

CONTEMPT PACKET FOR FAMILY LAW CASES
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Contempt of court is a ruling by a judge that a person is intentionally failing to obey the judge's order. A person who is cited for contempt may be punished by a fine or a jail sentence until he or she obeys the court order. In many cases, the person who disobeyed the court order will be required to pay the petitioner's costs and attorney's fees.

You may use this packet if any of the following is true:

- You have not received child support as ordered; or
- You have not been allowed to visit with your children as ordered; or
- The other party has not turned over property as ordered; or
- The other party has not obtained health insurance or paid you back for medical expenses as ordered; or
- The other party has not performed other acts as ordered.

If any of the following statements is true, you are strongly encouraged to seek the advice of an attorney:

- **The contempt involves custody or visitation and the other party no longer lives in Georgia; or**
- **I cannot find the other party;**
- **The court order I want to enforce was made by a judge in another state.**

IF THERE IS ANY QUESTION in your mind concerning these forms, the use of these forms, or your legal rights, it is strongly recommended that the services of an attorney be obtained. If you do not know an attorney, you may find one by searching

http://www.gabar.org/directories/member_directory_search/.

DUE TO THE CHANGING NATURE OF THE LAW, the forms and information contained in these packets may become outdated. Therefore, you should review and research statutes and rules of procedure referenced in the instructions to ensure that the forms are accurate and current.

IN NO EVENT will the Office of the Court Administrator, Clerk of Court, the Law Librarian or anyone contributing to the production of these forms, commentary, instructions, and appendices be liable for any indirect or consequential damages resulting from the use of this packet.

USE THESE FORMS AT YOUR OWN RISK. THESE FORMS MAY OR MAY NOT BE APPROPRIATE IN YOUR PARTICULAR CASE. ANY DESIRED OUTCOME FROM THE USE OF THESE FORMS CANNOT BE PREDICTED OR GUARANTEED.
IT IS STRONGLY RECOMMENDED THAT YOU SEEK LEGAL ADVICE.

IF YOU CHOOSE TO USE THIS PACKET, BE SURE TO FOLLOW THE INSTRUCTIONS THAT WE HAVE PROVIDED.

**IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA**

_____,)
)
Petitioner,)
)
v.) Civil Action No. _____
)
_____,)
)
Respondent.)

PETITION FOR CONTEMPT

NOW COMES _____ (your full name),
Petitioner in the above-styled action, and files this Petition for Citation of Contempt and
shows the Court as follows:

1.

An Order was entered in the Superior Court of _____ County,
Georgia as follows:

Civil Action File Number _____
[Copy the letters and numbers from that case]

The Case Name _____
[Copy the full case name of the previous case. For example, Jill Smith v. Jim Jones]

The date the Order was filed in the Court _____

A copy of that Order is attached.

2.

(Choose only one: box a, b, or c)

a) The Respondent is subject to the jurisdiction of this Court (meaning that Respondent lives in Georgia or can be personally served in Georgia) and may be personally served with a copy of this Petition at the following address:

_____.

b) The Respondent is not a resident of the county where the previous order was made. Respondent lives in _____ County, Georgia and will be served with a copy of this Petition by second original.

c) The Respondent is subject to the jurisdiction of this Court pursuant to the Georgia Domestic Relations Long Arm Statute and may be personally served with a copy of this Petition by second original at the following address:

(Use this paragraph when Respondent is a non-resident of Georgia and you seek a

contempt action for 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).

3.

(Check all that apply)

In the previous Order, Respondent was ordered:

a) To pay the Petitioner the amount of \$_____ per
Week/bi-weekly/semi-monthly/monthly) in child support, and Respondent
owes \$_____ to Petitioner as of the date of this Petition.

b) To allow Petitioner to visit with the minor children, but has refused.

c) To give to Petitioner the following possessions but has refused:

d) To pay for and have medical insurance for the minor child(ren)

e) To pay me back for medical bills, in the amount of \$_____.

f) Other _____

4.

Respondent was able to do what the Court ordered. Respondent's failure to obey the Court order is willful.

5.

Respondent should be held in contempt of this Court's Order and fined and/or confined to jail until he/she purges him/herself of this contempt.

6.

Respondent should be ordered to reimburse Petitioner for costs incurred in this action.

THEREFORE, the Petitioner requests:

(a) That process and summons issue as provided by law;

(b) That Respondent be served with a copy of Petitioner's Petition for Citation of Contempt;

(c) That Respondent be held in contempt for failure to obey the terms of the Court's Order;

(d) That a Rule Nisi hearing be set ordering Respondent to come to Court and tell the Judge why Petitioner's Petition should not be granted;

- (e) That Respondent be ordered to reimburse Petitioner for the cost of this action;
- (f) Other: _____

(g) That Petitioner be awarded any other relief this Court finds right and proper.

This ____ day of _____, 20____.

Respectfully submitted,

Plaintiff *pro se*

[Sign Here—No Notary is needed for this signature]

Petitioner's Name (print or type): _____

Petitioner's Address: _____

Petitioner's Telephone Number(s): _____

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

_____,)
Petitioner,)
v.)
_____) Civil Action File No. _____
Respondent)
)
)
)

VERIFICATION

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

_____,
Plaintiff *pro se*
[Sign in front of a Notary Public]

Sworn and subscribed before me
This ____ day of _____, 20__.

Notary Public, State of Georgia

My Commission Expires _____.

**IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA**

_____)	
)	
Petitioner,)	
)	
v.)	Civil Action No. _____
)	
_____)	
)	
Respondent.)	

RULE NISI

The within and foregoing **Petition for Contempt** 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 Judge _____, at ____ o'clock _____ 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____.

Judge, _____ County Superior Court

[OR]

Clerk of _____ County Superior Court

**IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA**

)	
)	
Petitioner,)	
)	
v.)	Civil Action No. _____
)	
)	
)	
Respondent.)	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing PETITION FOR CONTEMPT upon the following person:

- counsel for Defendant (if you know who the Defendant's attorney is)
- [OR]
- Defendant (if you do not know who the Defendant's attorney is)

by causing to be delivered by hand a copy of the PETITION FOR CONTEMPT to the name and address listed below:

This _____ day of _____, 20____.

Plaintiff *pro se*
[Sign here. You do not need a Notary for this page.]

Petitioner's Name (print or type): _____
 Petitioner's Address: _____
 Petitioner's Telephone Number(s): _____

**IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA**

_____,)
Petitioner,)
v.) Civil Action No. _____
_____,)
Respondent.)

FINAL ORDER ON PETITION FOR CONTEMPT

This action came before the Court on the ____ day of _____, 20____.
The Plaintiff appeared *Pro Se*.

- The Respondent also appeared.
- The Respondent did not appear.

The Court heard evidence and considered the matter. It is hereby ordered and adjudged that:

1.

The Court finds that the Defendant is in willful/ non-willful contempt of this Court's Order, dated the ____ day of _____, 20____. Specifically, the Respondent is in contempt as follows:

The Court finds that the Respondent is NOT in willful contempt of this court's order, dated the ____ day of _____, 20____.

2.

The Court finds the Defendant is in willful contempt. The Court further finds that the Defendant owes the sum of \$_____ for _____ (alimony, child-support, property division, medical expenses, etc.). The Defendant shall be incarcerated in the common jail of _____ County for his/her failure to pay the aforementioned amount. The incarceration is stayed, and the Defendant shall have until the ____ day of _____, 20____ to pay the amount of \$_____. The monies shall be paid directly to the Sheriff of _____ County. The Sheriff shall release any and all sums collected to _____

upon the showing of proper identification. If the Defendant fails to pay the money due, s/he shall be incarcerated until such time as the money is paid or released by appropriate court order.

3.

The Defendant's future wages shall be garnished / subjected to an income deduction order.

Decree and order entered this ____ day of _____, 200_.

Judge, _____ County Superior Court