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](http://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](http://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](http://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](#).