

## CONTEMPT PACKET FOR FAMILY LAW CASES

Free to download; \$3.50 for paper copy.

Contempt of court is a ruling by a judge that a person is intentionally failing to obey 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 attorneys fees.

You may use this packet 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 obtained health insurance or paid you back for medical expenses as ordered; or
- The other party has not performed other acts as ordered.

If any of the following statements is true, you are strongly encouraged to seek the advice of an attorney:

- The contempt involves custody or visitation and the other party no longer lives in Georgia; or
- I cannot find the other party;
- The court order I want to enforce was made by a judge in another state.

**IF THERE IS ANY QUESTION in your mind concerning these forms, the use of these forms, or your legal rights, it is strongly recommended that the services of an attorney be obtained. If you do not know an attorney, you may find one by searching**

[http://www.gabar.org/directories/member\\_directory\\_search/](http://www.gabar.org/directories/member_directory_search/).

**DUE TO THE CHANGING NATURE OF THE LAW**, the forms and information contained in these packets may become outdated. Therefore, you should review and research statutes and rules of procedure referenced in the instructions to ensure that the forms are accurate and current.

**IN NO EVENT** will the Office of the Court Administrator, Clerk of Court, the Law Librarian or anyone contributing to the production of these forms, commentary, instructions, and appendices be liable for any indirect or consequential damages resulting from the use of this packet.

USE THESE FORMS AT YOUR OWN RISK. THESE FORMS MAY OR MAY NOT BE APPROPRIATE IN YOUR PARTICULAR CASE. ANY DESIRED OUTCOME FROM THE USE OF THESE FORMS CANNOT BE PREDICTED OR GUARANTEED.

**IT IS STRONGLY RECOMMENDED THAT YOU SEEK LEGAL ADVICE.**

**IF YOU CHOOSE TO USE THIS PACKET, BE SURE TO FOLLOW THE INSTRUCTIONS THAT WE HAVE PROVIDED.**



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: \_\_\_\_\_

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- (g) That Petitioner be awarded any other relief this Court finds right and proper.

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

Respectfully submitted,

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Plaintiff *pro se*

[Sign Here—No Notary is needed for this signature]

Petitioner's Name (print or type): \_\_\_\_\_

Petitioner's Address: \_\_\_\_\_

Petitioner's Telephone Number(s): \_\_\_\_\_

IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

\_\_\_\_\_,  
Petitioner,  
v.  
\_\_\_\_\_,  
Respondent  
)  
)  
)  
)  
) Civil Action File No. \_\_\_\_\_  
)  
)  
)  
)  
)

**VERIFICATION**

Personally appeared before me the undersigned who on oath states that the facts set forth in this Petition are true and correct to the best of her knowledge and belief.

\_\_\_\_\_,  
Plaintiff *pro se*  
[Sign in front of a Notary Public]

Sworn and subscribed before me  
This \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public, State of Georgia

My Commission Expires \_\_\_\_\_.





**IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA**

\_\_\_\_\_, )  
Petitioner, )  
v. ) Civil Action No. \_\_\_\_\_  
\_\_\_\_\_, )  
Respondent. )

**FINAL ORDER ON PETITION FOR CONTEMPT**

This action came before the Court on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
The Plaintiff appeared *Pro Se*.

- The Respondent also appeared.
- The Respondent did not appear.

The Court heard evidence and considered the matter. It is hereby ordered and adjudged that:

1.

The Court finds that the Defendant is in  willful/  non-willful contempt of this Court's Order, dated the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. Specifically, the Respondent is in contempt as follows:

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The Court finds that the Respondent is NOT in willful contempt of this court's order, dated the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

2.

The Court finds the Defendant is in willful contempt. The Court further finds that the Defendant owes the sum of \$\_\_\_\_\_ for \_\_\_\_\_ (alimony, child-support, property division, medical expenses, etc.). The Defendant shall be incarcerated in the common jail of \_\_\_\_\_ County for his/her failure to pay the aforementioned amount. The incarceration is stayed, and the Defendant shall have until the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ to pay the amount of \$\_\_\_\_\_. The monies shall be paid directly to the Sheriff of \_\_\_\_\_ County. The Sheriff shall release any and all sums collected to \_\_\_\_\_

upon the showing of proper identification. If the Defendant fails to pay the money due, s/he shall be incarcerated until such time as the money is paid or released by appropriate court order.

3.

The Defendant's future wages shall be  garnished /  subjected to an income deduction order.

Decree and order entered this \_\_\_\_ day of \_\_\_\_\_, 200\_.

\_\_\_\_\_  
Judge, \_\_\_\_\_ County Superior Court

**IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA**

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

**INCOME DEDUCTION ORDER**

The above-styled matter was heard by the court on \_\_\_\_\_, 20\_\_\_. The \_\_\_\_\_ was properly served and present and represented by counsel. This court having entered an order requiring the \_\_\_\_\_ to pay \_\_\_\_\_ (alimony, child support, medical expenses, property division, etc.) to the \_\_\_\_\_, this Income Deduction Order is entered pursuant to O.C.G.A. § 19-6-32(a.1)(1).

- Defendant shall pay \$ \_\_\_\_\_  weekly  bi-weekly  semi-monthly  monthly with the next payment due on \_\_\_\_\_, 20\_\_.
- Defendant shall pay \$ \_\_\_\_\_  weekly  bi-weekly  semi-monthly  monthly with the next payment due on \_\_\_\_\_, 20\_\_.
- The total amount to be withheld is \$ \_\_\_\_\_  weekly  bi-weekly  semi-monthly  monthly. This amount shall be made payable to \_\_\_\_\_ and forwarded within two (2) business days of each payment date. Payments shall be made by cash, cashier's check, or money order, personally or by mailing it to: \_\_\_\_\_.

The maximum amount to be deducted shall not exceed the amounts allowed under § 303(b) of the Consumer Credit Protection Act, 15 U. S. C. § 1673(b), as amended. This order applies to current and subsequent employers and periods of employment, and may only be contested on the grounds of mistake of fact regarding the amount of support owed pursuant to a support order, the arrearage, or the identity of the obligor. The obligor shall notify the \_\_\_\_\_ within seven (7) days of any change of address,

employer or employer's address. A copy of this order shall be served on the obligor and the employer.

[ ] Other: \_\_\_\_\_

**SO ORDERED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Judge, \_\_\_\_\_ County Superior Court

\_\_\_\_\_  
Date

I received a copy of this order:

\_\_\_\_\_  
Presented by: \_\_\_\_\_,  
Plaintiff *pro se*

Notice To Employer Re Income Deduction Order

TO EMPLOYER: \_\_\_\_\_

RE: \_\_\_\_\_

DATE: \_\_\_\_\_

Attached you will find an Income Deduction Order. Please read this order carefully and follow the instructions as written. If you have any questions you should contact your attorney.

Employers are required by law to deduct from income due and payable an employee the amount designated by the court to meet support obligations. Income includes wages, salary, bonuses, commissions, compensation as an independent contractor, workers' compensation, disability benefits, annuities and retirement benefits, pensions, dividends, royalties, or any other payment to an employee. **FAILURE TO DEDUCT THE AMOUNT DESIGNATED BY THE COURT MAKES THE EMPLOYER LIABLE FOR THE AMOUNT THAT SHOULD HAVE BEEN DEDUCTED, PLUS COSTS, INTEREST AND REASONABLE ATTORNEYS' FEES.**

Payments must begin no later than the first pay period after fourteen (14) days following the postmark of the notice. You are required to forward to the person or entity specified in the Income Deduction Order within two (2) days after each payment date the amount deducted from the employee's income and a statement as to whether the amount forwarded totally or partially satisfies the periodic amount specified in the Income Deduction Order.

This deduction has priority over all other legal processes under Georgia law pertaining to the same income and the payment required by the Income Deduction Order. It is a complete defense against any claims of the employee or the employee's creditors as to the sum paid.

Employers must continue to deduct the child support amount and send it to the person or entity specified in the Income Deduction Order until further notice by the Court or until the income is no longer provided to the employee. In the event the income is no longer provided, the employer is required to notify the person or entity specified in the Income Deduction Order immediately of such and to give the employee's last known address and to provide a name and address of any new employer of this employee if known. **FAILURE TO DO THIS WILL RESULT IN A CIVIL PENALTY BEING IMPOSED, NOT TO EXCEED \$250.00 FOR THE FIRST VIOLATION OR \$500.00 FOR A SUBSEQUENT VIOLATION.**

Employers may not discharge an employee by reason of the entry of an Income Deduction Order. If an employee is discharged because of this reason, **A FINE OF NOT MORE THAN \$250.00 FOR THE FIRST VIOLATION AND \$500.00 FOR A SUBSEQUENT VIOLATION WILL BE IMPOSED AGAINST THE EMPLOYER.**

Employers should contact their attorney if more than one Income Deduction Order is received against the same employee.

Employers may send a single payment if multiple employees have Income Deduction Orders to pay to the same depository provided the amount attributed to each employee is identified.

An employer may collect up to \$25.00 against the employee's income to reimburse for the administrative costs of the first income deduction and up to \$3.00 for each subsequent income deduction.