

**PACKET FOR ANSWER AND COUNTERCLAIM:  
LEGAL SEPARATION WITHOUT CHILDREN**

<b>Forms included in this packet:</b>	
<a href="#"><u><b>DR-871</b></u></a>	<b>Instructions</b>
<a href="#"><u><b>DR-872</b></u></a>	<b>Answer and Counterclaim to Complaint for Legal Separation without Children</b>
<a href="#"><u><b>DR-314</b></u></a>	<b>Information Sheet</b>
<b>Where can I find more information?</b>	
<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: <a href="http://ak-courts.info/family">ak-courts.info/family</a>.</p> <p>The statutes, court rules, and the forms referenced in this packet are available on the court's website at <a href="http://ak-courts.info/home">ak-courts.info/home</a>.</p>	

## **INSTRUCTIONS FOR ANSWER AND COUNTERCLAIM: LEGAL SEPARATION WITHOUT CHILDREN**

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

- Answer and Counterclaim to Complaint for Legal Separation without Children*, form [DR-872](#)
- Information Sheet*, form [DR-314](#)

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. The counterclaim section is where you can tell the judge how you want to divide the marital property and debt and anything else you want to happen in the case.

### **3. 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.

### **4. 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.

**5. 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)

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 \_\_\_\_\_Spouse A: \_\_\_\_\_  
(Plaintiff)Spouse B: \_\_\_\_\_ Case No. \_\_\_\_\_  
(Defendant)**ANSWER AND COUNTERCLAIM TO  
COMPLAINT FOR LEGAL SEPARATION 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.]
1.  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 legal separation/divorce with children.
  - I attached a *Motion to Convert Case to Legal Separation/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 *Parenting Plan*, form [DR-475](#).]

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

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**REQUEST FOR RELIEF**

**I REQUEST that the court:**

- 1. Issue a decree of  legal separation.  divorce.
- 2. Enter a final order and judgment regarding property and debt, as requested in section C.3 of this answer.
- 3.  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](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: _____

**\*\*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](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).



**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.