

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
AT _____

Plaintiff,
vs.

Defendant. } Case No. _____

**FINDINGS OF FACT AND CONCLUSIONS OF LAW
(DIVORCE WITH CHILDREN AND PROPERTY)**

- Trial in this case was held on _____
 Settlement was placed on the record on _____
 Default hearing in this case was held on _____

Plaintiff: did not appear appeared in person appeared remotely
Plaintiff was represented by self attorney _____

Defendant: did not appear appeared in person appeared remotely
Defendant was represented by self attorney _____

- The record shows the Defendant was served with summons and complaint for divorce, and
 Default: Defendant did not file an answer or otherwise defend, and the matter proceeded by default.
 Uncontested: Defendant joined in signing the complaint filed an answer and did not contest the facts alleged or prayer for relief in the complaint.
 Settlement: Defendant filed an answer and the parties settled all issues.
 Contested: Defendant filed an answer and the parties proceeded to trial.

The court considered testimony and examined any evidence or agreements presented. The court now makes the findings of fact and conclusions of law:

FINDINGS OF FACT

BACKGROUND

- Plaintiff Defendant is a resident of the State of Alaska.
- The parties married in _____ on _____ and ever since have been married to each other.
- The parties permanently separated on _____
- An incompatibility of temperament exists between the parties which makes it impossible for them to remain together as a married couple.
- Plaintiff asks to restore this prior name: _____
 Defendant asks to restore this prior name: _____

6. No evidence of domestic violence was offered and the court makes no findings regarding domestic violence.
- Neither parent has a history of committing domestic violence under AS 25.24.150(g).
- The Plaintiff Defendant has a history of committing domestic violence under AS 25.24.150(g), and the statutory presumption against custody:
 was overcome. was not overcome. does not apply.
- Both parents have a history of committing domestic violence under AS 25.24.150(g).

7. Other:

CHILD CUSTODY

1. The following child(ren) was(were) born to, or adopted by, the parties before and/or during the marriage:

<i>Child's Full Name</i>	<i>Date of Birth</i>
_____	_____
_____	_____
_____	_____
_____	_____

Plaintiff Defendant is currently pregnant.

2. The court has jurisdiction over the child(ren).

- The child(ren) resided in Alaska for at least six consecutive months immediately before the complaint was filed in this case.
- When the complaint was filed, there was no other state with greater rights to jurisdiction under the *Uniform Child Custody Jurisdiction and Enforcement Act*.
- Other _____

3. The court considered the statutory factors set forth in AS 25.24.150(c), and AS 25.20.090 if appropriate, and finds that the best interests of the child(ren) will be served by:

- Agreement of the parties set forth separately and incorporated here by reference.
- Agreement of the parties described below.
- The court's determination set forth separately and incorporated here by reference.
- The court's determination described below.

If announced on the record, the following can be found at

Media # _____ Beg. Log # _____ End Log # _____ Date _____

4. Decision Making (legal custody):

- Joint: The parents can communicate and make major decisions regarding the child(ren)'s education, healthcare, religious training, and other major decisions.
- Sole: It is difficult for the parents to make joint decisions regarding the children, so
 - Plaintiff Defendant will make major decisions regarding the child(ren)'s education, healthcare, religious training, and other major decisions. The decision-making parent must inform the other parent about major decisions affecting the child(ren).

Both parents should be listed on all educational and medical records.

Day to Day Decisions: Each parent may make decisions regarding the day-to-day care of the child(ren) while they are with that parent. Either parent may make emergency decisions affecting the children's health and safety and must notify the other parent as soon as possible.

5. Parenting Schedule (physical custody):

- The schedule is set forth separately and incorporated here by reference.
- The regular schedule is set forth below:

- The vacation schedule differs from the regular schedule and is set forth below:

- The holiday schedule differs from the regular schedule and is set forth below:

6. Neither parent should speak badly about the other parent in front of the child(ren). Neither parent should allow anyone else to speak badly about the other parent or members of their family in front of the child(ren). The parents should not discuss the court case or custody matters with the child(ren), or show them court papers at any time.

7. Best interest and other findings about the child(ren). *[Use this space to make specific findings on the AS 25.24.150(c) best interest factors or incorporate findings made elsewhere in the record.]*

8. Other

CHILD SUPPORT

1. Child and medical support should

Be ordered in accordance with Alaska Civil Rule 90.3. The parenting time scheduled listed above is:

Primary to plaintiff Primary to defendant

Shared by parties

_____% to plaintiff _____% to defendant

Divided custody

Plaintiff has primary custody of _____

Defendant has primary custody of _____

Hybrid custody

Plaintiff has primary custody of _____

Defendant has primary custody of _____

Parties to share physical custody of _____

_____% to plaintiff _____% to defendant

Vary from the child support award calculated under Civil Rule 90.3 because:

If not varied, amount of support that would be required \$ _____

Estimated value of property awarded instead of support \$ _____

2. Alaska Permanent Fund Dividend (PFD).

The Plaintiff Defendant should timely apply for the child(ren)'s PFD each year. The child(ren)'s PFD funds:

May be spent for the child(ren)'s health education, and welfare.

Should be saved in an interest-bearing account in both parent's names and both parents should have access to all statements from the account.

Other _____

3. Alaska Native Claims Settlement Act (ANCSA) Dividends.

The Plaintiff Defendant should timely apply for the child(ren)'s ANCSA dividends.

May be spent for the child(ren)'s health education, and welfare.

Should be saved in an interest-bearing account in both parent's names and both parents should have access to all statements from the account.

Other _____

4. Child Tax Credit.

The Plaintiff Defendant will claim the child(ren) every year.

Every year, Plaintiff will claim the following child(ren) _____ and Defendant will claim the following child(ren) _____

The parents will claim the child(ren) in alternating years with:

Plaintiff Defendant claiming the child(ren) for odd-numbered tax years such as 2019 and 2021, and the other parent claiming them for even-numbered tax years such as 2020 and 2022.

Other: _____

The parties will provide each other with a signed IRS Form 8332, if needed, by February 1 so that it may be timely filed with the IRS. This may be modified without a court order if both parties agree in writing. As required by AS 25.24.232. The parent who has physical custody of the child(ren) for a period less than the other parent may not claim the tax

benefits in any tax year if on December 31 of that year the parent was behind in child support payments in an amount more than four times the monthly child support obligation.

5. A child and medical support order should be entered and incorporated here by reference.

6. Other:

PROPERTY ALLOCATION

1. Assets and debts to be awarded to **plaintiff**

- Plaintiff should retain all assets and debts now in plaintiff's possession and control.
- Plaintiff should be awarded the following property and allocated the following debt:

<i>Assets Awarded to Plaintiff</i>	<i>Value (\$)</i>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>

<i>Debts Allocated to Plaintiff</i>	<i>Value (\$)</i>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>

Total value of assets to plaintiff	<hr/>
<u>Less</u> value of debts to plaintiff	<hr/>
Equals net value to plaintiff	<hr/>

2. Assets and debts to be awarded to **defendant**

- Defendant should retain all assets and debts now in defendant's possession and control.
- Defendant should be awarded the following property and allocated the following debt:

<i>Assets Awarded to Defendant</i>	<i>Value (\$)</i>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

<i>Debts Allocated to Defendant</i>	<i>Value (\$)</i>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Total value of assets to defendant	_____
<u>Less</u> value of debts to defendant	_____
Equals net value to defendant	_____

3. After considering the factors in AS 25.24.160, the court finds that the above property and debt allocation is fair and equitable requires the following cash offset in order to be fair and equitable:

- Plaintiff to pay to defendant the amount of \$ _____ within _____ days
- Defendant to pay to plaintiff the amount of \$ _____ within _____ days

4. Other:

CONCLUSIONS OF LAW

- A. The court has personal jurisdiction over the parties and the child(ren), and subject matter jurisdiction over the marriage, custody, and child support disputes.
- B. A decree of divorce should be issued forever severing the bonds of matrimony now existing between the parties.
- C. It is in the child(ren)'s best interest to award custody and visitation as set forth above.
- D. Child and medical support should be ordered as set forth above. A child support order should be entered without delay.
- E. Property and debt(s) should be allocated as set forth above, which is fair and equitable.
- F. The plaintiff's prior name should be restored.
 The defendant's prior name should be restored.
- G. Other conclusion(s) of law:

ENTERED this _____ day of _____, 20____

Recommended for approval:	
Superior Court Master	Date

 JUDGE OF THE SUPERIOR COURT

 Print or Type Name

I certify that on _____
a copy of this document was sent or given to:

Clerk: _____

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
AT _____

Plaintiff,
vs.

Defendant.

Case No. _____

**DIVORCE DECREE
AND JUDGMENT**

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED as follows:

1. A divorce decree is entered forever severing the bonds of matrimony now existing between the parties.
2. Decision making and the parenting schedule for the minor child(ren) is ordered as set forth in the *Findings of Fact and Conclusions of Law*.
3. Child and medical support is ordered as set forth in the *Child Support Order* and in the child support section of the *Findings of Fact and Conclusions of Law*.
4. Property and debt(s) are divided as set forth in the *Findings of Fact and Conclusions of Law*.
5. Within _____ days, the parties shall divide all property and debt as listed in the *Findings of Fact and Conclusions of Law*. This includes exchanging all property between each other, signing all paperwork needed to transfer property or debt, and anything else needed to divide the property and debt.
6. The Plaintiff Defendant is ordered to pay the Plaintiff Defendant the amount of \$_____ by *(date)* _____. If not paid by that date, it becomes a judgment with an interest rate of _____% each year.
7. The plaintiff's prior name is restored to _____.
 The defendant's prior name is restored to _____.
8. Other:

ENTERED this _____ day of _____, 20____

Recommended for approval:

Superior Court Master _____
Date

JUDGE OF THE SUPERIOR COURT

Print or Type Name

I certify that on _____
a copy of this document was sent or given to:

Clerk: _____