

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA AT _____

_____))
PETITIONER (protected person),)

Birthdate: _____)

☐ Petitioner is a child. Who is signing for the child?)

Name: _____ DOB: _____)

Relationship to child: _____)

v. _____) Case No. _____ CI

_____))
RESPONDENT (restrained person),)

Birthdate _____)

☐ Respondent is a child. Who is signing for the child?)

Name: _____ DOB: _____)

Relationship to child: _____)

**TEMPORARY
CHILD SUPPORT ORDER
DOMESTIC VIOLENCE**

1. Children. This order affects the following children:

<u>Full Name of Child</u>	<u>Birth Date</u>
_____	_____
_____	_____
_____	_____
_____	_____

2. Physical Custody. The court finds that physical custody of the above children for the term of this order has been awarded as follows:

☐ Primary ☐ Shared ☐ Divided ☐ Hybrid

[For divided custody, fill in both a and b. For hybrid custody, fill in a, b, and c.]

Primary Custody: *[children live with this parent more than 70% of the year]*

a. _____ will have primary physical custody of the following children: _____

b. _____ will have primary physical custody of the following children: _____

Shared Custody: *[children live with each parent at least 30% of the year]*

c. The parents will share physical custody of the following children:

The children will reside with _____ during the following periods:

which equals _____% of the year.

The children will reside with _____ during the following periods:

which equals _____% of the year.

Failure to take physical custody of the children at least 30% of the year is grounds for modification of this support order. However, denial of visitation by the custodial parent is not cause to increase child support. Civil Rule 90.3(b)(1)(E).

3. **Child Support.** The court finds that _____ [name of Obligor] has a legal obligation to support the above children.

It is ordered that Obligor must pay child support for the children named above as follows: [Put the current number of children on the first line. Subtract one number on each subsequent line and do the calculations for each line.]

Number of Children	Basic Monthly Amount Owed	Health Insurance Adjustment (§6)	Total Monthly Amount Owed
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Except as provided below, as each child reaches the age of 18, is otherwise legally emancipated, or dies, the amount of support will change to the next lower amount.

Support must continue while each child is 18 years old if the child is (1) unmarried, (2) actively pursuing a high school diploma or equivalent level of technical or vocational training, and (3) living as a dependent with the obligee parent or guardian or a designee of the parent or guardian, **unless the following box is checked:**

☐ Child support will end when each child reaches age 18.

The first payment is due no later than _____. Subsequent payments are due no later than the _____ day of each month thereafter.

4. **Extended Visitation Credit.** [available only in primary custody situations].

Primary physical custody of the children listed in paragraph 2(a) or 2(b) has been given to Obligor. However, Obligor will have physical custody of these children for the following periods of over 27 consecutive days:

If this visitation is exercised, child support is reduced for the above periods as follows:

[This reduction may not exceed 75% of the amount owed for the period.]

If this visitation is not exercised, child support is not reduced. Civil Rule 90.3(a)(3).

5. **Application of Civil Rule 90.3 Formula.**

The amount of child support in paragraph 3 was determined pursuant to:

- a. ☐ The formula in Civil Rule 90.3(a) or (b).
b. ☐ 90.3(c)(2). Obligor's adjusted annual income is over \$138,000.
c. ☐ 90.3(c)(3). Obligor's calculated amount of support is less than \$600 per year so the \$600 minimum was ordered. Obligor's income is low, because Obligor is:
☐ incarcerated.
☐ unable to work, because: _____
☐ other: _____
d. ☐ 90.3(c)(1). The court finds good cause upon proof by clear and convincing evidence that manifest injustice would result if the support award were not varied. Reason for the variation:

The amount of support that would have been required but for the 90.3(c)(1) variation is \$_____ for _____ children per month to be paid by _____. The estimated value of any property conveyed instead of support calculated under 90.3 is \$_____.

6. **Medical Support Order.** AS 25.27.060(c) and Civil Rule 90.3(d)(1). This order concerns health insurance for the children covered by this child support order. It does not concern health insurance for any other children or for the parents.

a. Current Coverage.

- ☐ The ☐ Obligor ☐ Obligees must purchase health insurance for the children, because such insurance is available at reasonable cost through an employer, union, or otherwise. Name and address of employer/union through which insurance will be purchased: _____

The insurance cost (currently \$ _____ per month) will be divided between the parents equally unless a different division of the cost is ordered.

The child support calculation in paragraph 3 includes:

- ☐ a credit of \$ _____ per month (50% of the cost to Obligor) for health insurance purchased for the children by Obligor. If Obligor fails to purchase the insurance, the monthly child support obligation will increase by this amount, without further order of the court, until Obligor purchases the insurance and provides proof of the purchase to the other parent and to the Child Support Enforcement Division (CSED), if CSED is handling collections.
- ☐ an extra \$ _____ per month (50% of the cost to Obligees) for health insurance purchased for the children by Obligees. If Obligees fails to purchase the insurance, the monthly child support obligation will decrease by this amount, without further order of the court, until Obligees purchases the insurance and provides proof of the purchase to the other parent and to the Child Support Enforcement Division (CSED), if CSED is handling collections.

If the cost of the insurance changes, the amount of the child support obligation will be adjusted accordingly, without further order of the court. The parent purchasing the insurance must provide documentation of the change to the other parent and to the Child Support Enforcement Division (CSED), if CSED is handling collections. If either parent believes the cost of the insurance has become unreasonable, that parent may file a motion asking the court to suspend the requirement that insurance be purchased.

- ☐ The children are eligible for services through ☐ the Indian Health Service ☐ the military ☐ Medicaid but these services are **not** available in the area where the children live. Therefore, insurance must be purchased as stated above until these services become available.

- ☐ The children are eligible for services through
☐ the Indian Health Service ☐ the military ☐ Medicaid
and these services **are available** to the children. Therefore, no additional
insurance is required while these services are available.
- ☐ Health insurance for the children is not now available at reasonable cost or its
availability is unknown.
- b. Future Coverage. If there is no health care coverage for the children and
insurance becomes available to a parent at a reasonable cost, that parent must
purchase the insurance after giving notice to the other parent. The cost of the
insurance must be divided between the parents equally unless a different division
of the cost is ordered. Without further order of the court, the monthly child
support obligation will increase by 50% of the cost of the insurance if Obligee
purchases it and decrease by 50% of the cost of the insurance if Obligor
purchases it, unless otherwise ordered. If the parents disagree about whether
the cost of insurance is reasonable or about which insurance policy should be
purchased, either parent may file a motion asking the court to resolve the
dispute.
- c. Information for Other Parent. The parent purchasing the insurance must notify
the insurance company that the other parent can apply for benefits on behalf of
the children and should be reimbursed directly. The purchaser must also provide
coverage information to the other parent and all forms and instructions
necessary to apply for benefits. The parent with insurance who receives
statements or Explanations of Benefits from the insurance company regarding
any of the children must send a copy to the other parent upon request.

7. Uncovered Health Care Expenses (including medical, dental, vision, and mental
health counseling expenses). Civil Rule 90.3(d)(2) and (f)(5).

The cost of the children's reasonable health care expenses not covered by insurance
must be paid as follows, unless the expenses exceed \$5,000 in a calendar year:

- ☐ Obligor will pay half, and Obligee will pay half.
- ☐ Obligor will pay _____, and Obligee will pay _____,
because _____

Parents must reimburse each other for any share of the uncovered expenses within 30
days after receiving the health care bill and proof of payment, and if applicable, a health
insurance statement showing what part of the cost is uncovered. The bill and other
materials should be sent within a reasonable time.

If the uncovered expenses exceed \$5,000 in a calendar year, the expenses must be
allocated based on the parents' relative financial circumstances when the expenses
occur.

8. Travel Expenses. Civil Rule 90.3(g)

Travel expenses that are necessary for a parent to spend time with the children will be
allocated between the parents as follows:

9. Income Withholding Order. Unless one of the following boxes is checked (or CSED later authorizes an exemption for one of these reasons), Obligor, any employer of Obligor, and any person, political subdivision, department of the State, or other entity possessing property of Obligor must immediately withhold from Obligor's income and any other money due to Obligor the amount of child support due pursuant to AS 25.27.062 and must pay this amount to the Child Support Enforcement Division.

☐ The parents have agreed on the alternative arrangement described in the attached document signed by both parents.*

☐ The court finds good cause not to require immediate income withholding, because it would not be in the best interests of the children for the following reason:*

☐ Obligor is receiving social security or other disability compensation that includes regular payments to the children at least equal to the support owed each month. To the extent these payments to the children do not satisfy the monthly amount owed, the remaining amount due shall be withheld from Obligor's income pursuant to AS 25.27.062.

Even if one of the above boxes is checked, exempting Obligor from immediate income withholding, such withholding may be initiated under AS 25.27.062(c) through the court or through CSED.

10. CSED Services. All child support payments must be made to the Child Support Enforcement Division (CSED) if one of the parents applies for the services of CSED. In addition, if the above income withholding order is served on Obligor's employer or anyone holding money belonging to Obligor, the money withheld pursuant to the order must be paid to CSED.

When payments are made through CSED:

- a. Payments must include the **case number** and names of both parents and must be made payable to the CHILD SUPPORT ENFORCEMENT DIVISION, PO Box 100380, Anchorage, Alaska 99510-0380. CSED must disburse the payments as required by law after deducting any fee required by law.
- b. CSED must maintain a record of support payments.
- c. Interest will be imposed in accordance with AS 25.27.020 on payments that are 10 or more days overdue or if payment is made by a check backed by insufficient funds. No interest will be charged, except on arrearages more than 30 days past due, if payments are made under an income withholding order.
- d. The parents must notify CSED, in writing, of any change in their mailing or residence addresses within 5 days after any such change.

* In addition, Obligor has agreed to keep Obligee (or CSED, if CSED is enforcing the order) informed of Obligor's current employer and the availability of employment-related health insurance coverage for the children until the support order is satisfied.

- e. Obligor must keep CSED informed of the name and address of Obligor's current employer. Whenever employment changes, Obligor must notify CSED in writing within 20 days. This employment information must be given to Obligee instead of CSED, if CSED is not enforcing the order.
- f. The parent ordered to provide insurance must give CSED proof of medical insurance coverage for the children within 20 days of this order. If insurance becomes unavailable, that parent must notify CSED within 20 days. When insurance again becomes available, that parent must, within 20 days, give CSED proof that the children are insured. The above proof and notice of insurance must be given to the other parent instead of CSED, if CSED is not enforcing the order.
- g. If a parent applies for CSED services:
 - (1) CSED will take whatever action is deemed legally proper, including recommending contempt proceedings against the parent ordered to pay support. **Failure to pay support as ordered may result in execution against the property of Obligor or arrest of Obligor.**
 - (2) Unless the box below is checked, CSED may issue a withholding order, pursuant to AS 25.27.062 or AS 25.27.250, to attach funds owed to Obligor by any corporation created by the Alaska Native Claims Settlement Act (ANCSA) or any settlement trusts established pursuant to section 39 of ANCSA, codified at 43 USC 1629e. Upon service of such an order, Obligor's dividends, distributions, and/or other periodic monetary benefits of ANCSA stock or benefits paid by a settlement trust must be transferred to Obligee pursuant to the terms of the withholding order. The ANCSA corporation or settlement trust must pay the funds so transferred to CSED for distribution to Obligee. Obligor is prohibited from transferring, selling, or otherwise alienating their ANCSA stock or trust benefits after CSED issues a withholding order based on an arrearage.
☐ CSED is not authorized to issue the withholding order described above, because _____.
But, CSED may issue a withholding order if Obligor accrues arrears more than two times the monthly support obligation under this order.

11. Effect of Assignment of Right to Child Support to State. This order does not bind the Child Support Enforcement Division of Alaska or of any other state to the child support herein ordered if Obligee is receiving or has currently applied for welfare benefits and assigns their rights to child support to the state. AS 25.27.120 - .130. If child support rights are assigned to the state, any alternative arrangement for immediate income withholding will not be allowed unless approved by CSED.

12. Application For Permanent Fund Dividend (PFD) Required. AS 22.10.025(b). Unless the following box is checked, Obligor is ordered to apply for a PFD if (1) an Alaska resident, and (2) at any time, Obligor is more than two months in arrears as of December 31 of the previous year. Obligor must submit a complete and accurate PFD application to the PFD Division by January 15 and must timely submit any supplemental information or documentation requested by the PFD Division. If Obligor is not eligible for a dividend, Obligor must file proof of non-eligibility with CSED, if CSED is enforcing this support order.

☐ Obligor is not required to apply for a PFD, because:

13. Notice to Parent Ordered to Pay Support (Obligor).

- a. You must pay the amount of support stated in this order. You cannot give gifts, clothes, food, or other things instead of paying this money.
- b. You must pay support on time. You are not excused from paying even if the other parent denies you visitation with the children. If you are denied visitation, you can file a motion to enforce visitation with the court, but you must still pay the child support.
- c. You must pay child support before your other bills and debts. Child support payments have priority over most other debts.
- d. If you get married or take on an obligation to support someone else, you will still be expected to make all the payments ordered in this order. If you fail to do so and a case is brought against you to enforce payment, your new obligations will not excuse your failure to pay.

14. Notice to Both Parents: If your situation changes, ask the court to change this order right away.

This child support order is based on:

- your **current** income, and
- your **current** custody and visitation arrangement.

If either changes significantly (for example, if a child starts living with a different parent), you can ask the court to change the custody order or child support order. The court has forms to help you do this (DR-700 Packet, available at ak-courts.info/dr700).

It is very important to ask the court **as soon as a change occurs**, because child support cannot be changed retroactively (that is, a new order cannot cancel the amount ordered to be paid in the past).

Past due amounts continue to remain due even if the person owed support does not ask for payment (except in the special situation described in Civil Rule 90.3(h)(3)). With interest added, these past due amounts can grow into a substantial debt.

15. Other Child Support Orders.

☐ The court is aware of no other child support order currently in effect concerning these children.

☐ While this order is in effect, it supersedes the following child support order:

Case No.: _____ Effective Date: _____

16. Duration of Order. This child support order is effective from _____ to _____ unless either:

- a. the custody portion of the protective order in this case is modified or dissolved earlier by court order, **or**
- b. a superior court or CSED enters a child support order concerning these children.

Effective Date

Judicial Officer

Print or Type Name: _____

I certify that on _____, I distributed a copy of this order to:

☐ CSED at DOR.CSSD.records.tracking@alaska.gov for the state case registry

☐ Both Parents (list): _____

☐ Attorneys (list): _____

☐ If 5.d on page 2 is checked, I also sent a copy to the Administrative Director of the Court System

☐ If 6.a on page 3 is checked, I also sent a copy of this order & the DR-330 Notice** to:
_____ Employer(s) of: ☐ Obligor ☐ Obligee

Clerk/Judicial Assistant: _____

** A copy of the order and the DR-330 *Notice to Employer Re: Children's Medical Insurance* must be sent to the employer of the parent ordered to purchase insurance for the children if that parent is eligible for family health care coverage through their employer.
AS 25.27.063(b).

[CourtView Instructions: Enter this order and disposition into CourtView's petition screen.]