

Instructions for a Motion to Modify Custody or Child Support

- 1) It costs **\$75 to file** a Motion to Modify Custody, Visitation or Child Support. The motion to modify paperwork will not go to the judge until you have either paid the filing fee or been granted a [fee waiver](#) if you are low income.
- 2) Make sure you have the right packet of forms. This packet only works if you want to change the parenting plan (decision-making and / or the schedule of when the child(ren) will be with each parent) or child support.

DO NOT use this packet if you want to do any of the following:

- Collect money the other parent owes you for medical bills
- Collect past due child support
- Sanction the other parent for denying visitation
- Stay (stop) the enforcement of a child support order
- Challenge anything to do with paternity
- Sue the Child Support Services Division

Please contact the Family Law Help Line at (907) 264-0851 or (866) 279-0851 for forms & information about these situations or get forms and information on-line at <http://courts.alaska.gov/shc/family/support.htm>.

- 3) Once you are sure this is the right set of forms for you, contact the court that decided your original case and get a copy of your current custody order AND a copy of your current support order (if you do not already have copies). If another state court decided your original case, you will need to get a certified or exemplified copy of the original order from that state.



- 4) If your original case was not decided in Alaska, you must meet Alaska's jurisdiction and registration requirements before you can modify your current order. Please read the Registering Foreign Orders page at <http://courts.alaska.gov/shc/family/shcforeign.htm> or call the Helpline for more information, (907) 264-0851 or (866) 279-0851.
- 5) If an Alaska court decided your original case, and at least one parent and/or the children are still in Alaska, you are ready to file the Motion to Modify in Alaska. You will need all of the following forms:

- Motion & Affidavit to Modify Custody, Visitation and/or Support, [SHC-1500](#)
- Child Custody Jurisdiction Affidavit, [DR-150](#)
- Child Support Guidelines Affidavit, [DR-305](#)

NOTE: If you are proposing something other than primary custody of all children with one parent, you will need one of the following forms. Please contact the Family Law Help Line at (907) 264-0851 or (866) 279-0851 for more information or read about [child support calculations](#): <http://courts.alaska.gov/shc/family/support.htm#1>.

- Shared ([DR-306](#)), Divided ([DR-307](#)) or Hybrid ([DR-308](#)) support calculation
- Proposed Order for Modification of Child Support, [DR-301](#)
- Proposed Post-Judgment Order for Modification of Custody and Visitation, SHC-1124 [Word](#) | [PDF](#)
- Notice of Motion, SHC-1630 [Word](#) | [PDF](#)
- Confidential Information Sheet, [DR-314](#)

If you cannot afford the filing fee, you can request a fee waiver by filing:

- Request for Exemption from Payment of Fees, [TF-920](#)

- 6) Fill out all forms completely. Use black ink and sign in blue ink. If you skip a section, the court may reject or delay your case. These papers are a lot of work, and may not be able to do all of them in one sitting.

Here are some tips for each of the forms. Please note that the first 3 forms include affidavits, which means you must **sign in front of a notary**, who will need to see a picture ID. Court clerks can notarize your signature for free.

Motion & Affidavit to Modify Custody, Visitation and/or Support, [SHC-1500](#)

The motion & affidavit is where you tell the judge what you want and why you want it. Be sure to read each question carefully and answer it the best you can. You should write out a practice copy first and if possible [find a lawyer](#) to look at it to get legal advice on what you are asking the court to modify.

Child Custody Jurisdiction Affidavit, [DR-150](#)

List all of the places your child(ren) have lived for the past 5 years, and whether there are other cases involving these children.

Child Support Guidelines Affidavit, [DR-305](#)

Provide your financial information for the court. You will need to have your tax returns, W-4, 2 recent pay stubs and some scratch paper to figure out what numbers to put on this form. Also, don't forget that you are required to attach your most recent tax return and pay stubs to the form when you file. If you are proposing something other than primary custody of all children with one parent, you will need an extra form for more calculations. For step by step instructions for filling out this form, see [How to Fill out the Child Support Guidelines Affidavit](#) [PDF](#) . Please contact the Family Law Help Line at (907) 264-0851 or (866) 279-0851 for more information or read <http://courts.alaska.gov/shc/family/support.htm#1>.

Proposed Order for Modification of Child Support, [DR-301](#)

When the case is over, this is the form the judge is going to use to issue his or her order. The court rules require people to draft up an order for the judge, so that if the judge agrees with your request, he or she can simply sign your proposed order. It saves everyone time, and since you know what you want, if you fill it out, it will say exactly what you want it to say and there is less of a chance that you will need to come back to court to make corrections. Fill out as much as you can, and at the very least complete all of the information on page 1. Do NOT sign it as you want to leave it blank for the judge to sign.

Proposed Order for Modification of Custody and Visitation, SHC-1124 [Word](#) | [PDF](#)

When the case is over, this is the form the judge is going to use to issue his or her order. The court rules require people to draft up an order for the judge, so that if the judge agrees with your request, he or she can simply sign your proposed order. It saves everyone time. Since you know what you want, if you fill it out, it will say exactly what you want it to say and there is less of a chance that you will need to come back to court to make corrections. You know what custody & visitation schedule you want – think of yourself as the judge's secretary and draft the order up for his or her signature. Do NOT sign it as you want to leave it blank for the judge to sign.

Notice of Motion, SHC-1630 [Word](#) | [PDF](#)

The purpose of this form is to tell the other side how much time they have to respond to your motion. Be sure to fill out this form completely. If you forget this form, or fail to fill it out, your case will not move forward.

Confidential Information Sheet, DR-314

Social security numbers are required for child support purposes. In an effort to protect people from identity theft, the court has implemented this confidential form to collect social security numbers. You must fill it out as completely as you can.

- 7) Once you have filled out all of the forms, you are ready to prepare them for filing:
- ✓ Step 1: Make 3 copies of everything, so that you have 4 complete sets of all of the forms: 1 set of originals and 3 sets of copies.
 - ✓ Step 2: Mail 1 set of copies to the other side, who is also called the opposing party.
 - ✓ Step 3: You need to send a copy to the Attorney General's (AG) Office who represents CSSD If (1) CSSD is collecting the child support, and (2) the modification request is to reduce or eliminate child support debt. (See last page of the Motion & Affidavit for detailed instructions.)
 - ✓ Step 4: File the original set of papers in the court. There is a **\$75 fee** for filing a Motion to Modify which you must pay before the court will process your papers. You can file the papers by mail or in person at the court clerk's office. If you requested a filing fee waiver, wait to serve the papers on the other parent until the court grants the fee waiver or you pay the \$75 filing fee. If you delay serving the other parent, you need to file a certificate of service showing you gave them a copy: Certificate of Service, SHC-1620 [Word](#) | [PDF](#).
 - ✓ Step 5: You should have one complete set of copies left. These are for your records. It is helpful to buy a binder and put your set of copies in it, along with the other side's response, notes to yourself etc. Being organized will help you a lot in your case.
- 8) Now you wait for the other side to respond. According to court rules, the other side has 10 days (13 if you mailed the copies to the opposing party) to respond, and then you have 5 days (8 if the opposing party mailed the response to you) reply to his or her response. The judge will not read your motion until all of this time has passed, which is almost a month. The court will not call you about your motion. If you requested a hearing, you will get a notice in the mail with your court date, and the court may make a decision at the end of the hearing or send you the orders in the mail. If you did not request a hearing, you will get a decision in the mail 2-6 months after you filed your motion. This is why it is very important that you write up the best motion and affidavit you can. If you did request a hearing, it is very important to prepare for that hearing. Please read our hearing and trial preparation materials for more information:
<http://courts.alaska.gov/shc/family/shcforms.htm#trial>.