

Alaska Family Law – Jurisdiction and Service of Process

By Morgan, Lewis & Bockius LLP – March 31, 2021

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Custody Determination -Jurisdiction

Initial Custody Determination

AS. St. 25.30.300

Permissible if:

- (1) State is child's home state (at commencement of proceeding or six months prior and child is absent but at least one parent resides); or
- (2) Court of another state does not have jurisdiction under paragraph (1) or court of home state of child declines jurisdiction and (a) child and at least one parent has significant connection to State; (b) substantial evidence is available re: child's care, protection, training and personal relationships; or
- (3) all courts having jurisdiction under (1) and (2) declined to exercise jurisdiction based on this forum being most convenient;
- (4) no court of any other state would have jurisdiction under (1), (2), or (3).

Temporary Emergency Jurisdiction

AS. St. 25.30.330(a) — a court of this state has temporary emergency jurisdiction if the child is present in this state and the child has been abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.

Custody Determination — Service/Notification Requirements

AS 25.30.340. Notice; Opportunity to Be Heard; Joinder.

- (a) Before a child custody determination is made under this chapter, notice and an opportunity to be heard in accordance with AS 25.30.840 shall be given to all persons entitled to notice under the law of this state as in child custody proceedings between residents of this state, a parent whose parental rights have not been previously terminated, and a person having physical custody of the child.
- (b) This chapter does not govern the enforceability of a child custody determination made without notice or an opportunity to be heard.
- (c) The obligation to join a party in a child custody proceeding under this chapter are governed by the law of this state as in child custody proceedings between residents of this state.

Paternity and Child Support Proceeding —Jurisdiction

Proceeding to Establish, Enforce, Modify Support Order or Determine Parentage

AS. St. 25.25.201

Jurisdiction permitted over non-resident individual if:

- (1) personal service in the State
- (2) consent (by entering general appearance or filing responsive document)
- (3) individual resided with child in the State
- (4) individual resided in the State and previously paid prenatal expenses or support for child
- (5) child resides in State as a result of the individual's acts or directives;
- (6) individual engaged in sexual intercourse in State and child may have been conceived thereof;
- (7) individual acknowledged parentage in form submitted to Bureau of Vital Statistics;

any other basis for jurisdiction consistent with AS and US constitutions.

Paternity and Child Support Proceeding —Service/Notification Requirements

See Paternity and Child Support Proceeding Jurisdiction Section.

Child Abuse/Neglect Proceeding—Jurisdiction

No separate statute identified.

Child Abuse/Neglect Proceeding — Service/Notification Requirements

No separate statute identified.

Divorce and Legal Separation —Jurisdiction

AS. St. 09.05.015

Sufficient contacts with state exist to confer jurisdiction over non-resident defendant in an action for annulment, divorce or separate maintenance when a personal claim is asserted against the nonresident party if "(A) the parties resided in this state in a marital relationship for not less than six consecutive months within the six years preceding the commencement of the action; (B) the party asserting the personal claim has continued to reside in this state; and (C) the nonresident party receives notice as required by law."

Divorce and Legal Separation —Service/Notification Requirements

AS 25.24.220

(c) If the petition is filed by one spouse under AS 25.24.200 (b), that spouse shall submit proof of diligent inquiry as to the whereabouts of the absent spouse and provide notice by publication, posting, or other means as ordered by the court under the Alaska Rules of Civil Procedure.

Adoption Proceeding — Jurisdiction

AS St. 25.23.30

(a) Proceedings for adoption shall be brought in the superior court for the district in which, at the time of filing or granting the petition, the petitioner or the person to be adopted resides or is in military service, or in which the agency having the care, custody, or control of the minor is located.

(b) If the court finds in the interest of substantial justice, under [AS 22.10.040](#), that the adoption proceeding should be heard in another judicial district, the court may transfer, stay, or dismiss the proceeding in whole or in part on conditions that are just.

(c) Proceedings for the termination of parental rights on the grounds set out in [AS 25.23.180\(c\)\(3\)](#) shall be brought in the superior court for the district in which the child that is the subject of the action resides.

(d) The venue for an adoption proceeding for a child in state custody under AS 47.10 is the

(1) superior court where the child-in-need-of-aid proceeding is pending as provided under [AS 47.10.111](#); or

(2) judicial district in which the petitioner resides if the petitioner provides notice to all of the parties to the child-in-need-of-aid proceeding and no party objects.

Adoption Proceeding — Service/Notification Requirements

AS St. 25.23.100

(a) After the filing of a petition to adopt a minor, the court shall fix a time and place for hearing the petition. At least 20 days before the date of hearing, the petitioner shall give notice of the filing of the petition and of the time and place of hearing to (1) the department, unless the adoption is by a stepparent of the child; (2) any agency or person whose consent to the adoption is required by this chapter, but who has not consented; and (3) a person whose consent is dispensed with upon any ground mentioned in AS 25.23.050 (a)(1), (2), (3), (6), (7), (8) and (9), but who has not consented. The notice to the department shall be accompanied by a copy of the petition.

Domestic Violence —Jurisdiction

AS 18.66.100. Protective Orders: Eligible Petitioners; Relief.

(a) A person who is or has been a victim of a crime involving domestic violence may file a petition in the district or superior court for a protective order against a household member. A parent, guardian, or other representative appointed by the court under this section may file a petition for a protective order on behalf of a minor. The court may appoint a guardian ad litem or attorney to represent the minor. Notwithstanding AS 25.24.310 or this section, the office of public advocacy may not be appointed as a guardian ad litem or attorney for a minor in a petition filed under this section unless the petition has been filed on behalf of the minor.

(b) When a petition for a protective order is filed, the court shall schedule a hearing and provide at least 10 days' notice to the respondent of the hearing and of the respondent's right to appear and be heard, either in person or by an attorney. If the court finds by a preponderance of evidence that the respondent has committed a crime involving domestic violence against the petitioner, regardless of whether the respondent appears at the hearing, the court may order any relief available under (c) of this section. The provisions of a protective order issued under

(1) (c)(1) of this section are effective until further order of the court;

(2) (c)(2) - (16) of this section are effective for one year unless earlier dissolved by court order.

(c) A protective order under this section may

(1) prohibit the respondent from threatening to commit or committing domestic violence, stalking, or harassment;

(2) prohibit the respondent from telephoning, contacting, or otherwise communicating directly or indirectly with the petitioner;

(3) remove and exclude the respondent from the residence of the petitioner, regardless of ownership of the residence;

(4) direct the respondent to stay away from the residence, school, or place of employment of the petitioner or any specified place frequented by the petitioner or any designated household member;

- (5) prohibit the respondent from entering a propelled vehicle in the possession of or occupied by the petitioner;
- (6) prohibit the respondent from using or possessing a deadly weapon if the court finds the respondent was in the actual possession of or used a weapon during the commission of domestic violence;
- (7) direct the respondent to surrender any firearm owned or possessed by the respondent if the court finds that the respondent was in the actual possession of or used a firearm during the commission of the domestic violence;
- (8) request a peace officer to accompany the petitioner to the petitioner's residence to ensure that the petitioner
 - (A) safely obtains possession of the petitioner's residence, vehicle, or personal items; and
 - (B) is able to safely remove a vehicle or personal items from the petitioner's residence;
- (9) award temporary custody of a minor child to the petitioner and may arrange for visitation with a minor child if the safety of the child and the petitioner can be protected; if visitation is allowed, the court may order visitation under the conditions provided in AS 25.20.061;
- (10) give the petitioner possession and use of a vehicle and other essential personal items, regardless of ownership of the items;
- (11) prohibit the respondent from consuming controlled substances;
- (12) require the respondent to pay support for the petitioner or a minor child in the care of the petitioner if there is an independent legal obligation of the respondent to support the petitioner or child;
- (13) require the respondent to reimburse the petitioner or other person for expenses associated with the domestic violence, including medical expenses, counseling, shelter, and repair or replacement of damaged property;
- (14) require the respondent to pay costs and fees incurred by the petitioner in bringing the action under this chapter;
- (15) order the respondent, at the respondent's expense, to participate in (A) a program for the rehabilitation of perpetrators of domestic violence that meets the standards set by, and that is approved by, the Department of Corrections under AS 44.28.020 (b), or (B) treatment for the abuse of alcohol or controlled substances, or both; a protective order under this section may not require a respondent to participate in a program for the rehabilitation of perpetrators of domestic violence unless the program meets the standards set by, and that is approved by, the Department of Corrections under AS 44.28.020(b);
- (16) order other relief the court determines necessary to protect the petitioner or any household member.
 - (d) If the court issues a protective order under this section, it shall
 - (1) make reasonable efforts to ensure that the order is understood by the petitioner and by the respondent, if present; and
 - (2) have the order delivered to the appropriate local law enforcement agency for expedited service and for entry into the central registry of protective orders under AS 18.65.540 .
 - (e) A court may not deny a petition for a protective order under this section solely because of a lapse of time between an act of domestic violence and the filing of the petition.

Domestic Violence— Service/Notification Requirements

AS 18.66.160. Service of Process.

- (a) Process issued under this chapter shall be promptly served and executed. If process is to be served upon a person believed to be present or residing in a municipality, as defined in AS 29.71.800 , or in an unincorporated community, process shall be served by a peace officer of that municipality or unincorporated community who has jurisdiction within the area of service. If a peace officer of the municipality or unincorporated community who has jurisdiction is not available, a superior court, district court, or magistrate may designate any other peace officer to serve and execute.