

Instructions for filing a
“MOTION FOR CONTEMPT AND AFFIDAVIT”
(to be filed in an existing case)

This packet contains three forms that must be used to request the enforcement of a court order and hold the other party in contempt for violating the court order. The forms enclosed are (A) “MOTION FOR CONTEMPT AND AFFIDAVIT”, (B) proposed “SHOW CAUSE ORDER, NOTICE AND INSTRUCTIONS TO THE CLERK”, and (C) “SUPPLEMENTAL INFORMATION FORM”.

These instructions are intended to be a general guide to help you complete the forms, file them with the Court, serve them on the opposing party, and get your request properly before the Court. These instructions are not intended to be a legal analysis of your request and do not guarantee you will be successful in your Motion, but are merely to assist you in preparing and presenting your request.

- **A \$63.00 filing fee for each Motion MUST be paid at the time of filing.**
- **A separate Motion (and accompanying documents) must be filed for each child.**

*****It will be helpful to read ALL the instructions prior to completing the forms and you may refer back to them as much as you need. The clerks cannot help you with the forms, but will verify that all sections are completed prior to filing. Incomplete forms will not be accepted.**

- A. MOTION FOR CONTEMPT AND AFFIDAVIT** (Fill out the form completely and entirely)
1. If you do not know the existing Case No. the clerk will assist you with this information.
 2. Complete the form. Do not leave statements blank. Be specific.
 3. You must sign the form and include a current phone number.
 4. At the end under “Oath” you must again **sign your name in the presence of a Notary Public**. A notary can typically be found at a bank or credit union, a library, a hotel, law enforcement offices, auto dealerships, Department of Motor Vehicle (DMV) offices, UPS Store, as well as some insurance companies and pharmacies.
- B. SHOW CAUSE ORDER, NOTICE AND INSTRUCTIONS TO CLERK**
1. Fill out the top section of the form and stop at the heading “COURT”.
 2. Proceed to the end of the form with the heading “INSTRUCTIONS TO THE CLERK” and complete the section directing the clerk how you want the other party served.
 - a. You must have a valid address for the parties in order to obtain proper service of your Motion. The case cannot proceed until proper service has been made on all the parties.
 - b. If you don’t know their home address, you may use their work address.

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- c. If you have made every effort to locate an address and are unsuccessful, write “unknown” in the address field. A separate “Affidavit” pursuant to the Court’s Local Rule (available in the clerk’s office or on the Court’s website) regarding the unknown address should be filed along with the Motion.
- d. You need to choose which type of service (certified mail or personal service) you want for each of the parties served.
- e. Any costs of service are the absolute **responsibility of the filing party**.
- f. The filing party of the Motion/Order/Notice will receive a copy of the filings by regular mail.

3. You must sign the form at the bottom.

C. SUPPLEMENTAL INFORMATION FORM

- Please complete this form with your information (the filing party). It will remain confidential and separate from case documents, however, may be used in future collection efforts if you fail to pay costs as ordered.

*If you have additional information to include that does not fit on the forms, please attach those documents to the Motion. Said documents will be considered part of the Motion and will be served contemporaneously to the other parties.

FILING YOUR PAPERWORK

After you have completed all the forms and have signed the “MOTION FOR CONTEMPT AND AFFIDAVIT” in the presence of a Notary Public as required, return them to the Juvenile Court Clerk’s office on the 2nd floor of the Courthouse, Suite 202.

At this time you will be required to pay a \$63.00 filing fee per Motion (each child).

NEXT STEP: INITIAL HEARING

- The case will be set for an initial hearing, usually 2-3 weeks from the time of filing, depending on what the Court docket allows.
- Preparing for the hearing:
 - ◆ Dress appropriately as you would for a job interview.
 - ◆ You may be given an opportunity to discuss the matter with the opposing party and/or their attorney in Court in an effort to reach an agreement without further hearings. If that is not possible, the Court will most likely schedule one or more additional hearings until the matter is resolved, either through agreement or through a decision by the Court.
 - ◆ Be prepared to tell the Judge in clear simple terms why you are wishing to enforce the court order and hold the other party in contempt for violating the court order and why it is in the best interest of the child.

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- ◆ This is your chance to present the facts. Written notes outlining your reasons can be helpful in Court when you testify.
- ◆ This is not the time to tell the Judge all the things the other party has done that you disagree with or that has hurt or angered you. The Judge will only want to hear evidence you have that shows or supports your request.
- ◆ You may be asked questions at the hearing by the Judge, by the other party or by an attorney. Be directly responsive to the questions. Listen to the questions and make sure you provide the information you are asked for. If you do not understand the questions or are not sure what you are being asked, you have a right to have the question explained to you before answering it.

COUNSEL

The Court encourages you to retain counsel (an Attorney) to represent you during this process. It may be difficult, if not impossible, to represent yourself at a trial should the case proceed in that direction.

The clerk's office has a brochure titled "Representing Yourself in Court", that includes information regarding your options and responsibilities should you choose to proceed without legal representation.