

## **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 via PeachCourt (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 BULLOCH 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 Bulloch 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:

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☐ 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:

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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 BULLOCH 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 \_\_\_\_\_

**IN THE SUPERIOR COURT OF BULLOCH 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.

<b><u>PLAINTIFF</u></b>	<b><u>DEFENDANT</u></b>
Current Address:  _____ _____ _____	Current Address:  _____ _____ _____
Phone Number(s):  (       ) _____	Phone Number(s):  (       ) _____
Email Address:  _____	Email Address:  _____

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature (   ) Plaintiff (   ) Defendant

## General Civil and Domestic Relations Case Filing Instructions

1. Provide the class of court and county in which the case is being filed.
2. Provide the plaintiff's and defendant's names.
3. Provide the plaintiff's attorney's name and State Bar number. If you are representing yourself, provide your own name and check the self-represented box.
4. Provide the primary type of case by checking only *one* appropriate box. Cases can be either general civil or domestic relations and only *one* type of primary case within those categories. Check the case type that most accurately describes the primary case. If applicable, check one sub-type under the primary case type. If you are making more than one type of claim, check the case type that involves the largest amount of damages or the one you consider most important. See below for definitions of each case type.
5. Provide an answer to the four questions by checking the appropriate boxes and/or filling in the appropriate lines.

### Case Type Definitions

#### General Civil Cases

**Automobile Tort:** Any tort case involving personal injury, property damage, or wrongful death resulting from alleged negligent operation of a motor vehicle.

**Civil Appeal:** Any case disputing the finding of a limited jurisdiction trial court, department, or administrative agency.

**Contempt/Modification/Other Post-Judgment:** Any case alleging failure to comply with a previously existing court order, seeking to change the terms of a previously existing court order, or any other post-judgment activity in a general civil case.

**Contract:** Any case involving a dispute over an agreement between two or more parties.

**Garnishment:** Any case where, after a monetary judgment, a third party who has money or other property belonging to the defendant is required to turn over such money or property to the court.

**General Tort:** Any tort case that is not defined or is not attributable to one of the other types of torts listed.

**Habeas Corpus:** Any case designed to review the legality of the detention or imprisonment of an individual, but not the question of his or her guilt or innocence.

**Injunction/Mandamus/Other Writ:** Cases involving a written court order directing a specific person to perform or refrain from performing a specific act.

**Landlord/Tenant:** Any case involving a landlord/tenant dispute if the landlord removed a tenant and his or her property from the premises or placed a lien on the tenant's property to repay a debt.

**Medical Malpractice Tort:** Any tort case that alleges misconduct or negligence by a person in the medical profession acting in a professional capacity, such as doctors, nurses, physician's assistants, dentists, etc.

**Product Liability Tort:** Any tort case that alleges an injury to a person was caused by the manufacturer or seller of an article due to a defect in, or the condition of, the article sold or an alleged breach of duty to provide suitable instructions to prevent injury.

**Real Property:** Any case involving disputes over the ownership, use, boundaries, or value of land.

**Restraining Petition:** Any petition for a restraining order that does not result from a domestic altercation or is not between parties in a domestic relationship.

**Other General Civil:** Any case that does not fit into one of the other defined case categories in which a plaintiff is requesting the enforcement or protection of a right or the redress or prevention of a wrong.

#### Domestic Relations Cases

**Adoption:** Cases involving a request for the establishment of a new and permanent parent-child relationship between persons not biologically parent and child.

**Contempt:** Any case alleging failure to comply with a previously existing court order. If the contempt action deals with the non-payment of child support, medical support, or alimony, also check the corresponding sub-type box.

**Dissolution/Divorce/Separate Maintenance/Alimony:** Any case involving the dissolution of a marriage or the establishment of alimony or separate maintenance.

**Family Violence Petition:** Any case in which a protective order from a family member or domestic partner is requested.

**Modification:** Any case seeking to change the terms of a previously existing court order. If the modification deals with custody, parenting time, or visitation, also check the corresponding sub-type box.

**Paternity/Legitimation:** Cases involving establishment of the identity and/or responsibilities of the father of a minor child or a determination of biological offspring.

**Support – IV-D:** Cases filed by the Georgia Department of Human Services to request maintenance of a minor child by a person who is required under Title IV-D of the Social Security Act of 1973 (42 USC §§ 651-669b) to provide such maintenance.

**Support – Private (non-IV-D):** Cases filed to request maintenance of a parent/guardian or a minor child by a person who is required by a law other than Title IV-D of the Social Security Act of 1973 (42 USC §§ 651-669b) to provide such maintenance.

**Other Domestic Relations:** Domestic relations cases that do not adequately fit into any of the other case types, including name changes.

**Please note:** This form is for statistical purposes only. It shall have no legal effect in a case. The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or court rules. Information on this form will not be entered into evidence.



## General Civil and Domestic Relations Case Filing Information Form

☐ Superior or ☐ State Court of \_\_\_\_\_ County

### For Clerk Use Only

Date Filed \_\_\_\_\_  
MM-DD-YYYY

Case Number \_\_\_\_\_

### Plaintiff(s)

Last	First	Middle I.	Suffix	Prefix
_____	_____	_____	_____	_____
Last	First	Middle I.	Suffix	Prefix
_____	_____	_____	_____	_____
Last	First	Middle I.	Suffix	Prefix
_____	_____	_____	_____	_____
Last	First	Middle I.	Suffix	Prefix
_____	_____	_____	_____	_____

### Defendant(s)

Last	First	Middle I.	Suffix	Prefix
_____	_____	_____	_____	_____
Last	First	Middle I.	Suffix	Prefix
_____	_____	_____	_____	_____
Last	First	Middle I.	Suffix	Prefix
_____	_____	_____	_____	_____
Last	First	Middle I.	Suffix	Prefix
_____	_____	_____	_____	_____

Plaintiff's Attorney \_\_\_\_\_ State Bar Number \_\_\_\_\_ Self-Represented ☐

Check one case type and one sub-type in the same box (if a sub-type applies):

### General Civil Cases

Automobile Tort  
Civil Appeal  
Contempt/Modification/Other  
Post-Judgment  
Contract  
Garnishment  
General Tort  
Habeas Corpus  
Injunction/Mandamus/Other Writ  
Landlord/Tenant  
Medical Malpractice Tort  
Product Liability Tort  
Real Property  
Restraining Petition  
Other General Civil

### Domestic Relations Cases

Adoption  
Contempt  
Non-payment of child support,  
medical support, or alimony  
Dissolution/Divorce/Separate  
Maintenance/Alimony  
Family Violence Petition  
Modification  
Custody/Parenting Time/Visitation  
Paternity/Legitimation  
Support – IV-D  
Support – Private (non-IV-D)  
Other Domestic Relations

Check if the action is related to another action pending or previously pending in this court involving some or all of the same: parties, subject matter, or factual issues. If so, provide a case number for each.

\_\_\_\_\_ Case Number

\_\_\_\_\_ Case Number

I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in OCGA § 9-11-7.1.

Is a foreign language or sign-language interpreter needed in this case? If so, provide the language(s) required.

\_\_\_\_\_ Language(s) Required

Do you or your client need any disability accommodations? If so, please describe the accommodation request.

## General Civil and Domestic Relations Case Disposition Form Instructions

1. Provide the class of court and county in which the case is being disposed.
2. Provide the plaintiff's and defendant's names.
3. Provide the reporting party (the individual completing the form).
4. Provide the attorneys' names and State Bar numbers. If parties represented themselves, provide their names and check the self-represented box.
5. Provide the manner of disposition by checking the appropriate box. See below for definitions.
6. Provide an answer to the three questions by checking the appropriate boxes.

### Manner of Disposition Definitions

**Jury Trial:** Cases in which a jury is impaneled to determine the issues of fact in the case. A jury trial should be counted when the jury has been sworn, regardless of whether a verdict is reached.

**Bench/Non-Jury Trial:** Cases in which a judge or judicial officer is assigned to determine both the issues of fact and law in the case. A bench/non-jury trial should be counted when the first evidence is introduced, regardless of whether a judgment is reached.

**Non-Trial Disposition:** Cases in which the disposition does not involve either a jury trial or a bench trial.

**Alternative Dispute Resolution:** If a case was disposed of via a non-trial disposition and the method of disposition was alternative dispute resolution. If this box is checked, then the Non-Trial Disposition box must also be checked. Only check if the whole case was resolved via alternative dispute resolution.

## General Civil and Domestic Relations Case Disposition Information Form

☐ Superior or ☐ State Court of \_\_\_\_\_ County

### For Clerk Use Only

Date Disposed \_\_\_\_\_  
MM-DD-YYYY

Case Number \_\_\_\_\_

Case Style \_\_\_\_\_

### Plaintiff(s)

Last	First	Middle I.	Suffix	Prefix
____	____	____	____	____
____	____	____	____	____
____	____	____	____	____
____	____	____	____	____

### Defendant(s)

Last	First	Middle I.	Suffix	Prefix
____	____	____	____	____
____	____	____	____	____
____	____	____	____	____
____	____	____	____	____

Reporting Party \_\_\_\_\_

Plaintiff's Attorney \_\_\_\_\_ State Bar Number \_\_\_\_\_ Self-Represented ☐

Defendant's Attorney \_\_\_\_\_ State Bar Number \_\_\_\_\_ Self-Represented ☐

### Manner of Disposition Check Only One

Jury Trial

Bench/Non-Jury Trial

Non-Trial Disposition, such as:  
Alternative Dispute Resolution

Check if any party was self-represented at any point during the life of the case.

Check if the court ordered an interpreter for any party, witness, or other involved individual.

Check if the case was referred/ordered to a court-annexed alternative dispute resolution process.