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Being Together

Marriage

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What does being married mean legally?

Marriage creates a lot of legal rights and responsibilities. For example, as a married person, you have a right to

- share in benefits your spouse may earn (like health care insurance, retirement benefits, Social Security benefits, military and veterans' benefits);
- inherit from your spouse;
- own property in a form (called *tenancy by the entirety*) that passes automatically to the surviving spouse if one spouse dies;
- make medical and other kinds of decisions for your spouse if he or she can't do it for himself or herself;
- file joint tax returns.

You also have responsibilities to your spouse and to any child born during the marriage. All money you earn or property you buy during the marriage belongs to both you and your spouse. This is called *marital property*. Marital property does not include property that you owned before the marriage, or that you inherit or receive as a gift during your marriage. This is called *separate property*. But separate property can become marital property, if you and your spouse mix it together and treat it like marital property.

If you have a child with your spouse, both of you are responsible for the child's basic needs – food, shelter,

clothing, medical care and education.

Who can get married in Alaska?

Alaska law allows marriage between one man and one woman or between to individuals of the same gender. To get married in Alaska, you must be 18 or older or on active duty in the United States Armed Forces. However, you can get married at 16 or 17 if your parent or guardian says it is ok. In very unusual circumstances, a court may allow a 14 or 15 year old to get married.

You cannot marry if you are already married. You also cannot marry someone who is closely related to you by blood. You must consent to be married.

How do I get married in Alaska?

At least three days before you plan to get married, either you or your fiancé must apply for a marriage license at the Bureau of Vital Statistics. The Bureau of Vital Statistics has offices in Juneau, Anchorage, and Fairbanks. View the Bureau of Vital Statistics website for addresses. The license allows you to be married within three months after you get the license.

The marriage ceremony must be performed by a minister, a priest, a rabbi, the principal leader of a religious organization, or a *marriage commissioner*. A marriage commissioner can be a friend or relative you choose to perform your marriage ceremony. A marriage commissioner must be at least 18, and must fill out a form at the courthouse to be appointed. A marriage commissioner does not have to be an Alaska resident or be from the United States. Many state courts also have staff that can marry you if you cannot find a marriage commissioner.

Two other people must witness the marriage and sign the marriage certificate. Once the marriage ceremony has been performed, the marriage is valid.

Divorce and dissolution

Photo by Zoriana Stakhniv on Unsplash

What happens in a divorce?

A divorce will end a marriage, but must also resolve other important issues. If you and your spouse want to get a divorce, you must work out legal issues including:

- Who will get any property you own?
- Who will pay any debts?
- Who will have custody of any children?
- What rights to visit with children will be allowed?
- Who will pay child support and how much?

How do I get a divorce?

If you or your spouse live in Alaska, Alaska courts can end the marriage. You don't have to show that either spouse caused the divorce. Instead, a court will end the marriage if one or both of the couple do not want to stay married. In Alaska, there are two options for ending a marriage: a dissolution or a divorce.

What is a dissolution?

A dissolution is a simpler way to end a marriage if you and your spouse agree on everything. The husband and the wife must both sign the documents, and must file the dissolution papers together. A dissolution can be over and done more quickly than a divorce. You only have to go to court once. But if you feel confused or uncertain about anything in the dissolution papers, it is a very good idea to contact an attorney for help.

Forms for dissolution of marriage are available on the Court System's website.

What happens in a divorce?

If you don't agree on all of the things that have to be decided, you or your spouse can file a complaint for divorce. A divorce complaint asks the court to decide the issues in your case, including the division of property and debt, child custody and visitation rights, and the amount of child support. The other spouse will file an answer stating that spouse's position on the issues in your case. You can read more about the three major issues (property division, child custody and child support) below. Because these issues can be complicated, you should very seriously consider contacting a lawyer for help in a divorce case.

If you and your spouse disagree about a lot of things, the divorce process can take longer -at least several months- and may involve going to court repeatedly. Often divorcing spouses eventually do work out an agreement about all the important issues, and file a settlement agreement. If you can't agree, the court will conduct a divorce trial at which you and your spouse will be able to tell the court why you think you should have what you want. After the trial, the court will issue an order deciding all the disputed issues.

Are there alternatives to a divorce trial?

Instead of going through a divorce trial, you and your spouse can mediate your divorce. Mediation is an informal meeting between you and your spouse, usually with a neutral person to help you reach an agreement. Trials are expensive when the spouses hire attorneys, and mediation can save you a lot of money. Mediation lets you and your spouse figure out workable solutions for your family. You know your family situation better than the judge will. If you reach an agreement with a mediator, you still have to get a judge to sign off on it. You can hire a mediator yourself or you can ask the court to order mediation in your divorce case. The court has a free child custody mediation program for people who earn less than a certain amount of money. Learn more about mediation.

How can I get legal help in a divorce?

The Family Law Self-Help Center can give you free information about court procedure and forms in divorce cases if you do not have an attorney. Call (907) 264-0851 or (866) 279-0851 Monday – Thursday from 7:30 am – 6 pm or visit the Family Law Self-Help Center website for forms and information. You can also contact the Alaska Bar Association to use their Lawyer Referral Service. This service lists lawyers who will provide a half-hour consultation to callers for $125 or less. You can call the Lawyer Referral Service at 907-272-0352 or toll free in Alaska at 1-800-770-9999. Learn more about the Lawyer Referral Service.

Private attorneys can cost more than $250 per hour, so you should always discuss fees with attorneys before deciding to hire one. You can also hire an attorney to do a specific task, but not your entire case. This kind of work is called "unbundled" legal services. You should talk with the attorney about what this limited service would cost. The Alaska Bar Association has a list of attorneys who offer unbundled legal services. View the list of attorneys who offer unbunded legal services.

Property division

What does property division in a divorce mean?

In a divorce case, the judge will divide marital property and debts. "Marital property" is any money earned or items bought during the marriage. The property can include buildings or land and household goods, cars,

retirement accounts, snow machines, boats, electronics, pets, and anything else that you own. Marital debts are bills and loans owed during the marriage. The debts can include credit card bills, utilities, medical bills, mortgages, car loans, bank loans and student loans. If a divorcing couple cannot decide how to divide marital property and who will be responsible for marital debts, the judge will decide these issues in a divorce trial.

The judge will decide how to divide property and debts in a way that is "fair and equitable." Usually the judge starts with the idea that an equal, or 50/50, split of the property and debts between the spouses is the fairest way to divide them. But the court can decide to give more property or debts to one spouse, depending on certain facts:

- how long the marriage lasted;
- the ages and health of the spouses;
- how much money the spouses make;
- whether the spouse with primary custody of the children should keep the family home;
- how and when the spouses got the property; and how much money it is worth.

Child custody

Photo by Steven Van Loy on Unsplash

How does a court decide who should have custody of children when the parents split up?

When married parents get divorced or unmarried parents split up, the court will try to determine the "best interests" of the children in order to decide custody and visitation rights for the parents. To figure this out, the court considers a series of "best interest" factors set out in the law. These include:

- the physical, emotional, mental, religious, and social needs of the child;
- the capability and desire of each parent to meet these needs;
- the child's preference if the child is old enough and mature enough to form a preference;
- the love and affection existing between the child and each parent;
- the length of time the child has lived in a stable, satisfactory environment and whether it is a good idea to keep the same environment;
- the willingness and ability of each parent to help with and encourage a close and continuing relationship between the other parent and the child, (except when the other parent has committed domestic violence or sexually assaulted the parent or child, and the court finds that a continuing relationship will harm the parent or the child or make them unsafe);
- any evidence of domestic violence, child abuse, or child neglect in the proposed custodial household, or a history of violence between the parents;
- evidence that substance abuse by either parent or other members of the household directly affects the child's well-being; and
- other factors that the court considers important.

What does a custody order include?

The two main parts of a custody order are a parenting schedule, and authority to make decisions for the children.

- The parenting schedule sets out specific days and times for children to be with each parent. It also covers who will transport the children, where the transfer will happen, and who will pay for any travel necessary for visits.
- Authority to make decisions for the children includes how decisions will be made on health, education, and social issues for children. This part of the custody order determines whether the parents will make these decisions together, or whether one parent has the right to decide these matters.

Custody and visitation orders also cover matters like travel, conditions for visitation, PFDs, taxes, and health insurance. The court decides all of these issues based on the children's best interests.

Child support

Photo by Tina Floersch on Unsplash

How does a court decide if I have to pay child support?

Every parent is responsible for supporting any children at least until they reach the age of 18. If your children do not live in your home most of the time after a divorce, you will likely have to pay child support.

How does the court decide how much child support I have to pay?

A court can issue a child support order in a divorce or custody case. A state agency called the Child Support Services Division (CSSD) can also issue child support orders. If no court case is open, CSSD can issue a child support order when one parent requests child support after the parents split up. CSSD can also issue a child support order when the parent with the child goes on Public Assistance. A court rule called Alaska Rule of Civil Procedure 90.3 has a formula to calculate the monthly amount of support that a parent must pay. Rule 90.3 also gives some reasons for exceptions to the child support formula.

The Rule 90.3 support calculation takes into account a parent's *adjusted annual income*, the number of children, and the percentage of time that parent has with the child or children. Adjusted annual income is a parent's total income minus all the mandatory paycheck deductions, including federal, state, and local income taxes, social security, Medicare tax, union dues, and mandatory retirement contributions. The rule allows other deductions, such as child care expenses or child support paid for children from other previous relationships.

When one parent primarily has custody of the children, the basic formula calculates child support based on a percentage of the adjusted income of the other parent. For 1 child, the parent who does not share custody would pay 20% of his or her adjusted income. For example, if the parent's adjusted income is $1,200.00 per month, that parent would pay $240 per month for child support. For two children, the required child support would be 27% of the adjusted income; and for three children, 33%. For each child after three, the child support obligation is an additional 3% of the parent's adjusted annual income.

The Rule 90.3 calculation also depends on the amount of time a parent has custody of the children. When the parents share physical custody of their children, the support computation considers both parents' incomes and the amount of time the children spend with each parent. Shared physical custody often means the children spend 50% of the time with each parent. But shared custody can also mean the child's time is split up to 70% with one parent and 30% with the other. If the child spends more than 70% of the time with one parent, the other parent pays child support as calculated in the paragraph above.

Is there is a mandatory minimum amount for child support?

In Alaska, the mandatory minimum for a person who doesn't share custody is $600.00 per year or $50.00 per month. This means that a parent who is unemployed or in jail still has to pay at least $50 a month. For parents with shared custody, the support amount is based on how much each makes and how much time each has the children in their care. Sometimes this amount may be less than $50 a month.

Do parents have to pay for health care in addition to child support?

Yes. Parents are responsible for paying for health insurance if it is available at a reasonable cost. Parents also have to pay any expenses not covered by insurance or Denali KidCare or Medicaid. Usually each parent is responsible for fifty percent of a child's medical expenses, but the court can order one parent to pay more of the uninsured health costs. This generally happens if there is a big difference in the parents' earnings.

Can the child support amount be changed?

Child support can be modified until the child turns eighteen, dies, or is emancipated. But any change in child support only applies to the future. Generally the court or CSSD cannot change the amount of back child support. To change the child support amount, you will have to show a change in circumstances. This can be a change in the custody and visitation arrangement where one parent will have the children more of the time or a parent moves to a different community or goes to jail. Child support can also be modified if the paying parent's income changes enough that the child support calculation changes by at least 15%.

Children

Parents' rights and responsibilities

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Duty to support children

Are my parents legally required to support me?

Usually your biological parents must support you from the time you are born until you turn 18. If you were adopted, your adoptive parents have the same legal duty. Your parents have to provide you with suitable clothing, food, shelter, education, medical care and other necessities according to what they can afford. This does not mean that you are entitled to designer clothing or private schooling.

However, if you have money that can pay for school and other stuff that costs more than your parents can afford, a court could decide that your money can be used to pay for these things. This is very unusual, but could happen if, for example, you are a well-paid child actor, or your grandparents leave a large sum of money to you.

How long do parents have to support their children?

In Alaska, a parent has to support children until they turn eighteen unless a child dies or is

emancipated. But if you are 18 years old, unmarried, still living with a parent or guardian as a dependent, and still in high school or a technical or vocational school, a court can order your parent to continue paying support.

Are my parents responsible to support me while I attend college?

In Alaska, the courts have said a parent is not legally required to pay for college. An exception is if the child's father and mother have a written agreement (a contract between the two of them) promising to pay for a child's college or education after high school.

What if my parents don't live together?

Your parents must support you whether or not they live together, and whether or not they are married. Even if both of your parents are in jail or not working, the court has decided that parents who don't have primary custody have to pay at least $50 per month for your care.

What if one of my parents doesn't want to be part of our family anymore?

You have a right to be financially supported by both of your parents. Even if one of your parents chooses to leave the family, you are still entitled to child support from that parent. A court can order that parent to pay money to your other parent for your care.

What if one of my parents doesn't live in Alaska?

As long as you live in Alaska, the parent you are living with has the right to get child support from the other parent, no matter where he or she lives. Wherever your other parent lives, he or she must pay support. The courts can enforce the support obligation.

What if I am in custody of the Office of Children's Services (OCS)?

If you are in the custody of OCS, both of your parents will be ordered to pay child support during the time you are living somewhere other than with your parents. OCS will collect your permanent fund dividend for you and will hold it for you until you are released from OCS custody.

Where can I get help to understand child support rules and rights?

You can call the Family Law Self-Help Center for free information about child support if you do not have an attorney. Call (907) 264-0851 or (866) 279-0851 Monday – Thursday from 7:30 am – 6 pm or visit the Family Law Self-Help Center website for forms and information.

Right to children's wages

Do I have to give my money to my parents?

Until you turn 18, your parents have the right to make decisions about your money. They can take your money and decide what to do with it. This includes your annual permanent fund dividend (PFD), and any money you receive as a gift or earn from working.

Liability for actions of children

Can my parents be held responsible if I hurt others or damage their property?

While parents may be morally responsible for supervising and controlling their children, they generally are not legally responsible for the acts of their minor children. But there are some important exceptions under Alaska law. In Alaska, parents can be held responsible for up to $15,000 plus court costs if their minor child knowingly or intentionally destroys the property of another person. If the parent has an insurance policy that covers these types of damages, the parent may be liable for up to $25,000 in damages.

Parents may also be liable for certain acts of their minor children if they are negligent in supervising them. *Negligent in supervising* means that a parent knew or should have known that a child needed to be controlled, and the parent did not take reasonable steps to do so.

What if my parent encouraged me to commit a crime?

Parents may be found guilty of contributing to the delinquency of a minor if they help, encourage, or cause their children to break the law.

Can my parents get in trouble if I don't go to school?

A parent may be charged with contributing to the delinquency of a minor if the child is under 16 years old and the parent helps or causes the child to be absent repeatedly from school without a good reason.

Ending parental rights and responsibilities

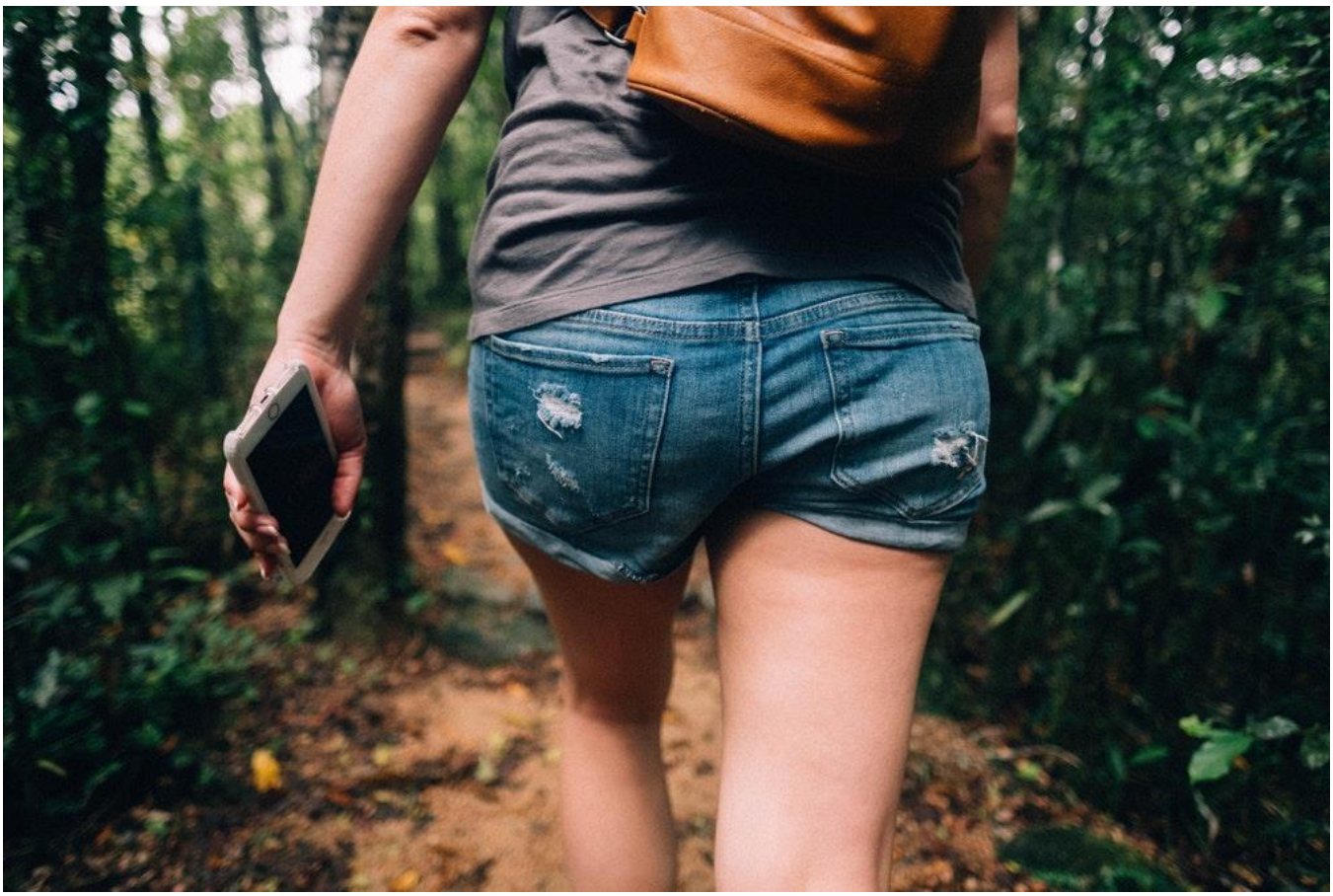

Photo by Chaz McGregor on Unsplash

Are there ways to end the rights and responsibilities of parents?

Yes. *Emancipation*, discussed in the following article, is a way that a 16 or 17 year old can end his or her parents' rights and responsibilities towards him or her.

The rights and responsibilities of parents can also be terminated with their consent. Adoption, a process in which parents choose to give up a child to others who take on the role of parents, is discussed in more detail in Section 2 of this Guide.

Termination of parental rights and responsibilities can also occur without the parents' consent. This happens when the state brings legal proceedings called Child In Need of Aid (CINA) proceedings, to protect a child. Involuntary termination is a last resort used when all other efforts to protect a child have failed. CINA proceedings are discussed below in this section.

Emancipation

What does emancipation mean?

Emancipation is a process that gives a 16 or 17 year old the legal status of an adult for many purposes. An emancipated teenager has the legal right to do some, but not all, things that an adult can do. If you are emancipated, you still cannot buy or drink alcohol or use tobacco. If you are emancipated, you no longer have to do what your parents or guardian say, but you also lose some benefits of being a minor, such as the right to parental support.

Are there benefits of being a minor?

Yes. If you are a minor, your parents or guardians have a legal duty to provide basic necessities including food, shelter, clothing, education, and medical care. Your parent or guardian can also consent to and help you do certain things that you could not legally do on your own. You cannot sign a contract or a lease on your own, but you could have a valid contract or lease if your parent or guardian is willing to co-sign and accept responsibility. You might not be able to open a bank account on your own, but you could do so with a parent's help. However, there are some things, such as getting a tattoo, that minor cannot do, even if a parent gives consent.

What would be different if I became emancipated?

If you are emancipated, your parents or guardians no longer have any authority to tell you what do to do. They also have no legal responsibility to pay for any of your basic necessities. This means that you would be fully responsible to pay for your food, rent, medical care, and education. You would also have the right to:

- sue and be sued in court;
- sign contracts and be responsible for them;
- choose where to live on your own;
- get a driver's license;
- manage money and property, including paying debts and taxes;
- get medical and dental care.

However, even if you are emancipated, until you reach the legal age, you cannot:

- buy and use tobacco or alcohol;
- vote;
- serve on a jury;
- buy or possess a firearm.

What is the process to become emancipated?

Either you or your legal custodian must go to court and ask a judge to approve the emancipation. To qualify for emancipation, you must be:

- 16 or 17 years old;
- living separate and apart from your parents or guardian;
- capable of supporting yourself;
- capable of managing your own money.

You should be aware that these conditions are not easily met. Emancipation is rarely granted. You have to prove that you are financially self-sufficient and can manage your own affairs. Working the counter at a fast food place or bagging groceries will probably not convince the court.

If the court does approve your request, the emancipation may be for all purposes, or for a limited set of purposes. The terms of the emancipation will be spelled out in the court's order.

Getting married is another way to become emancipated.

For more information, view the Emancipation Guide.

Child in Need of Aid (CINA) Procedures

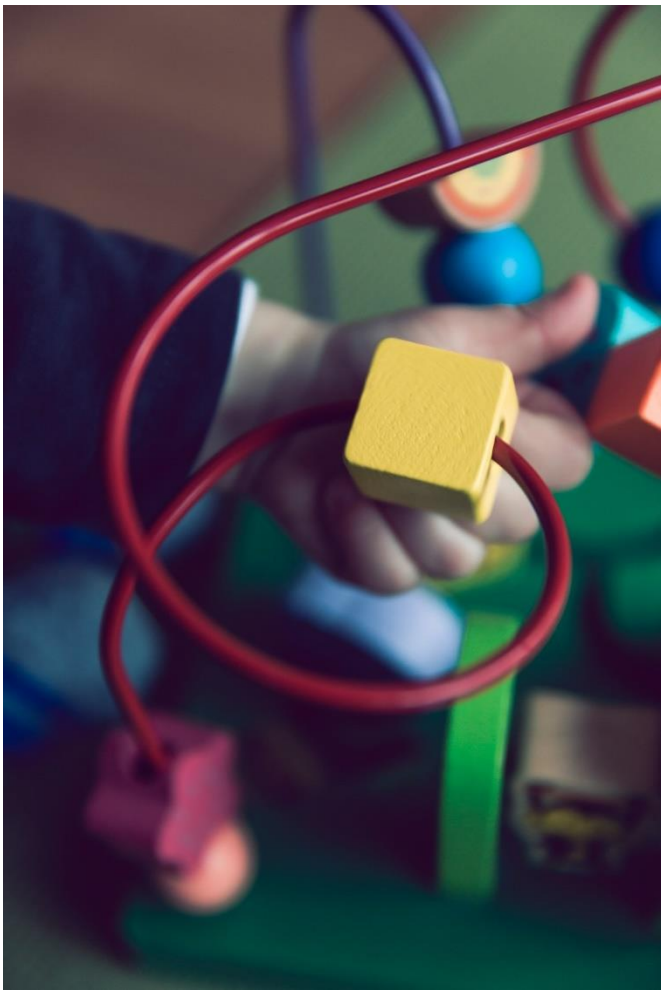

Photo by Markus Spiske on Unsplash

What are CINA proceedings?

The law protects minors (children under the age of 18) from abuse or neglect by parents or others the children live with. The state Office of Children's Services (OCS) is responsible for protecting children who are in danger. When OCS goes to court to protect a child, the case is called a child in need of aid (CINA) case. This part explains what happens in a CINA case.

Emergency protective custody

Can the state remove me from my home?

OCS can take you away from your home without a court order if you are a child in danger. This is called *emergency protective custody*. The law allows OCS to take emergency protective custody of a child who has been:

- abandoned;
- neglected or physically harmed, when protective custody is necessary to protect the child's life, or to provide immediate medical attention;
- sexually abused by a parent or by someone else because of the parent's action or neglect; this

also applies if the sexual abuse happened to a sibling.

What happens after the OCS removes me from my home?

When the OCS takes emergency protective custody, OCS must file an emergency petition with the court and notify your parents within 24 hours. The court must hold a *temporary custody hearing* on the emergency petition within 48 hours. At the temporary custody hearing, the court will decide if you are probably in need of aid and if it is contrary to your welfare to remain in the home. This means the court will decide if you need to be away from your parents to be safe.

Non-emergency temporary custody

What happens if the situation is not an emergency, but OCS wants to take me away from my home?

If the situation is not an emergency, OCS must file a petition for temporary custody with the court before removing you from your home. OCS has to notify your parents, your grandparents, any out-of-home care provider, your tribe (if you are an Alaska Native or American Indian child), and your guardian ad litem, if you have one. The people OCS notifies can participate in the temporary custody hearing. At this hearing, the court will decide if you need to be away from your parents to be safe.

After the temporary custody hearing, the court must hold an *adjudication hearing* within 120 days. At this hearing the court must decide if you are indeed in need of aid. The court must also decide if you should stay in OCS custody away from your home, or if you can return to your parents' care with OCS supervision.

Why would a court decide I am in need of aid?

The court finds a child to be in need of aid because the parents' behavior is dangerous to the child. This may happen if parents:

- abandon or neglect the child;
- are in prison or absent without arranging for the child's care;
- cannot be found, and someone who is taking care of the child can't continue to do so;
- refuse to get medical care for a child who needs treatment to prevent physical or mental harm;
- have caused or will cause physical harm to the child;
- cause the child to be the victim of sexual abuse or at risk of sexual abuse;
- cause mental injury to the young person;
- are involved in domestic violence in the home;
- are so addicted to alcohol or drugs that they cannot parent;
- have an untreated mental illness that places the child at risk of harm;
- have encouraged the child to commit an illegal act.

Occasionally, a court will find a child to be in need of aid if the child is a chronic runaway and behaves in a way that puts himself or herself seriously at risk.

If the court determines that you are not "in need of aid," then you are returned to your parents immediately and the CINA case is closed.

What happens if the court decides I am "in need of aid"?

If the court determines that you are "in need of aid," the court will hold hearings with your parents and their attorneys to figure out how to keep you safe. If the court decides that you would be safe at home even though you are "in need of aid," the court will release you to your parents and order the OCS to supervise the family.

What if the court decides I cannot go home?

If the court finds it is not safe for you to return home, then OCS will be involved with your family and you will be in the state's custody. OCS will decide where you will live. You could be sent to live with a relative or other responsible adult. You could be placed in a foster home or group home, or in an emergency shelter.

My CINA case is open and I'm in OCS custody, now what?

While you are in OCS custody, the Department of Health and Human Services (DHHS) will work with your family to fix the problems in the home that caused you to be a child in need of aid. The DHHS will also develop a family contact plan for your family to have reasonable visitation with you while you are living away from your home.

Within twelve months from the time OCS removed you from your home, the court will hold a *permanency hearing*. The court will receive and consider reports recommending a permanent plan for your family. A permanent plan may be:

- reunification with your family;
- adoption;
- guardianship (in which your parent's rights are not terminated, but suspended while another adult becomes your guardian); or
- a Permanent Planned Living Arrangement (also known as Independent Living in which the child continues his or her education and plans to continue in the foster care system until he or she is no longer a minor).

How long will OCS custody or supervision last?

The court will hold a *disposition hearing* to decide how long you should remain in OCS custody, or how long OCS supervision of your family can last. You can be in OCS custody or under OCS supervision for up to two years. You and your parents may appeal or request a review of the court's decision on length of custody or supervision.

If the time for custody is nearly over, but OCS still believes it would be unsafe for you to return home, OCS can ask the court to extend custody, one year at a time, until you turn 19. Before extending custody, the court has to hold an *extension of custody hearing* and give all the parties a chance to respond to the OCS request.

Do my parents still have rights while I am in OCS custody?

Yes. While you are in OCS custody your parents have the right to reasonable visitation, and the right to consent to:

- your marriage;
- your enlistment with the military;
- major medical treatment for you;
- any medications for the treatment of your mental health.

Termination of parental rights

Photo by Samuel Zeller on Unsplash

What does termination of parental rights mean?

Termination of parental rights means that all the rights and responsibilities in the legal parent-child relationship are cut off. A parent whose rights have been terminated no longer has a right to control any part of the child's life. For example, once terminated, the parent can no longer decide where the child will live or who will care for the child. The parent's duty to support the child also ends with termination of parental rights.

In some cases OCS may ask the court to terminate parental rights. This is the last resort after OCS has taken temporary protective custody of a child and has tried everything to improve the parent-child relationship, or to remedy problems that put the child in danger. A court may order parents' rights terminated if, after a *termination trial*, the court finds it is in the child's best interests.

Why might parental rights be terminated?

In general, the court must terminate the parents' rights before a child can be adopted or when necessary to protect the child. State laws set out the reasons for termination of parental rights, including:

- The parent has abandoned the child;
- The parent has not changed, or made any effort to change, the unsafe conduct, conditions or other situation in the home that caused the removal of the child, within certain time limits.

In some cases, OCS does not have to keep trying to reunite the family because of very dangerous or violent behavior in the family, including parents who cause serious injuries or death to other family members, who have severe mental illnesses, or who will be imprisoned for a large part of the child's youth.

How are parental rights terminated in a CINA proceeding?

OCS can file a petition with the court asking to terminate parental rights if OCS believes that it would be harmful for the child to return to the parents, and in the best interests of the child to terminate parental rights. Then the court will have a trial at which OCS has to prove that:

- the child is a child in need of aid;
- the parent has not fixed(within a reasonable time) the situation in the home that placed the child at substantial risk of harm;
- OCS made reasonable efforts (or *active efforts* if the child is an Indian child) to provide services and programs to get the family back together, but those efforts were unsuccessful; and
- the termination of parental rights is in the child's best interests.

If the child is an American Indian or Alaska Native child, OCS also has to prove that if the child was returned to the parent, the child is likely to suffer serious emotional or physical damage.

If the court decides that OCS has proved its case, the court will terminate parental rights and give custody of the child and the responsibility of making permanent plans for the child to the state.

Rights in CINA cases

Can I go to court in the CINA case?

Yes. The court can decide, however, that you shouldn't come to some or all of the hearings because they will be harmful to you. You may be able to participate in the hearings by phone if you can't come in person because you are far away from the courtroom or because you are in school.

Can I have an attorney represent me in the CINA case?

Yes. In a CINA case, the court can appoint an attorney for you. You have a right to testify, present evidence, and call witnesses in court. Your attorney will explain your rights and choices at the time of a hearing and in the future.

- The court will also appoint a guardian ad litem (GAL) to represent your best interests. You can read more about the job of a GAL below in this section.

The court may also appoint a Court Appointed Special Advocate (CASA).

Who gets to participate in the termination trial?

At the trial, OCS will be represented by a caseworker responsible for the child, and by an attorney called an assistant attorney general or AAG. The AAG presents evidence and calls the OCS witnesses at trial.

Others who have a right to participate in the trial include:

- both parents; they have a right to participate in the trial, testify, present evidence and question all the witnesses; they can have an attorney to help them participate; and the court can appoint an attorney if they cannot afford one;
- the child who is the subject of a petition to terminate parental rights;
- the guardian ad litem (GAL);
- the child's attorney if one has been appointed;
- an Indian child's tribe, if the tribe has intervened in the case;
- a child's grandparents and foster parents.

Is there a jury?

No. In Alaska, a judge hears the evidence and makes decisions in a child protection case.

I see trials on the news; will the termination trial be on TV?

No. CINA proceedings are open to the public, but no one is allowed to share information that could identify a minor who is the subject of the case. The judge can also order parts or all of the trial to be closed to the public if it would harm a child, affect a child's testimony, expose information that is confidential, interfere with a criminal investigation, or jeopardize the safety of a victim of domestic violence.

Guardian Ad Litem

Photo by Michał Parzuchowski on Unsplash

What is a guardian ad litem?

A *guardian ad litem* (usually called GAL for short) is a person appointed by a judge to speak for a child's best interests during a court case. A GAL may be an attorney, but does not have to be. In court, the GAL may ask questions of other people who are giving information, and may also answer questions about what the GAL believes is best for the child.

When does the court appoint a GAL?

There are cases in which the court must appoint a GAL, and cases in which the court may, but doesn't have to, appoint a GAL. The court *must* appoint a GAL in any case in which the state believes a parent is abusing or neglecting a child;

The court *may* appoint a GAL in other cases, including:

- child custody cases;
- domestic violence cases in which someone requested a protective order on behalf of a child;
- juvenile delinquency cases;
- adult criminal cases in which a child is a victim;
- emancipation cases;
- adoption cases;
- any other case in which the court believes a child involved in the case needs someone to speak in the child's best interest.

How does a GAL decide what is best for the child?

A GAL visits and talks to the child. The GAL also talks to others who know about the child, including family members, foster parents, teachers, doctors, social workers and psychologists. The GAL reads reports about the child and the child's family. Sometimes the GAL asks other professionals to help the GAL learn about the child. The GAL may visit the child's home and any place that may become the child's home after the court proceeding. The GAL also investigates the services available where the child and the child's family live.

In preparing a recommendation for the court proceeding, a GAL considers what the child wants, but may disagree. If the GAL doesn't agree with the child on an important issue, the GAL may ask the judge to appoint an attorney for the child.

How is a GAL different from a court-appointed attorney?

A GAL investigates the child's situation, and speaks for the child's best interests. A GAL's opinion may not be the same as the child's. What a child says to a GAL is not confidential. So the GAL can tell others what the child said, if the GAL believes that sharing the information will help the child.

When the court appoints an attorney to represent a child, the attorney advocates what the child wants just like an attorney would with an adult client. The information the child shares with the attorney is confidential. So the attorney cannot repeat what the child says to others unless the child says it is OK to do so.

How is a GAL different from a custody investigator?

A custody case is about how parents who have split up will make decisions about a child and where the child will live. In a custody case, the court only appoints a GAL when the parents cannot speak for the child's best interests so the child needs someone to speak for the child independently of either parent. A GAL is part of the case, representing the child's best interests based on the GAL's investigation.

A custody investigator is appointed by the court to give an expert opinion on the custody arrangement that is in the child's best interests. The custody investigator is not part of the case, but will probably file a report with the court.

How do I get a GAL?

If the court thinks you need a GAL, the court will appoint one for you. If the Office of Children's Services (OCS) thinks that you are "in need of aid," the court will appoint a GAL and may also appoint an attorney to speak for your best interests.

Violence and Relationships

Domestic violence and stalking

Photo by Drew Hays on Unsplash

What is domestic violence?

In general, domestic violence is a pattern of threatening or violent actions, including physical, emotional, or sexual abuse, by one person against another person when both are "household members." Under Alaska law, "household members" do not have to live together, but the term

includes:

- adults or minors (children under the age of 18) who are now or have in the past been married to each other, or related by marriage;
- adults or minors who live together now or lived together in the past (includes any roommates, not just those with a sexual relationship);
- adults or minors who are dating or having a sexual relationship, or who have dated or had a sexual relationship in the past;
- adults or minors who are related to each other up to being first cousins;
- two persons who have a child together.

What is stalking?

Stalking means a person repeatedly contacts a victim who does not want to be contacted, or a family member, and puts that person in fear of being injured or killed. Stalking is a crime that can justify a domestic violence protective order. You can also request a protective order that is specifically for a victim of stalking or sexual assault. View the Alaska Court System forms CIV-750 through CIV-752.

What is a domestic violence protective order?

A domestic violence protective order is a court order that prohibits a person from committing or threatening to commit domestic violence against another person. A person who violates a protective order can be arrested and charged with a crime. The purpose of a domestic violence protective order, sometimes called a restraining order, is to provide immediate, temporary legal protection for a person who has experienced or been threatened with domestic violence. A domestic violence protective order can be:

- an emergency protective order that lasts for 72 hours;
- an ex parte protective order that lasts for 20 days; or
- a long-term protective order that stays in effect for one year.

What is an emergency protective order?

It rarely happens, but if the victim agrees, a police officer can ask a judge to issue an emergency protective order. The police officer can call the judge from the scene of a domestic violence incident and describe what happened. If the judge decides it is reasonable to believe a domestic violence crime occurred between household members, the judge can issue an emergency protective order. The abuser does not have to be told that the officer or victim is asking for the protective order. An emergency protective order gives the victim 72 hours (3 days) of protection. In this time the victim can ask for a longer lasting and more detailed protective order.

What is an ex parte protective order?

Most domestic violence protective order cases begin with a request for an ex parte protective order. *Ex parte* means the person requesting the protective order (called the petitioner) can go to court to ask for the protective order without telling the other person (called the respondent). The judge will issue an ex parte order that lasts for 20 days if he or she decides it is reasonable to believe a domestic violence crime occurred between household members. An *ex parte* protective order will prohibit the respondent from committing or threatening to commit domestic violence against the petitioner. An ex parte order may also:

- prohibit or limit the respondent from contacting the petitioner,

- give the petitioner temporary custody of children, or possession of a residence and vehicle.

What is a long-term protective order?

A long-term protective order can last for one year, but will be issued only after the respondent also has a chance to appear in court and tell his or her side of the story. The judge will issue the long-term protective order if the judge finds that the greater weight of evidence shows that a crime of domestic violence has occurred between household members. A long-term protective order prohibits the respondent from committing or threatening to commit domestic violence, stalking, or harassing the petitioner. The order may prohibit the respondent from any contact with the petitioner, and may resolve issues regarding children, property, and other matters. For example, a long-term protective order may do one or more of the following:

- order the respondent not to contact or communicate with the petitioner, not to enter or follow a vehicle the petitioner is in, and not to be near the petitioner's home, school, work place, or other specific places the petitioner visits;
- order the respondent to move out of the home of the petitioner, and give the petitioner possession and use of a vehicle and other essential items (regardless of who owns or leases the home, vehicle or other items); the court may request a police officer to go to the home with the petitioner to make sure he or she gets back in the house safely, or gets a vehicle or personal items;
- prohibit the respondent from using any weapons or consuming drugs or alcohol;
- award temporary custody of children, and require the respondent to pay support for the petitioner and any child in the petitioner's care;
- require the respondent to reimburse the petitioner for expenses from the domestic violence, including medical expenses, counseling, shelter, and repair or replacement of damaged property;
- order the respondent to participate in treatment or rehabilitation programs.

How do I get a domestic violence protective order?

To request a domestic violence protection order or a stalking protective order, you fill out a form you can get from the Alaska Court system. You can get the forms at any court clerk's office or download the forms from the Alaska Court System website.

You can also get the forms at most shelters, and possibly through the local police or VPSO. You do not have to pay to file a petition for a protective order. You can also get more information and a video about the protective order process on the court's Family Law Self-Help Center website.

Be sure to fill out the petition carefully. You can ask for an ex parte protective order and a long-term protective order on the same form by checking the boxes for both. You may also request a long-term protective order without requesting an *ex parte* order, stating in the petition that you are only asking for a long-term protective order. But be aware that without an ex parte order, you have no order in place until the court grants a long-term protective order.

What do I have to show to get a domestic violence protective order?

To get a domestic violence protective order, you must show that you and the person you want protection from (the respondent) are "household members." You can check a box on the form to show which "household member" relationship you and the respondent have.

You also have to show that the respondent committed an act that is a crime listed in the law as a basis

for a protective order. You do not have to call the police or show that the respondent was arrested or convicted for the crime. You don't have to know the legal name of the crime the respondent committed against you. You only need to describe in detail what the respondent did to you. It is important to describe the most recent incidents and provide as much detail as possible so it is clear to the judge why you believe you need the protective order.

The judge will figure out which, if any, crime was committed. You may be able to get a protective order even if the respondent didn't hit you because not all of these crimes involve actual physical harm. Some of the most common crimes that justify protective orders are explained here:

- **Assault** is any kind of physical harm, like hitting. It also includes any threat to do physical injury if the threat can be carried out right then.
- **Reckless endangerment** occurs when someone's acts create a danger of injury to another person. For example if a person punches the wall next to another person's head, the reckless act also put the other person in danger of being hurt.
- **Stalking** occurs when someone engages in repeated acts of non-consensual contact with the victim or a family member that places that person in fear of physical injury or death.
- **Sexual offenses** include all forms of sexual assault, incest, unwanted sexual contact, and rape. Sexual offenses can occur even if the parties are married.
- **Harassment** occurs when someone calls on the phone and will not hang up so that the other person cannot make or receive phone calls, makes repeated telephone calls at extremely inconvenient hours, makes an anonymous or obscene phone call, or makes a call that threatens physical injury.

Can I get a protective order if I am a minor?

If you are under 18, your parent or guardian can request a protective order on your behalf. If you can't have a parent or guardian file on your behalf, you can file the petition yourself. The court may decide to appoint a guardian ad litem or attorney to represent you. You can read more about guardians ad litem in another part of this section.

What happens after I file for a domestic violence protective order?

The judge will read the petition and may have a hearing on your request for an *ex parte* order. The judge may ask you questions. You can bring a friend or advocate as support. If the judge grants the ex parte order, it goes into effect when the judge signs the order, but the respondent will not know it is in effect until he or she gets a copy from the police.

If you also request a long-term protective order, the judge will set a date approximately twenty days later for a hearing. The *ex parte* order will list the date, time, and location of the long-term order hearing. When police give a copy of the *ex parte* order to the respondent, he or she will have notice of the hearing on the long-term order.

What should I expect at the long-term protective order hearing?

The judge holds this hearing to decide whether to grant a long-term protective order that will stay in effect for a whole year. The respondent is told when this hearing will occur, and has a chance to present arguments and evidence that may contradict your own. The hearing is open to the public. There may be other domestic violence cases scheduled at the same time as your hearing, so you will wait until your case is called. You can watch one of the hearings before your own to see how the court process works. As the petitioner, you must show up or the case will be dismissed. If the respondent does not show up, the case goes ahead and only the petitioner's side of the case is heard.

Everyone who will testify will be required to swear or affirm that they will tell the truth. The judge will also ask the name, address, and occupation of each person who will testify. If you do not want the respondent to know your address, you can tell the court to keep your address confidential and give it to the judge on a piece of paper instead of stating it out loud.

As the petitioner, you will present your side of the case first. You may offer evidence including your own testimony, testimony of other witnesses who have personal knowledge of the abuse that you suffered, photographs, medical records, damaged items, police reports, bills or estimates. Many cases have only the testimony of the petitioner and respondent so it's OK if you don't have other evidence. Make sure you are very organized and specific about the information you present to the judge.

Always remember to be respectful in court, even if the respondent says something that is upsetting or false. Speak only when it is your turn. The judge will let you know when it is your time to speak. Always look at and speak to the judge, not the respondent. Don't argue with the respondent, attorney, or the judge. It is OK to cry if you are upset or frightened, but if the judge sees that you are calm, he or she may be less likely to believe the respondent's statements that you are the abuser or the one with the problem.

What happens after both sides present their sides?

After both side present their cases, the judge will decide whether the "preponderance of the evidence" shows that the respondent committed a crime of domestic violence against the petitioner. This means that the judge will compare both parties' evidence and decide which side is more convincing. If the judge finds that a crime of domestic violence occurred, he or she will enter the long-term protective order for one year and address other necessary issues.

If the judge does not find enough evidence to grant a long-term protective order, the case will be dismissed and you will not have a protective order. You need to prepare for this situation before you go to the hearing. If you are afraid to return home, you may want to have a suitcase packed with things you need like clothing and toiletries, important documents, prescription medicines, eyeglasses, check books, credit cards, and some money if possible. Contact an advocate to help you with safety planning. View a sample safety plan on the

Alaska Court System website. Also view the list of shelters, victims' services, and resource programs on the ANDVSA website. If you are in the Mat-Su Valley, Alaska Family Services provides shelter and counseling to women and children: visit www.akafs.org or call 746-6273.

What happens if the judge grants a domestic violence protective order?

A protective order may have a wide range of legal protections for you and your children, and be very effective in stopping domestic violence. There may be serious consequences to the respondent if he or she does not follow the order's provision.

It is important, however, to recognize the limitations of a protective order. It is most effective when both parties follow its provisions. You must be vigilant in enforcing the order's provisions by reporting every violation to the police department or the court. You must continue to use safety planning and good sense after receiving the order. Consider getting counseling for yourself, and the children if you have any, to understand the impact of being in an abusive relationship. Advocates can help you to design a safety plan and provide counseling services.

What do I do if the respondent violates my protective order?

If the respondent has been served with the protective order and purposefully violates its provisions, report the violations to the appropriate authority:

Alert the **police** if criminal parts of the order are violated. It is a misdemeanor crime to violate certain parts of the protective order. Since each order is different, here are some examples of criminal violations:

- committing or threatening to commit domestic violence;
- violating provisions that prohibit contact;
- refusing to leave the home;
- entering or following the victim's vehicle.

If the violation is a crime, call the local police, the Alaska State Troopers, or the VPSO, depending where you live. When you make the call, state that there is a protective order in effect, give the court case number, and describe the violation. Ask for the police officer's name and a report number and write this information down because you may need it later. If there is also a criminal case going on against the abuser from the original incident of domestic violence, call the prosecutor involved in that case. If the respondent is arrested for violating an order, the State District Attorney's Office will prosecute the respondent if there is enough evidence. The respondent may be sent to jail for up to one year and ordered to pay a fine if convicted.

Alert the **judge** if civil parts of the order are violated. Examples of civil violations by the respondent are:

- refusing to attend counseling;

- refusing to pay child support;
- refusing to reimburse medical bills; or
- refusing to give certain personal property to you.

If the respondent commits civil violations that affect you and the usefulness of the protective order, such failing to pay child support or attend counseling, tell the court. You can do this by

- asking the court to hold the respondent in contempt for failing to follow the court order, or
- filing a motion to modify to ask for a change in the order.

Only the judge has the power to modify a protective order. Even if both parties agree to change part of the order, the change must be made through the legal system. The police and court will not help you to enforce a change unless you got a court order to modify it. Allowing the respondent to ignore one part of the order could encourage violations of other parts.

To modify a protective order, fill out a form called Request to Modify or Dissolve Protective Order (DV-135). The forms are available at the court and on the Alaska Court System website. You need to fill in the caption with the names of the parties and case number exactly as it is shown on the protective order, and explain in writing how you want the order modified. You can ask for your address and phone number to be kept confidential. If you are asking to modify an ex parte protective order, the court will schedule a hearing on three days notice. If you are asking to modify a long-term protective order, the judge may schedule a hearing within 20 days after the request. The judge may find that a request has no merit, and deny the request without a hearing. The judge may give the respondent a chance to respond to your request in writing. If the judge holds a hearing, he or she may decide the request in court and give you a written order granting or denying your request. Sometimes the judge issues a decision after the hearing, notifying the parties by mail. If the judge does not hold a hearing, you will receive an order in the mail telling you the judge's decision. If you change your address, it is very important to inform the clerk at the court so you can be notified of all hearings scheduled in the case.

Will the police and court in Alaska enforce my protective order if the order is from another state?

The police and court system in Alaska will enforce an unexpired protective order that was issued by a court in another state if you file it with the Alaska court. You may need a certified copy of your unexpired protective order from the other state. The police, the local court, an advocate, a private attorney, or Alaska Legal Services may also be able to assist you with this matter. See "Domestic Violence Protective Orders: How to Get Out-of-State Enforcement" at http://www.andvsa.org/v2/wp- content/uploads/2009/12/popamphlet-3-2007.pdf. You can also contact the Family Law Self-Help Center help line to understand how to register your out-of-state order in Alaska. Call (907) 264-0851 or toll free in Alaska but outside Anchorage at (866) 279-0851.

If I get a protective order, can I extend it after one year?

The part of a protective order that prohibits the respondent from threatening to commit or committing domestic violence stays in effect indefinitely, until a judge rules otherwise. But most parts of long- term protective orders expire after one year, and cannot be extended automatically. You need to fill out a new petition and begin the process again. To get an additional order, describe if a new domestic violence incident occurred during the previous protective order or state the reason that you believe you continue to need the court's protection.

How do I dismiss a protective order?

If you are the petitioner and you want to end a protective order, you may fill out the court form to Request to Modify or Dissolve Protective Order (DV-135). Check the box for "Dissolve" and state why you wants to end the order. Then court will dissolve the order and its provisions will no longer be in effect.

If you are the respondent, and you want to dismiss a protective order, file a Request to Modify or Dissolve Protective Order. If you file this motion before the hearing on the motion for long-term protective order, the court will usually deny the request and tell you to wait until the hearing to present the your side of the story. If you file the Request to Dissolve after the long-term hearing, the judge will decide whether to hold a hearing to hear from both parties about the issues you raised. The judge may decide the Request to Dissolve has no merit and deny it without a hearing. Then the long-term protective order remains in effect.

Reporting child abuse and neglect

Photo by Michael Aleo on Unsplash

Who can report child abuse and neglect?

Anyone, whether a minor or an adult, can report child abuse and neglect. The authorities can only act to protect children in danger if someone who knows about the child abuse or neglect steps forward to report the problem.

Who must report child abuse and neglect?

The Alaska Legislature decided that people in certain jobs who are likely to see evidence of child abuse or neglect *must* report suspected child abuse or neglect directly to the Department of Health and Social Services. These people are called "mandatory reporters." Some of the mandatory reporters are:

- Doctors, nurses and other medical workers;
- School teachers and school administrative staff;
- Law enforcement and corrections officers;
- Administrative officers of hospitals and medical facilities;

- Child care providers;
- Employees of domestic violence and sexual assault programs;
- Employees of crisis intervention and prevention programs ;
- Employees of drug and alcohol counseling and treatment centers;

In addition, persons who provide services related to visual media, computer, internet, or cellular telephone use must notify law enforcement immediately if they see what they reasonably suspect to be child pornography.

How do I report child abuse or neglect?

Call 911 if you know or suspect someone is abusing or neglecting a child and it is an emergency. You should also report that information to the nearest office of the Office of Children's Services.

- View a map with contact information of your nearest Office of Child Services.

If you cannot reach OCS to make a report, call the Child Abuse Hotline at 1-800-

478-4444. You can also contact a local law enforcement agency.

- Alaska State Trooper posts
- List of Alaska police departments

What if I am being abused or neglected?

If you are being abused or neglected, you can ask for help. You can speak to one or more of the "mandatory reporters" listed above. You can call the OCS yourself, or ask another person to call OCS for you if you are too nervous to call. For more information, check the following websites:

- DHSS State website
- Alaska Children's Trust
- Rid Alaska of Child Abuse

Accessing Public Benefits

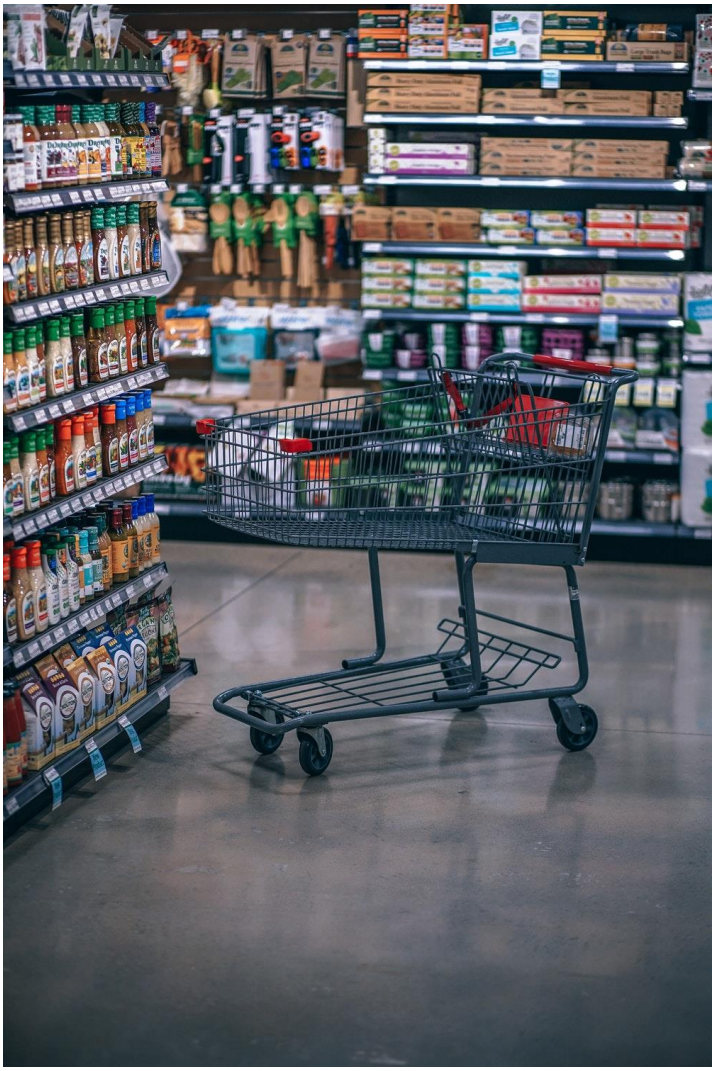

Photo by Igor Ovsyannykov on Unsplash

Where can I get help to pay for food, shelter or medical attention?

If you can't pay for food, shelter, or necessary medical care because your income is too low, several programs are available to help. This section describes the following programs that may be able to help you:

- Alaska Temporary Assistance Program (ATAP);
- Food Stamps;
- Denali KidCare; and
- Section 8/Public Housing.

There may be other programs that can help you as well.

- View more information on each program on the Division of Public Assistance website.

Alaska Temporary Assistance Program (ATAP)

What is ATAP?

The Alaska Temporary Assistance Program (ATAP) is a state program that gives cash and work services to low-income families with children. The purpose of the program is to help with basic needs while the family works toward becoming able to support itself.

- View more information on this program.

How can I find out if I am eligible?

To be eligible for assistance, a family must have less than $2,000 in countable resources. This does not include a family's home, household goods, personal property, or most vehicles. Income is the primary factor in determining if your family is eligible for the program and how much help you can get.

- View the ATAP website to see if you are eligible and how much assistance you can get.

How can I get help from the ATAP program?

If you think you may be eligible for ATAP, contact your local Public Assistance Office. These offices are located in most large communities in Alaska, including Anchorage, Homer, Eagle River, Juneau, Fairbanks, Bethel, Ketchikan, Kotzebue, Kodiak, Nome, Wasilla, and Sitka.

- View a complete list of locations.
- Download the application for ATAP from the Division of Public Assistance website and send it to the nearest Public Assistance Office.

What should I do to continue receiving assistance?

The ATAP program can help a family for 60 months. The goal of the program is to encourage families to find jobs and be able to support themselves. The program uses the "Work First" approach, which is based on the idea that the best way to succeed in the labor market is to get a job. You can advance to better jobs as you develop more skills and good work habits. Therefore, if you receive help from the program, you must look for paid work. If you cannot immediately find paid work, you must participate in activities that will help you learn skills and get experience that will help you get a job. These activities include community work, job and life skills training, adult basic education, and GED preparation. If you have health problems or other hardships, you might be excused from the requirement to get a job or participate in employment-related activities. If you think you may qualify for an exception, you should ask the Division of Public Assistance.

Food Stamps

What are Food Stamps?

The Food Stamp program helps needy families buy food. People on Food Stamps get a "Quest Card," which is pre-loaded with funds that can be used to buy groceries at any participating store. Generally, the program allows the card to be used only for food, but in some rural areas, you can use it to buy items for subsistence hunting and fishing, such as nets, hooks, fishing line, rods, harpoons, knives, and other necessary equipment.

Who is eligible?

To receive Food Stamps, you must live in Alaska. There is no specific age requirement, so practically anyone who qualifies financially can receive benefits. To qualify, you must go through income and asset screening. Currently, you are eligible if you are below 130% of the poverty level. View a list of income limits. If you are 21 years old or younger and live with your parents, you are considered part of the same household as your parents. You can apply on your own only if you do not live with your parents.

How can I get Food Stamp benefits?

To find out if you are eligible for Food Stamps, contact your local Public Assistance Office. Public Assistance Offices are located in most large communities in Alaska, including Anchorage, Homer, Eagle River, Juneau, Fairbanks, Bethel, Ketchikan, Kotzebue, Kodiak, Nome, Wasilla, and Sitka.

- View a complete list of locations.
- You can also download an application for Food Stamps and send it to the nearest Public Assistance Office.

What must I do to continue receiving Food Stamps?

To receive Food Stamp benefits, you must:

- register for work if you are able-bodied and between 16 and 59 years old;
- participate in the Employment & Training Program if offered;
- accept offers of employment; and
- not quit your job.

There are some exceptions to the work requirement. To see if you qualify for an exception, contact your local public assistance office.

Denali KidCare

What is Denali KidCare?

Denali KidCare provides health care coverage for children and teens under 19 years old and for pregnant women who are low income. There is no cost to pregnant women and children under 18 who qualify. Teens who are 18 and older may have to pay a small amount for some medical services.

- View more information on the program.

How do I apply for Denali KidCare?

If you think you may qualify for services, you can fill out an application and send it to the Department of Health & Social Services, Denali KidCare Office.

- View the income guidelines for this program.
- View more information about the program and how to apply.

What do I have to do to keep receiving benefits?

To continue receiving benefits, you must reapply every 12 months. There are several ways to reapply. You normally will receive a form to fill out and send it back within the given time period. If for some reason you do not receive the form you can contact Denali KidCare. Within the Anchorage area, the phone number is 269-6529. From other areas of the state, call 1-888-318-8890.

Section 8/Public Housing

What is the Section 8 Voucher Program?

The Section 8 Voucher program provides help with your rent in the form of "vouchers." If you or your family meets the eligibility requirements, you can use the vouchers to rent affordable housing in the private market. You are responsible for finding housing that is decent, safe, and clean under the federal housing quality standards, with a landlord who is willing to rent to the family. All typ es of rental housing are eligible for the program, including single family homes and apartments.

When you find a suitable place and a willing landlord, AHFC will consider approval of the rental. AHFC will determine whether the rent is "reasonable," whether the lease meets federal
requirements, and whether the unit meets housing quality standards. If AHFC approves, then you and the landlord will enter into a lease agreement. Usually, your share of the rent is set at 30 percent of your family's adjusted household monthly income. AHFC will pay the rest directly to the landlord.

You may apply for the Section 8 Voucher program at any of AHFC's program locations. To find the nearest AHFC program location, please visit the Alaska Housing Finance Corporation website or call (800) 478-2432.

What is "Public Housing?"

AHFC owns and operates more than 1,600 "public housing" units throughout Alaska. You can apply to live in one of these units. If you are eligible for a public housing unit, you pay 30 percent of your adjusted monthly income as rent. The program pays the rest. In most cases, AHFC units have on-site managers and maintenance staff. Sometimes there are on-site support services and skills training provided by social service and educational organizations.

You qualify to live in public housing if your income is less than 80 percent of the median income. Families earning below 30 percent of median income have priority to get one of the
units. The federal housing agency (HUD) determines the income limits based on family size and the location of your community. AHFC has a waiting list for public housing that starts from the date you turned in the housing application. You may qualify to be moved to the top of the list in special circumstances, such as:

- being a victim of domestic violence
- being homeless
- having rent costs more than half your income
- having a terminal illness
- being disabled
- having elderly family members
- being a veteran, or
- losing your home due to a natural disaster.

What is the difference between the "Section 8" program and "Public housing?"

Under the Section 8 Voucher program, once your family qualifies for a voucher, you can move both within and outside Alaska and keep the rental assistance. If you use the public housing program, your rental assistance money is tied to that unit. This means that you cannot move and keep the rental money to use in another rental property.