

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

This packet contains three forms that must be used to request an order for party to appear and show cause why he/she should not be held in contempt for violating a Court order. The forms enclosed are (A) “MOTION FOR CONTEMPT, AFFIDAVIT, AND INSTRUCTIONS FOR SERVICE”, (B) “SHOW CAUSE ORDER AND NOTICE” 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, AFFIDAVIT, AND INSTRUCTIONS FOR SERVICE (Fill out the form completely and entirely)

1. Header & Case Caption:

- a. If you are filing in the Juvenile Court of Holmes County, you will use “Juvenile” Division and “Holmes” County. Please fill in the blank spaces at the top of the Complaint.
 - b. IN THE MATTER OF: is the minor child’s name.
 - c. Plaintiff/Petitioner 1: **Must be the same as the existing case caption.**
 - d. Case No.: current case number.
 - e. The current Judge and Magistrate presiding are Judge Thomas C. Lee and Magistrate Julie Dreher.
 - f. Defendant/Petitioner 2/Respondent: **Must be the same as the exiting case caption.**
2. If you do not know the existing Case No. the clerk will assist you with this information.
 3. Fill in your name, as the Movant, and the name of whom you are filing contempt on.
 4. For Nos. 1, 2, 3, 4 and 5, check all that apply.
 5. On page 3, indicate the check box beside the item(s) that apply.
 6. You must include your signature, name, address, and phone # at the end of the motion.
 7. OATH OR AFFIRMATION section **must be signed in front 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.

8. INSTRUCTIONS TO THE CLERK section you will need to indicate who the document(s) should be served to. You must have a valid address for the party in order to obtain proper service of your Motion. The case cannot proceed until proper service has been made.
 - a. If you don't know their home address, you may use their work address.
 - b. If you have made every effort to locate an address and are unsuccessful, write "unknown" in the address field. A separate "Unknown Address Affidavit" pursuant to the Court's Local Rule (available in the clerk's office or on the Court's website) regarding the unknown address must be filed along with the Motion.

You must sign your name on the instructions form.

B. SHOW CAUSE ORDER AND NOTICE

1. Fill out the Header & Case Caption (see detailed instructions in section A).
2. Indicate the name of the party you are filing contempt on.
3. The Court will complete Page 2.

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 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: HEARING

- The case will be set for a hearing, usually 2-3 weeks from the time of filing, depending on what the Court docket allows.

IN THE COURT OF COMMON PLEAS

DIVISION

COUNTY, OHIO

IN THE MATTER OF:

A Minor

Name

Case No. _____

Street Address

Judge _____

City, State and Zip Code

Magistrate _____

Plaintiff/Petitioner 1

vs./and

Name

Street Address

City, State and Zip Code

Defendant/Petitioner 2/Respondent

WARNING: This form is not a substitute for the benefit of the advice of legal counsel. It is highly recommended that you consult an attorney.

Instructions: This form is used to request the enforcement of a Court order and hold the other party in contempt for violating the Court order. A proposed Show Cause Order and Notice (Uniform Domestic Relations Form 25/Uniform Juvenile Form 4) must be filed with this Motion. The Court may require additional forms to accompany this document. You must check the requirements of the county in which you file. **YOU MUST UPDATE THE CLERK OF COURTS IF ANY OF THE ABOVE CONTACT INFORMATION CHANGES.**

MOTION FOR CONTEMPT, AFFIDAVIT, AND INSTRUCTIONS FOR SERVICE

Now comes _____ (name), the Movant, and requests an order for _____ (other party's name) to appear and show cause why he/she should not be held in contempt for violating a Court order regarding the following: *(check all that apply)*

1. Interference with parenting time or other parenting orders filed on _____ (date), as follows: _____

2. Failure to pay child support as required by the order filed on _____ (date). The total arrearage owed is \$ _____ as reflected in the attached printout from the County Child Support Enforcement Agency.

3. Failure to pay spousal support as required by the order filed on _____ (date). The total arrearage owed is \$ _____ as reflected in the attached printout from the County Child Support Enforcement Agency, if spousal support is paid through the agency.

4. Failure to pay or reimburse health care expenses incurred for the minor child(ren) as required by the order filed on _____ (date). The total amount owed is \$ _____ as reflected in the attached Explanation of Health Care Bills (Uniform Domestic Relations Form 29/Uniform Juvenile Form 8).

5. Failure to comply with the Court's order(s) filed on _____ (date) regarding: *(check all that apply)*
 - Transfer of real estate, as follows: _____

 - Payment of debt, as follows: _____

 - Refinance of debt, as follows: _____

 - Distribution of personal property, as follows: _____

 - Other: *(specify)* _____

Movant requests that the Court order the following: *(check all that apply)*

- Finding _____ (other party's name) in contempt of Court;
- Assessing reasonable attorney fees;
- Assessing Court costs of the proceedings;
and any further relief deemed proper.

Attorney or Self Represented Party Signature

Printed Name

Address

City, State, Zip

Phone Number

Fax Number

E-mail

Supreme Court Reg No. (if any)

OATH OR AFFIRMATION

(Do not sign until Notary Public is present)

I, _____ (name), swear or affirm that I have read this document and, to the best of my knowledge and belief, the facts and information stated in this document are true, accurate and complete. I understand that if I do not tell the truth, I may be subject to penalties for perjury.

Signature

STATE OF _____)
) **SS**
COUNTY OF _____)

Sworn to or affirmed before me by _____ this _____ day of _____,
_____.

Signature of Notary Public

Printed Name of Notary Public

Commission Expiration Date: _____

(Affix seal here)

INSTRUCTIONS TO THE CLERK

To the Clerk of Courts:

Please serve the Motion for Contempt, Affidavit, Show Cause Order and Notice and Instructions to the Clerk on the following party as I have indicated below:

_____ Plaintiff/Defendant/Petitioner/Respondent/Other Party by:

- Certified Mail, Return Receipt Requested
- Issuance to Sheriff of _____ County, Ohio for Personal or Residence service
- Other: (*specify*) _____

Signature

IN THE COURT OF COMMON PLEAS

**DIVISION
COUNTY, OHIO**

IN THE MATTER OF:

A Minor

Name

Case No. _____

Street Address

Judge _____

City, State and Zip Code

Magistrate _____

Plaintiff/Petitioner 1

vs./and

Name

Street Address

City, State and Zip Code

Defendant/Petitioner 2/Respondent

Instructions: This form is used to bring the other party to Court to defend his/her failure to follow the Court order. A Motion for Contempt, Affidavit, and Instructions for Service (Uniform Domestic Relations Form 24/Uniform Juvenile Form 3) must be filed with this order.

SHOW CAUSE ORDER AND NOTICE

TO: _____
PLAINTIFF/DEFENDANT/PETITIONER/RESPONDENT/OTHER PARTY

You are hereby ORDERED to appear and show cause why you should not be held in contempt for failure to obey the Court order as described in the Motion for Contempt.

NOTICE OF HEARING
(The Court will complete this part.)

You are ORDERED to appear in the _____ County Common Pleas Court
_____ Division, in Courtroom _____ located at _____
_____ on _____ at _____ o'clock and show cause why you should
not be held in contempt of this Court.

NOTICE

1. Failure to appear as ordered may result in the issuance of a bench warrant for an immediate arrest.
2. Failure to appear may result in an immediate income withholding or deduction.
3. You have the right to be represented by an attorney.
4. If you cannot afford an attorney, you must apply for a public defender or appointed counsel, as appropriate, within three business days after receipt of this show cause order.
5. A continuance may not be granted to obtain counsel if you have made no good faith effort to secure one.
6. If found guilty, you may be sentenced as follows:
 - a. First offense – a fine of not more than \$250.00 and/or a definite term of imprisonment of not more than thirty (30) days in jail or both.
 - b. Second offense – a fine of not more than \$500.00 and/or a definite term of imprisonment of not more than sixty (60) days in jail or both.
 - c. Third offense – a fine of not more than \$1,000.00 and/or a definite term of imprisonment of not more than ninety (90) days in jail or both.
7. The Court may grant you limited driving privileges under R.C. 4510.021 if your driver's license was suspended based on a notice issued by a child support enforcement agency because you are in default under a child support order or you have failed to comply with a subpoena or warrant issued by a court or agency with respect to a proceeding to enforce a child support order. You must request limited driving privileges and your request must be accompanied by a recent copy of your driver's abstract driving record from the registrar of motor vehicles.

JUDGE/MAGISTRATE

The Court of Common Pleas

JUVENILE DIVISION
HOLMES COUNTY, OHIO

In the Matter of:

Case No. _____

(Child's Name)

JUDGE THOMAS C. LEE

MAGISTRATE JULIE DREHER

Plaintiff

vs

Defendant

SUPPLEMENTAL INFORMATION FORM

(to be provided in all custody, visitation and child support cases)

Name of filing party:

(your name)

Social Security Number of filing party:

(your ssn)

NOTE:

Your social security number will be kept separate from case documents. However, your social security number may be used in future collection efforts if you fail to pay costs as ordered in this case.