

CONTEMPT PACKET FOR FAMILY LAW CASES--INSTRUCTIONS
Free to download; \$6.00 if printed by the Law Library.

Contempt of court is a ruling by a judge that a person is intentionally failing to obey a 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 attorneys 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 (In this situation, the other state's order must be Domesticated in Georgia before it can be enforced.).**

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DUE TO THE CHANGING NATURE OF THE LAW, the forms and information contained in these packets may become outdated.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.**

INSTRUCTIONS OVERVIEW

STEP 1: Fill out the Domestic Relations Filing Information and Final Disposition Forms.
STEP 2: Fill out the Petition for Contempt.
STEP 3: Attach a certified copy of your court order to the Petition.
STEP 4: Fill out and notarize the Verification form.
STEP 5: Fill out the Certificate of Service.
STEP 6: Put the documents in order.
STEP 7: Make two (2) copies of each document.
STEP 8: File the forms with the Clerk of Court and pay the filing and service fees.
STEP 9: Prepare your case for trial.
STEP 10: Come to court on the date and time listed on your Rule Nisi form.

DETAILED INSTRUCTIONS

STEP 1: Fill out the Domestic Relations Filing Information and Final Disposition Forms.

The Filing Information form

- a. In the top line, fill in the county where you are filing and the date filed.
- b. In the second line, fill in the names of the Plaintiff and Defendant.
- c. Where it says "Plaintiff/Petitioner's Attorney," check the box which says " Pro Se." This shows that you are representing yourself without an attorney.
- d. In the left-hand box, check off what kind of case this is:
 - Contempt - Custody, Visitation, or Parenting Time
 - Contempt - Child Support and Alimony
 - Contempt - Child Support
 - Contempt - Alimony
 - Other Domestic Contempt

In the right hand box, show whether you are asking for relief from family violence by checking yes or no in the appropriate boxes.

The Final Disposition form

The purpose of this form is to tell how your case ends. Since your case is far from over, you should NOT fill in the information in the three big boxes at the bottom of the page. At this point, we do not know how the case will end.

- a. In the top line, fill in only the county where you are filing. We do not yet know the date disposed, since you have not yet received a final order from the judge.
- b. Leave the second line, "Docket #," blank. The clerk will assign this number.
- c. Write your name where it says "Reporting party."
- d. Write down the full names of the Plaintiff and Defendant.

- e. Where it says Plaintiff/Petitioner's Attorney, you will check the box which says Pro Se. This shows that you are representing yourself. Since you are not a licensed attorney, you do not have a Bar #, so leave those blanks empty.

STEP 2: Fill out the Petition for Contempt.

Caption

Throughout this packet, you are the petitioner, and the person who failed to obey the Judge's order is the respondent. Fill in your name as Petitioner, and your opponent's name as Respondent. Leave the "Civil Action File No." blank empty. When you file your case, the Clerk of Court will assign a civil action file number to your case. Fill in your name after the phrase "NOW COMES."

Paragraph 1

1. Fill in the county which issued the original Order.
2. Fill in the name of the case in which you got the Order that is not being obeyed. You can find this at the top left of your original court order.
3. Fill in the case number from that case.
4. Fill in the date the judge signed the Order. It will be on the last page of the Order above the Judge's signature.

Paragraph 2

Choose box a) if the Respondent lives in Georgia in the same county where you are filing this action. In this situation, you will have him served by the Sheriff at his home or work address. Write down the address where the Sheriff should take the papers.

Choose box b) if the Respondent lives in a Georgia county other than the one where you are filing this action. The clerk issues a second original summons and service copy for the Respondent to be served outside the county, and forwards them to the sheriff of the other county. The sheriff of the Respondent's county then serves the copy, and enters his return of service on the second original, which is then returned to the county where you filed the action.

Choose box c) if the Respondent does not live in Georgia now, and s/he did live in Georgia at one time. The court can get personal jurisdiction (the power to make an order affecting the Respondent's rights) over a person who did live in Georgia at one time by using what is called a "long arm statute." The long arm statute can be used **ONLY IF** it is reasonable under the circumstances. You will have to hire a lawyer or do legal research in order to find out whether jurisdiction is reasonable under the circumstances.

Paragraph 3

Check every box that applies. Fill in the dollar amount(s) owed, and give explanations in the blanks provided if necessary.

Paragraph 4

Check the box beside paragraph four.

Paragraph 5

Check the box beside paragraph five.

Paragraph requesting relief

1. Fill in blank (f), "Other," and tell in detail what you want the Respondent to do.
2. Fill in the day, the Month, then the year. Use the date that you finished filling out the Petition.
3. Sign your name.
4. Print your name neatly.
5. Write down your address.
6. Write down your telephone number(s).

STEP 3: Attach a certified copy of your court order to the Petition.

You will need to contact the Clerk of Court of the county that issued the Order that is not being obeyed. Find out what you need to do in order to get a certified copy of the court Order. They may require you to go in person, and they will charge a fee for the copies. After you get the Order, attach it to your Petition.

STEP 4: Fill out and notarize the Verification form.

Fill in your name as Petitioner and your spouse's name as Respondent. Do not fill in where it says Civil Action File No. The clerk will assign a number to your case when you file your Petition. You will need to sign this Verification in front of a Notary Public. Most banks and many libraries have a notary on staff and will notarize your documents for a small fee.

STEP 5: Fill out the Rule Nisi.

1. Fill in your name as Petitioner and your spouse's name as Respondent.
2. Do not fill in where it says Civil Action File No. The clerk will assign a number to your case when you file your Petition.
3. The Judge will fill out and sign the rest of the document.

STEP 6: Fill out the Certificate of Service.

1. Fill in your name as Petitioner and your spouse's name as Respondent.
2. Do not fill in where it says Civil Action File No. The clerk will assign a number to your case when you file your Petition.
3. Check the box to show whether you are serving your papers to the Respondent or to the Respondent's Attorney.
4. Write down the name and address of the person to whom the Sheriff should take the papers.
5. Write down the date that you finished filling out the papers.
6. Sign your name.
7. Print your name.
8. Write down your address.
9. Write down your telephone number.

STEP 7: Fill out the caption of the “Final Order on Petition for Contempt.”

4. Fill in your name as Petitioner and your spouse’s name as Respondent.
5. Do not fill in where it says Civil Action File No. The clerk will assign a number to your case when you file your Petition.
6. The Judge will fill out and sign the rest of the document.

STEP 6: Prepare the Income Deduction Orders. These forms and instructions are linked on the Law Library website. Go to www.albany.ga.us/lawlibrary. Click “legal forms,” then “family law,” then “contempt-enforce orders.”

STEP 7: Make two (2) copies of each document AFTER they are all filled out.

STEP 8: File the forms with the Clerk of Court and pay the filing and service fees.

STEP 9: Prepare your case for trial.

In most civil cases, **pretrial discovery** is conducted. **Discovery** refers to the formal procedures and laws which enable each party to find out more about the other side’s case. Discovery serves several important purposes. It preserves evidence of witnesses who may not be available at trial. It reveals facts which might have been previously unknown. It helps refine the issues. It “freezes” testimony in order to prevent later perjury. It promotes settlements because it allows each party to test the strength of his or her opponent’s case. Even if the case does not settle, discovery increases the fairness and justice of the trial outcome. There are several methods of discovery which a party can use.

Interrogatories are written questions which one party sends to another. The answering party must write down answers under oath and file them with the clerk of court within 30 days. Georgia law usually limits the number of interrogatories to 50. Failure to respond can result in sanctions and penalties by the court.

Depositions are like a mini-trial. A plaintiff, defendant, or other witness is asked oral questions which must be answered orally while under oath. Depositions are recorded by a court reporter who types everything up into one long document. Each party who is questioned may be cross examined. At trial, a witness who has either changed or forgotten his or her previous testimony can be “impeached,” or discredited by referring back to the deposition testimony.

Requests for Production of Documents are used by a party to gain access to a document which is not in his or her possession. For example, a request for production of documents may be used to get a copy of the other party’s tax returns, bank statements, or other important documents.

Physical and Mental Examinations may be used only with the court’s permission, when a party’s physical or mental condition is an issue in the trial, and when the requesting party can show “good cause,” i.e., the information is extremely important and cannot be otherwise obtained.

Requests for Admissions are used to determine which issues are actually in controversy. A party is asked to admit or deny the truth of a series of statements.

Forms for all of the above discovery tools are available at the law library upon request.

For more information about trial preparation, go to www.albany.ga.us/lawlibrary ;
click on “representing yourself.”