

CONTEMPT

Forms and information on:

How to File a Petition for Citation of Contempt

It is advisable to have an attorney when filing legal papers to be sure that your rights are protected and that all the procedures are correctly followed. Courthouse personnel are prohibited by state law O.C.G.A. §15-19-51 from giving legal advice. Different situations may require special procedures and courthouse personnel cannot advise you on how to proceed or what forms may be necessary in specific situations.

INSTRUCTIONS FOR PETITION FOR CITATION OF CONTEMPT

This form should be used if you have an order from either Catoosa, Chattooga, Dade or Walker County, Georgia which the other party is not following. For example, among other things, you can use this form if:

- You have not received child support as ordered
- You have not been permitted to visit with you child(ren) as ordered,
- The other person has not turned over property as ordered or has not performed other acts as ordered,
- The other person has not obtained health insurance or paid you back for medical expenses as ordered, or
- The other party has otherwise violated the court order.

If you have a court order from another state, please contact an attorney.

HERE ARE DETAILED INSTRUCTIONS ON HOW TO FILL OUT THE FORM:

The Petition for Citation of Contempt:

A. In the Lookout Mountain Judicial Circuit (Catoosa County, Chattooga County, Dade County, Walker County), contempt actions do not keep the same case heading format as the original case. In the first paragraph, write your name in the first blank and place a check mark to show that you are the Petitioner. Write the other party's name in the second blank and place a check mark to show he/she is the Respondent.

B. Paragraph 1:

Check box (a) if the other party lives in _____ County (b) if the other party lives outside of _____ County, in Georgia. Check (c) if the other party lives outside of Georgia. Also, in each section check the space to show whether the other party was the Respondent or the Petitioner.

Paragraph 2:

Check the space for Respondent to show who the opposing party is (who will be served with the court papers). Check (a) if the other party has signed an acknowledgement of service. Check (b) if the other party will be served by the sheriff. On the blank lines, write the other party's address. Check (b-1) if the other party lives outside of _____ County. Also, in each section, check the space to show whether the other party was the Respondent or the Petitioner.

Paragraph 3:

In the first blank space, write in the case number from the order that is not being obeyed. You can find this at the top right of your original court order. In the second blank space, write the date the order was signed by the judge.

Paragraph 4:

You should check all boxes that apply and fill in the amount of money or items owed in the blank spaces. Also, in each section, check the space to show whether the other party was the Respondent or the Petitioner.

Check "a" if the other party has failed to pay child support. On the blank lines enter the amount the other party was ordered to pay each month and the total amount owed now.

Check "b" if the other party has failed to pay alimony. On the blank lines enter the amount the other party was ordered to pay each month and the total amount owed now.

Check "c" if the other party is not allowing visitation as ordered.

Check "d" if the other party has not given you property as ordered. On the blank lines list the property or items that should have been given to you.

Check "e" if the other party has failed to provide health insurance for the minor children as ordered.

Check "f" if the other party has failed to pay for medical expenses as ordered. On the blank line, enter the amount the total amount owed now.

Check "g" for other violations. On the blank lines explain how the other party has violated the order.

Paragraphs 5-7:

Review the statements in paragraphs 5, 6, and 7. Check either "Petitioner" or Respondent" (the same for each paragraph) to show who the other party is.

At the end of the document, enter the date you are signing the Petition, sign your name, print your name, address, and telephone number and email address if you have one.

Verification: The Verification tells the court that you swear, under oath, that what you wrote or put in the Petition is true and correct.

- A. Next to the word "I", print or type your name.
- B. Where it says: This _____ day of _____, _____, fill in the date, month and year where indicated.
- C. Print or type your full name where indicated, and fill in your address, email address and telephone number. **DO NOT SIGN THIS. YOU MUST SIGN IT ONLY IN FRONT OF A NOTARY PUBLIC.**

The Petition for citation of Contempt must be served on the opposing party. You can either have the sheriff serve the papers or the Respondent may sign an Acknowledgement of Service form.

HOW TO PUT THE PAPERS TOGETHER: Put them in this order:

___ Sheriff's Entry of service (available from Sheriff's Office)

___ Summons (available from _____ County Clerk's Office.

___ Petition for Contempt

___ A copy of the preexisting Court Order that the opposing party failed to follow. Attach this as an exhibit to the Petition.

___ Verification

Follow the Clerk's Office's instructions for e-filing your case.

NOTE: These instructions are for filing a Petition for Citation of Contempt on a final order in a closed case.

Talk to an attorney to make sure you are following the correct procedure.

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

Petitioner, Civil Action
vs Case Number _____

Respondent.

PETITION FOR CITATION FOR CONTEMPT

Comes now _____, Petitioner in this action, and in support of this Petition respectfully states as follows:

1. An Order was entered in the Superior Court of _____ County as follows:

The case name as it appeared in the prior action:

The Civil Action File Number of that case was:

The date that Order was entered by the Court was: _____

2. [Check the paragraph that applies]

_____ Respondent is subject to the jurisdiction of this court and may be personally served with a copy of this Petition and Rule Nisi at the following address:

_____ Respondent is not a resident of _____ County but lives in _____ County, State of Georgia, and shall be served with a copy of this Petition and Rule Nisi by second original.

____ Respondent is subject to the jurisdiction of this court pursuant to the Georgia domestic Relations Long Arm Statute insofar as he/she is a non-resident of Georgia and I am seeking this contempt citation for his/her failure to pay child support/alimony, to obtain health/life insurance coverage, to pay medical expenses, to turn over property, or to pay other expenses. Respondent may be personally served with a copy of this Petition and Rule Nisi by second original at the following address:

3. In the prior Order, Respondent was ordered [check all that apply]:

____ to pay Petitioner \$ _____ per _____ in child support/alimony and, as of the date of the filing of this Petition, owes to the Petitioner the following amount: \$ _____.

____ to allow Petitioner to visit with the minor child(ren) but has refused to do so.

____ to give Petitioner the following property/possessions, but has refused to do so:

4. Respondent was able to do what the Court ordered. Respondent's refusal to do so is willful.
5. Respondent should be held in contempt of this Court's Order and confined to the common jail of _____ County until such time as he/she purges him/herself of this contempt.
6. Respondent should be ordered to reimburse the Petitioner for payment in filing this action and for cost of service.

WHEREFORE, Petitioner prays:

- (a) That process and summons issue as provided by law;
- (b) That Respondent be served with a copy of this Petition;
- (c) That Respondent be held in contempt for failure to obey the terms of the Court's Order;
- (d) That a Rule Nisi issue setting a hearing and ordering Respondent to come before this court and show cause why this Petition should not be granted;
- (e) That Respondent be ordered to reimburse Petitioner for the cost of filing and serving this action; and
- (f) That Petitioner be awarded any further relief that this Court finds right and proper under the circumstances.

Date: _____

Petitioner, Pro Se (Signature)

Name: _____

Address: _____

Telephone: _____

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

Petitioner, Civil Action
vs Case Number _____

Respondent.

RESPONSE TO PETITION FOR CITATION FOR CONTEMPT

Comes now _____, the Respondent in this action,
and in response to the Petition filed herein respectfully states as follow:

1. [Check the paragraph that applies]

___ Respondent admits that allegations contained in Paragraph One of the Petition.

___ Respondent agrees with the allegations in Paragraph One of the Petition except as follows:

2. [Check the paragraph that applies]

___ Respondent is subject to the jurisdiction of this Court.

___ Respondent is not subject to the jurisdiction of this Court.

3. [Check the paragraph that applies]

___ Respondent agrees that he/she was ordered to do what was described in
Paragraph 3 of the Petition.

____ respondent denies that he was ordered to do what was described in Paragraph 3 of the Petition, and further explains as follows:

4. [Check the paragraph that applies]

____ Respondent did what was ordered by the Court.

____ Respondent was able to do what was ordered by the Court but did not do so because:

____ Respondent was unable to do what was ordered by the Court because:

Date: _____

Petitioner, Pro Se (Signature)

Name: _____

Address: _____

Telephone: _____

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

Petitioner,

Civil Action

vs

Case Number _____

Respondent.

VERIFICATION

Personally, appeared before me the undersigned who on oath states that the facts set forth in this Complaint are true and correct to the best of his/her knowledge and belief.

This _____ day of _____, 20_____.

Plaintiff pro se

Sworn to before me this

_____ day of _____, 20_____

Notary Public

My commission expires: _____

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

Petitioner,

Civil Action

vs

Case Number _____

Respondent.

RULE NISI

The within and foregoing Complaint having been read and considered, the same is allowed and ordered filed.

Let the Defendant be served with a copy of this Complaint and Order thereon and let the Defendant show cause before the Honorable _____, at _____ o'clock ____ .m., on the _____ day of _____, 20____, then and there to be heard, why the prayers of the Plaintiff's Complaint should not be granted.

This _____ day of _____, 20_____.

Clerk of Superior Court