INSTRUCTIONS ON FILING A MOTION FOR CONTEMPT

Contempt of court is a ruling by the judge that a person is intentionally failing to follow 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 attorney's fees.

You may use this form 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 performed other acts as ordered.

STEPS**:**

1. Complete the Motion for Contempt form.
2. Complete the Verification form and have it notarized.
3. Attach a certified copy of your Court order to the Motion.
4. The Motion must be EFiled. You can come into the Clerks office to use an EFile hub provided at no additional cost.

PAYING THE FILING FEE:

If the contempt is on Non-Payment of Child Support, Alimony or Medical expenses, the filing fee is waived. If the contempt is on any other item, the filing fee is **$58.00,** payable in Cash, Check or Credit Card (Credit Cards will have an additional convenience fee). If you have a very low income and feel that you cannot afford to pay these fees, you can ask the Court to waive the fees. To do this, you should file an *Affidavit of Poverty* with your paperwork when you file your Contempt action at the Clerk's office. The judge assigned to your case must approve and sign an *Order on Affidavit of poverty*, before the case can continue. If the judge signs the order of approval, both the filing and service fees are waived. If the judge does not approve your *Affidavit of Poverty* you must pay the fees before your case will proceed.

ARRANGING SERVICE:

You must serve the opposing party in one of the following ways:

1. If the opposing party will sign an Acknowledgment of Service form - You must provide the opposing party with a copy of the Petition and have him/her sign an Acknowledgment of Service form. He/she must do so before a notary. By signing this form, the opposing party is letting the court know that he/she has received a copy of the petition and therefore will not need to be served with a copy of the Petition by the Sheriff. You will then file the Acknowledgment of Service with the original Petition in the Clerk's office.

2. If the opposing party will not sign an Acknowledgment of Service form and he/she lives in the county where the Petition has been filed- You will need the Sheriff of that county to serve the opposing party with a copy of the Petition at his/her home. If you do not know the opposing party's home address or he/she is avoiding service at home, you can have the party served by the Sheriff at his/her work.

3. If the opposing party will not sign an Acknowledgment of Service form and he/she does not live in the county where the petition has been filed- You will need the Sheriff of the county in which the opposing party lives to serve the Petition. Contact the sheriff's department in that county to find out which forms and fees they require. File the original petition and summons with the Clerk's office and print a set of the filed documents to send for service.

This information is not intended to be a substitute for individual advice from an attorney. As changes in the law occur, the information in this sheet may become outdated. You should be sure to consult with an attorney to be sure that you are following the law correctly.

IN THE SUPERIOR COURT OF
STEPHENS COUNTY
STATE OF GEORGIA

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

MOTION FOR CONTEMPT

NOW COMES_____, 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 Stephens County, Georgia as follows: Civil Action File Number _____

   The Case Name_____

   The date the Order was filed in the Court_____

   A copy of that Order is attached.

2. **(Choose only one box)**

□ 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.

Respectfully submitted, this _____ day of _____ , 20_____.

Dated: _____

_____

Petitioner, *Pro se* *(Signature)*

Name: _____

Address: _____

_____

Phone: _____

Unless Confidential

IN THE SUPERIOR COURT OF
STEPHENS COUNTY
STATE OF GEORGIA

_____	)	
Petitioner,	)	Civil Action
	)	
vs.	)	Case Number _____
	)	
	)	
_____	)	
Respondent.	)	

VERIFICATION

My name is _____. I hereby swear or affirm, before a notary public, that I have read the following document:

_____

which I am filing in court with this *Verification,* and the facts stated in the document are true.

Dated: _____

_____
Petitioner, *Pro se* *(Signature)*

Name: _____

Address: _____

_____

Phone: _____

Email: _____

NOTARY PUBLIC
Sworn and subscribed before me
This _____ day of _____, 20_____.

_____
Notary Public, State of Georgia
My Commission Expires _____

CLEAR

IN THE SUPERIOR COURT OF
STEPHENS COUNTY
STATE OF GEORGIA

_____	§	
PLAINTIFF	§	
	§	
VS	§	CIVIL ACTION FILE NO.:_____
	§	
_____	§	
DEFENDANT	§	
	§	

PRO SE CONTACT INFORMATION

*To avoid a possible delay in distribution of courtesy copies, all handwritten information must be legible.

PLAINTIFF

Current Address:

_____
_____
_____

Phone Number(s):

(_____) _____

Email Address:

_____

DEFENDANT

Current Address:

_____
_____
_____

Phone Number(s):

(_____) _____

Email Address:

_____

This the _____ day of _____, 20____.

_____
Signature ( ) *Plaintiff* ( ) *Defendant*