

3. LEGAL CUSTODY

Legal custody of the children named above is awarded to:

4. PHYSICAL CUSTODY

As specified in the child custody order dated _____:

- a. Primary custody
 Parent A **Parent B** Custodian has primary custody of all children.
- b. Shared custody of all children (all children live with each parent at least 30% of the year)
 _____% to **Parent A** per schedule in the order referenced above
 _____% to **Parent B** per schedule in the order referenced above
 _____% to custodian per schedule in the order referenced above
- c. Divided custody (each parent has primary custody of at least one child and the parents do not share custody of any children)
 Parent A has primary custody of _____
 Parent B has primary custody of _____
 Custodian has primary custody of _____
- d. Hybrid custody (at least one parent has primary custody of at least one child and the parents share custody of at least one child)
 Parent A has primary custody of _____
 Parent B has primary custody of _____
 Custodian has primary custody of _____
 Custody of _____ is shared as follows:
 _____% to **Parent A** per schedule in the order referenced above
 _____% to **Parent B** per schedule in the order referenced above
 _____% to custodian per schedule in the order above

5. CHILD SUPPORT CALCULATION AND EFFECTIVE DATES

a. Adjusted Annual Income Determination

The court finds that the parties' adjusted annual income is as follows:

	<i>Parent A</i>	<i>Parent B</i>
Gross annual income	\$ _____	\$ _____
Less annual allowable deductions	\$ _____	\$ _____
Equals adjusted annual income	\$ _____	\$ _____

The determination of adjusted annual income is based on (check all that apply):

- Parent A's Child Support Guidelines Affidavit** dated _____
- Parent B's Child Support Guidelines Affidavit** dated _____
- Parent A's tax return(s)** and/or paystub(s) dated _____
- Parent B's tax return(s)** and/or paystub(s) dated _____
- Employer-reported wages of **Parent A** **Parent B**
- The court imputed income to **Parent A** **Parent B**
- Testimony on record. Date: _____ ctrm: _____ start time: _____
- Other _____

b. Amount of Support Obligation

The obligor parent is (full name) _____.
 The obligor parent shall pay child support as set forth below. (Write the current number of children on the first line and calculate across. Then subtract one number on each line and calculate across again. For example, if there are 3 children today, calculate support for 3 children on the first line, calculate support for 2 children on the next line, and for 1 child on the line after that.)

Number of Children	Basic Monthly Support Owed	Health Insurance Adjustment			Total Monthly Child Support Owed
		Obligee's Cost to Buy Children's Health Ins.	Obligor's Cost to Buy Children's Health Ins.	50% Health Insurance Adjustment + (-)	
(total children today)					
(total minus 1 child)					
(total minus 2 children)					
(total minus 3 children)					

Except as provided below, as each child turns 18, otherwise legally emancipates or dies, the amount of support will change to the next lower amount.

- There is more than one child support obligor. See other orders in this case.
- This is a modification of prior child support order dated _____.
- Social Security **Child's** Insurance Benefits (CIB) apply. CIB payments are a credit against child support when the obligor is the source of the entitlement. CSSD may administratively apply the CIB credit. 15 AAC 25.475.

c. Attached Documents Showing Court's Calculation

- CSSD Calculator Printout
- DR-307, Divided Custody Calculation
- DR-306, Shared Custody Calculation
- DR-308, Hybrid Custody Calculation
- _____

d. Effective Dates

The child support obligation starting date is _____ based on the
 child's date of birth parents' separation date modification motion
 service date _____.
 The first payment is due no later than _____.
 All other payments are due by the first day _____ day of each month.
 Other (including arrears, if any):

Support must continue while each child is 18 years old if the child is (1) unmarried, (2) actively pursuing a high school diploma or equivalent level of technical or vocational training, and (3) living as a dependent with the obligee parent or guardian or a designee of the parent or guardian, unless the following box is checked: Child support will end when each child reaches age 18.

This child support order is suspended for the time periods when the child is taken into State custody in a child in need of aid case or juvenile delinquency proceeding and one of the following two conditions exist: (1) the State places the child with the obligor parent; or (2) this child support order is based on shared, divided, or hybrid custody. CSSD may redirect or administratively establish child support as necessary.

6. EXTENDED VISITATION CREDIT

Extended visitation applies to this case. (Primary custody cases only.)

Primary physical custody of the children was awarded to one parent or custodian. The other parent (the obligor parent) was awarded visitation with the children for certain extended periods of time longer than 27 consecutive days as follows:

If and when the obligor parent exercises this extended visitation, child support is reduced for the above period(s) as follows:

This credit may not exceed 75% of the amount owed for the period (Civ. R. 90.3(a)(3)) and does not apply to shared, hybrid, or divided physical custody awards. If the obligor **parent's payments are** based on seasonal income, this credit is based on the average monthly support amount. If extended visitation is not exercised, child support is not reduced.

7. SEASONAL INCOME

- The court finds that:
- the **obligor's income is seasonal**; and
 - the obligee agrees that, as long as the total annual amount remains the same, the obligor can make higher payments during high income months and lower payments during low income months as set forth below; and
 - the obligee should be responsible for budgeting during unequal income periods.

Annual support amount is \$ _____ Average monthly support amount is \$ _____

Therefore, it is ordered that the monthly support amount in paragraph (5)(b) will be varied as follows:

High Income Months. Obligor must pay \$ _____ per month in the months of:

Low Income Months. Obligor must pay \$ _____ per month in the months of:

If this support order takes effect in a low income month, the obligor must pay the average monthly amount each month until a high income month is reached, at which time the unequal monthly payment schedule will begin.

This order varying the monthly support amount applies only to the support amount for the number of children listed on the first line of the chart in paragraph (5)(b). When support is no longer owed for the first child, the seasonal variation in monthly support amounts must be recalculated will be as follows

8. VARIATION FROM CIVIL RULE 90.3 FORMULA

The amount of child support was determined pursuant to:

- a. The formula in Civil Rule 90.3(a) or (b).
- b. **90.3(c)(2). Obligor’s** adjusted annual income is over \$120,000.
- c. **90.3(c)(3). Obligor’s calculated amount of support** is less than \$600 per year so \$600 minimum was ordered. **Obligor’s income is low because** obligor is:
 - incarcerated
 - unable to work because _____
 - other _____
- d. 90.3(c)(1). The court finds good cause upon proof by clear and convincing evidence that manifest injustice would result if the support award were not varied. Reason(s) for the variation:

The amount of support which would have been required but for this 90.3(c)(1) variation is \$ _____ for _____ children per month to be paid by the Parent A Parent B. The estimated value of any property conveyed instead of support calculated under 90.3 is \$ _____.

9. MEDICAL SUPPORT ORDER

This order concerns health insurance for the children covered by this child support order. It does not concern health insurance for any other children or for the parents. [AS 25.27.060(c) and Civil Rule 90.3(d)(1)]

- a. Indian Health Service or Military Medical Benefits
The children are eligible for services through the military Indian Health Service. These services are available to the children in the area where they live. No additional insurance is required while these services are available.
- b. Health Insurance Available at Reasonable Cost
Services through the Indian Health Service or the military are not available to the children, but health insurance is available at a reasonable cost.
 - i. The obligor obligee must purchase health insurance for the children because it is available at a reasonable cost through the employer, union, or otherwise. Name and address of employer, union, or other entity through which insurance will be purchased:

 - ii. The insurance cost to insure the children (currently \$ _____ per month) will be divided between the parties equally unless a different division is ordered. A different division is ordered as follows:

- iii. The child support calculation in paragraph (5)(b) includes:
- A credit of \$ _____ per month (50% of the cost to the obligor) for health insurance purchased for the children by the obligor. If the obligor fails to purchase the insurance, the monthly child support obligation will increase by this amount, without further order of the court, until the obligor purchases the insurance and provides proof of the purchase to the other parent and to the Child Support Services Division (CSSD) if CSSD is handling collections.
 - An extra \$ _____ per month (50% of the cost to the obligee) for health insurance purchased for the children by the obligee. If the obligee fails to purchase the insurance, the monthly child support obligation will decrease by this amount, without further order of the court, until the obligee purchases the insurance and provides proof of the purchase to the other parent and to the Child Support Services Division (CSSD) if CSSD is handling collections.
- iv. If the cost of the insurance changes, the amount of the child support obligation will be adjusted accordingly without further order of the court. The parent purchasing the insurance shall provide documentation of the change to the other parent and to CSSD if CSSD is handling collections. If either parent believes the cost of the insurance has become unreasonable, that parent may file a motion asking the court to suspend the requirement that insurance be purchased.
- v. The parent purchasing the insurance must notify the insurance company that the other parent or custodian can apply for benefits on behalf of the children and should be reimbursed directly. The purchaser must also provide coverage information to the other parent and all forms and instructions necessary to apply for benefits. The parent with insurance who receives statements or Explanations of Benefits from the insurance company regarding any of the children must send a copy to the other parent or custodian upon request.
- c. No Services or Insurance / Future Coverage
Health insurance is not available at a reasonable cost and services through the Indian Health Service or the military are not available, or their availability is unknown. If Indian Health Service or military services become available, no additional health insurance is required. If insurance becomes available to a parent at a reasonable cost, that parent must purchase the insurance after giving notice to the other parent. The cost of the insurance must be divided between the parents equally unless a different division of the cost is ordered. Without further order of the court, the monthly child support obligation will increase by 50% of the cost of the insurance if the obligee purchases it, and decrease by 50% of the cost of the insurance if the obligor purchases it, unless otherwise ordered. If the parents disagree about whether the cost of insurance is reasonable or about which insurance policy should be purchased, either parent may file a motion asking the court to resolve the dispute.

10. UNCOVERED HEALTH CARE EXPENSES

The cost of the children's reasonable health care expenses (including medical, dental, orthodontic, vision, and mental health counseling expenses), up to \$5,000 in a calendar year, not covered by insurance, must be paid as follows:

- Obligor will pay half and obligee will pay half
- Obligor will pay _____ and obligee will pay _____ because _____

A party shall reimburse the other party for his or her share of the uncovered expenses within 30 days after receiving the health care bill, proof of payment and, if applicable, a health insurance statement showing what part of the cost is uncovered. The bill and other materials should be sent within a reasonable time.

Reasonable, uncovered health care expenses exceeding \$5,000 in a calendar year shall be allocated based on the parties' relative financial circumstances when the expenses occur. [Civil Rule 90.3(d)(2) and (f)(5)]

11. TRAVEL EXPENSES

Travel expenses necessary to exercise visitation will be allocated among the parties as follows [Civil Rule 90.3(g)]:

12. INCOME WITHHOLDING ORDER

Unless one of the following boxes is checked (or CSSD later authorizes an exemption for one of these reasons), the obligor, any employer of the obligor, and any person, political subdivision, department of the State, or other entity possessing property of the obligor, shall immediately withhold from the obligor's income and any other money due the obligor the amount of child support due pursuant to AS 25.27.062 and shall pay this amount to CSSD.

- The obligor is receiving social security or other disability compensation that includes regular payments to the children at least equal to the support owed each month. To the extent these payments to the children do not satisfy the monthly amount owed, the remaining amount due shall be withheld from the obligor's income pursuant to AS 25.27.062.
- The parties agreed on the alternative arrangement described in the attached document signed by both parties* (*For Modification Order*) Income withholding has not been terminated previously and subsequently initiated.*
- The court finds good cause not to require immediate income withholding. It would not be in the best interests of the children for the following reason(s): _____

* In addition, 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.

- (For Modification Order) The court further finds that the obligor made voluntary support payments under the previous order and has not been in arrears in an amount equal to the support payable for one month, as defined in AS 25.27.062(m)(2)(B).
- (For Modification Order) The previous support order in this case did not require immediate withholding and CSSD is not enforcing this order. Therefore, income withholding shall not be initiated until the requirements of AS 25.27.062(c) are met.

Even if one of the above boxes is checked, exempting the obligor from immediate income withholding, such withholding may be initiated under AS 25.27.062(c) through the court or through CSSD.

13. **CSSD SERVICES**

All child support payments must be made to CSSD if one of the parties applies for the services of CSSD. In addition, if the above income withholding order is served on the **obligor's employer or anyone holding money belonging to the obligor, the money withheld pursuant to the order must be paid to CSSD.**

- An application for CSSD services has been made at the time of this order.
- No application for CSSD services has been made at the time of this order.

When payments are made through CSSD:

- a. Payments must include the **case number** and names of both parties and must be made payable to

**Child Support Services Division (CSSD)
P.O. Box 100380
Anchorage, Alaska 99510-0380**

- b. CSSD shall disburse the payments as required by law after deducting any fee required by law.
- c. CSSD shall maintain a record of support payments.
- d. Interest will be imposed according to AS 25.27.020 on payments which are 10 or more days overdue or if payment is made by a check backed by insufficient funds. No interest will be charged, except on arrearages more than 30 days past due, if payments are made under an income withholding order.
- e. The parties shall notify CSSD, in writing, of any change in their mailing or residence addresses immediately after any such change.
- f. The obligor shall keep CSSD informed of the name and address of his or her current employer. Whenever employment changes, the obligor must notify CSSD in writing within 20 days. This employment information must be given to the obligee instead of CSSD if CSSD is not enforcing the order.
- f. The party ordered to provide insurance shall provide to CSSD proof of medical insurance coverage for the children within 20 days of this order. If insurance becomes unavailable, the party ordered to provide insurance shall notify CSSD within 20 days. When insurance becomes available again, the party ordered to provide insurance must give CSSD proof that the children are insured within 20 days. The above proof and notice of insurance must be given to the other party instead of CSSD if CSSD is not enforcing the order.

- g. If a party applies for CSSD services:
- i. CSSD shall take whatever enforcement action is deemed legally proper, including recommending contempt proceedings against the party ordered to pay support. **Failure to pay support as ordered may result in execution against the property of the obligor or arrest of the obligor.**
 - ii. Either party may ask CSSD to review the amount of child support. CSSD may require that the request be made in writing on a form specified by CSSD. The parties shall provide income information requested by CSSD in connection with a review of the amount of child support within 20 days after the date the request is mailed.
 - iii. Unless the box below is checked, CSSD may issue a withholding order, pursuant to AS 25.27.062 or AS 25.27.250, to attach funds owed to the obligor by any corporation created by the Alaska Native Claims Settlement Act (ANCSA) or any settlement trusts established pursuant to section 39 of ANCSA, codified at 43 USC 1629e. Upon service of such an order, the obligor's dividends, distributions and/or other periodic monetary benefits of ANCSA stock or benefits paid by a settlement trust shall be transferred to the child support obligee pursuant to the terms of the withholding order. The ANCSA corporation or settlement trust shall pay the funds so transferred to CSSD for distribution to the child support obligee. The obligor is prohibited from transferring, selling or otherwise alienating his/her ANCSA stock or trust benefits after CSSD issues a withholding order based on an arrearage.

CSSD is not authorized to issue the withholding order described above because _____.

_____ However, CSSD may issue a withholding order if obligor accrues arrears more than two times the monthly support obligation under this order.

14. EFFECT OF ASSIGNMENT OF RIGHT TO CHILD SUPPORT TO STATE

This order does not bind the Child Support Services Division of Alaska or of any other state to the ordered child support if the person receiving child support is receiving or has currently applied for public assistance and assigns his or her rights to child support to the state. AS 25.27.120-.130. If child support rights are assigned to the state, any alternative arrangement for immediate income withholding will not be allowed unless approved by CSSD.

15. APPLICATION FOR PERMANENT FUND DIVIDEND REQUIRED

Unless the following box is checked, the party ordered to pay support is ordered to apply for an Alaska Permanent Fund Dividend (PFD) if he or she is an Alaska resident and is more than two months in arrears as of December 31 of the previous year. [AS 22.10.025(b)] The party shall submit a complete and accurate PFD application to the Permanent Fund Dividend Division by January 15 and shall timely submit any supplemental information or documentation requested by the Permanent Fund Dividend Division. If the party is not eligible for a dividend, the party must file proof of non-eligibility with CSSD if CSSD is enforcing this support order.

- The party ordered to pay support is not required to apply for an Alaska Permanent Fund Dividend because:
-

16. NOTICE TO PARTY WHO IS ORDERED TO PAY SUPPORT (OBLIGOR)

- a. You must pay the amount of support stated in this order. You cannot give gifts, clothes, food, or other things instead of paying this money.
- b. You must pay support on time. You are not excused from paying even if the other party denies you visitation with the children. If you are denied visitation, you can file a motion to enforce visitation with the court, but you must still pay the child support.
- c. You must pay child support before your other bills and debts. Child support payments have priority over most other debts.
- d. If you get married or take on an obligation to support someone else, you must still make all the payments ordered in this order. If you fail to do so and a case is brought against you to enforce payment, your new obligations will not excuse your failure to pay.

17. NOTICE TO BOTH PARTIES

If your situation changes, ask the court to change this order right away.

This child support order is based on:

- your current income; and
- your current custody and visitation arrangement.

If either your income or your custody and visitation arrangement changes significantly (for example, if a child starts living with a different parent), you can ask the court to change the custody order or child support order. The court has forms to help you do this (the DR-700 Packet).

It is very important to ask the court **as soon as a change occurs** because child support cannot be changed retroactively (that is, a new order cannot cancel the amount ordered to be paid in the past).

Past due amounts continue to remain due even if the person who is owed support does not ask for payment (except in the special situation described in Civil Rule 90.3(h)(3)). With interest added, these past due amounts can grow into a substantial debt.

In addition, once a year either party can ask the other party to provide documents such **as tax returns and pay stubs showing the party's income for the prior calendar year**. The request must be in writing and the party making it must attach copies of his or her own tax return and pay stubs to the request. The other party must respond with documentation of his or her income within 30 days. (Civil Rule 90.3(e)(2))

18. OTHER FINDINGS / ORDERS

ENTERED this _____ day of _____, 20_____

JUDGE OF THE SUPERIOR COURT

Print or Type Name

Recommended for Approval:

Superior Court Master Date

Print or Type Name

I certify that on _____ I sent a copy of this order to:

- CSSD with: DR-314 *Confidential Information Sheet* (**REQUIRED** for all cases)
- DR-315 *Application for CSSD Services* (if filed)

Both Parties (list): _____

Attorneys (list): _____

If box (8)(d) on page 5 is checked, I also sent a copy to the Administrative Director of the Court System **by email to ordersthatdeviate@akcourts.us**

If (9)(b) on page 5 is checked, I also sent a copy of this order & the DR-330 Notice** to:
_____ Employer(s) of: Obligor Obligee

Clerk/JA: _____

** A copy of the order and the DR-330 *Notice to Employer Re: Children's Medical Insurance* must be sent to the employer of the party ordered to purchase insurance for the children if that party is eligible for family health care coverage through his/her employer. [AS 25.27.063(b)]

CourtView Instructions: Enter this order and disposition (interim, final, modification) into CourtView's petition screen.