

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA
AT _____

Petitioner _____ DOB _____
vs.
Respondent _____ DOB _____

CASE NO. _____

TEMPORARY
CHILD SUPPORT ORDER
(DOMESTIC VIOLENCE)

1. Children. This order affects the following children:

<u>Full Names of Children</u>	<u>Birth Dates</u>
_____	_____
_____	_____
_____	_____
_____	_____

2. Physical Custody. The court finds that physical custody of the above children for the term of this order has been awarded as follows:

- a. primary physical custody to obligee, _____
 Extended Visitation. The other parent will have physical custody of the child(ren) for the following periods of over 27 consecutive days:

- b. shared physical custody (i.e., children reside with each parent for a specified period of at least 30% of the term of this order) as follows:

The child(ren) reside with _____ during the following periods:

and with _____ during the following periods:

3. Child Support. The court finds that the obligor, _____, has a legal obligation to support the above children.

a. Support Amount. It is ordered that the obligor shall pay child support for the children named above as follows:

<u>Number of Children</u>	<u>Basic Monthly Amount Owed</u>	<u>Health Insurance Adjustment (¶5)</u>	<u>Total Monthly Amount Owed</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

As each child reaches the age of 18, is otherwise legally emancipated or dies, the amount of support will change to the next lower amount, unless the following box is checked:

Support shall continue while each child is 18 years old if the child is (1) unmarried, (2) actively pursuing a high school diploma or equivalent level of technical or vocational training, and (3) living as a dependent with the obligee parent or guardian or a designee of the parent or guardian.

The first payment is due no later than _____. Subsequent payments are due no later than the _____ 1st day of each month thereafter.

b. Primary Physical Custody — Extended Visitation Credit. If the extended visitation listed in paragraph 2.a. is exercised, child support is reduced for the listed period(s) as follows:

(This reduction may not exceed 75% of the amount owed for the period.)

If the visitation is not exercised, child support is not reduced. Civil Rule 90.3(a)(3).

c. Shared Physical Custody. Failure to take physical custody of the child(ren) at least 30% of the time is grounds for modification of this support order. However, denial of visitation by the custodial parent is not cause to increase child support. Civil Rule 90.3(b)(5).

4. Application of Civil Rule 90.3 Formula.

a. The above child support amounts were calculated using the formula in Civil Rule 90.3 (a) or (b). Yes No

b. If not, the reason for the variation is: _____

The amount of support which would have been required by the formula is:
\$ _____ for _____ children per month to be paid by the
 petitioner respondent. Estimated value of any property conveyed
instead of monetary support: \$ _____.

5. Medical Support Order. AS 25.27.060(c) and Civil Rule 90.3(d)(1). This order concerns health insurance for the child(ren) covered by this child support order. It does not concern health insurance for any other children or for the parents.

a. Current Coverage.

The obligor obligee must purchase health insurance for the child(ren) because such insurance is available at reasonable cost through his/her employer, union or otherwise. Name and address of employer/union through which insurance will be purchased: _____

The insurance cost (currently \$ _____ per month) will be divided between the parties equally unless a different division of the cost is ordered.

The child support calculation in paragraph 3 includes:

a credit of \$ _____ per month (50% of the cost to the obligor) for health insurance purchased for the child(ren) by the obligor. If the obligor fails to purchase the insurance, the monthly child support obligation will increase by this amount, without further order of the court, until the obligor purchases the insurance and provides proof of the purchase to the other parent and to the Child Support Enforcement Division (CSED) if CSED is handling collections.

an extra \$ _____ per month (50% of the cost to the obligee) for health insurance purchased for the child(ren) by the obligee. If the obligee fails to purchase the insurance, the monthly child support obligation will decrease by this amount, without further order of the court, until the obligee purchases the insurance and provides proof of the purchase to the other parent and to the Child Support Enforcement Division (CSED) if CSED is handling collections.

If the cost of the insurance changes, the amount of the child support obligation will be adjusted accordingly, without further order of the court. The parent purchasing the insurance shall provide documentation of the change to the other parent and to the Child Support Enforcement Division (CSED) if CSED is handling collections. If either parent believes the cost of the insurance has become unreasonable, that parent may file a motion asking the court to suspend the requirement that insurance be purchased.

The children are eligible for services through the Indian Health Service military medical benefits but these services are not available in the area where the children live. Therefore, insurance must be purchased as stated above until these services become available.

The children are eligible for services through the Indian Health Service military medical benefits and these services are available to the children. Therefore, no additional insurance is required while these services are available.

Health insurance for the child(ren) is not now available at reasonable cost or its availability is unknown.

- b. Future Coverage. If there is no health care coverage for the child(ren) and insurance becomes available to a parent at a reasonable cost, that parent must purchase the insurance after giving notice to the other parent. The cost of the insurance must be divided between the parents equally unless a different division of the cost is ordered. Without further order of the court, the monthly child support obligation will increase by 50% of the cost of the insurance if the obligee purchases it and decrease by 50% of the cost of the insurance if the obligor purchases it, unless otherwise ordered. If the parents disagree about whether the cost of insurance is reasonable or about which insurance policy should be purchased, either parent may file a motion asking the court to resolve the dispute.
- c. Information for Other Parent. The parent purchasing the insurance must notify the insurance company that the other parent can apply for benefits on behalf of the child(ren) and should be reimbursed directly. The purchaser must also provide coverage information to the other parent and all forms and instructions necessary to apply for benefits.

6. Uncovered Health Care Expenses (including medical, dental, vision and mental health counseling expenses). Civil Rule 90.3(d)(2) and (f)(4)

The cost of the children's reasonable health care expenses not covered by insurance must be paid as follows, unless the expenses exceed \$5,000 in a calendar year:

- Obligor will pay half and obligee will pay half.
- Obligor will pay _____ and obligee will pay _____ because _____

A party shall reimburse the other party for his or her share of the uncovered expenses within 30 days after receiving the health care bill, proof of payment and, if applicable, a health insurance statement showing what part of the cost is uncovered. The bill and other materials should be sent within a reasonable time.

If the uncovered expenses exceed \$5,000 in a calendar year, the expenses must be allocated based on the parties' relative financial circumstances when the expenses occur.

7. Travel Expenses. Civil Rule 90.3(g)

Travel expenses which are necessary to exercise visitation will be allocated between the parties as follows: _____

8. INCOME WITHHOLDING ORDER. Unless one of the following boxes is checked (or CSED later authorizes an exemption for one of these reasons), the obligor, any employer of the obligor and any person, political subdivision, department of the State, or other entity possessing property of the obligor, including any corporation created by the Alaska Native Claims Settlement Act, shall immediately withhold from the obligor's income and any other money due to the obligor the amount of child support due pursuant to AS 25.27.062 and shall pay this amount to the Child Support Enforcement Division.

The parties have agreed on the alternative arrangement described in the attached document signed by both parties.*

The court finds good cause not to require immediate income withholding because it would not be in the best interests of the child(ren) for the following reason:*

The obligor is receiving social security or other disability compensation that includes regular payments to the child(ren) at least equal to the support owed each month. To the extent these payments to the child(ren) do not satisfy the monthly amount owed, the remaining amount due shall be withheld from the obligor's income pursuant to AS 25.27.062.

Even if one of the above boxes is checked, exempting the obligor from immediate income withholding, such withholding may be initiated under AS 25.27.062(c) through the court or through CSED.

9. CSED Services. All child support payments must be made to the Child Support Enforcement Division (CSED) if one of the parties applies for the services of CSED. In addition, if the above income withholding order is served on the obligor's employer or anyone holding money belonging to the obligor, the money withheld pursuant to the order must be paid to CSED.

When payments are made through CSED:

a. Payments shall include the **case number** and names of both parties and shall be made payable to the CHILD SUPPORT ENFORCEMENT DIVISION, PO Box 102760, Anchorage, Alaska 99510-2760. CSED shall disburse the payments as required by law after deducting any fee required by law.

b. CSED shall maintain a record of support payments.

c. Interest will be imposed in accordance with AS 25.27.020 on payments which are 10 or more days overdue or if payment is made by a check backed by insufficient funds. No interest will be charged, except on arrearages more than 30 days past due, if payments are made under an income withholding order.

d. The parties shall notify CSED, in writing, of any change in their mailing or residence addresses within 5 days after any such change.

e. The obligor shall keep CSED informed of the name and address of his or her current employer. Whenever employment changes, the obligor must notify CSED

* In addition, the obligor has agreed to keep the obligee (or CSED if CSED is enforcing the order) informed of the obligor's current employer and the availability of employment-related health insurance coverage for the children until the support order is satisfied.

in writing within 20 days. This employment information must be given to the obligee instead of CSED if CSED is not enforcing the order.

- f. The party ordered to provide insurance shall provide to CSED proof of medical insurance coverage for the children within 20 days of this order. If insurance becomes unavailable, that party shall notify CSED within 20 days. When insurance again becomes available, that party must, within 20 days, give CSED proof that the children are insured. The above proof and notice of insurance must be given to the other party instead of CSED if CSED is not enforcing the order.
- g. If a party applies for CSED services:
 - (1) CSED shall take whatever enforcement action is deemed legally proper, including recommending contempt proceedings against the party ordered to pay support. **Failure to pay support as ordered may result in execution against the property of the obligor or arrest of the obligor.**
 - (2) Either party may ask CSED to review the amount of child support if it has been at least 12 months since the support order was last reviewed or modified. CSED may require that the request be made in writing on a form specified by CSED. The parties shall provide income information requested by CSED in connection with a review of the amount of child support within 20 days after the date the request is mailed.
 - (3) CSED may issue a withholding order, pursuant to AS 25.27.062 or AS 25.27.250, to attach funds owed to the obligor by any corporation created by the Alaska Native Claims Settlement Act (ANCSA). Upon service of such an order, the obligor's dividends, distributions and/or other periodic monetary benefits of ANCSA stock shall be transferred to the child support obligee pursuant to the terms of the withholding order. The ANCSA corporation shall pay the funds so transferred to CSED for distribution to the child support obligee.

10. Effect of Assignment of Right to Child Support to State. This order does not bind the Child Support Enforcement Division of Alaska or of any other state to the child support herein ordered if the person receiving child support is receiving or has currently applied for welfare benefits and assigns his or her rights to child support to the state. AS 25.27.120 - .130. If child support rights are assigned to the state, any alternative arrangement for immediate income withholding will not be allowed unless approved by CSED.

11. Additional Information. The parties are hereby notified that:

- a. Payment of support must be made as ordered herein, and the giving of gifts, clothing, or other in-kind payments will not fulfill the obligation.
- b. Payment of support must be made as it becomes due, and failure to secure or denial of rights of visitation is not an excuse for nonpayment, but the aggrieved party must seek relief from the court as otherwise provided by law.
- c. The payment of support takes priority over payment of debts and other obligations.
- d. A party who marries or otherwise accepts additional obligations of support does so with the full knowledge of prior obligations under this proceeding and will be

given no consideration for those additional obligations in subsequent proceedings for alleged failure to make the payments as ordered herein.

- e. It is the responsibility of a person with seasonal employment to budget income so that payments are made regularly as ordered.

12. Other Child Support Orders.

The court is aware of no other child support order currently in effect concerning these parties.

While this order is in effect, it supersedes the following child support order:
Case No. _____ Effective Date: _____

13. Duration of Order. This child support order is effective from _____ to _____ unless either:

- a. the custody order in this case is modified or dissolved earlier by court order,
or
- b. a superior court or CSED enters a child support order concerning these parties.

_____ Effective Date

_____ Judge

Printed Name: _____

I certify that on _____
a copy of this order was sent to:
CSED
Administrative Director of the Court System (if 4.a. is no)
Employer of _____ (with DR-330 Notice)**
Both Parties:
Attorneys:
Clerk: _____

** A copy of the order and the DR-330 Notice to Employer Re: Children's Medical Insurance must be sent to the employer of the party ordered to purchase insurance for the children if that party is eligible for family health care coverage through his/her employer. AS 25.27.063(b).