

## **INSTRUCTIONS FOR RESPONDING TO A MOTION FROM THE OTHER PARENT FOR CHILDREN'S HEALTH CARE EXPENSES**

These instructions explain what to do if you have been served with a motion asking the court to order you to pay your share of your children's health care expenses. If you want to oppose the motion, you must file a response with the court **within 10 days** after the motion was hand-delivered or emailed to you (or 13 days if it was mailed to you).

### **Step 1. Find Your Child Support Order.**

Read the section of your child support order that explains how the parents must divide the cost of the children's health care expenses that are not paid by insurance. In current Alaska orders (form [DR-300](#)), this is section 9, "Uncovered Health Care Expenses."

This section will tell you what percent or amount each parent must pay if insurance does not pay a child's health care bill. You need to know this in order to determine whether the statements about it in the motion are correct.

### **Step 2. Fill Out Forms.**

Fill out the forms listed below and attach any required additional documents.

Fill in the top of the first page of your response and any proposed order with the same court location, case number, and parties' names as is on the motion. You can fill them out online or ask for a blank paper copy from the court clerk or Family Law Self-Help Center (see last page of these instructions for contact information for the FLSHC).

a. *Response to Motion for Payment of Children's Health Care Expenses* (form [DR-358](#))

In section 1, check the box about whether you agree or do not agree with the motion. If you do not agree, explain why.

Complete section 2 (on page 2) if you have your own claims against the other parent for children's health care expenses.

In section 3, check the boxes for the documents you are attaching to your response.

Sign the response in front of a notary public. A court clerk can provide this notary service for you for free when you bring the documents to court. Bring a photo ID for the notary or clerk. If you do not have access to a notary or court clerk, fill out *Self-Certification* (form [TF-835](#)) and attach it to your response.

Fill out the certificate of service on page 3 of the form. This is required by law and tells the court when and how you will give a copy of everything to the other parent. See Step 3 on the next page about giving copies to the other parent or the parent's attorney.

b. *Statement of Health Care Expenses* (form [DR-353](#)).

Fill out this form if you want to claim your own child health care expenses that the other parent has not yet paid you for. See the instructions on the form, including the list of documents you must attach.

If the service was partially covered by insurance, one of the documents you must attach is a copy of each Explanation of Benefits (EOB) statement from the insurance company. If you are the owner of the policy and you didn't get an EOB, contact your insurance company for a copy. If you did not get an EOB from the insurance company because the other parent owns the policy, ask the other parent for a copy. If you are not able to attach a copy of the EOB, or there is no EOB, explain why in the space for this in section 3 of the DR-358 response form.

c. *Order for Reimbursement of Health Care Expenses* (form [DR-355](#))

If you are asking for the judge to order you to be reimbursed by the other parent (or you otherwise disagree with the motion), prepare this proposed order for the judge's signature. In the first paragraph, fill in the date the other parent filed the motion with the court.

In section 1, fill in the name of the parent who owes money, then the name of the other parent (to whom the money is owed), and the amount you believe is owed. **Do not** fill in the last line (the deadline for making the payment).

Section 3 allows the court to order the parent who has the insurance policy to sign a release form allowing the insurance company to give copies of EOBs (Explanations of Benefits) concerning the children to the other parent. If you want this, fill in the name of the parent who has the insurance on the first line and the name of the other parent on the second blank line.

**Step 3. Give Copy of Response and Other Documents to Other Parent.**

Mail, hand-deliver, or email (if the other parent agreed to email service) a copy of each of the following to the other parent (or to their attorney if the attorney signed the motion):

- a. your response (form [DR-358](#)) and any attached documents that support the reasons you disagree with the motion,
- b. your *Statement of Expenses* (form [DR-353](#), if you did one) with all its attachments, and
- c. your most recent child support order (unless you agree that the child support order attached to the motion is correct), and
- d. your proposed order (form [DR-355](#)).

**Put your response form (DR-358) on top.**

**Step 4. Keep a Copy.**

Keep a copy of all documents and attachments for yourself.

## **Step 5. File Response with the Court.**

Mail or hand-deliver **the originals** of all the documents to the same court where the motion was filed. See [ak-courts.info/dir](http://ak-courts.info/dir) for a list of court mailing addresses.

Or, you can file your documents electronically using the court's efilng system called TrueFiling ([ak-courts.info/truefile](http://ak-courts.info/truefile)). You can complete service on the other parent within the TrueFiling program.

## **REPLY**

The person who filed the motion has the right to file a "reply" to your response. The time limit for filing a reply depends on how the response was served on the other parent.

- a. If delivered in person, by email, or by fax: 5 days from the date of delivery (**not** counting weekends or holidays)
- b. If delivered by first-class mail: 8 days from the date it was postmarked (**not** counting weekends or holidays).

The person who filed the motion must serve you a copy of any reply sent to the court.

## **HEARING**

The judge may order a hearing to decide any disagreements about the evidence in your case. You will be notified by the court if a hearing is scheduled. If you are not able to attend the hearing in person, you can ask to attend by telephone or Zoom (use form [TF-710](#)). If you are not going to be at the hearing in person, make sure that you submit any documents or other evidence you want the judge to see at least three business days ahead of the hearing, if the documents were not already attached to your response.

At the hearing, the person who signed the motion will have the burden of proving the reasons to grant the motion. If you are requesting reimbursement for expenses you have paid (section 2 of your response), you will have the burden of proving that those reimbursements should be ordered to be paid. Both parents will have the chance to present evidence, which may include documents, your own testimony, or other witnesses' testimony.

## **JUDGE'S ORDER**

If the judge signs an order requiring either parent to pay money, the court will send a copy of the order to both you and the other parent.

### **Need More Help?**

Contact the court system's Family Law Self-Help Center at (907) 264-0851 (in Anchorage) or (866) 279-0851 (toll free in Alaska). Or visit the [Family Law Self-Help Center Website](http://ak-courts.info/family) ([ak-courts.info/family](http://ak-courts.info/family)) or scan the QR code below.

