

You must use black ink to fill out this form.

Your Name: _____

Mailing Address: _____

Telephone: _____ Message phone: _____

Email: _____

NOTE: If for any reason 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,)
vs.)
_____)
Defendant.)

Your Case No. _____

**MOTION AND AFFIDAVIT TO MODIFY
CUSTODY, VISITATION AND/OR CHILD SUPPORT**

NOTE: This form only works to modify a current final custody, visitation and/or support order. The general rule is that past due child support (arrearages) cannot be set aside or modified. If you are trying to change something about past due child support, contact an attorney to find out whether you have any options. This form will not help you. However, if you want to reduce to judgment past due child support or medical expenses so you can use collections procedures, you can use a Motion to Reduce to Judgment, [SHC-1530](#), but not this form. Finally, do not use this form to sue the Child Support Services Divisions; contact an attorney.

I, _____, request that the court modify
(your name)

custody visitation child support as follows for the reasons described below.

A. CUSTODY AND / OR VISITATION

1. Current Orders

a. My current custody and visitation order was signed by the judge on: _____
(Date)

b. My current child support order was signed by the judge on: _____
(Date)

NOTE: Attach a copy of each of your current orders to this motion. Your case has 2 orders - 1 for Custody and Visitation and 1 for Child Support. The dates of these orders are on the last page, next to the Judge's signature.

c. I am filing this motion to:

- propose a new schedule for the custody and visitation plan
- formalize an existing schedule that is different than the last court order. We have been following this new schedule since _____.
(Date)

OR

modify child support but keep the custody and visitation plan the same.

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2. Children - List the names of the children covered by the current order, who they live with and whether you want to change the existing custody and visitation order and/or the child support order as it applies to each child.

Child's Name	Date of Birth	Who is child the currently living with?	Change custody order?	Change support order?

(NOTE: If you are changing support only, check this box , skip to **section B**.)

3. Change In Circumstances - Do you want to modify the order because there has been a change in: your life?
 the other parent's life? or
 the children's lives? or
 the schedule awhile ago but the court order is not current

Please describe the changes below. (NOTE: The law is very specific about what kinds of changes are sufficient to modify a custody order. For instance, just because you don't like the current order is not a good enough reason. However, one parent moving, a significant change in the needs of the child, or a domestic violence incident may be sufficient. To learn more about legally acceptable reasons, read the cases on the controlling law, Alaska Statute 25.20.110. Case summaries about this statute can be found in the printed version of Volume 7 of the Alaska Statutes, which is available at most libraries and courts.)

4. New Parenting Plan: If there has been a change in circumstances and it is in the child(ren)'s best interests, you can ask to modify (1) decision-making (legal custody) and (2) living arrangements (physical custody).

4a. Decision-making Legal custody refers to decision making authority such as matters relating to health, education or religion of the child(ren). There are 2 kinds of decision-making: joint and sole. Joint decision-making means both parents share the decision making because they can communicate about the children, even though they may not get along otherwise. Joint decision-making is the most common type ordered by courts. Sole decision-making

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means one parent makes decisions about the child(ren) because there is no way that the parents can communicate about the child(ren) or one parent is unfit due to severe mental illness, substance abuse or domestic abuse issues. However, with sole decision-making, 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 the other parent.

Because it is in the best interests of the children, I request:

- no change
- Joint decision-making (*the parents share the decision making about the child(ren)*).
- Sole decision-making (*one parent makes decisions about the child(ren)'s upbringing and does not have to consult with the other parent*).

4b. Living Arrangements *Describe the child(ren)'s schedule. Be aware that the number of overnights the child(ren) live with each parent determines which child support calculation will be used. If the child(ren) are with each parent more than 110 over nights within 1 year, you use the shared custody calculation. If one parent has 109 over nights or less, use the primary custody calculation.*

Tip: Print out the school district calendar that includes vacations and in-service days. Circle the overnights with each parent and count them up to figure out whether to use the shared or primary calculation. For a one-page annual calendar without school dates, check-out www.timeanddate.com/calendar/. You may find the Weekly Scheduling Chart, SHC-1132 [Word](#) | [PDF](#) helpful. If you use one of these calendars, you also need to set out the times for exchanges and parenting time during the day. You can attach the annual calendar and weekly chart to this complaint.

The following schedule is in the child(ren)'s best interests:

4c. Safety concerns: *A history of domestic violence can significantly affect the outcome of the custody issues in this case. In short, there is a presumption that the perpetrator of domestic violence may not get custody. The presumption may be overcome by meeting specific legal requirements. You are strongly encouraged to discuss the situation with an attorney.*

Check boxes that apply: I am concerned about:

- the other parent's drug and alcohol use.
- the other parent's current or past domestic violence history.

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Other: _____

Comments: I am concerned about my safety or the safety of the children when with the other parent. Therefore, I request that visitation be restricted as follows: _____

5. Best Interests – Describe why your plan is best for the child(ren) and what concerns you may have about the other parent by filling in section a-h below (see AS 25.24.150):

a. Our child(ren) have the following physical, emotional, mental, religious, and social needs, which my plan meets in the following ways:

b. Each parent has the following capability and desire to meet these needs:

Me: _____

Other parent: _____

c. The child(ren)'s preference is described as follows: *(There is no absolute rule on how old a child must be to form a preference; it depends on each child. You can explain your thoughts on this issue here.)*

d. The love and affection existing between the child(ren) and each parent is described as follows: *(Describe for you and how you think it is with the other parent.)*

Me: _____

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Other parent: _____

- e. The child(ren)'s living arrangements have been as follows, and I believe those arrangements should stay the same or change for the following reasons: *(The court will consider the length of time the child(ren) has(have) lived in a stable, satisfactory environment and the desirability of maintaining continuity.)*

- f. I think that each parent has the following desire and ability to allow an open and loving frequent relationship between the child and the other parent: *(Describe for you and how you think it is for the other parent.)*

Mother: _____

Father: _____

- g. There has has not been domestic abuse, child abuse, or child neglect in the proposed custodial household or a history of violence between the parents. *(If "yes," explain briefly what has happened and how the Custody and Visitation Plan addresses this issue. **NOTE:** see No. 4(b)(iii) above for information about how a history of domestic violence can affect the outcome of the custody issues in your case.)*

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- h. There has has not been substance abuse by either parent or other members of the household that directly affects the emotional or physical well-being of the child. (If "yes," explain briefly what has happened and how the Custody and Visitation Plan addresses this issue.)

- i. I would like the court to consider the following additional comments and issues when deciding what is in our child(ren)'s best interests:

B. CHILD SUPPORT: *To modify child support, there must be:*

*(1) a change in the living arrangement schedule that affects the formula (eg., from a shared custody calculation to a primary custody calculation or vice versa) or
(2) a 15% change in the amount of child support ordered before and what it should be now (this means that when you calculate support based on the non-custodial parent's current income now, it is 15% more or less than the current support order)).*

I request that child support should:

- stay the same
 increase for me other parent both
 decrease for me other parent both

NOTE: *You must justify your request with proof. Check as many of the following boxes that apply and explain fully. Attach additional pages if necessary. Make sure you label and attach all documentation that supports each claim.*

1. **Change in living arrangement schedule** *(include all details regarding the changed schedule you are requesting in section 4 of this document.)*

2. **Change of Income** *(Please describe whose income has changed and how.)*

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3. Change in Child(ren)'s Medical Expenses or Insurance

4. Other _____

C. NOTICE OF CHILD SUPPORT SERVICES DIVISION (CSSD) INVOLVEMENT

1. Is Child Support Services Division (CSSD) enforcing your current order?

Yes No

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

No

Yes, who? _____

D. HEARING REQUEST

I do do not want a hearing on this Motion.

E. SUMMARY OF ATTACHMENTS – You must attach the following:

1. Notice of Motion, SHC-1630 [Word](#) | [PDF](#)
2. Confidential Information Sheet, [DR-314](#)
3. Copy of current custody order AND copy of current child support order
4. Child Custody Jurisdiction Affidavit, [DR-150](#)
5. Child Support Guidelines Affidavit, [DR-305](#) [Fill-In PDF]
6. Shared ([DR-306](#) [Fill-In PDF]), Divided ([DR-307](#) [Fill-In PDF]) or Hybrid ([DR-308](#) [Fill-In PDF]) child support calculation (**NOTE:** *If you are proposing something other than all child(ren) spending at least 256 nights/year with one parent, you will need one of these forms. Please contact the Family Law Help Line at 907-264-0851 or 866-279-0851 for more information or read on-line at <http://courts.alaska.gov/shc/family/support.htm#1>.)*)
7. Order for Modification of Child Support, [DR-301](#) [Fill-In PDF]
8. Order for Modified Custody & Visitation, SHC-1124 [Word](#) | [PDF](#)
9. Other (please list) _____

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I swear or affirm that the above facts and statements are true to the best of my knowledge.

Your Signature (In blue ink if possible)

Subscribed and sworn to or affirmed before me at _____,
Alaska on _____, *Name of City, Town or Village*
Date

(SEAL)

Notary Public or other person authorized to administer oaths.
My commission expires on _____

You must fill out the Certificate of Service on the next page!

NOTE TO OTHER PARENT: You should file a response to this motion, even if you agree to the modification. The case will go much more quickly if you respond. You may file:

- Response Packet, [DR-720](#)

Call the Family Law Self-Help Center if you need help with the forms: (907) 264-0851 or (866) 279-0851.

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CERTIFICATE OF SERVICE

Note: You must serve a copy of this request on the other parent (or their attorney if represented). However, if you asked for a filing fee waiver, wait to serve this until the court grants the waiver or you have paid the filing fee.

The court will not consider your motion until you (1) pay the filing fee or receive a fee waiver, AND (2) provide everyone involved with the case with a copy of all papers filed. This gives everyone a chance to respond and tell the court their side. Therefore, you are required to certify to the court that you mailed or hand delivered a copy of the entire packet to the other parent or his/her attorney if represented, and the Attorney General if you meet 2 requirements: (1) CSSD is collecting child support in your case, and (2) you are asking to reduce or eliminate past-due child support debt.

I certify that on _____, I mailed by first class mail OR hand delivered
date
a copy of this *Motion* and all documents listed above in **Section E** to the following:

The other parent at:

The other parent's attorney at:

The Attorney General's Office (*send a copy if you meet 2 requirements: (1) CSSD is collecting child support currently and (2) you are asking to reduce or eliminate past-due child support debt*):

Attorney General's Office
Child Support Section
1031 West Fourth Ave., Ste. 200
Anchorage, AK 99501

Your Signature: _____

Date: _____