

Person Filing Motion:

Name: _____ Email: _____

Mailing Address: _____ Phone: _____

NOTE: If for any reason you do not want 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.

List court location, names of parties and case number exactly as shown on original court order.

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

AT _____

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CASE NO. _____

MOTION TO CHANGE ALASKA ORDER ABOUT
 CUSTODY **SUPPORT** **VISITATION**

There is an open Child-in-Need-of-Aid (CINA) Case.

Court Location: _____ Case number (if known): _____

1. PARENT INFORMATION

NOTE: If for any reason you do not want the other parent to know your current address or employer, you do not need to provide that information. However, you **must** provide a mailing address that will allow the court and the other parent to mail you required documents. That address may be in care of another person as long as you will receive all papers sent to you.

Parent A (parent filing motion):

Full name: _____ Date of birth: _____

Mailing address: _____

Residence address (if different): _____

Daytime phone number: _____ Email: _____

I authorize the court to email me court documents in this case to the email address above. I agree to notify the court if I change my email address or wish to receive documents by regular mail. (Use form [TF-820](#), *Electronic Delivery of Case Documents*.)

Most recent employer: _____

Dates of employment: _____

Employer's address: _____

Parent B:

Full name: _____ Date of birth: _____

Mailing address: _____

Residence address (if different): _____

Daytime phone number: _____ Email: _____

Most recent employer: _____

Dates of employment: _____

Employer's address: _____

4. CHANGE IN CHILD SUPPORT

NOTE: In order to obtain an increase or decrease in support payments because of a change in income of the person making the payments, the change in income must be both long term and significant. The court will not modify a support order because of a minor or temporary increase or decrease in income. The general guideline for determining whether a change in income is significant is if the change is enough to raise or lower the support payments by 15% or more. **You must attach any documentation you have that supports your request. Examples include pay stubs, tax returns, and proof of social security or disability benefits.**

Do you want the support payments for the above children to be:

- increased** **decreased** **no change in support payments**

Check all of the following boxes that explain why you are requesting an increase or decrease. [Attach extra pages if necessary.]

a. The income of the person making the child support payments has **increased or decreased.** *(If you check this box, attach documentation of the increase or decrease and explain why it has occurred.)*

b. Support payments should be changed because there has been a change in where the children are living. *(If you check this box, list the dates when the living arrangements changed, explain what the current living arrangements are, and attach any documents you have to support your claim.)*

c. Support payments should be changed because there has been a change in the availability or cost of medical insurance for the children or because medical expenses for the children have increased or decreased. *(Describe what the change should be and attach all available documents that support the requested change.)*

d. Other *(Be specific and attach any supporting documents.)*

Note: The court must use AK Civil Rule 90.3 to calculate the support amount.¹ So you must also attach a completed *Child Support Guidelines Affidavit* ([DR-305](#)) with information for the court.

Income Withholding. I understand that the court's modification order must require that the support amount be immediately withheld from the obligor's income unless one of the **three exceptions**² shown below applies.

I request that the court **not** order immediate income withholding because:

1. *Alternative Payment Arrangement.*

The other parent and I agree on the alternative payment arrangement³ described in the attached document signed by both of us (and by CSSD if support has been assigned to the state); **and**

- if CSSD is enforcing the support order, CSSD has entered this agreement into its record; **and**
- an income withholding order has not been terminated previously and subsequently initiated; **and**
- the obligor has agreed to keep the obligee (or CSSD if CSSD is enforcing the order) informed of the obligor's current employer and the availability of employment-related health insurance coverage for the children until the support order is satisfied.

2. *Not in Best Interests of Child(ren).*

Immediate income withholding would not be in the best interests of the child(ren) because: _____

_____ ; **AND**

- the obligor made voluntary support payments under a court or agency order, and has not been in arrears in an amount equal to the support payable for one month⁴; **and**
- the obligor agreed to keep the obligee (or CSSD if CSSD is enforcing the order) informed of the obligor's current employer and the availability of employment-related health insurance coverage for the children until the support order is satisfied.

3. *Obligor Receives Other Compensation.*

The obligor is receiving social security or other disability compensation that includes regular payments to the child(ren) at least equal to the support owed each month. To the extent these payments to the child(ren) do not satisfy the monthly amount owed, I request that the remaining amount due be immediately withheld from the obligor's income pursuant to AS 25.27.062.

¹ *State v. Bromley*, 987 P.2d 183 (Alaska 1999).

² AS 25.27.062(m).

³ The following are some examples of *alternative payment arrangements*: having a military allotment paid to the obligee; advance payment of two months' support to the obligee as security for future payments; or an automatic funds transfer from the obligor's bank or employer to the obligee.

⁴ "In arrears" means failing to make a support payment within 30 days of the monthly due date specified in the order. AS 25.27.062(m)(2)(B).

5. REQUIRED ATTACHMENTS. Each of the items listed below MUST be attached to this motion. Check each box to indicate that you completed and attached the item.

- A copy of your most recent child support order
- Child Custody Jurisdiction Affidavit* (form [DR-150](#))
- Child Support Guidelines Affidavit* (form [DR-305](#))
- Shared Custody Child Support Calculation* (form [DR-306](#)) (*required only if shared custody has been ordered or is being requested*) **or** form [DR-307](#) (*for divided custody*) **or** form [DR-308](#) (*for hybrid custody*).
- All documents needed to support your request for a change in custody, visitation, or support.
- Information Sheet* (form [DR-314](#))
- Filing fee in the amount specified in [Administrative Rule 9\(b\)\(1\)](#) **or** *Request for Exemption from Payment of Fees, and Order* (form [TF-920](#)).

6. OATH OR AFFIRMATION

NOTE: You must sign this in front of a notary. A court clerk can provide this notary service for you at no charge. Bring a photo ID with you for the notarization.

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

_____ Date

Signature of Person Filing Motion
(Only sign in front of a court clerk or notary.)

Printed Name

Subscribed and sworn to or affirmed before me at _____, Alaska
on _____.
Date

Clerk of Court, Notary Public or other
person authorized to administer oaths.
My commission expires: _____

(SEAL)

[You must complete the Certificate of Service on the next page.]

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
AT _____

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) CASE NO. _____
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**CERTIFICATE OF SERVICE FOR
MOTION TO CHANGE CUSTODY,
SUPPORT, OR VISITATION**

[MUST BE COMPLETED]

[Instructions: You must serve this Certificate of Service on the other party and file it with the court **AFTER** you pay the filing fee or the court approves your request to waive the filing fee.]

OTHER PARENT [Instructions: You must send a Response Packet to the other parent in addition to the other items listed below.]

I certify that I served the other parent by first class mail hand delivery a copy of (1) the *Motion*; (2) all documents checked in paragraph 5; and (3) a *Response Packet*.

Name of Other Parent: _____

Address: _____

Date mailed or hand delivered: _____

OTHER PARENT'S ATTORNEY [Instructions: If the other parent was represented by an attorney within the last year, you must send the attorney the documents below.]

I certify that I served the other parent's attorney by first class mail hand delivery a copy of (1) the *Motion*; and (2) all documents checked in paragraph 5.

Name of Other Party's Attorney: _____

Address: _____

Date mailed or hand delivered: _____

Date Filed at Court

Signature of Person Filing Certificate

Print Name