

4. **PARENT EDUCATION.** If this case involves custody or visitation, each party must either see the video tape "Listen to the Children", or complete *Children in the Middle* web based class, within 20 days after that party's filing of the complaint or first responsive pleading. This video is available in court locations throughout the State. The class is available on-line. A certificate of completion must be filed. The court will not act upon a motion until the moving party files a completion certificate. The court will not consider an opposition to a motion until the non-moving party files a certificate. Only the assigned judge or master can waive this requirement, for good cause.

5. **MOTIONS.** Alaska Civil Rule 77 and this order govern motion practice. This section applies to all motions filed in this case, excluding motions filed after the decree is entered. Interim relief motions must state whether there are other court orders that affect the subject matter of the requested relief, and, if so, must attach copies of these orders.

a. **Page Limits.** Unless otherwise ordered upon a showing of good cause, the following page limits apply:

- 1) The memorandum of points and authorities filed with a motion or opposition may not exceed 15 pages.
- 2) A reply memorandum may not exceed 5 pages.
- 3) Supplemental memoranda are not permitted without prior court approval.

b. **Affidavits and Exhibits.**

- 1) Supporting affidavits must be factually specific. General or conclusory statements will not be considered.
- 2) All exhibits upon which a party intends to rely, which are known at the time of the motion, opposition or reply, shall be numbered as provided in Civil Rule 43.1 and attached to the applicable affidavit. Exhibits discovered after the filing of the motion, opposition or reply, which a party intends to introduce at hearing shall include a statement showing why the exhibit was not previously known or available. (See para 6(b)).

c. **Supporting Documents.**

1) **Child Support Motions.** All motions to establish child support and oppositions thereto must be accompanied by a completed Child Support Guidelines Affidavit (Form DR-305), along with documentation (see Section VIII of the Commentary to Civ.R. 90.3) of proof of income (as defined in Section III of the Commentary to Civ.R.90.3), including as a minimum:

- a) Federal income tax returns for the two prior years. For self employed and small business entrepreneurs: Schedule C and IRS forms showing business deductions and depreciation originally

submitted with tax returns and Schedule K-1's for partnerships, LLC's, Sub-chapter S Corporations, Associations and the like, with copies of tax returns for the entity producing the K-1's).

b) Copies of pay stubs, account statements, and other documents that show the total year-to-date income from all sources. (See Sec. III, Commentary, Civ.R. 90.3).

c) Per Civ. R. 90.3(e)(1), the parties must black out or redact all social security numbers; all but the last 4 numbers of all credit, bank or debit cards; and, for banks, credit unions, or other financial institutions, all but the last three digits of account numbers.

d) Describe any health insurance or other health care coverage available for the child(ren), including its actual incremental cost (for the children) to the covered party.

2) Child Custody or Visitation Motions. All motions to establish child custody or visitation and oppositions thereto must be accompanied by a completed Child Support Guidelines Affidavit (Form DR-305). The Affidavit must be accompanied by proof of income as specified in paragraph 5(c)(1)(a) and (b) of this order.

3) Spousal Support and Attorneys Fees Motions. Motions to establish spousal support, and/or attorneys fees, and oppositions thereto, must be accompanied by a completed Financial Declaration (Form DR-250). The declaration must be accompanied by proof of income as specified in paragraph 5(c)(1)(a) and (b) of this order.

d. Limitation on Injunctive Relief. Injunctive relief is available under Civil Rule 65. Attempts to obtain injunctive interim support or child custody will be denied without a clear showing of emergency need or irreparable harm.

6. HEARINGS ON MOTIONS.

a. Length of Hearing. The court ordinarily will not set hearings for interim relief matters. The court may grant a request for oral argument, or an evidentiary hearing under Civ. R. 77(l), for good cause. If a hearing is set, each party will receive half the time, unless a party requests additional time in writing, before the hearing, for good cause.

b. Scope of Hearing. Unless the court orders otherwise before the hearing, evidence will be limited to cross-examination and rebuttal of affidavits. Further direct testimony will not be allowed. The court will permit new exhibits only under exceptional circumstances, if there is no undue prejudice to the other party, unless the exhibit did not exist or could not reasonably be found when the affidavits were filed. (See para. 5(b)(2)).

7. AUTOMATIC DISCLOSURE REQUIRED. Within 45 days after the filing of the answer In a divorce, legal separation, or domestic partnership, each party shall furnish to the other party the following items or information, in addition to disclosures required by Civ. R. 26.1. If the parties stipulate to the resolution of all issues impacted by this paragraph, the parties may file a written stipulation *in lieu* of the disclosure mandated by that subparagraph.

a. **Employment and Income.**

1) State the name(s), address(es), period(s) of employment, name of immediate supervisor(s) and terms of compensation for each employer during the past three years or the duration of the marriage, or domestic partnership, whichever is shorter.

2) If a party was employed by the same, or a successor, employer for three or more years during the marriage, or domestic partnership, state the name(s), address(es), period(s) of employment, name of immediate supervisor(s) and terms of compensation and benefits, including retirement, for each such employer.

3) If a party is or has been self-employed (including partnerships, joint ventures, and the like) during the past three years, state the type and nature of business, the length of time in business, the method of determining compensation, and the amount of compensation and other benefits, including retirement, received by month or year, and provide copies of complete federal income tax returns and supporting documentation for ordinary and necessary business expenses for the past three years. (See Commentary Civil Rule 90.3 for Self Employment Income).

4) If, at any time during the past three years of marriage, or domestic partnership, a party has received any income, compensation, payment, inheritance, gratuity, investment income or other remuneration not disclosed in the party's answers to the preceding three subparagraphs, state the amount received, the date it was received and the source, including the name and address of the source.

5) If a party is now due any remuneration from any source not disclosed in the preceding four subparagraphs, state the source, including the name and address of the source, the amount due, any security held and the date the remuneration is due or expected.

6) Execute a notarized, written release allowing the release of all financial and employment information to the opposing party.

b. **Pension/Retirement.** State each pension/retirement, deferred compensation, IRA, 401K (or the like) fund or plan and each investment fund, brokerage account (or the like) that a party has any interest in and provide:

- 1) the name, address and telephone number of the plan or its administrator;
- 2) copies of plan or account statements of activity or value for the period of three years commencing with the statement for the month or quarter in which the action is commenced, if applicable, or copies of the plan criteria for determining benefits if plan benefits or investment value is not dependent solely upon current market value;
- 3) the total time in the plan and time in the plan during marriage; and
- 4) a notarized, written release allowing the plan administrator to release all information regarding the plan to the opposing party.

c. **Property.** Prepare a table (samples are available at the Kenal Clerk's Office) listing and describing all real and personal property over \$100¹ subject to division and indicate:

- 1) whether it is marital or separate property; if partially marital, quantify the marital portion and identify the facts and explain the methodology used to make that determination;
- 2) the party's opinion of its fair market value if offered for sale;
- 3) any indebtedness on the property at the time of separation and (projected) at the time of trial;
- 4) whether the property is capable of division or sale and the proposed disposition; and
- 5) if the property is alleged to be non-marital, or non-partnership, identify the source of funds for acquisition and the date and cost of acquisition, and the factual basis supporting that position.

d. **Debts and Liabilities.** Describe each debt or liability existing at separation and indicate:

- 1) whether the debt is marital (or partnership) or separate and, if separate, which party is responsible for it;
- 2) the date the debt was incurred, the original amount of the debt, the reason for the debt;
- 3) whether the debt is secured, and, if so, identify the security;
- 4) payment terms and the amount owing at the time of separation; and

¹ If parties dispute property under \$100, they should provide a separate table or list of that property identifying such items, their value, and the disposition.

5) any post-separation payments made by either party.

8. **CUSTODY INVESTIGATIONS.** Civil Rule 90.6 applies. The court will appoint the custody investigator only if the court determines that the request is timely made and the investigation will assist the court.

a. **Private Custody Investigator:** The court may appoint a private custody investigator upon motion identifying (i) the reasons the custody investigator is needed, (ii) the plan for payment, and (iii) the name of the investigator or list of investigators to be considered.

b. **Time of Request.** The request must be filed on or before the pretrial hearing. Requests made thereafter will not be granted absent good cause.

c. **Review of Custody Investigator Appointment.** The court may review the need for appointment of a custody investigator or custody expert at any time during the investigation. If at any time it appears that the need for an investigator no longer exists, or that one or both parties are not fully cooperating with the investigator, or that the investigator was appointed for reasons other than to assist the finder of fact in determining custody issues, the court may terminate the appointment. The court may enter a show cause order or consider sanctions if the court finds that one or both parties are not fully cooperating with the investigator or expert.

9. **Dispute Resolution.** Dispute resolution is encouraged. Parties often agree on some issues – if that is the case, make sure to let the judge know what issues you agree on. If you both think working with a third person would help you reach an agreement you can:

a. Ask a trusted person you both agree on, like a pastor or grandparent to help.

b. Hire a private person like a mediator.

c. If your case involves agreeing on a parenting schedule for your child, ask the judge to order Court System dispute resolution by filing a motion. Use *Motion for Parenting Plan Dispute Resolution (DR-405)* and *Response to Motion for Parenting Plan Dispute Resolution (DR-406)*.

d. Private mediators are available within the various communities.

10. **Settlement Conference.** The court may schedule a settlement conference if the court receives a stipulation or motion for a settlement conference, or on its own motion.

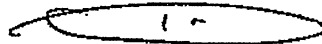
11. **Scope of this Order.** This order governs the conduct of this case, as supplemented by the Scheduling Order issued by the assigned judge within 10 days of the filing of an answer. If a Scheduling Order is not issued within 10 days, the parties have an obligation to notify the court by filing a Request for Issuance of Scheduling Order.

If uncontested, either party may file a written request to have the matter heard as an uncontested matter.

12. **Responsibility for Service.** When the complaint is filed, the court will supply the plaintiff with a copy of this order. The plaintiff must serve a copy of this order on the adverse party with the summons and complaint.

3/1/2023

DATE



SUPERIOR COURT JUDGE
LANCE E JOANIS

I certify on _____ a copy of this Order was mailed/given to plaintiff/plaintiff's counsel to serve on the defendant with summons.

Clerk: _____