

# PETITION FOR CONTEMPT

This packet contains forms and information on:

1. How to file a Petition for Citation of Contempt
2. How to file a Response for Citation of Contempt

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**

**You would use this packet only if the other side lives in the county where this petition will be filed and you have a Superior Court Order from Georgia, or you have a Court Order from the Superior Court of the county where this petition will be filed which orders your ex-spouse or the other 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.
- **STEP 4:** Complete the form for Service.
- **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 three (3) copies 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.
- **STEP 10:** 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:**

- A. You are the Petitioner. Fill in your full name on the line after "Petitioner", and on the line after "NOW COMES".
- B. The Respondent is the person who has not obeyed the Order. Fill in that person's full name on the line after "Respondent".
- C. Leave the Civil Action File Number blank. It will be filled in by the Clerk of Court when you file the Petition.
- D. In Paragraph 1:
  - a. Fill in the county where the previous order was filed.
  - b. 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)
  - c. Fill in the case number from that case.
  - d. Fill in the date the judge signed the Order. It will be on the last page of the Order above the Judge's signature.
- E. In paragraph 2:
  - a. Put an "x" in the box that is true and fill in the blank.
- F. In Paragraph 3:
  - a. You should put an "x" in all of the boxes that are true.
  - b. If you did not get items the court ordered, you should list them on the lines provided.
  - c. If you did not get medical insurance or have not been re-paid for medical costs, list that.
  - d. 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.**

- A. Print or type your full name next to the word "Petitioner".
- B. Print or type the full name of the person disobeying the order next to the word "Respondent".
- C. Next to the word "I", print or type your name.
- D. Where it says: "This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.", fill in the date, month and year.

- E. 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.** You can find a Notary Public at banks and the post office.

**Step 3:** The Rule Nisi is the form you use to set a hearing date.

- A. Fill in your full name as Petitioner and the other person's full name as Respondent. 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.
- B. The court clerk will fill in the rest when you take the papers to be filed.

**Step 4:** The Petition for Citation of 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 Acknowledgement 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 clerk's office.

#### 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 the 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 form
  - Rule Nisi
1. Make three (3) copies of the whole package.
  2. Take the package to the Clerk's Office to file it. Have the clerk fill in the case number and Rule Nisi form for all three copies. Make sure that you tell the clerk that you need a hearing date for your Rule Nisi form.

3. Take one copy of the package to the Sheriff's office so that the Sheriff can serve it on the opposing party.
4. Come to court on the date and time as indicated on the Rule Nisi form for your hearing. You should go to the courtroom indicated on the Rule Nisi form.

IN THE SUPERIOR COURT OF CHATHAM COUNTY  
STATE OF GEORGIA

Petitioner: \_\_\_\_\_

and

Civil Action File No: \_\_\_\_\_

Respondent: \_\_\_\_\_

**PETITION FOR CITATION OF CONTEMPT**

NOW COMES \_\_\_\_\_ (your full name), 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 \_\_\_\_\_ County as follows:

The case name as it appeared in the prior action: \_\_\_\_\_

Civil Action File Number: \_\_\_\_\_

The date the Order was filed in the Court: \_\_\_\_\_

A copy of that Order is attached.

2.  Respondent is subject to the jurisdiction of the Court (where Respondent lives in Georgia or can be personally served in Georgia) and may be personally served with a copy of this Petition and Rule Nisi at \_\_\_\_\_.

Respondent is not a resident of [County] County. Respondent lives in \_\_\_\_\_ County, Georgia and shall be served with a copy of this Petition and Rule Nisi by second original.

Respondent is subject to the jurisdiction of this Court pursuant to the Georgia Domestic Relations Long Arm Statute (where Respondent is a non-resident of Georgia and you are seeking a contempt action against the opposing party 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) and may be personally served with a copy of this Petition and Rule Nisi as \_\_\_\_\_ by second original.

3. In the Order, Respondent was ordered: (check all that apply)

to pay to Petitioner the amount of \$ \_\_\_\_\_ per \_\_\_\_\_ per child in child support, and owes \$ \_\_\_\_\_ to Petitioner as of the date of the filing of this Petition.

to allow Petitioner to visit with the minor child(ren) but has refused to do so.

to give Petitioner the following possessions but has refused to do so:

\_\_\_\_\_  
\_\_\_\_\_.

4. Respondent was able to do what the Court ordered. Respondent's refusal to do so is willful.
5. Respondent should be held in contempt of this Court's Order and confined to the common jail of [County] County until he/she purges him/herself of said contempt.
6. Respondent should be ordered to reimburse Petitioner for payment of filing this action and cost of service.

WHEREFORE, Petitioner demands:

- 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 filing and serving this action;
- f. That Petitioner be awarded any other relief this Court finds right and proper.

This the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
(date) (month) (year)

\_\_\_\_\_  
(Sign your name here in front of the Notary) Pro Se  
Petitioner's name (print or type) \_\_\_\_\_  
Petitioner's address: \_\_\_\_\_  
\_\_\_\_\_  
Petitioner's telephone number: \_\_\_\_\_

IN THE SUPERIOR COURT OF CHATHAM COUNTY  
STATE OF GEORGIA

Petitioner: \_\_\_\_\_

and

Civil Action File No: \_\_\_\_\_

Respondent: \_\_\_\_\_

**VERIFICATION**

I, \_\_\_\_\_, personally appeared before the undersigned Notary Public, and say under oath that I am the Petitioner in the above-styled action and that the facts stated in the Petition for Citation of Contempt are true and correct.

This the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
(date) (month) (year)

\_\_\_\_\_  
(Sign your name here in front of the Notary) Pro Se

Petitioner's name (print or type) \_\_\_\_\_

Petitioner's address: \_\_\_\_\_

Petitioner's telephone number: \_\_\_\_\_

Sworn to and affirmed before me, this  
\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:

(Notary Seal)



IN THE SUPERIOR COURT OF CHATHAM COUNTY  
STATE OF GEORGIA

Petitioner: \_\_\_\_\_

and

Civil Action File No: \_\_\_\_\_

Respondent: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

This certifies that on \_\_\_\_\_ I sent copies of the following documents: \_\_\_\_\_

\_\_\_\_\_ to the opposing party by, return receipt requested. They were addressed as follows:

Dated: \_\_\_\_\_

\_\_\_\_\_  
 Petitioner    Respondent          Pro Se

Name (print or type) \_\_\_\_\_

Address: \_\_\_\_\_

Telephone number: \_\_\_\_\_

# RESPONSE TO PETITION FOR CONTEMPT

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 RESPONSE TO A PETITION FOR CITATION OF CONTEMPT

**You would use this packet if you have been served with a Petition for Citation of Contempt. You have 30 days from the date you received the Petition to respond to the allegations contained in the Petition. Even if the allegations are not true, if you do not respond to the Petition within 30 days, you may be fined up to \$500 per citation (order disobeyed) or 20 days in jail. The judge could also order you to pay back the support or alimony you owe, give the other party more visitation or anything else that the judge thinks is proper under the situation. Because of the possible penalties involved, you should probably seek the advice of an attorney.**

- **STEP 1:** Fill out the Response to Petition for Citation of Contempt.
- **STEP 2:** Fill out the Verification form to go with the Response.
- **STEP 3:** Fill out the Certificate of Service form.
- **STEP 4:** Make three (3) copies of the completed form.
- **STEP 5:** File the original and have the clerk stamp the copies.
- **STEP 6:** Send a copy of the forms to the Petitioner.
- **STEP 7:** Come to court on the date of the hearing as indicated in the Rule Nisi form you received from the Petitioner.

### HERE ARE DETAILED INSTRUCTION HOW TO FILL OUT THE FORMS:

- Step 1: The Response to Petition for Citation of Contempt: In order to fill out the form you will need a copy of the Petition.
- A. You are the Respondent. Fill in your full name on the line next to "Respondent", and on the line after "NOW COMES".
  - B. The Petitioner is the person who filed the Petition for Contempt. Fill in that person's full name on the line after "Petitioner".
  - C. Fill in the Civil Action File Number with the same Civil Action File Number that is on the Petition.

D. In Paragraph 1:

- a. Check the first box if the allegations in paragraph 1 of the Petition are correct.
- b. If any of the information in Paragraph 1 of the Petition is not correct, then check the second box and explain what was wrong. For example, if a judge did not sign an order as alleged, then say that. Or, if the date of the order was not correct, then write in the correct date the order was signed. You should type or print neatly your explanation. Fill in the case number from that case.
- c. If you agree with some of the information in paragraph 1, but not all of it, then check both the second and third boxes and explain what you disagree with as instructed above.

E. In paragraph 2:

- a. Check the first box if you:
  - i. Were given a copy of the Petition in person AND
  - ii. You live in the county the Petition was filed, and that county was the county where the original Order was entered.
- b. Otherwise check the second box.

F. In Paragraph 3:

- a. Check the first box if you agree with the allegations in paragraph 3 of the Petition.
- b. Check the second box if you do not agree and explain why you disagree in the space provided.

G. In Paragraph 4:

- a. Check the first box if you obeyed the Order.
- b. Check the second box if you were able to do what the Court ordered but did not do it. Explain why you did not obey the order in the space provided.
- c. Check the third box if you were unable to do what the Court ordered and explain in the space provided.

H. 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 you print clearly.

Step 2: The Verification, tells the Court that you swear, under oath, that what you wrote or put in the Response is true and correct.

A. Print or type the full name of the person who filed the Petition next to the word "Petitioner".

B. Print or type your full name of the person disobeying the order next to the word "Respondent".

- C. Next to the number “1”, print or type your name.
- D. Where it says: “This \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.”, fill in the date, month and year.
- E. Next to number 2, 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.** You can find a Notary Public at banks and the post office.

Step 3: The Certificate of Service, tells the Court that you sent a copy of the Response and Verification to the Petitioner. A copy of everything that you file in this case should be sent to the Petitioner, and a copy of everything that the Petitioner files should be sent to you.

- A. Fill in the name of the person who files the Petition as Petitioner and your name as the Respondent.
- B. Next to number 1 print or type the name of each document that you will be sending the Petitioner.
- C. Next to number 2 print or type the date you will be sending the Petitioner a copy of the documents.
- D. Next to number 3 print or type the Petitioner’s name and address where you will be sending the copies of these documents.
- E. Next to number 4 sign your name and then print or type your name, address and telephone number.

Step 4: Make three (3) copies of the completed forms.

Step 5: Take the forms to the Clerk’s office to file them. Have the clerk stamp the copies.

Step 6: Mail the Petitioner one copy of the completed forms to the address you filled out in the Certificate of Service.

Step 7: Come to Court on the date and time as indicated on the Rule Nisi form for your hearing. You should go to the courtroom indicated on the Rule Nisi form.

**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 form
- Rule Nisi

5. Make three (3) copies of the whole package.
6. Take the package to the Clerk's Office to file it. Have the clerk fill in the case number and Rule Nisi form for all three copies. Make sure that you tell the clerk that you need a hearing date for your Rule Nisi form.
7. Take one copy of the package to the Sheriff's office so that the Sheriff can serve it on the opposing party.
8. Come to court on the date and time as indicated on the Rule Nisi form for your hearing. You should go to the courtroom indicated on the Rule Nisi form.

IN THE SUPERIOR COURT OF CHATHAM COUNTY  
STATE OF GEORGIA

Petitioner: \_\_\_\_\_

and

Civil Action File No: \_\_\_\_\_

Respondent: \_\_\_\_\_

**RESPONSE TO PETITION FOR CITATION OF CONTEMPT**

NOW COMES \_\_\_\_\_ (your full name), Respondent in the above-styled action, and files this Response to Petition for Citation of Contempt and shows the court as follows:

1. Check the box that applies:

- Respondent agrees that the information contained in paragraph 1 of the Petition for Citation of Contempt is correct.
- Respondent disagrees with paragraph 1 of the Petition for Citation of Contempt as follows: \_\_\_\_\_
- Respondent agrees with all other allegations of paragraph 1 of the Petition for Citation of Contempt.

2. Check the box that applies:

- Respondent is subject to the jurisdiction of this Court.
- Respondent is not subject to the jurisdiction of this Court.

3. Check the box that applies:

- Respondent agrees that he/she was ordered to do what was described in paragraph 3 of the Petition for Citation of Contempt.
- Respondent disagrees with paragraph 3 of the Petition for Citation of Contempt as follows: \_\_\_\_\_

4. Check the box that applies:

- Respondent did what was Court ordered.
- Respondent was able to do what the Court ordered, but did not obey the Order because: \_\_\_\_\_  
\_\_\_\_\_
- Respondent was unable to do what the Court ordered because: \_\_\_\_\_

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WHEREFORE, Respondent demands:

- g. That Respondent not be held in contempt; and
- h. That Respondent be awarded any other relief this Court finds right and proper.

This the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
(date) (month) (year)

\_\_\_\_\_  
(Sign your name here in front of the Notary) Pro Se

Respondent's name (print/type) \_\_\_\_\_

Respondent's address: \_\_\_\_\_

\_\_\_\_\_  
Respondent's telephone number: \_\_\_\_\_



IN THE SUPERIOR COURT OF CHATHAM COUNTY  
STATE OF GEORGIA

Petitioner: \_\_\_\_\_

and

Civil Action File No: \_\_\_\_\_

Respondent: \_\_\_\_\_

**VERIFICATION**

I, \_\_\_\_\_, personally appeared before the undersigned Notary Public, and say under oath that I am the Respondent in the above-styled action and that the facts stated in the Response to Citation of Contempt are true and correct.

This the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
(date) (month) (year)

\_\_\_\_\_  
(Sign your name here in front of the Notary) Pro Se  
Petitioner's name (print or type) \_\_\_\_\_  
Petitioner's address: \_\_\_\_\_

\_\_\_\_\_  
Petitioner's telephone number: \_\_\_\_\_

Sworn to and affirmed before me, this  
\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires:  
(Notary Seal)