

Name: _____

Email: _____ Phone: _____

Mailing Address: _____

I agree to get documents by email instead of mail, check my email regularly, and tell the court and other participants of email changes. [Electronic Delivery of Case Documents, TF-820](#)

NOTE: If you do not wish to list your physical address, you still must list a mailing address.

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

AT _____

Court Location

(Plaintiff)

Your Full Name

(Defendant 1)

Biological Mother's Full Name

(Defendant 2)

CASE NO: _____

Current Legal Father's Full Name

[The court will fill this in.]

**COMPLAINT BY BIOLOGICAL FATHER TO DISESTABLISH CURRENT
LEGAL FATHER'S PATERNITY AND ESTABLISH SELF**

[Paternity – Determine Both Biological and Non-Biological Father]

Instructions: Use this form if you think that you are the biological father of the children named below, but someone else is the current legal father. Use this form if you want the court to disestablish Defendant 2's paternity and establish you as the legal and biological father. If the court grants your request, you can ask the Alaska Office of Health Analytics and Vital Records to change the children's birth certificates.

1. Who is involved in this case?

a. Plaintiff: I believe I am the biological father of each child in this case:

Name of Child	Date of Birth

b. Defendant 1: The biological mother of each child named above.

c. Defendant 2: The current legal father of each child named above.

2. Where does everyone live?

a. I live in Alaska. other: _____

b. The children live in Alaska. other: _____

c. Defendant 1 lives in Alaska. other: _____

d. Defendant 2 lives in Alaska. other: _____

3. Are you named as the father on the children's birth certificates?

No.

Yes. [If you are named on the birth certificate, then you are already established as the legal father. You do not need this court case.]

4. Is Defendant 2 (current legal father) named as the father on the children's birth certificates?

- Yes.
- No. **or** I don't know. Defendant 2 was established as the legal father of the children, because:
 - Defendants were married when Defendant 1 got pregnant or gave birth, or they married after.
 - Defendant 2 signed an *Affidavit of Paternity*.
 - The Office of Children's Services (OCS) established paternity.
 - The Child Support Enforcement Division (CSED) established paternity.
 - Other: _____
 - I don't know how Defendant 2 was established as the legal father.

5. Is a third person (someone other than you or Defendant 2) named as the father on the children's birth certificates?

- No. I don't know. Yes, name of person: _____

6. What is the marital status between you and Defendant 1 (biological mother)?

- We were married to each other when Defendant 1 got pregnant or gave birth.
- We married each other after Defendant 1 gave birth, and we are still married to each other.
- We divorced on _____ [date] in _____ [place].
- We are not married to each other and never have been.
- Other: _____

7. What is the marital status between the Defendants?

- They were married to each other when Defendant 1 got pregnant or gave birth.
- They married each other after Defendant 1 gave birth, and they are still married to each other.
- They divorced on _____ [date] in _____ [place].
- They are not married to each other and never have been.
- Other: _____

8. Why do you think Defendant 2 is not the biological father?

- A DNA test showed Defendant 2 is not the biological father.
 - I attached the test results.
- Other: _____

9. Why do you think you are the biological father?

A DNA test showed that I am the biological father. I attached the test results.

Other:

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

No.

Yes, I attached:

[Motion and Affidavit for Genetic \(DNA\) Testing, DR-530](#)

[Order for Genetic \(DNA\) Testing, DR-531](#)

11. Child Support.

a. Has the Child Support Enforcement Division (CSED) ordered anyone to pay child support?

No. Yes, me. Yes, Defendant 1. Yes, Defendant 2. I don't know.

Other: _____

b. Is CSED working on setting up a child support order?

No. Yes. I don't know.

c. Has a court ordered anyone to pay child support?

No. Yes, me. Yes, Defendant 1. Yes, Defendant 2. I don't know.

Other: _____

d. Has anyone applied for public benefits (ATAP, TANF, Food Stamps, etc.) to support the children?

No. Yes, me. Yes, Defendant 1. Yes, Defendant 2. I don't know.

Other: _____

12. Other things I want the court to know about this case:

More pages are attached. [Only write on one side of the page.]

REQUEST FOR RELIEF

I REQUEST THAT THE COURT:

1. Enter a final order (decree) that disestablishes Defendant 2 as the legal father and that establishes me as the biological and legal father. If needed, enter a child support order.

2. Order that Defendant 2's name be **removed** from the children's birth certificates.

Order that my name be **added** to the children's birth certificates.

[**IMPORTANT:** If the court orders this as part of the decree, you must send a certified copy of the decree to the Alaska Office of Health Analytics and Vital Records to change the birth certificates.]

3. Order that Defendant 2 (current legal father) does not owe any child support after the date I file this complaint.

4. Modify Defendant 2's past due child support (arrearages) as the law will allow.
 [The general rule is that the court can't go back and change what was owed in the past. But depending on how the original child support was decided, the court may be able to cancel some or all of the arrearages. This is a complicated area of law and you should talk to a lawyer if you want the court to change the past due child support.]
5. Other: _____
6. Anything else the court finds appropriate.

 Date

 Your Signature

ATTACHMENTS

I attached the following documents to this complaint. I understand that I must give a copy of all of these attachments to **both** Defendants when I give them a copy of the complaint.

Required in all cases:

- [Child Custody Jurisdiction Affidavit, DR-150](#)
- Summons, CIV-100
 [Select your location from the list at <https://ak-courts.info/civ100>.]
- [Case Description Form, CIV-125S](#)
 [**Not** required if you use TrueFiling to electronically file your complaint.]
- [Information Sheet, DR-314](#)

Required if there is an existing child support order:

- A copy of the court's or CSED's child support order

Required if DNA testing already happened and you have a copy:

- The DNA test results

Required if you want the court to order DNA testing:

- [Request and Affidavit for Genetic \(DNA\) Testing, DR-530](#)
- [Order for Genetic \(DNA\) Testing, DR-531](#)

Other attachments:

- _____

Note to Defendants

You have 20 days to respond to this complaint. If you do not respond, Plaintiff can ask the judge to decide without hearing from you in a default hearing. Learn about forms and how to respond at the [Family Law Self-Help Center Website](http://ak-courts.info/family) (ak-courts.info/family) or call the Family Law Self-Help Center at (907) 264-0851 or (866) 279-0851.

Information about Filing and Serving Your Documents & Next Steps

(You do not need to file this page with the court)

File Your Documents with Your Local Court and Serve Both Defendants

1. Make 3 copies of your forms: 1 copy for your own records and 1 copy for each Defendant. You can bring the original to your local court or mail it. Or [contact your local court](#) to see if they accept email or TrueFile filings (ak-courts.info/dir).
2. There is a fee to file a case. If you cannot afford the fee, you can ask the court to waive it. Call the Family Law Self-Help Center at (907) 264-0851 or (866) 279-0851, or use [Exemption from Payment of Fees, TF-920](#).
3. When you open the case, court clerk will give you 3 copies of a “Summons” and usually a “Standing Order” that contains important information about your case. 1 copy is for you; the other 2 copies are for the Defendants.
4. You must give **each** Defendant a copy of
 - everything you filed with the court,
 - the summons, and
 - the standing order.

This is called “service.” When you first start a case, you must serve the Defendants **one** of these ways:

- Send the documents by certified mail with restricted delivery and return receipt. Make sure you pay for certified mail, restricted delivery, and return receipt so that only Defendant can sign for the mail and the post office sends the green postcard back to you after Defendant signs it.
- Hire a process server. Fill out a separate [Service Instructions, CIV-615](#) form for each Defendant. Give this form to the process server so they will send you the proof of service after they serve Defendant.

To learn more read [How to Serve a Summons, CIV-106](#).

Future Service

After the case is open, you can serve all other documents by regular first-class mail or hand-delivery. If a Defendant files anything in court that says they agree to service by email, you can email them. If they have a lawyer, you must email, mail, or hand-deliver the copy to their lawyer. If you use the court’s [TrueFiling system](#) (ak-courts.info/truefile), it will serve any party who also uses TrueFiling.

What to Expect after You Start Your Case and Serve Copies on Defendants

Defendants have 20 days to respond to your complaint. Day is the day after:

- Defendant signed the green postcard from the certified mail with restricted delivery and return receipt, or
- The process server delivered your documents and the court papers. This date is on the process server’s proof of service.

A Defendant’s response to what you wrote in the complaint is called an “answer.” After Defendants file their answers, the court will set a hearing and send you a notice with the date, time, and location.

If one or both Defendants do not file and serve an answer, you can ask the judge to decide without hearing from whoever did not respond. Read about [Filing for Default](#) (ak-courts.info/default).

For more help, call the Family Law Self-Help Center at (907) 264-0851 or (866) 279-0851, or visit the [Family Law Self-Help Center Website](#) (ak-courts.info/family).

