

Name: _____

Mailing Address: _____

Email: _____ Phone: _____

By providing an email address, I agree that the court and other parties can send court documents to me at this email address.

[Fill in the court location, names, and case number exactly the same as on the complaint.]

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
AT _____

Parent/Spouse A: _____
(Plaintiff)

Parent/Spouse B: _____ Case No. _____
(Defendant)

MOTION TO CHANGE

☐ PARENTING PLAN (Custody) ☐ CHILD SUPPORT ☐ Both

NOTE: This form only works to change a current parenting plan, custody, visitation or support order. Generally, past due child support (arrearages) cannot be changed after they are due. If you are trying to change something about past due child support, contact a lawyer to find out your choices. This form will not help you. If you want the judge to sign a judgment for past due child support, so you can use collections procedures, use a Motion to Reduce to Judgment, [SHC-1530](#) instead of this form. Finally, do not use this form to sue the Child Support Services Divisions; contact a lawyer.

☐ There is an open Child-in-Need-of-Aid (CINA) Case.

Court Location: _____ Case number (if known): _____

I request that the court change my current court order as described below.

A. CUSTODY AND / OR VISITATION

1. Current Orders

a. My current custody and visitation order was signed by the judge on: _____
(Date)

b. My current child support order was signed by the judge on: _____
(Date)

c. I am filing this motion to:

- ☐ propose a new schedule for our parenting plan
☐ make our new schedule a court order. We have not been following the schedule in our current parenting plan order. We have been following this new schedule since _____.
 (Date)

OR

☐ change child support but keep the parenting plan the same.

2. Children - List the names of the children covered by the current order and who they live with. For each child, check if change the existing parenting plan order, the child support order, or both.

Child's Name	Date of Birth	Who is child the currently living with?	Change custody order?	Change support order?

(NOTE: If you are changing support only, check this box ☐, skip to section B.)

- 3. Change In Circumstances** - Do you want to change the order because there has been a change in: ☐ your life
☐ the other parent's life
☐ the children's lives
☐ the schedule you have been following – you are not following the schedule in the current order.

Please describe the changes below. (NOTE: The law is very specific about what kinds of changes are sufficient to change a custody order. For instance, just because you don't like the current order is not a good enough reason. However, one parent moving, a significant change in the needs of the child, or a domestic violence incident may be sufficient. To learn more about legally acceptable reasons, read the cases on the controlling law, Alaska Statute 25.20.110. Case summaries about this statute can be found in the printed version of Volume 7 of the Alaska Statutes, which is available at most libraries and courts.)

4. New Parenting Plan: If there has been a change in circumstances and it is in the children's best interests, you can ask to change (1) decision-making (legal custody) and (2) living arrangements (physical custody).

4a. Decision-making Legal custody is only about making big decisions about things like health, education or religion of the children. There are 2 kinds of decision-making: joint and sole. Joint decision-making means both parents share the decision making because they can communicate about the children, even though they may not get along otherwise. Joint decision-making is the most common type ordered by courts. Sole decision-making means one parent makes decisions about the children because there is no way that the parents can communicate about the children or one parent is unfit due to severe mental illness, substance abuse, or domestic abuse issues. Even with sole decision-making, both parents have access

to school and medical records and neither parent can move out of the state with the children without permission from the court or the other parent.

Because it is in the best interests of the children, I request:

- ☐ no change
☐ joint decision-making (the parents share the decision making about the children).
☐ sole decision-making (one parent makes decisions about the children's upbringing and does not have to consult with the other parent).

4b. Living Arrangements Describe the children's schedule. Be aware that the number of overnights the children live with each parent determines which child support calculation will be used. If the children are with each parent more than 110 over nights each year, use the shared custody calculation. If one parent has 109 over nights or less, use the primary custody calculation.

Tip: Print out the school district calendar that includes vacations and in-service days. Circle the overnights with each parent and count them up to figure out whether to use the shared or primary calculation. For a one-page annual calendar without school dates, check-out www.timeanddate.com/calendar/.

The following schedule is in the children's best interests:

4c. Safety concerns: A history of domestic violence can significantly affect this case. There is a presumption that the perpetrator of domestic violence may not get custody. The presumption may be overcome by meeting specific legal requirements. If this is your situation, you may want to talk to a lawyer.

Check boxes that apply: I am concerned about:

- ☐ the other parent's drug and/or alcohol use.
☐ the other parent's current or past domestic violence history.
☐ Other: _____

Comments: I am concerned about my safety or the safety of the children when with the other parent. Therefore, I request that visitation be restricted as follows: _____

5. Best Interests – Describe why your plan is best for the children and what concerns you may have about the other parent by filling in section a-h below (see AS 25.24.150):

- a. Our children have the following physical, emotional, mental, religious, and social needs, which my plan meets in the following ways:

b. Each parent has the following capability and desire to meet these needs:
Me: _____

Other parent: _____

- c. The children's preference is described as follows: (There is no absolute rule on how old a child must be to form a preference; it depends on each child. You can explain your thoughts on this issue here.)

- d. The love and affection existing between the children and each parent is described as follows: (Describe for you and how you think it is with the other parent.)

Me: _____

Other parent: _____

- e. The children's living arrangements have been as follows, and I believe those arrangements should ☐ stay the same or ☐ change for the following reasons: (The court will consider the length of time the children has(have) lived in a stable, satisfactory environment and the desirability of maintaining continuity.)

- f. I think that each parent has the following desire and ability to allow an open and loving frequent relationship between the child and the other parent: (Describe for you and how you think it is for the other parent.)

Mother: _____

Father: _____

- g. There ☐ has ☐ has not been domestic abuse, child abuse, or child neglect in the proposed custodial household or a history of violence between the parents. (If "yes," explain briefly what has happened and how the Custody and Visitation Plan addresses this issue. NOTE: see No. 4(b)(iii) above for information about how a history of domestic violence can affect the outcome of the custody issues in your case.)

- h. There ☐ has ☐ has not been substance abuse by either parent or other members of the household that directly affects the emotional or physical well-being of the child. (If "yes," explain briefly what has happened and how the Custody and Visitation Plan addresses this issue.)

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- i. I would like the court to consider the following additional comments and issues when deciding what is in our children's best interests:

B. CHILD SUPPORT: To change child support, generally there must be:

- (1) a change in the living arrangement schedule that affects the formula (for example: from a shared custody calculation to a primary custody calculation or primary to shared) or
(2) a 15% change in the amount of child support ordered before and what it should be now (this means that when you calculate the new child support amount, it is 15% more or less than the current support order).

I request that child support should:

- ☐ stay the same
☐ increase for ☐ me ☐ other parent ☐ both
☐ decrease for ☐ me ☐ other parent ☐ both

NOTE: You must justify your request with proof. Check as many of the following boxes that apply and explain fully. Attach additional pages if necessary. Make sure you label and attach all documentation that supports each claim.

1. ☐ **Change in living arrangement schedule** (Include all details regarding the changed schedule you are requesting in section 4 of this document.)
2. ☐ **Change of Income** (Please describe whose income has changed and how.)

-
-
-
3. ☐ **Change in Children's Medical Expenses or Insurance**
-
-
-

4. ☐ Other _____

C. NOTICE OF CHILD SUPPORT SERVICES DIVISION (CSSD) INVOLVEMENT

1. Is Child Support Services Division (CSSD) enforcing your current order?

☐ Yes ☐ No

2. Has anyone applied for public benefits (ATAP, TANF, Food stamps etc.) to support this child?

☐ No

☐ Yes, who? _____

D. HEARING REQUEST

I ☐ do ☐ do not want a hearing on this Motion.

E. REQUIRED ATTACHMENTS.

Each of the items listed below **must** be attached to this motion. Check each box to indicate that you completed and attached the item.

- ☐ A copy of your most recent child support order
- ☐ *Child Custody Jurisdiction Affidavit* (form [DR-150](#))
- ☐ *Child Support Guidelines Affidavit* (form [DR-305](#))
- ☐ All documents needed to support your request for a change to the parenting plan or child support, if any.
- ☐ *Notice of Motion* (form [DR-710](#))
- ☐ Filing fee in the amount specified in \$75 or [Request for Exemption from Payment of Fees](#) (form [TF-920](#))

Required if one of these specific types of custody has been ordered or requested:

- ☐ *Shared Custody Child Support Calculation* (form [DR-306](#))
- ☐ *Divided Custody Child Support Calculation* (form [DR-307](#))
- ☐ *Hybrid Custody Child Support Calculation* (form [DR-308](#))

OATH OR AFFIRMATION

Sign this in front of a notary. A court clerk can provide this notary service for you for free. Bring a photo ID with you for the notarization. If you do not have access to a notary or court clerk, you may fill out and attach *Self Certification (No Notary Available)* (form [TF-835](#)).

I swear or affirm that the above statements and any attachments are true to the best of my knowledge and belief.

Date

Signature of Person Filing Motion

Print or Type Name

Subscribed and sworn to or affirmed before me at _____ on _____

Court clerk, notary public, or other
person authorized to administer oaths.
My commission expires: _____

Use of TrueFiling

([Administrative Bulletin No. 92](#) - AB 92)

1. See if TrueFiling is available for your case type and court location at [ak-courts.info/tfcourts](#).
2. If available, you **must** use TrueFiling unless you are exempt. You are exempt if one of these applies:
 - You are in a jail or correctional facility.
 - You have a disability under the Americans with Disabilities Act (ADA).
 - You do not have safe access to a computer, internet, or email.
 - You cannot get the help you need to use TrueFiling.
 - You have a language barrier or are Limited English Proficient.

You do not need to prove you are exempt. If you are exempt **and** you choose not to use TrueFiling, check and sign the text box below. If you sign below, you can only give documents to the court by mail or in person. You cannot email them.

☐ I certify that I am exempt from using TrueFiling for a reason listed in AB 92.

Signature: _____ Print or Type Name: _____

You must give a copy of this form (and everything attached to it) to every party in the case. This is called “service.” If the other party was represented by a lawyer during the case, and the case has been closed **less than a year**, serve the lawyer. If it has been **one year or more** since the case was closed, serve the other party directly. If the other party represented themselves during the case, serve the other party directly, no matter how long the case has been closed.

Use TrueFiling to serve the other party if:

- Both you and the other party are using TrueFiling.
- You are using TrueFiling and the other party gave their email address to the court.

Use the Certificate of Service below if:

- The other party is not using TrueFiling and did not give their email address to the court.
- TrueFiling is not available - check TrueFiling availability at <https://ak-courts.info/tfcourts>
- You are exempt from using TrueFiling.

Certificate of Service

I certify on _____ at _____ *[date/time]* I gave a copy of this document **and** any attachments by ☐ mail. ☐ hand-delivery. ☐ TrueFiling. ☐ email. *[You can only use email if the other party provided an email address to the court].*

I served these people: _____

Signature: _____

NOTE TO OTHER PARENT: You should file a response to this motion, even if you agree to the modification. The case will go much more quickly if you respond. You may file:

- Response Packet, [DR-720](#)

Call the Family Law Self-Help Center if you need help with the forms: (907) 264-0851 or (866) 279-0851.