

DIVORCE, DISSOLUTION AND SEPARATION



**Office of the Staff Judge
Advocate
Eielson AFB, Alaska**

354 FW/JA
Legal Assistance & Preventive
Law
Pamphlet Series

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DIVORCE, DISSOLUTION AND SEPARATION

Divorce and Dissolution have the same end result: the end of a marriage by a court order. This is accomplished through the civilian court system. In Alaska, a dissolution is a joint filing, where the parties agree on the terms of ending the marriage. Divorce is a more formal process that seeks for the court to determine appropriate division of property and child custody. Filing a dissolution may expedite the process and save the parties money on certain legal fees, such as service of process and attorney representation, but you should not agree to terms you are uncomfortable with simply for expediency.

Legal separation is essentially the same as a divorce, but at the end of the process, the parties still remain married. The lives of both parties are separate legally and financially, and the process takes the same amount of time as a divorce. If the parties want to end the marriage after a legal separation, they must file for divorce and essentially, go through the process again.

When thinking about divorce, dissolution, or legal separation, there are several important things to consider including, but not limited to, residency, ground for divorce, spousal support, child custody, child support, property division, and third party visitation.

RESIDENCY AND GROUNDS FOR DIVORCE

In Alaska, there is no waiting period before you can file for divorce. Once you or your spouse live in Alaska, you can file for divorce. If there are children involved, it can be more complicated, but actions that involved determination of child custody or support should be decided in the place where the children have resided for the past six months. If you're not

sure where to file, consult the legal office for assistance.

Grounds for divorce vary, but Alaska recognizes incompatibility as a reason for divorce. Most divorces are filed with the basis of incompatibility.

RESIDENCY REQUIREMENTS FOR MILITARY MEMBERS

A military member that has been stationed in Alaska for at least 30 days is considered to be an Alaska resident for the purpose of filing a divorce or dissolution case. As a military member or spouse, you generally have three options regarding where to file:

1. The state where the military member is currently stationed
2. The state where the spouse resides
3. The state where the military member claims legal residency

Either spouse may file for divorce in any of these three locations. However, the laws regarding divorce and property distribution may be different in each state. You should consult an attorney prior to deciding where to file.

Further information on divorce and dissolution in Alaska can be found at:
<http://www.courts.alaska.gov/shc/family/shcstart.htm>

Blank forms for filing for divorce or dissolution can be found under the family law tab at:
<http://www.courts.alaska.gov/forms/index.htm>

THE DIVORCE, UNCONTESTED DIVORCE, AND DISSOLUTION PROCESS

Only one spouse needs to file the paperwork, called a complaint, to initiate the case. This person will be known as the plaintiff, and the other spouse will be the defendant. There is no advantage to being the person who starts the case. Both parties will have the opportunity to file papers with the court to explain their viewpoint. This type of filing is considered a divorce.

After the plaintiff has filed the complaint with the court, they will need to serve a copy of it on the defendant. The defendant will have 20 days from the day they are served to file a response to the complaint.

If both parties agree on the division of property and custody of minor children, they can file for a Dissolution/Uncontested Divorce. The end result of a dissolution is still a divorce decree.

There is a minimum 30-day waiting period after the complaint or dissolution is filed before the judge will sign the final divorce decree.

Child custody arrangements, alimony, and division of property will all be taken care of as part of the divorce or dissolution process. The court will review the facts of the case and make a determination on what the final arrangements will be.

The final decree will spell out specifically what the final arrangements of the case are and both parties are required to follow it. The decree may be modified in the future after a petition from one or both parties.

NOTE: A military member's future retirement can be considered by the court and may be a factor in the case.

For more information on other effects divorce and dissolution may have, please see the pamphlets titled "Divorce – Military Pensions & Benefits" and "Divorce – Taxes."

For other document templates or information, please visit the Alaska Court System website <http://courts.alaska.gov/> or the courthouse at 101 Lacey Street, Fairbanks, AK 99701.

This pamphlet is for basic information on divorce, dissolution, and legal separation for members stationed in Alaska. It is not intended to take the place of legal advice from a Judge Advocate. There may be important exceptions in some states to the information presented here. Please contact the 354th Fighter Wing Legal Office for questions and further information.



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