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2 IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
3 THIRD JUDICIAL DISTRICT AT PALMER

4 BRISTOL PALIN,

5 Petitioner,

6 vs.

7 LEVI JOHNSTON,

8 Respondent.

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)  
)  
)  
)  
) Case No. 3PA-09-2261CI  
)

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11 **MOTION FOR INTERIM CHILD SUPPORT**

12 Bristol Palin, through counsel, and pursuant to AS 25.24.140(a)(3),  
13 moves the Court for an order awarding interim child support in accordance with  
14 Civil Rule 90.3. Petitioner's Child Support Guidelines Affidavit, form DR-305,  
15 was previously submitted to this Court with Petitioner's Complaint. A proposed  
16 order for child support marked "interim" is attached hereto.  
17

18 Pursuant to AS 25.24.140(a)(3),<sup>1</sup> Bristol Palin moves this Court for an  
19 order of interim child support in the amount of \$1,750 a month retroactive to the  
20 birth of Tripp Johnston-Palin. As explained in *Skinner v. Hagberg*, 183 P.3d  
21

22  
23 <sup>1</sup> This statute provides, in relevant part, that "[d]uring the pendency of the action, a spouse  
24 may, upon application and in appropriate circumstances, be awarded expenses, including . . .  
(3) reasonable support for minor children in the care of the spouse . . . ." AS 25.24.140(a)(3).  
Though Bristol and Levi were not married, the same principles apply to unmarried parents.

1 486, 490 (Alaska 2008), "[o]ur case law is clear: the duty of parental support  
2 begins on the date of the child's birth." Under Alaska law, with one child at  
3 issue, Civil Rule 90.3 (a)(2)(A) mandates that, at a minimum, the non-custodial  
4 parent is obligated to provide child support equal to 20% of the non-custodial  
5 parent's adjusted annual income (up to an annual income of \$105,000). See  
6 Civil Rule 90.3(a)(2)(A) & (c)(1). Respondent Levi Johnston has not yet  
7 submitted his child support guidelines affidavit in accordance with Civil Rule  
8 90.3(e)(1). See Exhibit A (Letter to Attorney Rex Butler from Thomas V. Van  
9 Flein dated January 4, 2010). However, on information and belief, Levi  
10 Johnston has earned in excess of \$105,000 in 2009 through various media  
11 interviews and modeling related activities. (B. Palin Aff. Para. 4) In addition,  
12 Bristol seeks an award of unpaid child support of \$18,350.<sup>2</sup>

13  
14  
15 Bristol has provided nearly 100% of the care and custody for the parties'  
16 child, Tripp, since his birth. (B. Palin Aff. Para. 2) However Bristol has received  
17 only limited and sporadic child support payments from Mr. Johnston, totaling  
18 only \$4,400 over 13 months. (B. Palin Aff. Para. 3) Indeed, not until September  
19 2009, did Mr. Johnston first pay child support, with a payment of \$3,000 on  
20 September 9, 2009, then \$1,000 on December 19, 2009, and he contributed  
21  
22

23  
24 <sup>2</sup> From the date of birth to the date of this motion is 13 months. Assuming a monthly obligation  
of \$1,750, this would come to \$22,750, minus \$4,400 paid, leaving a balance owing of  
\$18,350.

1 \$400 towards child-care expenses for Tripp on December 19, 2009. (B. Palin  
2 Aff. Para. 3)

3 Based on Mr. Johnston's failure to pay child support on a consistent or  
4 sustained basis, and his failure to submit a child support affidavit verifying his  
5 annual income, Bristol seeks an interim order establishing minimum monthly  
6 child support payments of \$1,750 (20% of \$105,000) retroactive to December  
7 27, 2008. See *Vachon v. Pugliese*, 931 P.2d 371, 381 -382 (Alaska 1996)  
8 (holding that "absent extraordinary circumstances, courts should apply the  
9 calculation methodology of Rule 90.3 to determine amounts to be reimbursed to  
10 custodial parents for support of children during periods not covered by support  
11 orders"); *Skinner*, 183 P.3d at 490 ("Our case law is clear: the duty of parental  
12 support begins on the date of the child's birth.").


13  
14  
15 **CONCLUSION**

16 Based on AS 25.24.140(a)(3) and Civil Rule 90.3, Bristol Palin asks this  
17 Court to enter an order directing Levi Johnston to pay interim child support of  
18 \$1,750 per month. Because Respondent has not submitted his child-support  
19 affidavit, and because, on information and belief Respondent has made over  
20 \$105,000 in 2009, Bristol Palin asks this Court for an interim order of support in  
21

1 the amount of \$1,750 (20% of \$105,000) retroactive to December 27, 2008 and  
2 continuing until a final child support order can be determined.

3 DATED at Anchorage, Alaska, this 21<sup>st</sup> day of January, 2010.

4 CLAPP, PETERSON, VAN FLEIN,  
5 TIEMESSEN & THORSNESS, LLC  
6 Attorneys for Bristol Palin

7 By:   
8 Thomas V. Van Flein  
9 Alaska Bar No. 9011119

10  
11 **Certificate of Service**

12 I certify that a copy of this document was served  
13 via:

14 ☒ First Class Mail  
15 ☐ Hand-Delivery  
16 ☐ Facsimile

17 to the following listed individual(s):

18 Rex Butler  
19 745 West Fourth Avenue, Suite 300  
20 Anchorage, Alaska 99501

21 Date: 1/21/10 By: Chelsea Greene

CLAPP • PETERSON  
VAN FLEIN • TIEMESSEN • THORSNESS  
LLC

ANCHORAGE

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Liam J. Moran, Of Counsel  
James D. Gilmore, Of Counsel

FAIRBANKS

John J. Tiemessen  
Lisa C. Hamby  
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1942 - 2009

January 4, 2010

VIA FACSIMILE:

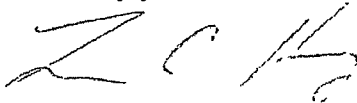
Rex L. Butler  
Law Offices of Rex Lamont Butler

Re: *Bristol Palin v. Levi Johnston*  
Our File No.: 5959-328

Dear Rex:

I am writing to obtain the financial information from Levi regarding his earnings for 2009. With his answer to the petition for custody, Levi was obligated to file a statement setting forth his adjusted annual income. We did not receive that. I understand that Levi wants all of his information pertaining to this case to be public, but we will accept this financial disclosure confidentially if he wants, on the condition that Bristol's financial information likewise remains confidential. Civil Rule 90.1(f) allows for confidentiality of financial information. I would prefer that the parties' financial details not be a matter of public record and that we agree to a stipulation that all financial records and information pertaining to their respective earnings remain confidential. Please let me know if Levi will agree to stipulate to an order providing confidentiality over all financial information to be exchanged in this case.

Sincerely yours,



for: Thomas V. Van Flein

TVF/mdl/5959-328/LtrButlerFinancials

FAXED  
1-4-10md

EXHIBIT A  
Page 1 of 1

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT PALMER

BRISTOL PALIN, )  
)  
Petitioner, )  
)  
vs. )  
)  
LEVI JOHNSTON, )  
) Case No. 3PA-09-02261 CI  
Respondent. )

**AFFIDAVIT OF BRISTOL PALIN IN SUPPORT OF MOTION FOR CHILD  
SUPPORT**

STATE OF ALASKA )  
)ss.  
THIRD JUDICIAL DISTRICT )

Bristol Palin, being first duly sworn upon oath, deposes and says:

1. I am the Petitioner in this case, the mother of Tripp Johnston-Palin, and I have personal knowledge of the facts set forth herein, unless stated otherwise, and I could, and would, testify to the following in a court of law if called upon to do so.
2. I have had physical custody of Tripp since his birth on December 27, 2008. I have been financially responsible for Tripp's medical expenses, food, clothing, baby-sitter costs, and all incidentals necessary to raise a baby.
3. I have received limited and sporadic financial assistance from Levi in the last year—and even that was not until the last months of the year.

On September 9, 2009, I received \$3,000 from Levi. I received another \$1,000 on December 19, 2009 and also on December 19, 2009, Levi directly paid \$400 for child care costs. The total Levi has paid towards child support since Tripp's birth is \$4,400.

4. I do not yet know exactly how much money Levi earned in 2009, and he did not file a financial affidavit with his response to the Petition, but I am informed and believe that he earned in excess of \$105,000. I am asking the Court to award interim child support to be paid on a regular monthly basis on behalf of Tripp based on the rules and Alaska law.

Dated: 1/21/10

By: Bristol Palin  
Bristol Palin

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for the State of Alaska, this 21<sup>st</sup> day of January, 2009.

Chelsea Greene  
Notary Public in and for Alaska  
My Commission Expires: 09/04/2012

Certificate of Service

I certify that a copy of this document was served via:

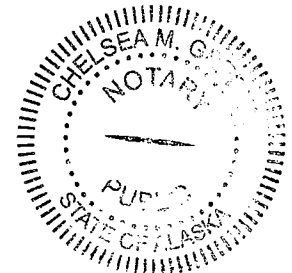
- ☒ First Class Mail  
☐ Hand-Delivery  
☐ Facsimile

to the following listed individual(s):

Rex Butler  
745 West Fourth Avenue, Suite 300  
Anchorage, Alaska 99501

Date: 1/21/10 By: Chelsea Greene

Affidavit of Bristol Palin  
Palin v Johnston, Case No. 3PA-09-02261 CI  
Page 2 of 2



IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT PALMER

BRISTOL PALIN,

Petitioner,

vs.

LEVI JOHNSTON,

Respondent

Case No. 3PA-09-2261CI

**ORDER GRANTING MOTION FOR INTERIM CHILD SUPPORT**

The Court, having read the Petitioner's Motion for Interim Child Support, and the response thereto, **GRANTS** the Motion. Pursuant to Civil Rule 90.3, and AS 25.24.140(a)(3), the Court orders the following child support payments to be paid by Respondent no later than the 2<sup>nd</sup> of each month commencing February 2010: \$1,750.00

The Court further orders a retroactive payment for child support from Respondent to Petitioner from the date of the child's birth through January 2010 in the amount of \$18,350. This payment is due no later than \_\_\_\_\_.

This order is temporary and shall remain in force and effect until modified by this Court with a final order for child support.

**IT IS SO ORDERED.**

DATED : January \_\_, 2010

By: \_\_\_\_\_  
Kari Kristiansen, Judge of the Superior Court



**Certificate of Service**

I certify that a copy of this document was served  
via:

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to the following listed individual(s):

Rex Butler  
745 West Fourth Avenue, Suite 300  
Anchorage, Alaska 99501

Date: 1/21/10 By: Chelsea Greene