

**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,	)	
v.	)	
_____	)	
Defendant.	)	Your Case No. _____
_____	)	

**ANSWER AND COUNTERCLAIM  
To Divorce With Children**

I, \_\_\_\_\_, hereby submit my response to plaintiff's  
*(Print your name here)*  
complaint, and allege as follows:

**A. ANSWER**

**1.**

- Agree with the statements in paragraph 1 of the *Complaint*.
- Disagree with the statements in paragraph 1 of the *Complaint*.
- Do not understand the statements in paragraph 1 of the *Complaint* to decide whether I agree or disagree.
- Disagree with this part of the statement in paragraph 1 of the *Complaint*: \_\_\_\_\_  
\_\_\_\_\_ but agree with the rest.
- There is no paragraph 1 in Plaintiff's *Complaint*.

**You must use black ink to fill out this form.**

**2.**

- Agree with the statements in paragraph 2 of the *Complaint*.
- Disagree with the statements in paragraph 2 of the *Complaint*.
- Do not understand the statements in paragraph 2 of the *Complaint* to decide whether I agree or disagree.
- Disagree with this part of the statement in paragraph 2 of the *Complaint*: \_\_\_\_\_  
\_\_\_\_\_ but agree with the rest.
- There is no paragraph 2 in Plaintiff's *Complaint*.

**3.**

- Agree with the statements in paragraph 3 of the *Complaint*.
- Disagree with the statements in paragraph 3 of the *Complaint*.
- Do not understand the statements in paragraph 3 of the *Complaint* to decide whether I agree or disagree.
- Disagree with this part of the statement in paragraph 3 of the *Complaint*: \_\_\_\_\_  
\_\_\_\_\_ but agree with the rest.
- There is no paragraph 3 in Plaintiff's *Complaint*.

**4.**

- Agree with the statements in paragraph 4 of the *Complaint*.
- Disagree with the statements in paragraph 4 of the *Complaint*.
- Do not understand the statements in paragraph 4 of the *Complaint* to decide whether I agree or disagree.
- Disagree with this part of the statement in paragraph 4 of the *Complaint*: \_\_\_\_\_  
\_\_\_\_\_ but agree with the rest.
- There is no paragraph 4 in Plaintiff's *Complaint*.

**5.**

- Agree with the statements in paragraph 5 of the *Complaint*.
- Disagree with the statements in paragraph 5 of the *Complaint*.
- Do not understand the statements in paragraph 5 of the *Complaint* to decide whether I agree or disagree.
- Disagree with this part of the statement in paragraph 5 of the *Complaint*: \_\_\_\_\_  
\_\_\_\_\_ but agree with the rest.
- There is no paragraph 5 in Plaintiff's *Complaint*.

**You must use black ink to fill out this form.**

**6.**

- Agree with the statements in paragraph 6 of the *Complaint*.
- Disagree with the statements in paragraph 6 of the *Complaint*.
- Do not understand the statements in paragraph 6 of the *Complaint* to decide whether I agree or disagree.
- Disagree with this part of the statement in paragraph 6 of the *Complaint*: \_\_\_\_\_  
\_\_\_\_\_ but agree with the rest.
- There is no paragraph 6 in Plaintiff's *Complaint*.

**7.**

- Agree with the statements in paragraph 7 of the *Complaint*.
- Disagree with the statements in paragraph 7 of the *Complaint*.
- Do not understand the statements in paragraph 7 of the *Complaint* to decide whether I agree or disagree.
- Disagree with this part of the statement in paragraph 7 of the *Complaint*: \_\_\_\_\_  
\_\_\_\_\_ but agree with the rest.
- There is no paragraph 7 in Plaintiff's *Complaint*.

**8.**

- Agree with the statements in paragraph 8 of the *Complaint*.
- Disagree with the statements in paragraph 8 of the *Complaint*.
- Do not understand the statements in paragraph 8 of the *Complaint* to decide whether I agree or disagree.
- Disagree with this part of the statement in paragraph 8 of the *Complaint*: \_\_\_\_\_  
\_\_\_\_\_ but agree with the rest.
- There is no paragraph 8 in Plaintiff's *Complaint*.

**9.**

- Agree with the statements in paragraph 9 of the *Complaint*.
- Disagree with the statements in paragraph 9 of the *Complaint*.
- Do not understand the statements in paragraph 9 of the *Complaint* to decide whether I agree or disagree.
- Disagree with this part of the statement in paragraph 9 of the *Complaint*: \_\_\_\_\_  
\_\_\_\_\_ but agree with the rest.
- There is no paragraph 9 in Plaintiff's *Complaint*.

**You must use black ink to fill out this form.**

**10.**

- Agree with the statements in paragraph 10 of the *Complaint*.
- Disagree with the statements in paragraph 10 of the *Complaint*.
- Do not understand the statements in paragraph 10 of the *Complaint* to decide whether I agree or disagree.
- Disagree with this part of the statement in paragraph 10 of the *Complaint*: \_\_\_\_\_  
\_\_\_\_\_ but agree with the rest.
- There is no paragraph 10 in Plaintiff's *Complaint*.

**11.**

- Agree with the statements in paragraph 11 of the *Complaint*.
- Disagree with the statements in paragraph 11 of the *Complaint*.
- Do not understand the statements in paragraph 11 of the *Complaint* to decide whether I agree or disagree.
- Disagree with this part of the statement in paragraph 11 of the *Complaint*: \_\_\_\_\_  
\_\_\_\_\_ but agree with the rest.
- There is no paragraph 11 in Plaintiff's *Complaint*.

**12.**

- Agree with the statements in paragraph 12 of the *Complaint*.
- Disagree with the statements in paragraph 12 of the *Complaint*.
- Do not understand the statements in paragraph 12 of the *Complaint* to decide whether I agree or disagree.
- Disagree with this part of the statement in paragraph 12 of the *Complaint*: \_\_\_\_\_  
\_\_\_\_\_ but agree with the rest.
- There is no paragraph 12 in Plaintiff's *Complaint*.

**13.**

- Agree with the statements in paragraph 13 of the *Complaint*.
- Disagree with the statements in paragraph 13 of the *Complaint*.
- Do not understand the statements in paragraph 13 of the *Complaint* to decide whether I agree or disagree.
- Disagree with this part of the statement in paragraph 13 of the *Complaint*: \_\_\_\_\_  
\_\_\_\_\_ but agree with the rest.
- There is no paragraph 13 in Plaintiff's *Complaint*.

**You must use black ink to fill out this form.**

**B. AFFIRMATIVE DEFENSES**

*(An affirmative defense is facts and arguments that attack the plaintiff's legal right to bring the court case. The affirmative defense might win for the defendant even if everything in the plaintiff's complaint is true.)*

- I have no affirmative defenses. *(Go to Section C.)*
- I further allege the following as my affirmative defense(s):

**1.**

- This Court lacks subject-matter jurisdiction over the custody of the minor child(ren) for the following reason(s) *(see attached completed Child Custody Jurisdiction Affidavit)*:
  - The minor child(ren) of the parties has/have never resided or been present in Alaska.
  - The minor child(ren) of the parties does/do not currently reside in Alaska and have not lived there since \_\_\_\_\_.  
*Date*
  - The minor child(ren) of the parties has/have lived in Alaska for less than six months.
  - A court in another state has already exercised jurisdiction over custody of the minor child(ren).
- I have attached to this Answer a *Motion to Dismiss the Child Custody Claim for Lack of Jurisdiction.*

**2.**

- I have never resided or been present in the State of Alaska. It is my position that the Alaska court does not have jurisdiction over any of the property or debt of the marital estate. I want the Alaska court to dismiss this case because I will be prejudiced if we are divorced before the property division occurs in another state.
- I have attached to this Answer a *Motion to Dismiss.*

**3.**

- The venue of this action is improper. This case should have been filed at the courthouse in \_\_\_\_\_.  
*City or Town*
- I have attached to this Answer a *Motion To Change Venue.*

**4.**

- Other \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

You must use black ink to fill out this form.

### C. COUNTERCLAIMS

(A counterclaim is where the defendant states what he/she wants to happen regarding the issues in the case.)

- I have no counterclaims. (Go to Section D.)
- I have stated above that the Alaska court does not have jurisdiction over the marital estate and/or child custody and that the case should be dismissed. If this court does not dismiss the case, I submit the following counterclaim(s) without waiving my claim about the court's lack of jurisdiction:
- I further allege the following as my counterclaim(s):

#### 1. Date of Separation

- I disagree with plaintiff's date of separation and assert that we have been continuously separated since \_\_\_\_\_.  
(Date of Separation)

#### 2. Restoration of Former Name

- I request that my former name of \_\_\_\_\_ be restored to me.  
(Print your full former name)

#### 3. Property

- 3A.**  There is no property or debt to be divided by this court and we can each keep what we have in our possession or control.

- 3B.**  There is property and debt to be divided by this Court. I request that the marital property and debt be divided in a fair and equitable manner. I am currently aware of the following types of property and debt:

- |   |  |
|---|--|
| <input type="checkbox"/> Land                                 | <input type="checkbox"/> Bank / credit union account(s)  |
| <input type="checkbox"/> Building(s) (include your home here) | <input type="checkbox"/> 401(k) / 403(b) retirement account(s)                                 |
| <input type="checkbox"/> Car / truck                          | <input type="checkbox"/> IRA account(s)  |
| <input type="checkbox"/> Snow machine / 4-wheeler             | <input type="checkbox"/> Pension   |
| <input type="checkbox"/> Boat(s)                              | <input type="checkbox"/> Household goods   |
| <input type="checkbox"/> Plane(s)                             | <input type="checkbox"/> Credit card debt(s)   |
| <input type="checkbox"/> Gun(s)                               | <input type="checkbox"/> Debt related to property (mortgages, vehicle or equipment loans etc.) |
| <input type="checkbox"/> Tools                                | <input type="checkbox"/> Other debt(s)   |

Optional Comments: \_\_\_\_\_

- 3C.**  I have attached a *Property and Debt Worksheet*.

You must use black ink to fill out this form.

**4. Custody and Visitation**

It is in the best interest of  all of the minor children  the following minor child(ren):

\_\_\_\_\_

that the following custody and visitation plan be entered:

**4A. Legal Custody** is decision making authority such as matters relating to health, education or religion of the child(ren). Joint legal custody means both parents share the decision making because they can communicate about the children, even though they may not get along otherwise. Joint legal is the most common type of legal custody courts award. Sole legal custody 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. With sole legal, both parents usually have access to school and medical records and neither parent can move out of the state with the children without permission from the court or other parent.

**Because it is in the best interests of the children, I request that I be awarded:**

- Joint Legal Custody (the parents share the decision making about the child(ren)).
- Sole Legal Custody (one parent makes decisions about the child(ren)'s upbringing and does not have to consult with the other parent).

**4B. Physical Custody** describes the child(ren)'s schedule. If the children are with each parent more than 110 over nights within 1 year, you have a shared custody schedule. If one parent has 109 over nights or less, he or she has a visitation schedule and the other parent has primary custody. **NOTE:** If you are filing in Fairbanks, you are required to use the Proposed Parenting Plan, SHC-1127 [Word](#) | [PDF](#).

**Tip:** Print out the annual school calendar provided by your local school district which includes vacations and in-service days. Circle the days you want overnights and count them up to figure out if you have a shared or primary schedule. For links to many school calendars, visit <http://www.courtrecords.alaska.gov/webdocs/shc/family/docs/calendars.pdf>. For a one-page annual calendar without school dates, go to [www.timeanddate.com/calendar/](http://www.timeanddate.com/calendar/). You may find the Weekly Scheduling Chart, SHC-1132 [Word](#) | [PDF](#) helpful. If you use one of these calendars, set out the times for exchanges and visitation during the day. You can attach the annual calendar and weekly chart to this *Complaint*.

**The following physical custody plan is in the child(ren)'s best interests: (check i, ii or iii)**

i.  **Shared Physical Custody** The child(ren) will have 110 or more overnights with each of us. (Check 1 box below for the plan you want.)

- the schedule on the attached Custody & Visitation Plan, SHC-1120 [Word](#) | [PDF](#)
- the schedule on the attached Proposed Parenting Plan, SHC-1127 [Word](#) | [PDF](#)  
(Required for Fairbanks)
- the following schedule:

**Visitation during the week:**  as described on the attached Weekly Scheduling Chart, SHC-1132 [Word](#) | [PDF](#) or as follows: \_\_\_\_\_

**Summer Vacation:** \_\_\_\_\_

**Holidays & Birthdays:** \_\_\_\_\_

You must use black ink to fill out this form.

Weekends: \_\_\_\_\_

Other: \_\_\_\_\_

ii.  **Primary Physical Custody:** Child(ren) will have 256 or more overnights with me and be with the other parent for 109 overnights or less. (*Check 1 box below for the plan you want.*)

the schedule on the attached Custody & Visitation Plan, SHC-1120 [Word](#) | [PDF](#)

the schedule on the attached Proposed Parenting Plan, SHC-1127 [Word](#) | [PDF](#)  
(Required for Fairbanks)

the following schedule:

**Visitation during the week:**  as described on the attached Weekly Scheduling Chart, SHC-1132 [Word](#) | [PDF](#) or as follows: \_\_\_\_\_

**Summer Vacation:** \_\_\_\_\_

**Holidays & Birthdays:** \_\_\_\_\_

**Weekends:** \_\_\_\_\_

**Other:** \_\_\_\_\_

iii.  **Other Custody Arrangement** as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**4C. Travel:** Travel costs for visitation should be divided as follows:

\_\_\_\_\_  
\_\_\_\_\_

**4D. Safety concerns:** *A history of domestic violence can significantly affect the outcome of the custody issues in your 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. See*

<http://courts.alaska.gov/shc/family/dvlawfaq.htm>.

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. Child & Medical Support**  I have completed and attached the **required** Child Support Guidelines Affidavit, [DR-305](#) [Fill-In PDF].

**You must use black ink to fill out this form.**

I am proposing a **shared custody schedule**, so I have also completed and attached a Shared Custody Child Support Calculation, [DR-306](#) [Fill-In PDF]. (Note: if you asked for primary custody, you do not need to file the DR-306 form).

**5A. Civil Rule 90.3 calculation:** Child support should be entered  in accordance with Civil Rule 90.3 OR  vary from Civil Rule 90.3 because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**5B. Child Support should be ordered from:**  the date of separation  the date of the Final Decree  other: \_\_\_\_\_.

**5C. Other parent's income:** I believe that the other parent

i.  is making approximately \$ \_\_\_\_\_ per  hour  year at his/her job as a \_\_\_\_\_

ii.  has a work history of being able to make \$ \_\_\_\_\_ per  hour  year as a \_\_\_\_\_

**5D. Child Support past the age of 18:** I  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 dependant with a parent.

**5E. 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,  Mother  Father or  other \_\_\_\_\_ has been ordered to pay child support. (Please attach a copy of that order if you have it.)

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

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

**5F. Has anyone applied for public benefits (ATAP, TANF, Food stamps etc.) to support this child?**  No  Yes, who? \_\_\_\_\_

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

**5G. CSSD Services:** I  do  do not request the assistance of CSSD to enforce the child support order and keep records of the payments. (If yes, fill out form [DR-315](#) and file with this Answer.)

**You must use black ink to fill out this form.**

**6. Paternity:** *The law presumes that the husband is the legal father of any child conceived or born during the marriage, even if everyone involved knows who the father is. If the wife is pregnant at the time of divorce, 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 very important for paternity to be addressed honestly during the divorce.*

**6A. Unborn Child:** Is wife currently pregnant?  NO  YES. If yes, is her husband the father of the child?

**YES** - then there are no paternity issues and the child can be included on the custody, support and visitation order. *Skip to Question #7.*

**NO** - paternity will need to be disestablished, but this cannot happen until AFTER the child is born. If there is an important reason to get divorced before the birth, you can file a Motion, Affidavit & Order to Bifurcate for Paternity, SHC-152 [Word](#) | [PDF](#), which asks the court to end the marriage, divide the property and address custody, visitation and support for the living child(ren), but delay decisions about the unborn child until after the birth.

**NOT SURE** - DNA testing needs to be done after the birth to find out whether the husband needs to be disestablished. If there is a compelling reason to get divorced before the birth, file a Motion, Affidavit & Order to Bifurcate for Paternity, SHC-152 [Word](#) | [PDF](#), which asks the court to end the marriage, divide the property and address custody, visitation and support for the living child(ren), but delay decisions about the child until after the birth.

**6B. Already born child(ren):** Does paternity need to be disestablished on any child(ren) born during the marriage?  NO  YES If yes, in the chart 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 biological father, please attach it to this *Answer*. If you think you will need an *Order* to have the other party report for DNA testing, you must also submit a *Motion for DNA Testing* (you can use the *Generic Motion Packet*, [SHC-PAC6](#)).

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

**7. Miscellaneous**

**7A.**  **Permanent Fund Dividend:** I request that the court designate  Father  Mother

**You must use black ink to fill out this form.**

as the authorized parent to apply for the minor child(ren)'s PFDs. *Please describe any special agreements, such as depositing the PFD into a college savings account etc.:*

---

---

---

**7B. Federal Taxes**

i.  Mom  Dad shall claim the child(ren) as a dependent on his/her 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: \_\_\_\_\_  Dad  Mom

child: \_\_\_\_\_  Dad  Mom

child: \_\_\_\_\_  Dad  Mom

child: \_\_\_\_\_  Dad  Mom

iii.  Other: \_\_\_\_\_

---

8.  **Other:** *(For example attorney's fees, spousal support, etc. If you want the court to award you attorney's fees or spousal support before the end of the case, you must file a separate motion in addition to writing it in this section. See <http://courts.alaska.gov/shc/family/motions.htm> for forms. )*

---

---

---

---

---

---

---

---

---

---

You must use black ink to fill out this form.

**D. REQUEST FOR RELIEF**

**I REQUEST:**

- 1. That the court end our marriage and issue a *Decree of Divorce*;
- 2. That a *Final Order and Judgment* be entered regarding property and debt as requested in  the *Complaint* or  section 3 of the *Counterclaim*;
- 3. That my former name of \_\_\_\_\_ be restored to me.  
(Print full former name here)
- 4. That a *Final Order* be entered granting the custody and visitation plan as set forth in  the *Complaint* or  section 4 of the *Counterclaim*;
- 5. That child support be calculated and ordered as set forth in  the *Complaint* or  section 5 of the *Counterclaim*;
- 6. That paternity be disestablished for born and unborn child(ren) as set forth in  the *Complaint* or  section 6 of the *Counterclaim*.
- 7. That PFD applications, and federal tax dependency issues be ordered as set forth in  the *Complaint* or  section 7 of this *Counterclaim*.
- 8. Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 9. For such other and further relief as the Court deems fit and proper.

I have attached the following documents:

- Child Custody Jurisdiction Affidavit, [DR-150](#) [Fill-In PDF] – *Required***
- Child Support Guidelines Affidavit, [DR-305](#) [Fill-In PDF] – *Required***
- Shared Custody Support Calculation, [DR-306](#) [Fill-In PDF] – *Required if you want shared custody***
- Property & Debt Worksheet, SHC-1000 [Word](#) | [PDF](#)**
- Other \_\_\_\_\_

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Your Signature* (In blue ink if possible)

**Certificate of Service**

I certify that on \_\_\_\_\_ a copy of this *Answer* and all documents attached as indicated above was/were  mailed  hand delivered to:

- Plaintiff \_\_\_\_\_  Plaintiff's Lawyer \_\_\_\_\_
- Other \_\_\_\_\_

Your signature: \_\_\_\_\_