

# Family Law Education Class

Presented by the Alaska Court System's  
**Family Law Self-Help Center**

## Purpose of the Class & What to expect in the Courtroom

- This slide show will teach you:
  - The basics of court procedure
  - REQUIREMENTS to complete a case
  - About mediation, negotiation, or settlement options
- We provide legal information, not legal advice
- Only an attorney representing you can provide advice on strategy or interpret laws affecting your case
- Conversations with us are not confidential

Some tips for your day in court can be found at:  
<https://courts.alaska.gov/shc/about.htm>

## Keep Your Eye on the Ball

### CUSTODY CASE

- Parenting Plan
- Child Support
- Paternity (if necessary)

### DIVORCE CASE

- Ends the marriage
- Divides the property (assets and debts)
- Restores a former name (if requested)
- If there are children the court decides a parenting plan, support amount, and possibly paternity (if necessary)

## Know What Your Standing Order Says

- When you filed your case, or you were served with the complaint, you also received an order from the court, setting out some basic rules.
- It is called the Domestic Relations Initial Order & Order to File Financial Documents (also called “Standing Order”)
- According to this Order:
  - You cannot remove your children from the State of Alaska without the other parent’s agreement or the court’s permission.
  - You cannot sell or dispose of marital property without your spouse’s agreement or the court’s permission.
  - There is more — **READ IT CAREFULLY & UNDERSTAND IT!**
- **VIOLATING THIS ORDER IS VERY SERIOUS!**

***Video 1: Standing Orders (3:23)***

## Where to Find the Laws About Divorce and Child Custody

- Title 25 of the Alaska Statutes
- Civil Rules of Court  
(<https://public.courts.alaska.gov/web/rules/docs/civ.pdf>)
- Decisions issued by the Alaska Supreme Court
  - Reporters
  - Internet
  - Summarized in both the statute and rules books

## Understand the Roles

### You

- You decide what you and the other person can agree on and what the court needs to decide.
- It is a party-propelled process: you are responsible for your case, which can move very quickly if you want.

### The Judge

- The Judge decides issues that the parties cannot agree on.
- The Judge reviews agreements to see whether they provide for a “fair and equitable” division of property and/or are in the “best interests” of the children.

## Keep Your Case Moving

- Figure out what the two of you can resolve
  - on your own
  - with the help of a mediator - “*satisfaction*” (<https://courts.alaska.gov/mediation/index.htm>)
  - with the help of a settlement Judge
    - Settlement Conferences available at your request
    - Call Judge’s chambers
    - Submit forms – Joint Motion for Settlement Conference (<https://courts.alaska.gov/shc/family/docs/shc-1062.doc>)
- The Judge will decide the things you have not been able to resolve between yourselves.
- Remember: the purpose of all pre-trial activity is to **narrow** and **identify** the issues.

***Video 2: Resolution options (7:00)***

## Timeline or Roadmap

- ***1-2 months after the Answer is filed you’ll be ordered to meet with the Judge***
  - Select a trial date and other deadlines
  - Judge will mail a scheduling order with deadlines after meeting
- The Judge will ask about the following:
  - Discovery: Civil Rule 26.1
  - Mediation and / or Settlement Conference
  - Guardian ad Litem
  - Interim Motions – do you need any temporary orders before trial?

## What is Discovery

- Discovery is the legal word used to refer to the process of finding out (or discovering) facts from the other side that are necessary for your case.
  - See generally: ***Civil Rules 26-37***
- In divorce cases, there is a special discovery and disclosure rule (CR 26.1) that streamlines the process for people to get information.

***Video 3: Disclosure and Discovery (4:26)***

## Civil Rule 26.1: Getting the Details about the Marital Property

- Civil Rule 26.1 requires you to tell the other side about your finances and property **AND** to give them permission to talk to your bank, employer or plan administrator.
- You must exchange the information and give releases to the other side within 45 days of the *Answer* being filed.
- You may use this disclosure form.
- If the other person does not give you the information, you may file a *Motion to Compel Disclosure*.

## Dividing Marital Property & Debt

- Know the details about the marital property, then propose a division of that property.
- Follow this 3-step process:
  - 1) Identify the property & debt (what is there and is it marital?)
  - 2) Value the property & debt (fair market value at time of trial)
  - 3) Propose a fair and equitable division of property & debt
- Judgment for Property: AS 25.24.160
- Use the Property & Debt Worksheet
- See FLSHC website for more information:  
<https://courts.alaska.gov/shc/family/property.htm>

***Video 4: Marital Property and Debt (6:31)***

## Parenting Plan

- Make a Custody & Visitation Plan (Parenting Plan)  
*What works for your family and situation?*
  - Decision making
  - Where the children live – schedule (dates and times)
- This plan must be in the children's best interest
  - AS 25.24.150 defines what the best interests factors are
  - The Best Interests Affidavit, SHC-1125 allows you to address each factor with respect to your custody and visitation plan.
- See our parenting and custody page for more information:  
<https://courts.alaska.gov/shc/family/shcparenting.htm>

***Video 5: Custody and Visitation Plans (8:05)***

## Review

- What are you preparing?
  - If married: Plan for Dividing Marital Property
    - Civil Rule 26.1
    - Property & Debt Worksheet, SHC-1000
  - If have children:
    - Parenting Plan
    - Best Interests Affidavit
    - Financial information for child support
- What if you need an order from the Judge before your trial?
  - You file a ***motion***.

## How Motions Work

see details at: <https://courts.alaska.gov/shc/family/motions.htm>

10 Days { Motion, Affidavit & Order  
5 Days { Opposition, Affidavit & Order  
          { Reply

Must serve the other party by 1st class mail or hand delivery

**AND**

Fill out the *certificate of service* stating that this has happened.

(Be sure to include the date, name of party, and your signature)

Usually, the Judge will not even read a motion until all the papers are in and the timeline has run.

***Video 6: Motions Part 1 (5:45)***

## Certificate of Service

This can be found at the end of most forms (as shown in the example to the right) or you can use a separate form. →

### Certificate of Service

I certify that on 6/05/22, a copy of this Motion, Affidavit & Proposed Order were mailed / hand delivered to:

Opposing Party John Doe

Opposing Lawyer \_\_\_\_\_

AG \_\_\_\_\_ CI \_\_\_\_\_

Your signature: Jane Doe

To view the Certificate of Service form or to learn more about serving someone, visit:

<https://courts.alaska.gov/shc/family/docs/shc-1620n.pdf>

## Serving the Opposing Party & Certificate of Service

- You must give a copy of EVERY document you file in court to the opposing party (or their attorney if represented) — this is called “serving” the other side.
- File a Certificate of Service at the court, stating:
  - How you gave a copy to the opposing party
    - 1<sup>st</sup> class US mail or hand delivery
  - What documents you gave them – list all
  - When you mailed or hand-delivered them –state date
  - Where you gave them – provide address
  - With your signature

[Video 7: Service \(6:12\)](#)

## Motion for Interim/Temporary Orders

- Motion for Interim/Temporary Order
  - If things are very unsettled between the two of you, you may need an interim or temporary order while you are waiting for trial:
    - Custody, visitation & child support
    - Attorney Fees
    - Spousal Support (if you are married to the other party)
    - Other?
- Use only if you really need it; generally it is best to put your energy towards getting a final order.
- See <https://courts.alaska.gov/shc/family/motions.htm#order>.

[Video 8: Spousal Support \(3:08\)](#)

## Motion for *Custody Investigator (CI)* or *Guardian Ad Litem (GAL)*

- Parties may file a motion to appoint a **CI** or **GAL** to assist in determining what plan is in the child’s (or children’s) best interests.
  - Usually when things between the parents are very volatile and very serious accusations are being hurled back and forth
- The **CI** is the Judge’s expert witness who prepares a report about the child and parents, recommending a specific parenting plan. Custody investigations can cost the parties several thousand dollars.
- The **GAL** is a party to the case and actively represents a child’s interests in the case. **GALs** are appointed rarely and usually only when serious allegations of abuse occur or the parents are limited in their ability to advocate for their children.

## Review: Timeline or Roadmap

*1-2 months after the Answer is filed you'll be ordered to meet with the Judge to select a trial date and discuss how you'll proceed:*

- Finish discovery / Civil Rule 26.1
- Mediation and / or Settlement Conference
- Custody Investigator & Guardian ad Litem
- Interim Motions

*3 - 15 months after the first meeting, you'll have your final hearing or trial. The following documents will be due before that date:*

- Trial Brief, Witness Lists & Exhibit Lists
- Final Child Support Affidavit

## Hearings and Trial

For more information on Trial preparation visit:  
<https://courts.alaska.gov/shc/family/shctrtrial.htm>

If your case does not resolve by agreement (mediation or settlement conference), you will need a trial for the judge to decide the issues.

Court will send an order setting a trial date and giving you deadlines to file the following:

- **Witness List**
- **Exhibit List** (exchange exhibits with opposing party only)
- **Trial and/or Settlement Conference Briefs**
  - Property & Debt Worksheet
  - Custody and Visitation Plan & Best Interests Affidavit
  - Final Child Support Affidavit

## How the Final Hearing or Trial Works

- You may get a last chance at settlement.
- Choose trial type – informal trial or formal trial;  
See <https://courts.alaska.gov/shc/family/shcdr-trials.htm>
- Each party presents his or her case.
- The Judge will focus on the things the two of you could not reach agreement on.
- After hearing all of the evidence and legal argument, the Judge will issue a decision “on record” or take it “under advisement.”

## Hearings & Trial Preparation Class

- **#1 complaint judges have is people aren't prepared**
- Hearing & Trial Preparation Class (1 Friday a month @ 9 am)
  - The difference between informal and formal trials
  - What to expect at hearing or trial
  - What the judge expects from the parties
  - How to organize your testimony
  - How to select, prepare and introduce exhibits
  - How to select, prepare and question witnesses (formal trials)
  - How to make objections (formal trials)
- Visit our website:  
<https://courts.alaska.gov/shc/classes.htm#trial-prep>
- Watch [Hearing and Trial Preparation videos](#)

## Review: Timeline or Roadmap

***1-2 months after the Answer is filed, meet with the Judge to select a trial date and discuss how you'll proceed:***

- Finish discovery / Civil Rule 26.1
- Mediation and / or Settlement Conference
- Custody Investigator & Guardian ad Litem
- Interim Motions

***3 - 15 months after the first meeting, have your final hearing or trial. The following documents will be due before that date:***

- Trial Brief, Witness Lists & Exhibit Lists
- Final Child Support Affidavit

***After the final hearing or trial, you may need to file the following documents to close the case and finalize the Judge's decisions:***

- Findings of Fact and Conclusions of Law
- Final Decree
- Child Support Order



## Finishing the case

The case is not over until the Judge has signed the final documents:

- Findings of Fact and Conclusion of Law
- Decree of Divorce/Custody
- Child Support Order

You can learn more about finishing your case by visiting:  
<https://courts.alaska.gov/shc/family/shcfinish.htm>

The Judge may assign the job of writing these up to one side (common if someone is represented by an attorney)

- Make sure you understand who is supposed to write them up.
- When you get your copies, remember it is your responsibility to review them for accuracy.

If you think the document says something different than what the Judge ruled, **you have 5 days to object.**

Use the **Civil Rule 78 Objection Form, SHC-1635.**

(<https://courts.alaska.gov/shc/family/docs/shc-1635n.pdf>)

*Review log notes or audio recording of hearing to clarify oral orders.*

[Video 9: Writing Up Court Orders \(1:22\)](#)

## What About Child Support?

- There are federal and state laws that require child support.
  - Civil Rule 90.3
  - For detailed information visit: <https://courts.alaska.gov/shc/family/support.htm>
- Child support is not optional.
- Child support cannot be waived.
- Children are entitled to support.

[Video 10: Child Support \(9:25\)](#)

## What about CSED?

CSED's primary job is to:

- Collect
- Enforce

CSED can also:

- Establish
- Review

*CSED is **NOT** automatically involved in your case unless a public benefit is being received. Usually, one party must apply for services.*

## Differences between a CSED Order & Court Child Support Order

- **CSED Orders** are issued as part of an administrative process outside of court.
- **Court Child Support Orders** are issued as part of a custody, divorce or dissolution case.
- Court Orders **ALWAYS** take precedence over CSED Orders.

## Accessing Court On-Line Information

**To View Your Case On-Line:**

<https://records.courts.alaska.gov/>

- Use the "Search Cases" button
- You can search by Case Number or Name
  - View "Events" for hearing information
  - View "Dockets" for papers filed

---

**To View Court Calendars On-Line:**

<https://courts.alaska.gov/trialcourts/calendars.htm>

- Select your city
- For Anchorage cases, select: "Superior Court Judge"

## Where Can You Get More Help?

---

- **Family Law Self-Help Center**

- Web page: <https://courts.alaska.gov/shc/family/index.htm>
- Helpline # (907) 264-0851 (in Anchorage)
- or 866-279-0851 (Toll-free in Alaska outside of Anchorage)

Monday – Thursday, 7:30 am – 5 pm

- We do **NOT** meet with people in the office
  - **ONLY BY PHONE** or **ZOOM**
- 

- **Private Lawyer**

- How to Find One  
<https://courts.alaska.gov/shc/shclawyer.htm>
    - Word of Mouth
    - Unbundled List from AK Bar Association
      - <https://alaskabar.org/for-our-community/unbundled-legal-services/>
    - Free Legal Answers
      - <https://alaska.freelegalanswers.org>
    - Lawyer Referral Line
      - (907) 272-0352 / (800) 770-9999
    - Online search
  - Types of Representation
    - Full Representation
    - Unbundled Services: limited representation, drafting forms or giving you advice to represent yourself – “pay as you go”
- 

- **The internet, your local bookstore or law library**

***[Video 11: Getting Legal Advice \(2:25\)](#)***

## Video Links:

---

**Video 1:** [www.youtube.com/watch?v=CX-yyDrzjdQ](http://www.youtube.com/watch?v=CX-yyDrzjdQ)

**Video 2:** [www.youtube.com/watch?v=4EuW9HET3nM](http://www.youtube.com/watch?v=4EuW9HET3nM)

**Video 3:** [www.youtube.com/watch?v=q0jiByAAd20](http://www.youtube.com/watch?v=q0jiByAAd20)

**Video 4:** [www.youtube.com/watch?v=PTpeFwVSY-o](http://www.youtube.com/watch?v=PTpeFwVSY-o)

**Video 5:** [www.youtube.com/watch?v=ZO6icd1tfSQ](http://www.youtube.com/watch?v=ZO6icd1tfSQ)

**Video 6:** [www.youtube.com/watch?v=2irmxT0\\_0EA](http://www.youtube.com/watch?v=2irmxT0_0EA)

**Video 7:** [www.youtube.com/watch?v=8K-xQnZGJwM](http://www.youtube.com/watch?v=8K-xQnZGJwM)

**Video 8:** [www.youtube.com/watch?v=EIVj62Tg9jM](http://www.youtube.com/watch?v=EIVj62Tg9jM)

**Video 9:** [www.youtube.com/watch?v=l1OBlk-BH8c](http://www.youtube.com/watch?v=l1OBlk-BH8c)

**Video 10:** [www.youtube.com/watch?v=m4japz01njg](http://www.youtube.com/watch?v=m4japz01njg)

**Video 11:** [www.youtube.com/watch?v=COWcZacgOaA](http://www.youtube.com/watch?v=COWcZacgOaA)

**Hearing and Trial Preparation videos:**

[www.youtube.com/playlist?list=PL82589B66ED712B4B](http://www.youtube.com/playlist?list=PL82589B66ED712B4B)