

CONTEMPT

This packet contains forms and information on:

1. How to File A Petition for Citation of Contempt

Important Notice: You may use this form only if you have an order in DeKalb County Superior Court

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.

HOW TO FILE A PETITION FOR CITATION OF CONTEMPT

Please follow the instructions below:

You can use this package **only** if you have a Court Order from DeKalb County Superior Court which orders your ex-spouse or the parent of your child(ren) to do certain things, and that person has not done them. You can use this if:

- ☞ you have not received child support as ordered **OR**
- ☞ you have not been permitted to visit with your child(ren) as ordered **OR**
- ☞ the other person has not turned over property as ordered or has not performed other acts as ordered **OR**
- ☞ the other person has not obtained health insurance or paid you back for medical expenses as ordered

If your ex-spouse no longer lives in Georgia and you need to file a contempt for custody or visitation against your ex-spouse, you must seek the advice of an attorney, unless your ex-spouse can be personally served while in Georgia with a copy of your petition that was filed in Georgia.

If your ex-spouse no longer lives in Georgia, you can use these forms to file a contempt action for nonpayment of child support/alimony, to obtain health/life insurance, to pay medical expenses, to turn over property , or pay other expenses.

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

- STEP 1:** Fill out the Petition for Citation of Contempt
- STEP 2:** Fill out the Verification form to go with the Petition
- STEP 3:** Fill out the Rule Nisi form
Note that most petitions require a summons to be attached to your petition for service. However, for a contempt action the Rule Nisi serves as your summons.
- STEP 4:** Complete the form for Service (must be obtained from the Clerk/Sheriff's Office)
- STEP 5:** Make a copy of your Court Order and attach it to the Petition for Citation of Contempt
- STEP 6:** Put the documents in order
- STEP 7:** Make one (1) copy of each document
- STEP 8:** File the original documents with the Clerk of Court
- STEP 9:** Take one (1) copy to the Sheriff's office.
- STEP10:** Come to Court on the date and time indicated on the Rule Nisi form

HERE ARE DETAILED INSTRUCTION HOW TO FILL OUT THE FORMS:

Step 1:

The Petition for Citation of Contempt:

- You are the Petitioner. Fill in your full name on the line after “Petitioner”, and on the line after “NOW COMES”.
- The Respondent is the person who has not obeyed the Order. Fill in that person’s full name on the line after “Respondent”.
- Leave the Civil Action File Number blank. It will be filled in by the Clerk of Court when you file the Petition.

In Paragraph 1:

- Fill in the county which issued the order. (*The Order must be issued in DeKalb County Superior Court*)
- Fill in the name of the case where you got the order that is not being obeyed. You can find this at the top of your original court order. (Example: Joe Smith v. Jane Smith)
- Fill in the case number from that case.
- Fill in the date the judge signed the Order. It will be on the last page of the Order above the Judge’s Signature.

In paragraph 2:

- Put an “x” in the box that is true and fill in the blank.

In Paragraph 3:

- You should put an “x” in all boxes that are true.
 - If you did not get items the Court ordered, you should list them on the lines.
 - If you did not get medical insurance or have not been re-paid for medical costs, list that.
- Then put the date of the day you finish the form, sign your name, and then print your name, address, and telephone number. Make sure your printing is clear.

STEP 2:

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

1. Print or type your full name next to the word “Petitioner”.
2. Print or type the full name of the person disobeying the order next to the work “Respondent”.
3. Next to the word “I”, print or type your name.
4. Where it says: This _____ day of _____, 20____, fill in the date, month and year where Indicated.
5. Print or type your full name where indicated, and fill in your address and telephone number. **DO NOT SIGN THIS. YOU MUST SIGN IT ONLY IN FRONT OF A NOTARY PUBLIC.** The Family Law Information Center provides notary services at no charge when notarizing the Center’s forms.

STEP 3:

The **Rule Nisi**, is the form you use to set a hearing date.

1. Fill in your full name as Petitioner/Plaintiff and the other person’s full name as Respondent/Defendant. You must have a hearing date attached to your petition. Take the papers to the Clerk of Superior Court’s Office. The clerk will instruct you on how to get a hearing date.
2. The Court clerk will fill in the rest when you take the papers to be filed.

STEP 4:

The Petition for Citation for Contempt must be **Served** on the opposing party. You can either have the sheriff serve the papers or if the Respondent is willing to sign an Acknowledgment of Service form, you may serve the papers.

- A.** The **Sheriff’s Entry of Service** is used by the Sheriff when he/she serves a copy of these papers on the Respondent. You can get this form from the sheriff’s office in the courthouse building .

FILLING OUT THE SHERIFF'S ENTRY OF SERVICE

1. Write your address under "Petitioner's Address" on the left.
2. Put the Respondent's full name and address under "Name and Address of Party to be served."
3. On the right, put your full name on the line above Petitioner.
4. On the right, put the Respondent's full name on the line above Respondent.
5. Make a copy of the Court Order that the opposing party failed to follow, and attach it to the Petition for Citation of Contempt.

HOW TO PUT THE PAPERS TOGETHER: Put them in this order, with the first ones on top and the rest behind:

- Sheriff's Entry of Service
- Petition
- A copy of the preexisting Court Order that the opposing party failed to follow
- Verification
- Rule Nisi

1. Take the package to the Clerk's Office to file it. Have the clerk fill in the case number and Rule Nisi Form. Make sure that you tell the clerk that you need a hearing date for your Rule Nisi Form. Have the clerk stamp your copies. Maintain a copy of your records.
2. Take one copy of the package to the Sheriff's office so that the Sheriff can serve it on the opposing party. There will be a service fee imposed. Check with the sheriff's department for the schedule fee.
3. Come to Court on the date and time as indicated on the Rule Nisi form for your hearing (trial). You should go to the courtroom indicated on the Rule Nisi form, and let the case manager know that you are there. Then wait for your case to be called by the judge.

For further instructions on presenting your case, contact the Family Law Information Center.