

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1800

Amending Civil Rule 90.3(a)(1)
and (c)(2) concerning child
support.

IT IS ORDERED:

1. Civil Rule 90.3 is amended to read as follows:

Rule 90.3. Child Support Awards.

(a) **Guidelines--Primary Physical Custody.** A child support award in a case in which one parent is awarded primary physical custody as defined by paragraph (f) will be calculated as an amount equal to the adjusted annual income of the non-custodial parent multiplied by a percentage specified in subparagraph (a)(2).

(1) Adjusted annual income as used in this rule means the parent's total income from all sources minus:

* * * *

(C) child support and spousal support ~~alimony~~-payments arising from prior relationships which are required by other court or administrative proceedings and actually paid; however, the amount deducted for child support under this item may not exceed the support amount calculated under subparagraph (a)(2);

(D) in-kind child support for children from prior relationships in the primary or shared physical custody of living with the parent;
~~calculated by using the formula provided by this rule; and~~

(i) for primary custody, the amount calculated under subparagraph (a)(2); or

(ii) for shared custody, the amount calculated under subparagraph (a)(2), multiplied by the percentage of time that parent has physical custody of the prior children; however, the total amount deducted under this sub-item and any deduction for the same children under item (a)(1)(C) may not exceed the amount calculated under subparagraph (a)(2); and

(E) work-related child care expenses for the children who are the subject of the child support order.

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(c) Exceptions.

* * * *

(2) Paragraph (a) does not apply to the extent that the parent has an adjusted annual income of over ~~\$120,000~~\$105,000. In such a case, the court may make an additional award only if it is just and proper, taking into account the needs of the children, the standard of living of the children and the extent to which that standard should reflect the supporting parent's ability to pay.

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2. The attached commentary to Civil Rule 90.3, which was prepared by the Child Support Guidelines Committee, will be published in the Rules of Court immediately following Civil Rule 90.3. The commentary has not been adopted or approved by the Supreme Court, but it is published for informational purposes and to assist users of Rule 90.3.

DATED: May 29, 2013

EFFECTIVE DATE: October 15, 2013

/s/
Chief Justice Fabe

/s/
Justice Winfree

/s/
Justice Stowers

/s/
Justice Maassen

/s/
Justice Bolger