

Person Filing Motion:

Full Name: _____ Email: _____

Mailing Address: _____ Phone: _____

I authorize the court to email me court documents in this case to the email address above. If I change my email address or wish to receive documents by regular mail, I agree to notify the court. Use form TF-820, [Electronic Delivery of Case Documents](#).

NOTE: If for any reason you do not want the other parent to know your physical address, you still must provide a mailing address so the court and the other parent can serve you by mail.

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA AT _____

Petitioner (person who registered order),
vs.

Respondent (other parent's full name)

CASE NO. _____ CI
(case number on *Notice of Registration*)

MOTION TO MODIFY ANOTHER STATE'S CHILD SUPPORT ORDER

1. REQUEST TO MODIFY REGISTERED ORDER

I ask the court to modify the attached child support order from *(state)* _____. This order was registered in Alaska on *(date)* _____.

2. PARENT INFORMATION

NOTE: If for any reason you do not want the other parent to know your current address or employer, you do not need to provide that information. However, you **must** provide a mailing address that will allow the court and the other parent to mail you required documents. That address may be in care of another person as long as you will receive all papers sent to you.

Parent A (parent filing motion):

Full name: _____ Date of birth: _____

Mailing address: _____

Residence address (if different): _____

Phone: _____ Email: _____

Most recent employer: _____

Dates of employment: _____

Employer's address: _____

Parent B:

Full name: _____ Date of birth: _____

Mailing address: _____

Residence address (if different): _____

Phone: _____ Email: _____

Most recent employer: _____

Dates of employment: _____

Employer's address: _____

Custodian (person other than parent):

Full name: _____ Date of birth: _____

Mailing address: _____

Residence address (if different): _____

Phone: _____ Email: _____

3. CHILDREN

List the names of all children covered by the registered order:

<i>Child's full name</i>	<i>Date of birth</i>	<i>Who child lives with?</i>	<i>In what state?</i>

[Attach extra pages if there are more children.]

Is the custody and visitation arrangement for each child the same as ordered by the court in its most recent order? Yes No

If you answer "no" for any child, explain how the child's current custody or visitation arrangement is different from what the court ordered. [Attach more pages if needed.]

4. ALASKA COURT’S AUTHORITY TO CHANGE CHILD SUPPORT

This Alaska court has the authority to modify the other state’s child support order. The court’s authority comes from the Alaska Statute(s) below. *(Check all that apply.)*

- a. AS 25.25.613 because:
 - (1) The person ordered to pay support (obligor) and the person who should receive support (obligee) reside in Alaska; **and**
 - (2) The children do **not** reside in the state that issued the order.

- b. AS 25.25.611(a)(1) because:
 - (1) The children, the person ordered to pay support (obligor), and the person who should receive support (obligee) do **not** reside in the state that issued the order; **and**
 - (2) I (person filing this motion) am **not** a resident of Alaska; **and**
 - (3) The respondent is subject to the personal jurisdiction¹ of this court because *(check all that apply)*:
 - The respondent is domiciled in Alaska;² or
 - The respondent got notice of registration of the support order while present in Alaska and this motion will be served on the respondent in Alaska; or
 - The respondent is engaged in the substantial activities in Alaska described below:

- c. AS 25.25.611(a)(2) because:

Both the obligor and obligee filed consents in the issuing tribunal providing that an Alaska tribunal may modify the support order and assume continuing, exclusive jurisdiction *(See definitions of "obligor" and "obligee" in 4.b above.); and*

 - the children live in Alaska, or
 - the court has personal jurisdiction over the obligor or obligee.

¹ AS 09.05.015 defines "personal jurisdiction." In general, a state court has "personal jurisdiction" over a person if the person is (a) present in the state when served notice of the case, (b) domiciled in the state, or (c) engaged in substantial and not isolated activities in the state.

² Generally, "domicile" means a person’s primary residence to which the person intends to return whenever the person is away. See, for example, AS 16.05.940 and AS 28.33.190. The Alaska Supreme Court has held that, in divorce cases, domicile "is established by an actual physical presence in the state coupled with a coincident intent to make the state one's permanent place of abode." See *State v. Adams*, 522 P.2d 1125 (Alaska 1974).

5. CHANGE IN CHILD SUPPORT

NOTE: In order to get an increase or decrease in support payments because the income of the person making payments changes, that change in income must be long term and significant. The court will not modify a support order because of a small or temporary change in income. Generally, a change in income is significant if the change would raise or lower the support payments by 15% or more. You must attach documentation that supports your request. Examples include pay stubs, tax returns, and proof of Social Security or disability benefits.

I request that the child support order be modified to increase decrease the support amount because (check all boxes that apply):

The income of the person making the child support payments **increased or decreased.** *(If you check this box, attach documentation of the increase or decrease and explain why it has occurred.)*

Support payments should be changed because there has been a change in the availability or cost of medical insurance for the children, or because medical expenses for the children have increased or decreased. *(If you check this box, describe what the change should be and attach all available documents that support the requested change.)*

Other *(Be specific and attach any supporting documents.)*

The court must use [Alaska Civil Rule 90.3](#) to calculate the support amount.³ Therefore, you must also attach a completed *Child Support Guidelines Affidavit (DR-305)* to provide information the court needs. **Note:** An Alaska court cannot change the duration of another state’s child support order (the age of the child at which the duty of support ends) unless the laws of the state that issued the original order allows such a change. AS 25.25.604(a)(1) and AS 25.25.611(c) and (d).

IMPORTANT NOTE: If you think the amount of support should change because you are no longer following the current custody order, you may need to ask a court to modify your custody order. Figuring out which state (court) has authority to modify your order can be complicated. You may want to contact an attorney for help. Generally, Alaska courts will only issue a child support order that is based on a court-ordered custody arrangement.

³ *State v. Bromley*, 987 P.2d 183 (Alaska 1999).

Income Withholding. I understand that the court's modification order must require that the support amount be immediately withheld from the obligor's income unless one of the three exceptions⁴ below applies.

I request that the court **not** order immediate income withholding because:

Alternative Payment Arrangement.

The other parent and I agreed on the alternative payment arrangement⁵ described in the attached document signed by both of us (and by CSED if support has been assigned to the state); **and**

- if CSED is enforcing the support order, CSED entered this agreement into its record; **and**
- an income withholding order has not been terminated previously and subsequently initiated; **and**
- the obligor agreed to keep the obligee (or CSED if CSED 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.

Not in Best Interests of Child(ren).

Immediate income withholding is not in the child(ren)'s best interests because:

_____ ; **and**

- the obligor made voluntary support payments under a court or agency order and has not been in arrears in an amount equal to the support payable for one month⁶; **and**
- the obligor agreed to keep the obligee (or CSED if CSED 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.

Obligor Receives other Compensation.

The obligor is receiving Social Security or other disability compensation that includes regular payments to the child(ren) at least equal to the support owed each month. To the extent these payments to the child(ren) do not satisfy the monthly amount owed, I request that the remaining amount due be immediately withheld from the obligor's income pursuant to AS 25.27.062.

⁴ AS 25.27.062(m).

⁵ Following are examples of "alternative arrangements:" having a military allotment paid to the obligee; advance payment of two months' support to the obligee as security for future payments; or an automatic funds transfer from the obligor's bank or employer to the obligee.

⁶ "In arrears" means failing to make a support payment within 30 days of the monthly due date specified in the order. AS 25.27.062(m)(2)(B).

6. REQUIRED ATTACHMENTS

Items (a) through (e) below MUST be attached to this motion. Item (f) may also be required depending on the custody order. Check each box to indicate that you have completed and attached the item. These forms are available at the court and on the [court system's website](#).

- (a) Copy of your current child support order.
- (b) All documents that support your request for a change in the support amount.
- (c) *Information Sheet* (form [DR-314](#))
- (d) *Certificate of Service* (last page of this form)
- (e) *Child Support Guidelines Affidavit* (form [DR-305](#))
This form must be signed in front of a notary public or court clerk. Bring a photo ID. Fill in the requested information about your own finances and as much information about the finances of the other parent as possible. If you do not know specific information about the other parent's finances, write "unknown" in that space. You must attach a copy of your most recent federal tax return and most recent pay stubs to verify income and deductions.
- (f) If one parent has **primary**⁷ custody of all the children, you only need to fill out the [DR-305](#). But if the court order requires **shared**⁸, **divided**⁹, or **hybrid**¹⁰ custody, or you are asserting that one of these kinds of custody arrangements applies, then you must also fill out one of the forms below:
 - Shared Custody Child Support Calculation (form [DR-306](#))
 - Divided Custody Child Support Calculation (form [DR-307](#))
 - Hybrid Custody Child Support Calculation (form [DR-308](#))

CHILD SUPPORT INSTRUCTION BOOKLET: For more information about how to complete the child support calculation forms (DR-305, DR-306, DR-307, and DR-308), see the booklet called *How to Calculate Child Support* ([DR-310](#)) on the court system's website. Also note: An Alaska court cannot change the duration of another state's child support order (the age of the child at which the duty of support ends) unless the laws of the state that issued the original order allows such a change. AS 25.25.604(a)(1) and AS 25.25.611(c) and (d).

⁷ **Primary** custody means the court order requires that the children reside with one parent more than 70% of the year (256 or more overnights).

⁸ **Shared** custody means the court order requires that the children reside with one parent at least 30% of the year (at least 110 overnights), but not more than 70% of the year (no more than 255 overnights).

⁹ **Divided** custody means the court order requires that one parent have *primary* custody of some of the children, the other parent have *primary* custody of the rest of the children, and the parents do not *share* physical custody of any of their children.

¹⁰ **Hybrid** custody means the court order requires that at least one parent have *primary* custody of one or more of the children, and the parents have *shared* custody of at least one of the children.

OATH OR AFFIRMATION

NOTE: You must sign this in front of a notary. A court clerk will provide this notary service for you at no charge. Bring a photo ID with you for the notarization.

I swear or affirm that the above statements and any attachments are true to the best of my knowledge and belief.

_____ Date

Signature of Person Filing Motion
(Only sign in front of a court clerk or notary.)

Print Name

Subscribed and sworn to or affirmed before me at _____, Alaska
on _____ Date

Clerk of Court, Notary Public or other
person authorized to administer oaths.
My commission expires: _____

(SEAL)

See next page for next steps.

NEXT STEPS

- 1. NOTICE OF MOTION (DR-710).** Fill out this form. In the *Certificate of Service* at the bottom of the [DR-710](#), you will fill in the date that you mail or deliver it and the other listed documents to the opposing parent. You must put this document **on top of** all the other documents when you mail or deliver them to the opposing parent.
- 2. SERVE COPY ON OTHER PARENT.** Complete the *Certificate of Service* on the next page, explaining how you delivered copies of everything you are filing to the other parent.
- 3. Copies.** Keep a copy of all documents and attachments for yourself.
- 4. Filing Location.** Mail or hand-deliver the original motion, the required attachments and the DR-710 *Notice* to the Alaska court where the out-of-state order was registered. There is no fee for filing these documents with the court.¹¹ For a list of court mailing addresses, go to www.courts.alaska.gov/courtdir/index.htm.

RESPONSE. The other parent has 13 days to respond to your *Motion to Modify*. The response must be filed with the court and a copy sent to you. If 13 days pass and no response is filed, your motion will be sent to a judge for decision unless you filed your motion at the same time you registered the order in Alaska. If the 20 days for opposing registration has not passed, the motion will probably not be sent to a judge for decision until the 20 days has passed.

REPLY. If you receive a response, you have 8 days from the date it was postmarked to file your *Reply* with the court. You may use the *Reply* form ([DR-730](#)) provided in this packet. Your *Reply* must be signed in front of a notary (available at the court at no charge). You must serve your *Reply* on the same people as you did your motion.

HEARING. The judge may order a hearing if one is needed to decide any disputes about the evidence in your case. You will be notified if a hearing is scheduled. If it will be difficult for you to attend the hearing in person, you may file a [Request to Appear by Telephone \(form TF-710\)](#).

Enforcement of Alaska Child Support Order. If the court agrees to modify the other state's child support order, the court will issue a new Alaska Child Support Order. If the obligor does not comply with the court's order, you may ask the Alaska Child Support Enforcement Division (CSED) to enforce the order for you. See [Application for Services of Child Support Enforcement Division](#). If you do not live in Alaska, you can ask your state's child support agency to enforce the Alaska order.

Notice to Other State. If the Alaska court agrees to modify the other state's child support order, you must file a certified copy of the Alaska order with the court in the other state that issued the previous order and with any other state court or child support enforcement office where you registered the previous order. (AS 25.25.614)

¹¹ AS 25.25.301 & .313, AS 25.25.609 & .611, Administrative Rule 9(b)(8).

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA AT _____

CASE NO. _____ CI

Petitioner (person who registered other state's order): _____

Respondent (other parent's full name): _____

**CERTIFICATE OF SERVICE FOR
MOTION TO MODIFY SUPPORT AMOUNT**

[MUST BE COMPLETED]

[Instructions to person filing motion: You must fill out this Certificate of Service, serve (deliver) it on the other parent, and file it with the court. You must also serve it on the other parent's attorney if the other parent was represented by an attorney within the last year. When you serve it on the other parent and attorney, you must attach all the documents listed below.]

OTHER PARENT OR CUSTODIAN

I certify that I delivered a copy of the following to the other parent
by first class mail hand delivery:

- (1) the [DR-710](#), *Notice of Motion*, and
- (2) this *Motion (DR-361)*, and
- (3) all documents checked in paragraph 6 (*Required Attachments*), and
- (4) a blank [DR-370](#), *Response Packet*.

Name of Other Parent or Custodian: _____

Address: _____

Date mailed or hand delivered: _____

OTHER PARENT'S ATTORNEY

I certify that I delivered a copy of the following to the other parent's attorney
by first class mail hand delivery

- (1) this *Motion (DR-361)*, and
- (2) all documents checked in paragraph 6 (*Required Attachments*).

Name of Other Parent's Attorney: _____

Address: _____

Date mailed or hand delivered: _____

Date Filed at Court

Signature of Person Filing Certificate

Print Name