

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 – the Mother))
v.)
_____)
Defendant 1 (Current Father))
_____)
Defendant 2 (Biological father))
_____)

Your Case No. _____

COMPLAINT by MOTHER TO DISESTABLISH & ESTABLISH PATERNITY

with without Complaint for Custody

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 the mother of the following child(ren):

Name of child(ren)	Date of Birth

B. Defendant 1 is currently the legal father of the above named child(ren). I do not believe that he is the biological father and would like him disestablished and removed from the birth certificate.

You must use black ink to fill out this form.

C. I believe Defendant 2 is the biological father of the child(ren), and want him established as legal father and put on the birth certificate.

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. Current father lives in the State of Alaska other _____

D. Biological father 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 current father?

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

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

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

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

E. Other/comments: _____

4. What is/was the marital status between you and the biological father?

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

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

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

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

F. Other/comments: _____

You must use black ink to fill out this form.

5. Who is on the birth certificate?

A. No father listed

B. Current father

C. Biological father

D. Other _____

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

A. He was married to me when I 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 1, the current father, is **NOT the biological father of the child(ren)?**

A. DNA testing has excluded him. The ORIGINAL results are attached.

B. Other: _____

9. 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: _____

You must use black ink to fill out this form.

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 1 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. Do you want to establish a custody, visitation and child support order with defendant 2 at this time?

Yes, I request that custody and visitation be entered in the best interests of the children and that child support be entered in accordance with Civil Rule 90.3. I have attached the following:

Proposed Parenting Plan or Custody & Visitation Plan

Child Support Guidelines Affidavit

Motion for Interim Custody

Other _____

No

You must use black ink to fill out this form.

14. Other: _____

PRAYER FOR RELIEF

WHEREFORE, I REQUEST:

1. That a *Final Order* be entered that disestablishes Defendant 1 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);

3. That the Bureau of Vital Statistics be given notice to replace Defendant 1 with Defendant 2 on the birth certificate(s) of the minor child(ren).

4. That the *Final Order* relieve Defendant 1 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, 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. That custody, visitation and child support with Defendant 2 be ordered as requested.

7. Other: _____

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

Date

Your Signature (In blue ink if possible)

You must use black ink to fill out this form.

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)**
- Custody & Visitation, SHC-1120/1122 or Proposed Parenting Plan, SHC-1127
- Child Support Guidelines Affidavit, DR-305 **(Required)**
- Confidential Information Sheet, DR- 314 **(Required)**
- Complaint for Child Custody, SHC-115 or DR-420
- Motion for Interim Custody, SHC- 1101
- Custody Order (One Page), SHC-1103
- 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

Copies for the defendants:

After you open the court case, **you must serve each defendant** with 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