

**SUPERIOR COURT**

**STATE OF ALASKA**

**DISSOLUTION OF MARRIAGE**

**WITH MINOR CHILDREN**

**With or Without Property**

**Control Number AK-006-D**

This packet contains the following:

1. Information about Divorce
2. Form List
3. Form Explanations
4. Instructions and Steps
5. Checklist
6. Access to Law Summary

**You and your spouse must agree to all terms of the divorce to use this packet.  
All forms to be filed with the clerk must be printed on bond paper.**

## INFORMATION ABOUT DIVORCE

1. **WHO MAY USE THESE FORMS:** You may use the forms in this package only when all of the following facts are true:
  - (a) Either the husband or wife (or both) must be domiciled in Alaska. That means the person claims residency in Alaska. The person must be physically present in Alaska and intend to remain indefinitely. No minimum number of days of residency is required. In addition, military personnel who do not claim to be Alaska residents may file for dissolution if they have been continuously stationed at a military base or installation in Alaska for at least 30 days. AS 25.24.900.
  - (b) The court must have **jurisdiction over the minor children** of the marriage (children under age 18) in one of the ways described in AS 25.30.300. This generally means the children must have lived in Alaska at least six consecutive months **and** must currently live in Alaska or must have lived in Alaska within six months before the case is filed.
  - (c) Incompatibility of temperament between the spouses has caused the irreparable breakdown of the marriage.
  - (d) There are minor children of the marriage and all issues regarding custody, visitation, and support have been agreed upon, including whether or not the services of CSED will be requested.
  - (e) You and your spouse agree on all of the terms of the distribution of property and allocation of debt.
  - (f) All spousal support (alimony) issues have been resolved and agreed upon by the parties. The property and spousal maintenance agreements must be fair and just and must take into consideration the factors listed in AS 25.24.160(a)(2) and (4) so that the economic effect of the dissolution is fairly allocated.
  
2. **THE BASICS:** An action for divorce in Alaska is filed in the **Superior Court**, in the county of either spouse's residence. If the action is based upon the no-fault grounds permitted in Alaska, the action is entitled a Petition for Dissolution of Marriage. The party filing the action is the Petitioner, and the other party is the Respondent.  
**AS 25.24.210**
  
3. **RESIDENCY REQUIREMENTS:** Alaska requires that the spouse filing for divorce be a resident of the state. There is no residency time limit for filing of divorce actions. In addition, the court must also have jurisdiction over the minor children of the marriage, which generally means that the child(ren) must have lived in Alaska for at least six consecutive months and must either currently reside in Alaska or must have resided in

Alaska within the six months immediately preceding the filing of the dissolution action.  
**AS 25.30.300.**

4.  **GROUNDS FOR DIVORCE:** Alaska permits “no-fault” divorces, or dissolution of marriage, to be awarded on the grounds of “incompatibility of temperament which has caused the irremediable breakdown of the marriage.” **AS 25.24.200-260**
5.  **LEGAL SEPARATION:** This package contains the forms for DISSOLUTION OF MARRIAGE, not for Legal Separation. This information on Legal Separation is provided for your information only. A legal separation cannot be obtained using the forms in this package.

A legal separation is different than Dissolution of Marriage. A legal separation is a court determination of the rights and responsibilities of a husband and wife arising out of the marital relationship. A decree of legal separation **does not terminate the marital status** of the parties, and the parties are **not** free to marry again. For more information on legal separation, contact a local attorney.

6.  **WAITING PERIODS:** Your final divorce hearing may not be scheduled for a date sooner than 30 days after the filing of your *Petition*.
7.  **DISTRIBUTION OF PROPERTY:** In a divorce, the property such as land, house, buildings, and items of personal property owned by the couple is divided between the parties. Debts owed are also allocated to one party or the other, or both. You and your spouse must agree to the property and debt division and memorialize your agreement in the *Petition for Dissolution*. If you agree to something but do not write it down in your petition, it will not be included in the court’s decree of dissolution and will therefore be unenforceable.

You may agree to divide the property any way you like, as long as a basic fairness is maintained, and you both agree. Ordinarily, the fairest division of property is an equal division. However, there may be some circumstances, such as marriage of very short duration, which would justify something other than an equal division of all items acquired during the marriage.

Your property division agreement must fairly allocate the economic effect of the dissolution. It must take into consideration the following factors listed in Alaska Statute **25.24.160(a) (4):**

- (a) The length of the marriage and station in life of the parties during the marriage;
- (b) The age and health of the parties;

- (c) The earning capacity of the parties, including their educational backgrounds, training, employment skills, work experiences, length of absence from job market, and custodial responsibilities for children during marriage;
- (d) The financial condition of the parties, including the availability and cost of health insurance;
- (e) The conduct of the parties, including whether there has been unreasonable depletion of marital assets;
- (f) The desirability of awarding the family home, or the right to live in it for a reasonable period of time, to the party who has primary physical custody of children;
- (g) The circumstances and necessities of each party;
- (h) The time and manner of acquisition of the property in question; and
- (i) The income-producing capacity of the property and the value of the property at the time of the division.

Note: The court may not award to one spouse real or personal property acquired by the other spouse before the date of the marriage, unless the spouses expressly agree otherwise or the court determines that the property should be made available (by sale or other conveyances) to ensure the best interests of the children are provided for. **AS 25.24.230(g)**

If you cannot agree on any item of the division of property, the dissolution of marriage transforms into a **contested divorce**. A contested divorce is outside the scope of this packet.

8. **ALIMONY:** Because this is an agreed dissolution, you will decide issues of spousal “alimony”-- the periodic payment of money from one spouse to the other on a temporary or permanent basis. The forms in this no-fault dissolution package assume that no alimony will be paid and none will be sought-- but you may add provisions for alimony to the *Petition for Dissolution* if you desire. In a contested case, the court might award alimony. A contested divorce is beyond the scope of this agreed dissolution package. **You should consult a local attorney regarding the possibilities concerning alimony if you have questions or foresee conflict regarding this issue.** For more information, see, **AS 25.24.160.**
  
9. **CUSTODY/VISITATION:** In an action for divorce, the court may, during the pendency of the action, or at the final hearing or at any time thereafter during the minority of a child of the marriage, make, modify, or vacate an order for the custody of or visitation with the minor child that may seem necessary or proper, including an order that provides for visitation by a grandparent or other person if that is in the best interests of the child.

The court shall determine custody in accordance with the best interests of the child. In determining the best interests of the child the court shall consider:

- (1) The physical, emotional, mental, religious, and social needs of the child;
- (2) The capability and desire of each parent to meet these needs;
- (3) The child's preference if the child is of sufficient age and capacity to form a preference;
- (4) The love and affection existing between the child and each parent;
- (5) The length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity;
- (6) The desire and ability of each parent to allow an open and loving frequent relationship between the child and the other parent;
- (7) Any evidence of domestic violence, child abuse, or child neglect in the proposed custodial household or a history of violence between the parents;
- (8) Evidence that substance abuse by either parent or other members of the household directly affects the emotional or physical well-being of the child;
- (9) Other factors that the court considers pertinent.

In awarding custody the court may consider only those facts that directly affect the well being of the child. **AS 25.24.150**

- 10. CHILD SUPPORT:** The court shall carefully consider the need for support, the ability of both parents to meet such support obligations, the extent to which the parents supported the child before divorce, and the economic ability of the parents to pay after separation and divorce. The court shall also consider the effect on the support obligation of a change in custodian. The need of the child for support shall be considered regardless of the sex of the parent awarded custody of the child. In a court or administrative proceeding where the support of a minor child is at issue, the court or agency, as applicable, may order either or both parents to pay the amount necessary for support, maintenance, nurture, and education of the child. Regardless of whether a support order for periodic payments is issued, the court or agency shall issue a medical support order. The medical support order shall require health care insurance coverage for the child if health care insurance coverage is available to either parent for the child at a reasonable cost. **AS 25.27.060**

**NOTE:** In most courts parents with children will not be granted a hearing on a petition for dissolution until both parents have viewed the 48 minute video, *Listen to the Children*. The video is about what children feel when their parents divorce and what parents can do to make the divorce less painful for their children. After viewing the video, you will be given a Certificate of Completion. Some courts require that both parents file their certificates of completion at the clerk's office at the same time they file their petition for dissolution. In those courts, this means that you must see the video **BEFORE** you file your dissolution packet with the court. Check with your local court to understand whether the video is required and when you need to file the certificate of completion. Please

see our [Listen to the Children page](#) for information about your local court.

11. **NAME CHANGE:** In a judgment of divorce, the court may allow changing the name of either party. **AS 25.24.165**

**For more information, see the Alaska Divorce Law Summary.**

## FORMS LIST

The following forms are included in this package:

1. Petition for Dissolution of Marriage [With Minor Children] **(AK-DR-105)**
2. Appearance and Waiver of Notice of Hearing **(AK-DR-110)**
3. Shared Custody Child Support Calculation **(AK-DR-306)**
4. Application for CSED Services **(AK-DR-315)**
5. Information about CSED **(AK-DR-316)**
6. Mediation Information **(AK-PUB-15)**
7. Certificate of Divorce, Dissolution, or Annulment  
(Obtain from court or Alaska Bureau of Vital Statistics)
8. Information Sheet **(AK-DR-314)**

**Note:** Depending on your County, additional forms may be required that are County-specific. These forms will be available from the Clerk.

## FORM EXPLANATIONS

All forms included in this package are identified and described below.

1.                   **Petition for Dissolution [with minor children] (AK-DR-105)** – This document contains the legal details of your request for the court to dissolve your marriage. You and your spouse set out the agreed division of all assets, property and debts in this form.
  
2.                   **Appearance and Waiver of Notice of Hearing (AK-DR-110)** – This form must be completed, signed and filed if one spouse does not wish to attend the final hearing. At least one spouse must attend. Both spouses should attend. The Instruction and Steps section below provides detailed instructions on use of this form.
  
3.                   **Shared Custody Child Support Calculation (AK-DR-306)** – This form is used to explain child support calculations for parents who have a written shared custody agreement whereby the child (ren) will reside with each parent, for a period specified in writing, of at least 30% of the year.
  
4.                   **Application for CSED Services (AK-DR-315)** – This form is used by a parent to request the services of the Child Support Enforcement Division. The CSED will, on the parent's behalf, take all action necessary to enforce a valid child support order.
  
5.                   **Information about CSED (AK-DR-316)** – This is an informational brochure detailing CSED, its services and availability.
  
6.                   **Mediation Information (AK-PUB-15)** – This is an informational brochure providing answers to commonly asked questions regarding mediation.
  
7.                   **Certificate of Divorce, Dissolution of Marriage or Annulment** – You may obtain this form at the court or at the Bureau of Vital Statistics. You must use an original form (printed on archival-quality, acid-free paper). **You may not use a photocopy.**
  
8.                   **Information Sheet (AK-DR-314)** – This form is used to provide necessary information about the parties, their marriage, and any children of the marriage to the court.



## INSTRUCTIONS AND STEPS

**Note:** All forms containing a space for the signature of a Notary Public must be signed by the appropriate party or parties in front of a Notary Public. Make several copies of the documents that you prepare. You and your spouse should have a copy of everything you file, stamped “filed” by the clerk.

**STEP 1:** In cooperation with your spouse, fill out the following forms:

### ***Petition for Dissolution of Marriage (AK-DR-105)***

When completing the Petition, both parties must provide complete and up to date income and expense information, as well as current information regarding all assets and debts.

Each party must attach a copy of his or her most recent federal tax return and most recent pay stubs to verify income and deductions.

### ***Certificate of Divorce, Dissolution of Marriage or Annulment***

You may obtain this form at the court or at the Bureau of Vital Statistics. You must use an original form (printed on archival-quality, acid-free paper). **You may not use a photocopy.** To receive a certified copy of a certificate of divorce/dissolution or annulment that occurred in Alaska, you must complete the required form. You may obtain a copy of the form from the court or from the Alaska Bureau of Vital Statistics at this website link:

<http://www.hss.state.ak.us/dph/bvs/divorce>

If the parties desire a shared custody arrangement, the ***Shared Custody Child Support Calculation (AK-DR-306)*** must also be completed. In addition, if one of the parties desires the services of CSED, the ***Application for CSED Services (AK-DR-315)*** must also be completed.

**STEP 2:** Make at least 3 copies of your completed documents. Once the ***Petition (AK-DR-105)*** is signed by the first signing party, you have 60 days to file it with the court.

Go to the courthouse and FILE your completed documents and any required copies with the clerk.

You must pay filing fees of \$150.00 at this time - call ahead to verify the amount and acceptable forms of payment.

Keep extra stamped “filed” copies of your documents. Mail or deliver one set of

copies to your spouse.

Ask the clerk's office for instructions on setting a hearing date. The hearing must be at least 30 days after the *Petition* is filed.

**STEP 3:** At least one party must attend the hearing. Both parties should attend. If one party decides not to attend, he or she **MUST** complete **Form 3 - the *Appearance and Waiver of Notice of Hearing (DR-110)***, sign it in front of a court clerk or notary public, and file it with the court clerk, prior to the hearing.

If any of the following are true, both parties must attend the hearing unless excused by the court:

- (a) One party is represented by counsel and the other is not, or
- (b) There is evidence that a party committed a crime involving domestic violence during the marriage, or
- (c) If any of the following has been issued or filed during the marriage by or regarding either spouse as defendant, participant, or respondent:
  - i. A criminal charge of a crime involving domestic violence,
  - ii. A domestic violence protective order under **AS 18.66.100 – 18.66.180**,
  - iii. Injunctive relief against domestic violence under former **AS 25.35.010** or **25.35.020**, or
  - iv. A domestic violence protective order issued in another jurisdiction and filed with the court in this state under **AS 18.66.140**, or
  - v. ***There is a minor child of the marriage***, or
  - vi. There is a patently inequitable division of the marital estate.

In order to be excused by the court in one of these situations, the party must show that it would be a **significant hardship** for the party to attend the hearing. The party must explain the hardship on the form mentioned above, ***Appearance and Waiver of Notice of Hearing (DR-110)***, and file the form with the court. The court will then decide whether the hardship is significant enough to allow the party not to appear. If the court allows the party not to appear in person, the court may still require the party to be available by telephone to answer questions during the hearing. The absent party must pay the costs of the telephone call.

**It is much easier to simply attend the hearing.**

Each party may have a lawyer at the hearing, but you are not required to have one.

At the hearing, the Judge will ask you the questions to determine whether you fully understand the nature and consequences of the proceeding; whether the

terms of all your written agreements are fair and just; and whether all the requirements have been met.

The Judge may amend the agreements between spouses, but only if the husband and wife agree in writing (or in person at the hearing) with the amendment.

At some court locations, hearings are held before a Superior Court Master instead of a Judge. A master cannot grant a Decree. A master can only recommend to a Judge whether or not a Decree should be granted.

Although in some cases the decree may be granted at the hearing (if the hearing is before a judge rather than a master), usually the decree is not entered until a few days later. Do not assume a Decree has been granted until you receive your copy.

**STEP 4:** You must carry out any agreements made in your petition or otherwise required by the decree. This might include, for example, transferring title to property or notifying the administrator of a retirement plan about the effect of the decree on a spouse's retirement benefits. You will probably need to contact a lawyer to prepare the necessary deeds and other legal documents to make these transfers. The court does not do this for you.

## CHECKLIST

- Petition for Dissolution (AK-DR-105) and Certificate of Divorce completed, signed and notarized, as per instructions.
- If necessary or desired, Shared Custody Child Support Calculation (AK-DR-306) and Application for CSED Services (AK-DR-315) completed.
- Forms are filed with the clerk of court.
- Filing Fee Paid.
- Hearing date obtained.
- Appearance and Waiver of Notice of Hearing (DR-110) filed if necessary.
- Attend final hearing.
- Certified copy of Decree of Dissolution obtained.

## NOTE ABOUT COMPLETING THE FORMS

The forms in this packet may contain “form fields” created using Microsoft Word. “Form fields” facilitate completion of the forms using your computer. They do not limit your ability to print the form “in blank” and complete with a typewriter or by hand.

If you do not see the gray shaded form fields, go the View menu, click on Toolbars, and then select Forms. This will open the forms toolbar. Look for the button on the forms toolbar that resembles a shaded letter “a”. Click in this button and the form fields will be visible. If they do not become visible, then they were not included in this form package.

To complete the forms click on the gray shaded areas and type. You may also change other words in the document if the document is not locked. The separation agreement is a good example of a document that is not locked and allows you to make modifications outside the gray shaded areas.

Some forms may be locked which means that the content of the forms cannot be changed while the form is locked. You can only fill in the information in the fields. If you need to make any changes in the body of the form, it is necessary for you “unlock” or “unprotect” the form. **IF YOU INTEND TO MAKE CHANGES TO THE CONTENT, DO SO BEFORE YOU BEGIN TO FILL IN THE FIELDS. IF YOU UNLOCK THE DOCUMENT AFTER YOU HAVE BEGUN TO COMPLETE THE FIELDS, WHEN YOU RELOCK, ALL INFORMATION YOU ENTERED WILL BE LOST.** To unlock, click on “Tools” in the Menu bar and then selecting “unprotect document”. You may then be prompted to enter a password. If so, the password is “uslf”. That is uslf **in lower case letters without the quotation marks**. After you make the changes relock the document before you begin to complete the fields. After any required changes re-lock the document, then click on the first form field and enter the required information. You will be able to navigate through the document from form field to form field using your tab key. Tab to a form field and insert your data. If you experience problems, please let us know.

## **LAW SUMMARY**

You may access the law summary for your State by using the link below:

<http://secure.uslegalforms.com/lawsummary/AK/AK-006-D.htm>

## DISCLAIMER

These materials were developed by U.S. Legal Forms, Inc. based upon statutes and forms for the **STATE OF ALASKA**. All Information and Forms are subject to this Disclaimer: All forms in this package are provided without any warranty, express or implied, as to their legal effect and completeness. Please use at your own risk. If you have a serious legal problem we suggest that you consult an attorney. U.S. Legal Forms, Inc. does not provide legal advice. The products offered by U.S. Legal Forms (USLF) are not a substitute for the advice of an attorney.

THESE MATERIALS ARE PROVIDED "AS IS" WITHOUT ANY EXPRESS OR IMPLIED WARRANTY OF ANY KIND INCLUDING WARRANTIES OF MERCHANTABILITY, NONINFRINGEMENT OF INTELLECTUAL PROPERTY, OR FITNESS FOR ANY PARTICULAR PURPOSE. IN NO EVENT SHALL U. S. LEGAL FORMS, INC. OR ITS AGENTS OR OFFICERS BE LIABLE FOR ANY DAMAGES WHATSOEVER (INCLUDING, WITHOUT LIMITATION DAMAGES FOR LOSS OF PROFITS, BUSINESS INTERRUPTION, LOSS OF INFORMATION) ARISING OUT OF THE USE OF OR INABILITY TO USE THE MATERIALS, EVEN IF U.S. LEGAL FORMS, INC. HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.

THESE FORMS WERE PREPARED FOR STATEWIDE USE. HOWEVER, SOME COUNTIES OR JUDGES MAY REQUIRE CERTAIN MODIFICATIONS TO THE FORMS FOR USE IN YOUR PARTICULAR COUNTY AND MAY REQUIRE SPECIAL FORMS NOT INCLUDED. CHANGES REQUIRED BY PARTICULAR JUDGES IS NOT UNCOMMON EVEN IF THE FORMS HAD BEEN PREPARED BY YOUR ATTORNEY. REGARDLESS, YOU SHOULD BE ABLE TO USE THESE FORMS AND INSTRUCTIONS, WITH ANY REQUIRED MODIFICATIONS, TO MAKE IT THROUGH THE PROCESS. IF YOU NEED TO MAKE CHANGES, OR IF SPECIAL FORMS ARE REQUIRED IN YOUR COUNTY, YOU CAN MAKE THE CHANGES AND REFILE, OR OBTAIN THE SPECIAL FORMS EITHER FROM THE CLERK OR A CLOSED DIVORCE FILE WHICH YOU CAN USE AS AN EXAMPLE.