

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 location, party names, and case number exactly the same as on the complaint.]

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
AT \_\_\_\_\_Parent/Spouse A: \_\_\_\_\_  
(Plaintiff)Parent/Spouse B: \_\_\_\_\_ Case No. \_\_\_\_\_  
(Defendant)**ANSWER AND COUNTERCLAIM TO  
COMPLAINT FOR LEGAL SEPARATION WITH CHILDREN**

I, \_\_\_\_\_ [your name], state that the following facts are true and respond to Parent/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 Parent/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.]
1.  This court does not have subject-matter jurisdiction (authority) to decide custody of the minor children, because: [**Note:** Attach *Child Custody Jurisdiction Affidavit*, form [DR-150](#), to this answer form to support this defense.]
    - The children have never lived or been present in Alaska.
    - The children do not currently live in Alaska and have not lived in Alaska since \_\_\_\_\_.
    - The children currently live in Alaska, but it has been less than six months.
    - Another court has already decided custody issues about the children.
- I attached a *Motion to Dismiss for Lack of Jurisdiction*. [You can use form [TF-706](#).]

2.  I have never resided or been present in the State of Alaska. It is my position that this court does not have jurisdiction over me and/or over any of the property or debt of the marital estate. I want the court to dismiss this case, because I will be prejudiced if we are legally separated 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.  We have already been previously been legally separated on \_\_\_\_\_ [date] by a court in \_\_\_\_\_ [name or location of court].
5.  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 Parent/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 any claim I made about the court's lack of jurisdiction.
- I have no counterclaims. [Go to Section D.]

1. Date of marriage: \_\_\_\_\_ Place of marriage: \_\_\_\_\_  
Date of separation: \_\_\_\_\_

2. I understand that if one spouse requests a divorce, the court must grant it. I also understand that if both spouses agree to a legal separation over a divorce, the judge can grant a legal separation instead of a divorce:
- A legal separation is **not** a required step before getting a divorce or dissolution.
  - In a legal separation, the spouses will stay legally married to each other.
  - The court will divide the marital property and debt the spouses received during the marriage (from the date of marriage until the date of separation).
  - The court will order a 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.

I agree to a legal separation, because **I want to stay legally married** to preserve or protect significant legal, financial, social, or religious interests.

I do not agree to a legal separation. **I want a divorce.**

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

A. Parent A 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. My counterclaims apply to the children listed in Section 3.A above.

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

**4. 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 A.

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.]

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

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Special arrangements for holidays and birthdays:

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Other:

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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:

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- 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 A, because:

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

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5. **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](http://ak-courts.info/css).

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

One-page annual calendar without school dates: [www.timeanddate.com/calendar/](http://www.timeanddate.com/calendar/)

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

- I completed and attached **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](http://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 A's Current or Most Recent Employer: \_\_\_\_\_  
Address: \_\_\_\_\_  
Dates of Employment: \_\_\_\_\_

- 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 A  \_\_\_\_\_  
 [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](http://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:  
 \_\_\_\_\_  
 \_\_\_\_\_

**6. 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 A  \_\_\_\_\_  
 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 A 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 A claim the following children every year on their federal income taxes: \_\_\_\_\_
- Other arrangement for claiming the children as dependents on federal income taxes:  
\_\_\_\_\_  
\_\_\_\_\_

7. **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.]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. **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](http://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

**9. 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 10.]

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: \_\_\_\_\_

10. **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](http://ak-courts.info/motpac) for forms.]

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**D. REQUEST FOR RELIEF**

**I REQUEST that the court:**

1. Issue a decree of  legal separation.  divorce.
2. Enter a final order granting the parenting plan, as requested in section C.4.
3. Calculate child support and enter a child support order, as requested in section C.5.
4. Enter a final order regarding financial matters related to the children, as requested in section C.6.
5. Enter a final order and judgment regarding property and debt, as requested in section C.9.
6.  Disestablish paternity for the children born during the marriage, as requested in section C.8, 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](#)

I attached the following **additional** documents:

- 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 next page for information on TrueFiling  
and for instructions on REQUIRED service.\*\***

**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](http://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.

<input type="checkbox"/> I certify that I am exempt from using TrueFiling for a reason listed in AB 92. Signature: _____ Print or Type Name: _____
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**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.

<u>Certificate of Service</u>
I certify on _____ at _____ [date/time] I gave a copy of this document <b>and</b> any attachments by <input type="checkbox"/> mail. <input type="checkbox"/> hand-delivery. <input type="checkbox"/> TrueFiling. <input type="checkbox"/> 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](http://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](http://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](http://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](http://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](http://ak-courts.info/family).

