ALASKA BAR ASSOCIATION

SUPPLEMENTAL MATERIALS #1

SAMPLE LETTER AND SAMPLE MOTION FOR INCOME VERIFICATION

Update on Revisions
To
Child Support Guidelines

Tuesday, October 5, 1999
8:30-11:30 AM
Hotel Captain Cook
Anchorage, Alaska

CLE #99-73 **2.75 CLE Credits**

P.O. Box 100279 • Anchorage, Alaska 99510-0279
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Sample Letter and Sample Motion for Income Verification

[Date]

(Attorney name and address)

Re: *(Case name)*

Dear (Attorney):

I have been retained by _____.

It would be helpful in evaluating this matter if you provided me with the following income verification:

a. Copies of _____'s complete 1998 tax return including all schedules, 1099s and W-2s

b. Copies of _____'s December 1998 payroll stubs or the equivalent;

c. Copies of _____'s payroll stubs (or the equivalent) for the [preceding 3 or 4 months); and,

d. Verification of the cost of coverage of medical insurance for the minor children only.

Thank you.

Sincerely,

(attorney name)

cc: client

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

_____ JUDICIAL DISTRICT AT _____

_____,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
_____,	)	
	)	
Defendant.	)	
_____	)	Case No. _____ CI

MOTION FOR INCOME VERIFICATION

COMES NOW plaintiff/defendant, _____, by and through his/her attorney, _____, and hereby moves this Court for an order requiring defendant / plaintiff _____ to file with the Court his/her 1998 tax return, 1998 W-2 statement(s) and all 1099 statement(s) and all other documents showing other income for purposes of calculating his/her 1998 income for tax purposes, and copies of his/her pay stubs (or the equivalent) for the month of December 1998, and for the months of July, August and September, 1999 [preceding 3-4 months from date of filing motion].

This motion is supported by Memorandum in Support of Motion for Income Verification filed herewith. A proposed Order for Income Verification is submitted herewith.

DATED this ____ day of _____, 1999.

By_____
(name of attorney)

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

_____ JUDICIAL DISTRICT AT _____

_____,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
_____,	)	
	)	
Defendant.	)	
_____	)	Case No. _____ CI

MEMORANDUM IN SUPPORT OF
MOTION FOR INCOME VERIFICATION

Civil Rule 90.3(e) expressly requires that both parents in a child support matter to file a Child Support Guidelines Affidavit with appropriate documents verifying each parent's income. The rule states as follows:

> (e) **Child Support Affidavit and Documentation**. Each parent in a court proceeding at which child support is involved must file a statement under oath which states the parent's adjusted annual income and the components of this income as provided by subparagraph (a)(1). This statement must be filed with a party's initial pleading (such as the dissolution petition, divorce complaint of answer, etc.), motion to modify, and any response to a motion to modify. The statement **must** be accompanied by **documentation verifying the income**. The statement must state whether the parent has access to health insurance for the children and, if so, the additional cost to the parent of the children's health insurance. For any infraction of these rules, the court may withhold or assess costs or attorney's fees as the circumstances of the case and discouragement of like conduct in the future may require; and such costs and attorney's fees may be imposed upon offending attorneys or parties. (emphasis added.)

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

_____,	)	
	)	
Plaintiff,	)	
vs.	)	
_____,	)	
	)	
Defendant.	)	
_____	)	Case No. _____ CI

ORDER FOR INCOME VERIFICATION

THIS MATTER HAVING COME BEFORE THIS COURT on plaintiff's/defendant's Motion for Income Verification, and the Court, having considered any opposition thereto and otherwise being advised in the premises:

IT IS HEREBY ORDERED that defendant/plaintiff _____ shall, within _____ days of the date of this Order, file with this Court, and serve upon plaintiff/defendant copies of his/her 1998 tax return, 1998 W-2 statement(s), 1099 statement(s), and all other documents showing any other income for purposes of calculating his/her 1998 income for tax purposes, and copies of his/her pay stubs (or the equivalent) for the month of December 1998, and for the months of July, August and September, 1999 [preceding 3 months] and written verification of the cost to that parent of the children's health insurance.

IT IS FURTHER ORDERED that plaintiff/defendant shall be awarded his/her reasonable attorneys fees and costs in the amount of $_____, incurred in bringing this motion, payment to be made to plaintiff/defendant, postmarked within ___ days of the date of this Order.

DATED this ____ day of _____, 1999.

_____
Superior Court Judge

RELEASE OF EMPLOYMENT INFORMATION

TO: The Employer of _____

I, _____, SSN No. _____, of _____(address), do hereby authorize the law firm of _____, of _____ (address) and its attorneys and paralegals, and such other persons designated as experts by _____ (name of law firm), to receive from my employer and its personnel officers all earnings and employee benefit information (including but not limited to all pay and wages, all wage benefits such as PERS, SBS, Deferred Compensation, 401K plans, health insurance, life insurance, and any other income and benefits and wage deductions information in the possession of my employer.

A facsimile of this release shall be deemed effective as the original.

This Release of Information authorization expires in sixty (60) days.

Dated this _____ day of _____, 1999.

_____
(name)

SUBSCRIBED AND SWORN TO before me this ____ day of _____, 1999.

_____
Notary Public for Alaska
My Commission Expires _____

Sample Paragraph for Child Support Documentation

SAMPLE PARAGRAPH -

CHILD SUPPORT DOCUMENTATION

(assuming primary custody to Mother)

Child Support Documentation. No later than April 15th of each year, the Father shall send the Mother documentation of his prior year earnings which shall include a copy of his tax return (if one has been prepared), tax schedules, W-2 statements, 1099 statements, and supporting tax information, so that Mother can determine if she should request modification of child support. If Father does not file his tax return by April 15th, he shall send Mother his return as soon as it is prepared; in the event that if the Mother determines to move for modification for child support based upon that tax return, the Father hereby stipulates that the motion for modification shall be deemed to have been filed effective May 1 of that year, hereby waives all claims and arguments that the modification for support should be barred as retroactive child support, and agrees to file all papers necessary with the Court or CSED that the child support shall be modified effective May 1st.