

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA AT _____

_____)
PETITIONER (protected person),)
Birthdate: _____)
 Petitioner is a child. Who is signing for the child?)
Name: _____ DOB: _____)
Relationship to child: _____)

v. _____) Case No. _____ CI

_____)
RESPONDENT (restrained person),)
Birthdate: _____)
 Respondent is a child. Who is signing for the child?)
Name: _____ DOB: _____)
Relationship to child: _____)

**TEMPORARY
CHILD SUPPORT ORDER
(DOMESTIC VIOLENCE)**

1. Children. Temporary custody and support are ordered for the following minor children:

<u>Full Name of Child</u>	<u>Birth Date</u>
_____	_____
_____	_____
_____	_____
_____	_____

2. Physical Custody.

The custody and visitation plan ordered by the court in the protective order results in the following type of physical custody for purposes of calculating child support:
[See the definitions in Civil Rule 90.3(a) & (b).]

- a. Primary custody
 Petitioner Respondent has primary custody of all children.
- b. Shared custody (all children live with each parent at least 30% of the year)
_____ % to Petitioner _____ % to Respondent
- c. Divided custody (each parent has primary custody of at least one child and the parents do not share custody of any children)
 Petitioner has primary custody of _____
 Respondent has primary custody of _____
- d. Hybrid custody (at least one parent has primary custody of at least one child and the parents share custody of at least one child)
 Petitioner has primary custody of _____
 Respondent has primary custody of _____
 Custody of _____ is shared as follows:
_____ % to Petitioner _____ % to Respondent

Note: In shared custody schedules, you may ask for modification of this support order if a parent fails to take physical custody of the children at least 30% of the year. However, the court won't increase child support if the failure to take custody was because the other parent denied or prevented it. [See Civil Rule 90.3(b)(1)(E).]

3. Child Support.

- a. The court finds that the parties' Adjusted Annual Income for child support purposes is:
 Petitioner: \$ _____ Respondent: \$ _____

This finding is based on the following information:

- b. Amount of Support Obligation

Obligor (the parent who owes support) is _____, and must pay child support to **Obligee**, _____, according to the chart below.

[Write the current number of children on the first line and calculate across. Then subtract one number on each line and calculate across again. For example, if there are 3 children today, calculate support for 3 children on the first line, calculate support for 2 children on the next line, and for 1 child on the line after that.]

Number of Children <i>[Write current # on first row, then subtract 1 each row.]</i>	Basic Monthly Support Owed	Health Insurance Adjustment			Total Monthly Child Support Owed
		Obligee's Cost to Buy Children's Health Ins.	Obligor's Cost to Buy Children's Health Ins.	50% Health Insurance Adjustment + (-)	

Unless otherwise indicated in section e below, as each child turns 18, otherwise legally emancipates, or dies, the amount of support will change to the next lower amount.

- Social Security Child's Insurance Benefits (CIB) apply. CIB payments are a credit against child support when Obligor is the source of the entitlement. CSED may administratively apply the CIB credit.

- c. Attached Documents Showing Court's Calculation

- CSED Calculator Printout DR-307, *Divided Custody Calculation*
 DR-306, *Shared Custody Calculation* DR-308, *Hybrid Custody Calculation*

- d. The first payment is due no later than _____. All other payments are due by the _____ day of each month.
- e. Support must continue while each child is 18 years old if the child is (1) unmarried, (2) actively pursuing a high school diploma or equivalent level of technical or vocational training, and (3) living as a dependent with the obligee parent or a guardian or a designee of the parent or guardian, **unless** the following box is checked:
 Child support will end when each child reaches age 18.
- f. This child support order is suspended for the time periods when the child is taken into State custody in a child in need of aid case or juvenile delinquency proceeding and one of the following two conditions exist: (1) the State places the child with Obligor; or (2) this child support order is based on shared, divided, or hybrid custody. CSED may redirect or administratively establish child support as necessary.

4. **Extended Visitation Credit.** Extended visitation credit applies in this case (available in primary custody cases only). Obligor will have physical custody of these children for the following periods of over 27 consecutive days:

If this visitation is exercised, child support is reduced for the above periods as follows:

[This reduction may not be more than 75% of the amount owed for the period, per Civil Rule 90.3(a)(3).] If this visitation is **not** exercised, child support is not reduced.

5. Application of Civil Rule 90.3 Formula.

The amount of child support in section 3 was determined according to:

- a. The formula in Civil Rule 90.3(a) or (b).
b. Civil Rule 90.3(c)(2). Obligor's adjusted annual income is over \$138,000.
c. Civil Rule 90.3(c)(3). Obligor's calculated amount of support is less than \$600 per year so the \$600 minimum was ordered. Obligor's income is low, because Obligor is:
 incarcerated.
 unable to work, because: _____
 other: _____
d. Civil Rule 90.3(c)(1). The court finds good cause upon proof by clear and convincing evidence that manifest injustice would result if the support award were not varied.

The support that would have been required but for the 90.3(c)(1) variation is \$_____ for ____ children per month to be paid by Petitioner. Respondent. The estimated value of any property conveyed instead of support calculated under 90.3 is \$_____.

6. Medical Support Order. This order concerns health insurance for the children covered by this child support order. It does not concern health insurance for any other children or for the parents. *[See AS 25.27.060(c) and Civil Rule 90.3(d)(1).]*

- a. Indian Health Service, Military Medical Benefits, or Medicaid.
The children are eligible for services through Indian Health Service. military. Medicaid. These services are available to the children in the area where they live. No additional insurance is required while these services are available.
b. Health Insurance Available at Reasonable Cost.
 Obligor Obligee must purchase health insurance for the children, because such insurance is available at reasonable cost through their employer, union, or otherwise. Name and address of employer/union through which insurance will be purchased: _____

The insurance cost (currently \$ _____ per month) will be divided between the parties equally **unless** the following box is checked. A different division of cost is ordered as follows: _____

The child support calculation in section 3.b includes:

- a **credit** of \$_____ per month (50% of the cost to Obligor) for health insurance purchased for the children by Obligor. If Obligor fails to purchase the insurance, the monthly child support obligation will increase by this amount, without further order of the court, until Obligor purchases the insurance and provides proof of the purchase to the other parent and to the Child Support Enforcement Division (CSED), if CSED is handling collections.
- an **extra** \$ _____ per month (50% of the cost to Obligee) for health insurance purchased for the children by Obligee. If Obligee fails to purchase the insurance, the monthly child support obligation will decrease by this amount, without further order of the court, until Obligee purchases the insurance and provides proof of the purchase to the other parent and to the Child Support Enforcement Division (CSED), if CSED is handling collections.

If the cost of the insurance changes, the amount of the child support obligation will be adjusted without further court order. The parent purchasing the insurance must provide documentation of the change to the other parent and to CSED, if CSED is handling collections. If either parent believes the cost of the insurance has become unreasonable, that parent may file a motion asking the court to suspend the requirement that insurance be purchased.

The parent purchasing the insurance must notify the insurance company that the other parent can apply for benefits on behalf of the children and should be reimbursed directly. The purchaser must also provide coverage information to the other parent and all forms and instructions necessary to apply for benefits. The parent with insurance who receives statements or Explanations of Benefits from the insurance company regarding any of the children must send a copy to the other parent upon request.

c. No Services or Insurance / Future Coverage

Health insurance is not available at a reasonable cost and services through the Indian Health Service, the military, or otherwise are not available, or their availability is unknown. If Indian Health Service, military, or other services become available, no additional health insurance is required. If insurance becomes available to a parent at a reasonable cost, that parent must purchase the insurance after giving notice to the other parent. The cost of the insurance must be divided between the parents equally unless a different division of the cost is ordered. Without further order of the court, the monthly child support obligation will increase by 50% of the cost of the insurance if Obligee purchases it and decrease by 50% of the cost of the insurance if Obligor purchases it, unless otherwise ordered. If the parents disagree about whether the cost of insurance is reasonable, or about which insurance policy should be purchased, either parent may file a motion asking the court to resolve the dispute.

7. Uncovered Health Care Expenses. The cost of the children's reasonable health care expenses (including medical, dental, vision, and mental health counseling expenses) not covered by insurance, up to \$5,000 in a calendar year, must be paid as follows:

- Obligor will pay half, and Obligee will pay half.
- Obligor will pay _____, and Obligee will pay _____, because

A parent must reimburse the other parent for their share of the uncovered expenses within 30 days after receiving the health care bill, proof of payment, and if applicable, a health insurance statement showing what part of the cost is uncovered. The bill and other materials should be sent within a reasonable time.

If the uncovered expenses are more than \$5,000 in a calendar year, they must be divided based on the parents' relative financial circumstances when the expenses occur.

8. Travel Expenses.

Travel expenses that are necessary for a parent to spend time with the children will be divided between the parents as follows: *[See Civil Rule 90.3(g).]*

9. Income Withholding Order.

Unless one of the following boxes is checked (or CSED later authorizes an exemption for one of these reasons), Obligor, any employer of Obligor, and any person, political subdivision, department of the State, or other entity possessing Obligor's property must immediately withhold from Obligor's income and any other money due Obligor the amount of child support due pursuant to AS 25.27.062 and must pay this amount to the Child Support Enforcement Division (CSED).

The parents have agreed on the alternative arrangement described in the attached document signed by both parents.*

The court finds good cause not to require immediate income withholding, because it would not be in the best interests of the children for the following reason:*

Obligor is receiving social security or other disability compensation that includes regular payments to the children at least equal to the support owed each month. To the extent these payments to the children do not satisfy the monthly amount owed, the remaining amount due shall be withheld from Obligor's income pursuant to AS 25.27.062.

Even if one of the above boxes is checked, exempting Obligor from immediate income withholding, such withholding may be initiated under AS 25.27.062(c) through the court or through CSED.

10. CSED Services.

All child support payments must be made to the Child Support Enforcement Division (CSED) if one of the parents applies for the services of CSED. In addition, if the above income withholding order is served on Obligor's employer or anyone holding money belonging to Obligor, the money withheld must be paid to CSED.

When payments are made through CSED:

- a. Payments must include the **case number** and names of both parents and must be made payable to the CHILD SUPPORT ENFORCEMENT DIVISION, PO Box 100380, Anchorage, Alaska 99510-0380. CSED must disburse the payments as required by law after deducting any fee required by law.
- b. CSED must maintain a record of support payments.
- c. Interest will be imposed in accordance with AS 25.27.020 on payments that are 10 or more days overdue or if payment is made by a check backed by insufficient funds. No

* In addition, Obligor has agreed to keep Obligee (or CSED, if CSED is enforcing the order) informed of Obligor's current employer and the availability of employment-related health insurance coverage for the children until the support order is satisfied.

interest will be charged, except on arrearages more than 30 days past due, if payments are made under an income withholding order.

- d. The parents must notify CSED, in writing, of any change in their mailing or residence addresses within 5 days after any such change.
- e. Obligor must tell CSED the name and address of Obligor's current employer. Whenever employment changes, Obligor must notify CSED in writing within 20 days. This employment information must be given to Obligee instead of CSED, if CSED is not enforcing the order.
- f. The parent ordered to buy insurance must give CSED proof of medical insurance coverage for the children within 20 days of this order. If insurance becomes unavailable, that parent must notify CSED within 20 days. When insurance again becomes available, that parent must, within 20 days, give CSED proof that the children are insured. The above proof and notice of insurance must be given to the other parent instead of CSED, if CSED is not enforcing the order.
- g. If a parent applies for CSED services:
 - (1) CSED will take whatever enforcement action is deemed legally proper, including recommending contempt proceedings against the parent ordered to pay support. **Failure to pay support as ordered may result in execution against the property of Obligor or arrest of Obligor.**
 - (2) Unless the box below is checked, CSED may issue a withholding order, pursuant to AS 25.27.062 or AS 25.27.250, to attach funds owed to Obligor by any corporation created by the Alaska Native Claims Settlement Act (ANCSA) or any settlement trusts established pursuant to section 39 of ANCSA, codified at 43 USC 1629e. Upon service of such an order, Obligor's dividends, distributions, and/or other periodic monetary benefits of ANCSA stock or benefits paid by a settlement trust must be transferred to Obligee pursuant to the terms of the withholding order. The ANCSA corporation or settlement trust must pay the funds so transferred to CSED for distribution to Obligee. Obligor is prohibited from transferring, selling, or otherwise alienating their ANCSA stock or trust benefits after CSED issues a withholding order based on an arrearage.
 CSED is not authorized to issue the withholding order described above, because _____
But, CSED may issue a withholding order if Obligor accrues arrears more than two times the monthly support obligation under this order.

11. Effect of Assignment of Right to Child Support to State. This order does not bind the Child Support Enforcement Division of Alaska or of any other state to the child support herein ordered if Obligee is receiving or has currently applied for welfare benefits and assigns their rights to child support to the state. AS 25.27.120 - .130. If child support rights are assigned to the state, any alternative arrangement for immediate income withholding will not be allowed unless approved by CSED.

12. Application for Permanent Fund Dividend (PFD) Required. Unless the box below is checked, Obligor is ordered to apply for a PFD if Obligor is an Alaska resident and is more than two months in arrears as of December 31 of the previous year. Obligor must submit a complete and accurate PFD application to the PFD Division by January 15 and must timely submit any supplemental information or documentation requested by the PFD Division. If Obligor is not eligible for a dividend, Obligor must file proof of non-eligibility with CSED, if CSED is enforcing this support order. Obligor is not required to apply for a PFD, because:

13. Notice to Parent Who is Ordered to Pay Support (Obligor).

You must pay the amount of support stated in this order. You cannot give gifts, clothes, food, or other things instead of paying this money. You must pay support on time. You are not excused from paying even if the other parent denies you visitation with the children. If you are denied visitation, you can file a motion to enforce visitation with the court, but you must still pay the child support. You must pay child support before your other bills and debts. Child support payments have priority over most other debts.

14. Notice to Both Parents: If your situation changes, ask the court to change this order right away.

This child support order is based on your **current** income and your **current** parenting schedule. If either changes significantly (for example, if you change jobs and income), you can ask the court to change this child support order. It is very important to ask the court **as soon as a change occurs**, because a new order cannot cancel the amount ordered to be paid in the past. Past due amounts continue to remain due even if the person owed support does not ask for payment (except in the special situation described in Civil Rule 90.3(h)(3)). With interest added, these past due amounts can grow into a substantial debt.

15. Other Child Support Orders.

The court is not aware of any other child support order currently in effect concerning these children.

While this order is in effect, it supersedes the following child support order:

Case No.: _____ Effective Date: _____

16. Duration of Order. This child support order is effective from _____ to _____ unless either:

- the custody portion of the protective order in this case is modified or dissolved earlier by court order, **or**
- a superior court or CSED enters a child support order concerning these children.

Effective Date

Judicial Officer

Print or Type Name: _____

I certify that on _____, I distributed a copy of this order to:

CSED at dor.csed.records.tracking@alaska.gov for the state case registry

Both Parents (list): _____

Attorneys (list): _____

If 5.d on page 3 is checked, I also sent a copy to the Administrative Director of the Court System

If 6.b on page 3 is checked, I also sent a copy of this order & the DR-330 notice** to:

_____ Employer(s) of: Obligor Obligee

Clerk/JA: _____

** A copy of the order and the DR-330, *Notice to Employer Re: Children's Medical Insurance*, must be sent to the employer of the parent ordered to purchase insurance for the children if that parent is eligible for family health care coverage through their employer. AS 25.27.063(b).

For Court Clerk

Enter this order and disposition into CourtView's petition screen.