

You must use black ink to fill out this form.

Plaintiff's Name: _____

Mailing Address: _____

Telephone: _____ Message phone: _____

Email: _____

Defendant's Name: _____

Mailing Address: _____

Telephone: _____ Message phone: _____

Email: _____

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

AT _____
City or Town where the Court is located

_____)
_____)
Plaintiff, _____)
_____)
and _____)
_____)
_____)
Defendant. _____)
_____)
_____)

Your Case No. _____

There is an open Child-in-Need of-Aid case.
Case No. (if known): _____

Court Location: _____

**UNCONTESTED COMPLAINT FOR LEGAL SEPARATION
With Children**

We, _____, state that the following facts are true
(Print your names here)
and request the following relief:

1. Residence

Plaintiff is a resident of the State of _____.

Defendant is a resident of the State of _____.

2. Facts of the Marriage:

Date of marriage: _____ Place of marriage: _____

Date of separation: _____

Plaintiff's date of birth: _____ Defendant's date of birth: _____

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3. Basis for Legal Separation: There is a breakdown in the marriage and we want to separate but stay legally married to protect significant religious, financial, social or legal interests.

We understand that:

- a legal separation is not a required step before getting a divorce;
- we will stay legally married;
- we will divide the property and debt earned or received during the marriage until the date of the legal separation;
- we will have a parenting plan that outlines how we will make decisions about our child(ren), the living schedule for when our child(ren) will be with each parent and other details such as PFD applications and claiming children as exemptions on federal taxes after the legal separation; and
- we will have a child support order that states which parent will pay child support according to the child support rule.

4. Restoration of former name

Plaintiff Defendant wants their former name restored as: _____
(Print full former name here.)

5. Property and debt

We have already divided all marital property and debt so there is none for this court to divide. We can each keep what we have in our possession or control.

There is property and debt for the Court to divide. We request that the marital property and debt be divided according to the attached Property and Debt Description worksheets (you can use *Property and Debt Worksheet, SHC-1000*).

6. Statement Regarding Minor Child(ren) (include child(ren) of this relationship born prior to or during the marriage or adopted during the marriage):

a. Are there minor child(ren) who were born, conceived or adopted during the marriage? YES NO (If No, go to section 9.)

The minor child(ren) are:

Full name of each child	Date of birth

Additional minor child(ren) of this relationship are listed on an attachment.

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b. Has/have the minor child(ren) lived in Alaska continuously for the last six months?

YES (Go to section 7.)

NO (NOTE: If the child(ren) have not lived in Alaska for the last 6 months, the Alaska court likely does not have the authority, or jurisdiction, to make decisions about the child(ren). Please contact an attorney to learn about your options.) (Go to section 9.)

We have each attached the **required** Child Custody Jurisdiction Affidavit, DR-150.

7. **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.

7a. **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.

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

Joint Decision-making (the parents share the decision-making about the child(ren)).

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).

7b. **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: _____

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You may also attach 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>.

7c. Travel: Travel costs for parenting time should be divided as follows:

7d. Safety concerns There are safety concerns, therefore, we request that visitation be restricted as follows: _____

8. Child & Medical Support – Both parents must attach the Child Support Guidelines Affidavit, Form [DR-305](#).

8a. Parent's income:

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

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

and the court should use this amount to calculate child support. We have completed the Child Support Guidelines Affidavit, [DR-305](#).

8b. Civil Rule 90.3 child support calculation:

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

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

8c. Child support should be ordered from the date of separation the date of the Final Decree other: _____

8d. Child Support past the age of 18: We 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.

8e. 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, Parent _____ Other _____ has been ordered to pay child support. *(Please attach a copy of that order if you have it.)*

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

8f. Has anyone applied for public benefits (ATAP, TANF, Food stamps etc.) to support this child?

No Yes, who? _____

8g. CSSD Services: We 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)*

9. PFD and Federal Taxes

9a. Permanent Fund Dividend: We request that the court designate 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 _____.

9b. Federal Taxes

i. The court should designate 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

You must use black ink to fill out this form.

child: _____ me other parent

child: _____ me other parent

iii. Other: _____

10. Paternity: *The law presumes that the husband is the legal father of any child conceived or born during an opposite sex marriage, even if everyone involved knows who is the biological father. If the wife is pregnant at the time of legal separation, the husband is the legal father and responsible for child support when that child is born. The child will not have rights to inheritance and benefits from the biological father. It is important to address paternity during the legal separation.*

10a. Unborn Child: Is wife currently pregnant? NO YES. If yes, is her spouse the child's other parent?

YES - then there are no paternity issues and the child can be included on the parenting plan and child support order. *Skip to Question #11.*

NO – the court needs to disestablish the other spouse as the unborn child's other parent, but this cannot happen until AFTER the child is born. If there is an important reason to get a legal separation before the birth, you can file a *Motion, Affidavit & Order to Bifurcate Legal Separation for Subsequent Determination of Paternity*, SHC-152a, which asks the court to issue the legal separation decree, divide the property and address the parenting plan for the born child(ren), but delay decisions about the unborn child until after the birth.

NOT SURE - DNA testing needs to be done after the child is born to find out whether the other parent needs to be disestablished as the child's legal parent. If there is an important reason to get a legal separation before the birth, you can file a *Motion, Affidavit & Order to Bifurcate Legal Separation for Subsequent Determination of Paternity*, SHC-152a, which asks the court to issue the legal separation decree, divide the property and address the parenting plan for the born child(ren), but delay decisions about the unborn child until after the birth.

10b. Already born child(ren): Does the court need to disestablish paternity on any child(ren) born during the marriage? NO YES. If yes, in the chart below list the child(ren) and birthday(s) and indicate how you will disestablish. If you have a completed *Three-Way Affidavit to Disestablish and Establish Paternity*, SHC-151 [Word](#) | [PDF](#), DNA test or birth certificate showing the other biological parent, please attach it to this *Complaint*. If you think you will need DNA testing, you can also submit a *Motion & Affidavit for Genetic (DNA) Testing*, SHC-1370 [Word](#) | [PDF](#)

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

You must use black ink to fill out this form.

11. Other: _____

REQUESTED RELIEF

WE REQUEST that the court:

- 1. Grant a legal separation;
- 2. Enter a *Final Order* and *Judgment* regarding property and debt as requested in section 5;
- 3. That the Plaintiff's Defendant's former name of _____
be restored; *(Print full former name here)*
- 4. Enter a *Final Order* granting the parenting plan set forth in section 7 of this *Complaint*;
- 5. Order child support according to Civil Rule 90.3 varied for the reason(s) indicated in section 8 of this *Uncontested Complaint*;
- 6. Start child support from the date of separation the date of the Legal Separation Final Decree other: _____;
- 7. Disestablish paternity for the child(ren) born during the marriage as set forth in section 10 of this *Uncontested Legal Separation Complaint*;
- 8. Order the arrangement for the child(ren)'s Permanent Fund Dividend application as set forth in section 11 of this *Uncontested Complaint*;
- 9. Order the arrangement for claiming the child(ren) as a dependent on the parent's income taxes as set forth in section 12 of this *Uncontested Complaint*;
- 10. Other: _____

11. For such other and further relief as the Court deems fit and proper.

Date

Plaintiff's Signature (In blue ink if possible)

Date

Defendant's Signature (In blue ink if possible)