

You must use black ink to fill out this form.

Your Name: _____

Mailing Address: _____

Telephone: _____ Message phone: _____

NOTE: If for any reason you do not wish the other party to know your physical address, you still must 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 (You – Current Father))
v.)
_____)
Defendant 1 (the mother))
_____)
Defendant 2 (the biological father))
_____)

Your Case No. _____

**COMPLAINT by CURRENT FATHER
TO DISESTABLISH SELF and ESTABLISH BIOLOGICAL FATHER**

I state that the following facts are true and request the following relief:

DIRECTIONS: Answer every question, marking as many boxes as apply.

1. Who are the people involved in this case?

A. I am the plaintiff and am the current legal father of the following child(ren). I would like to be disestablished, removed from the birth certificate and to establish defendant 2 and have him added to the birth certificate.

Name of child(ren)	Date of Birth

You must use black ink to fill out this form.

B. Defendant 1 is the mother.

C. Defendant 2 is the biological father of the child(ren).

2. Where does everyone live?

A. I am a resident of the State of Alaska other _____.

B. The minor child(ren) live in the State of Alaska other _____
If other, Alaska remains the home state under the UCCJEA.

✓ **YOU MUST** attach a *Child Custody Jurisdiction Affidavit form DR-150*.

C. Mother lives in the State of Alaska other _____

D. Defendant 2 lives in the State of Alaska other _____

E. If I do not live in Alaska, I am submitting to the jurisdiction of this court because the defendants live in Alaska, it is the most convenient forum and in the best interests of the child(ren).

3. What is/was the marital status between you and the mother?

A. I was married to her when she got pregnant or gave birth.

B. I married her after the child(ren) was(were) born and am now married to her.

C. I was divorced from her on _____ by the court in _____.

D. I am not currently, nor have I ever been married to her.

E. Other/comments: _____

4. What is/was the marital status between the mother and defendant 2?

A. They were married when she got pregnant or gave birth.

B. They were married after the child(ren) was(were) born and are now married.

C. They were divorced on _____ by the court in _____.

D. They are not currently, nor ever have been married.

F. Other/comments: _____

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5. Who is on the birth certificate?

- A. No father listed
- B. Defendant 2
- C. Me, the Plaintiff
- D. Other _____

6. If someone is listed as father on the birth certificate, how was paternity established?

- A. He was married to mother when she got pregnant or gave birth.
- B. He signed an *Affidavit* or *Acknowledgement of Paternity*.
- C. The Office of Children's Services (OCS) established paternity.
- D. The Child Support Services Division (CSSD) established paternity.
- E. Other: _____

7. Comments to help Judge understand situation: (add sheets if necessary)

8. Why do you believe that defendant 2 IS the biological father of the child(ren)?

- A. DNA testing has established him. The ORIGINAL results are attached.
- B. Other: _____

9. Why do you believe that YOU are not the biological father of the child(ren)?

- A. DNA testing has excluded me. The ORIGINAL results are attached.
- B. Other: _____

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10. Do you need the court to order DNA testing?

Yes, I have attached a *Motion for DNA Testing*. No

If you need an Order for DNA Testing, you must file a Motion for DNA Testing with this Complaint. Please visit the website at <http://courts.alaska.gov/shc/family/motions.htm> for the form or call the Helpline at 907-264-0851 or 800-264-0859 for forms and information about motions.

11. What about child support?

A. Has CSSD ordered anyone to pay child support?

No Me Defendant 2 Other _____

B. Is CSSD in the process of setting up an order?

Yes No

C. Has the court ordered anyone to pay child support for this child(ren)?

Yes No

If yes, explain: _____

IMPORTANT: If any child support has been ordered, send a copy of this complaint to the Collections and Support Section of the Attorney General's Office. The mailing address is provided at the end of this form.

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

Yes, who? _____

No

IMPORTANT: If you answered yes, send a copy of this complaint to the Collections and Support Section of the Attorney General's Office. The mailing address is provided at the end of this form.

13. Other: _____

PRAYER FOR RELIEF

WHEREFORE, I REQUEST:

1. That a *Final Order* be entered that disestablishes me, the Plaintiff, as the legal father of the minor child(ren) and terminates any rights of custody or visitation;

2. That a *Final Order* be entered that establishes Defendant 2 as legal/biological father of the minor child(ren);

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3. That the Bureau of Vital Statistics be given notice to replace Plaintiff with Defendant 2 on the birth certificate(s) of the minor child(ren).
4. That the *Final Order* relieve Plaintiff of any ongoing child support obligation from the date I filed this *Complaint*;
5. That arrearages be modified as allowed by law.

NOTE: The general rule is that child support cannot be retroactively modified. This means the court cannot go back and change past due child support amounts. However, depending on how the original obligation was established, in rare cases the court may be able to set aside some or all of the arrearages. This is a complicated area of law and you must consult an attorney to find out whether something can be done in your case.

6. Other:

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

Date

Your Signature (In blue ink if possible)

Attachments

I have attached the following documents and served them with this Complaint on both Defendants: *Use this as your checklist.*

- Child Custody Jurisdiction Affidavit, Form DR-150 (**Required**)
- A copy of the CSSD or Court's order for child support
- The ORIGINAL DNA testing results
- Motion for DNA Testing, Affidavit, and Proposed Order
- Other: _____

SERVICE INSTRUCTIONS ON NEXT PAGE

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Service Instructions

Copies for the defendant:

After you open the court case, **you must serve each defendant** a copy of this form and all of its attachments **by certified mail / restricted delivery/ return receipt OR by process server.**

Copies for CSSD:

If CSSD is collecting, in the process of setting up an order, or the child(ren) have benefited from public assistance, send a copy of this form and all of its attachments to the attorneys for the Child Support Services Division **by first class mail.** Look at your court case number to determine which office is handling your case:

Court case numbers beginning with a 1, 2 or 3:

Examples: 1JN-05-8888, 2BE-05-8888 or 3AN-05-8888

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

Court case numbers beginning with a 4:

Example: or 4FA-05-8888

Attorney General's Office
Collections and Support Section
100 Cushman St., Ste. 400
Fairbanks, AK 99701

END