

You must use black ink to fill out this form.

Your Name: _____

Mailing Address: _____

Telephone: _____ Message phone: _____

Email: _____

NOTE: If you do not wish the other party to know your physical address, you must still provide a mailing address so that the court and the other party can serve you by mail.

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

AT _____
City or Town where the Court is located

_____)	
Plaintiff,)	
v.)	
_____)	Your Case No. _____
Defendant.)	
_____)	

**ANSWER AND COUNTERCLAIM
To Custody**

I, _____, respond to plaintiff's Complaint, and state
(Print your name here)
the following:

A. ANSWER

1.

I agree with all of the statements in the *Complaint*.
 I agree with the statements in the *Complaint*, except I disagree with statements in paragraph(s) No(s). *(state paragraph number(s) you disagree with)* _____

I am not sure if I agree or disagree with the statements in the *Complaint* in paragraph Nos. _____

B. AFFIRMATIVE DEFENSES

(An affirmative defense is facts and arguments that attack the plaintiff's legal right to bring the court case. The affirmative defense might win for the defendant even if everything in the plaintiff's Complaint is true.)

I have no affirmative defenses. *(Go to Section C.)*
 I state the following affirmative defense(s) *(check below if appropriate)*:

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1.

- This Court lacks subject-matter jurisdiction over the custody of the minor child(ren) for the following reason(s) (*see attached completed Child Custody Jurisdiction Affidavit, DR-150*):
- The minor child(ren) of the parties has/have never resided or been present in Alaska.
 - The minor child(ren) of the parties does/do not currently reside in Alaska and have not lived there since _____.
Date
 - The minor child(ren) of the parties has/have not lived in Alaska for the last six months.
 - Another state court has already decided custody issues about the minor child(ren).
 - I have attached to this Answer a *Motion to Dismiss the Child Custody Claim for Lack of Jurisdiction* (find [motion forms](#)).

2.

- The location of this case is not the correct and should have been filed at the courthouse in _____.
City or Town
- I have attached to this Answer a *Motion To Change Venue*.

3.

- Other _____

C. COUNTERCLAIMS

(A counterclaim is where the defendant states what he/she wants to happen regarding the issues in the case.)

I have no counterclaims. (*Go to Section D.*) I have stated above that the case should be dismissed because the Alaska court does not have jurisdiction over the child(ren). If this court does not dismiss the case, I submit the following counterclaim(s) without waiving my claim about the court's lack of jurisdiction:

I state the following counterclaim(s):

1. Parenting Plan: *The court wants to know what plan is in the child(ren)'s best interests. The court must decide: (1) how the parents will make decisions about the child(ren), and (2) the child(ren)'s living arrangements and schedule.*

1A. Decision-making: *How will the parents decide matters relating to health, education or religion of the child(ren)?*

- Joint decision-making: *both parents discuss the issues and decide together because they can communicate about the child(ren), 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 child(ren) because the parents cannot communicate about the child(ren), or one parent is unfit due to severe mental illness, substance abuse or domestic abuse issues. Both parents usually have access to school and medical records and neither parent can move out of the state with the child(ren) without permission from the court or other parent.*

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Sole Decision-making to me other parent (*one parent makes decisions about the child(ren)'s upbringing and does not have to consult with the other parent*).

1B. Living Arrangements *describes the schedule that is in the child(ren)'s best interests.*

Schedule during the week to be with each parent (days and times): _____

Weekends: _____

Summer Vacation: _____

Holidays & Birthdays: _____

Other: _____

You may also use one of the following forms to show the parenting schedule:

Weekly Scheduling Chart, SHC-1132 [Word](#) | [PDF](#)

Custody & Visitation Plan, SHC-1120 [Word](#) | [PDF](#)

Important information about child support: To calculate child support, you will need to figure out the percentage of time during the year the child(ren) will be with each parent based on the # of overnights. Print out an annual calendar and circle the days each parent will have overnights with the child(ren) and count them up. If you circled 109 overnights or fewer for one parent, you will use a specific calculation for child support (use form [DR-305](#)). If you circled 110 overnights or more for each parent, you will use a different calculation (use forms [DR-305](#), [DR-306](#)). Figure out what percentage of the year the child(ren) will have overnights with each parent (divide the total number of overnights with each parent by 365 and multiply that number by 100). For school age child(ren), include overnights during vacations and in-service days. For links to many school calendars: <http://www.courts.alaska.gov/shc/family/docs/calendars.pdf>. For a one-page annual calendar without school dates, go to www.timeanddate.com/calendar/. You can attach the annual calendar and weekly chart to this *Complaint*. To learn more about child support, see <http://courts.alaska.gov/shc/family/support.htm>.

1C. Travel: Travel costs for parenting time should be divided as follows:

1D. Safety concerns: *A history of domestic violence can significantly affect the parenting plan in your case. In short, there is a presumption that the parent with a history of committing domestic violence may get only supervised visitation. The presumption may be overcome by meeting specific legal requirements. You are strongly encouraged to discuss the situation with an attorney.*

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I am concerned about my safety or my child(ren)'s safety when with the other parent.

Therefore, I request that the other parent's parenting time be restricted as follows: _____

2. Child & Medical Support I have completed and attached the **required** Child Support Guidelines Affidavit, **DR-305**.

I am proposing a **shared parenting time schedule** - (child(ren) are with each parent at least 110 overnights/year), so I have also completed and attached a Shared Custody Child Support Calculation, **DR-306**.

2A. Civil Rule 90.3 calculation: The court should calculate child support

according to Civil Rule 90.3, or vary from Civil Rule 90.3 because (*note: this is very rare*):

2B. Child Support should be ordered from the date of separation the date of the *Final Decree* other: _____.

2C. Other parent's income: I believe that the other parent

i. makes approximately \$_____ per hour year at his/her job as a _____

ii. has a work history of being able to make \$ _____ per hour year as a _____

and the court should use this amount to calculate child support if the other parent does not respond to this *Complaint*. I have completed the Child Support Guidelines Affidavit, **DR-305**, using these numbers and will serve the DR-305 with this *Complaint*.

2D. Child Support past the age of 18: I do do not request that child support for each child continue for up to a year after the child turns 18 when the following conditions are met: 1) the child is 18 years old, (2) unmarried, (3) actively pursuing a high school diploma or equivalent level of training, and (4) living as a dependent with a parent.

2E. Has either Child Support Services Division (CSSD), the Alaska court or any other state court or child support agency ordered anyone to pay child support?

No Yes, me other parent, or other _____ has been ordered to pay child support. (*Please attach a copy of that order if you have it.*)

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If another state ordered child support, please read about registering the out-of-state order at www.courts.alaska.gov/shc/family/shcforeign.htm.

2F. Has anyone applied for public benefits (ATAP, TANF, Food stamps etc.) to support this child?

No Yes, who? _____

2G. CSSD Services: I do do not request that CSSD enforce the child support order and keep records of the payments. (If yes, fill out form **DR-315** and file with this Complaint)

3. Other Financial Issues

3A. Permanent Fund Dividend: I request that the court designate me other parent as the authorized parent to apply for the minor child(ren)'s PFDs. The PFDs should:
 be placed in a savings account, to which both parents have access to statements
 be spent on the child(ren)'s daily expenses
 other _____.

3B. Federal Taxes

i. The court should designate me other parent as parent to claim the child(ren) as a dependent on federal income taxes each year alternating years, starting in year _____.

ii. Each parent shall claim the child(ren) on federal income taxes each year as follows:

child: _____ me other parent

child: _____ me other parent

child: _____ me other parent

child: _____ me other parent

iii. Other: _____

4. Paternity - Does paternity need to be established on any child(ren)? No Yes
(If the father / other parent is not on the birth certificate, this section will help get him/her listed.)

If paternity needs to be established, complete the following chart. If you have a completed *Three-Way Affidavit to Disestablish and Establish Paternity*, SHC-151 [Word](#) | [PDF](#) or a DNA test, attach it to this *Answer*.

Child's Name	Date of Birth	Filing an Affidavit of Paternity, SHC-151	DNA Testing Complete	DNA Testing Planned	Birth Certificate w/ Biological Father's/Other Parent's Name

4A. Do you need the court to order the other parent to do a DNA test?
 No Yes. If yes, you will need to file a *Motion & Affidavit for Genetic (DNA) Testing*, SHC-1370 [Word](#) | [PDF](#) and *Order for Genetic (DNA) Testing*, SHC-1375 [Word](#) | [PDF](#).

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5. **Other:** (For example attorney's fees, etc. If you want the court to award you attorney's fees before the end of the case, you must file a separate motion in addition to writing it in this section. See <http://courts.alaska.gov/shc/family/motions.htm> for forms.)

REQUEST FOR RELIEF

I REQUEST that the court:

1. enter a *Final Order* regarding the parenting plan set forth in section 1 of this *Answer*;
2. calculate child support and enter a *Child support Order* as set forth in section 2 of this *Answer*;
3. enter a *Final Order* regarding PFD applications, and federal tax dependency as set forth in section 3 of this *Answer*;
4. if requested, establish paternity for the child(ren) as set forth in section 4 of this *Answer* and order the birth certificate amended.
5. Other: _____
6. For such other and further relief as the Court deems fit and proper.

I have attached the following documents:

- Child Custody Jurisdiction Affidavit, DR-150 – Required**
- Child Support Guidelines Affidavit, DR-305 – Required**
- Shared Custody Support Calculation, DR-306 – Required if you want shared custody**
- Other: _____

Date

Your Signature (In blue ink if possible)

Certificate of Service – (you must serve the plaintiff or their attorney if he/she has one with a copy of this form and all attachments by first class U.S. mail or hand delivery (if there is no court-ordered restriction on contact like a domestic violence protective order) and **fill out the information below**):

I certify that on (date) _____ a copy of this *Answer* and all documents attached as indicated above was/were mailed hand delivered to:

Plaintiff _____ Plaintiff's Lawyer _____
 Other _____

Your signature: _____

For information about serving the defendant, see: www.courts.alaska.gov/shc/family/serve.htm.

Need help? Alaska Court System's Family Law Self-Help Center:

www.courts.alaska.gov/shc/family/selfhelp.htm; Helpline: (907) 264-0851 or (866) 279-0851 (toll-free in Alaska but outside Anchorage)