

GENERAL CONTEMPT  
FAIRFIELD COUNTY COMMON PLEAS COURT

INSTRUCTIONS

Attached is a form motion requesting that the other parent of your child(ren) be held in contempt of Court for disobeying a court order. These instructions are intended to be a general guide to help you get the forms filled out, filed with the Court, and served on the opposing party, and to get your request properly before the Judge. These instructions are not intended to be a legal analysis of your request, nor are they intended to be a legal representation that you will or should win your motion. These instructions are merely to assist you in preparing and presenting your request to the Court. **YOU MUST READ AND FOLLOW THESE INSTRUCTIONS CAREFULLY.**

A. FILLING OUT THE FORMS

1. You should fill out all of the forms before you go to the Courthouse to file them. Other than telling you the proper case number, the Clerk of Courts' staff will not help you complete the forms. You should print neatly in blue or black ink, or type. The Judge must be able to read what you write.
2. At the top of the Motion for Contempt, you need to fill in the names of the Plaintiff/Petitioner and Defendant/Respondent, and the addresses, Social Security numbers (don't worry if you don't have the opposing party's Social Security number), and dates of birth for yourself and the other person. Also, fill in the case number. (You can find out the case number, as well as which of you is the Plaintiff/Petitioner and which of you is the Defendant/Respondent from the Divorce or Dissolution Decree or other court papers filed in the case.) If you do not have such papers, you can get this information from the Clerk of Courts office at the Courthouse. Leave the line after "JUDGE" blank.
3. In the first paragraph of the Motion for Contempt, put the name of the other parent in the first blank. After this paragraph are blank lines on which you can list your reason(s) for wanting the other parent to be held in contempt of Court. First, you should state which judgment entry, order or decree contains the order the other parent violated. You can do this by giving the date the judgment entry, order, or decree was file-stamped, or you can just attach a copy of it to the motion. You need to be very specific when writing the reason(s). You must write down what specifically the other parent did or did not do that you believe violated that court order. You do not have to go into all of the details; however, both the Judge and the other parent must be able to know from reading your motion why you want him or her held in contempt of Court.

4. At the end of the Motion for Contempt are four blank lines. You should sign your name on the first line (above the word “Movant”) and print or type your name, address and phone number on the other lines. **YOU MUST SIGN THE MOTION IN THE PRESENCE OF A NOTARY PUBLIC.** If you do not know anyone who is a Notary Public, you might be able to find one at a bank, a realtor’s office, or insurance company. Otherwise, check the yellow pages.
5. Under the words Instructions for Service, print the other parent’s name in the first blank and the street address, city, state, and zip code in the following blanks. **You must have a valid address for the other parent so that the Clerk’s Office is able to mail the Motion for Contempt to him/her.** (You can also use his or her work address.) If you do not have a valid address, there is no point in filing the motion. The Court has no authority to grant a Motion for Contempt unless the other parent has been served properly with a copy of the motion and has been given the opportunity to be heard on the motion. Sign your name on the blank line labeled “Movant.”
6. Fill in the names of Plaintiff/Petitioner and Defendant/Respondent and the Case Number at the top of the page on the Order to Appear and Show Cause. Place your name in the first blank. Put the name of the other parent in the second blank line in the first paragraph. Place the other party’s name in the first blank of the second paragraph. Leave the rest of the form blank. Do not sign the Magistrate’s/Judge’s name.
7. Fill in the name of the Plaintiff/Petitioner and Defendant/Respondent and the case number on the Summons in Contempt. On the line immediately after the word “TO:”, fill in the name of the other parent. Fill in your name and address on the long line. Leave the Return of Service blank.
8. Fill out the Affidavit of Indigency if you do not have the income to pay a deposit on court costs for the filing of your Motion for Contempt. (To find out the amount of the deposit, you should call the Fairfield County Clerk of Courts office at (740) 687-7030.) Fill in the names of the Plaintiff/Petitioner and the Defendant/Respondent and the Case Number at the top of the form. **YOU MUST SIGN THE AFFIDAVIT OF INDIGENCY IN THE PRESENCE OF A NOTARY PUBLIC.**
9. On the form marked Entry, fill out only the names of the parties and the case number. Leave the rest of the form blank.
10. Fill in the names of the Plaintiff/Petitioner and the Defendant/Respondent and the Case Number on the Notice of Hearing. (The Domestic Assignment Commissioner will fill in the date and time of the hearing and have a copy mailed to both you and the other parent.)
11. If income will be an issue, you need to fill out the Financial Affidavit to the best of your knowledge. If any of the information you provide is estimated, you should say it is an

estimate. You will need to sign the Financial Affidavit in front of a notary public. You should also be prepared to bring a copy of last year's tax return, including all W-2's and schedules, as well as a copy of your current pay stub or wage statement with a year-to-date figure, to Court with you for verification of your income.

12. Make two (2) additional copies of each form you have filled out, including any attachments such as a copy of the judgment entry, order, or decree violated.

## B. FILING THE MOTION FOR CONTEMPT

1. After the forms are filled out and copied, go to the Clerk of Courts office in the Fairfield County Hall of Justice, 224 E. Main Street, Lancaster, Ohio 43130.
2. Give the clerk the original and all the copies of the motion and the other papers. The clerk will time-stamp the Motion for Contempt, Financial Affidavit and the Affidavit of Indigency and keep the original documents for the court file and one copy of each document to serve on the other parent. You should receive back one time-stamped copy of each document for your records. The clerk will keep the Summons in Contempt and the Order to Appear and Show Cause. If the Judge signs the Entry, you will receive a copy back.
3. The Court will send you and the other parent a notice indicating the date and time of the hearing on your motion, if it is not indicated on the Order to Appear and Show Cause.

## C. PREPARATION FOR THE HEARING

1. You must be prepared for the hearing. You should dress as you would for a job interview and have any witnesses present that you wish to use to support your request. You should also have with you any receipts, papers, or other physical evidence that you want the Judge to see.
2. You should bring with you the specific part of the Court's order (which may be in your divorce or dissolution decree) that the other parent has violated. You need to have this with you so you can explain to the Court how the other parent has violated this order. You will probably testify first and you should be prepared to tell the Judge (or Magistrate) all the things the other parent has done to violate the court order. This is the only opportunity that you will have to present the facts, so make sure that you include everything. It is helpful if you write down an outline of what the other parent has done that you believe violates the order before the day of your hearing so you have something to remind yourself of what to say when you testify. You should also write down before the hearing the questions you plan to ask your witnesses.

3. **VERY IMPORTANT!!! THIS IS NOT THE TIME TO TELL THE JUDGE EVERYTHING THAT THE OTHER PARENT HAS DONE THAT YOU DISAGREE WITH, OR THAT HAS HURT OR ANGERED YOU. THE JUDGE WILL ONLY WANT TO HEAR THE EVIDENCE YOU HAVE THAT SHOWS THE VIOLATION(S) OF THE ORDER THAT YOU HAVE LISTED IN YOUR MOTION. IF YOU DID NOT INCLUDE COMPLAINTS THAT YOU HAVE AGAINST THE OTHER PARENT IN YOUR WRITTEN MOTION, THE JUDGE (OR MAGISTRATE) PROBABLY WILL NOT HEAR YOUR TESTIMONY ON THESE POINTS. For example, if you mentioned in your written motion only that the other parent has failed to return property to you that s/he was ordered to return to you in the divorce decree, and you try to tell the Judge (or Magistrate) that s/he is also denying or interfering with visitation rights, the Judge (or Magistrate) will not hear it. So be prepared to limit your testimony to the matters raised in your written motion.**
4. At your hearing, you may be asked questions by the Judge, the other parent, or his/her attorney. Before answering each question, listen carefully to it. Be sure you provide the information that you are asked. If you do not understand the question, ask to have the question explained to you before answering. You have the right to have the questions explained. Never answer a question you do not understand.
5. Please note: because you are asking the Court to punish the other person for disobeying a court order, s/he is entitled to a court-appointed attorney if s/he is indigent and cannot afford to hire an attorney. You, however, are not entitled to a court-appointed attorney to represent you on your Motion. The reason for this is that the other parent might go to jail, and you will not.
6. The judge is likely to make a decision while you are in Court. If the Judge does not make a decision while you are in Court, you eventually will receive a copy of the decision by mail. If you are dissatisfied with the decision, you have certain appeal rights which are not discussed here, as well as the right to file objections if the decision was made by a Magistrate. You should contact a private attorney IMMEDIATELY upon receiving the decision if you want to pursue these rights since you must do so within a very short time.

GOOD LUCK!!

IN THE COURT OF COMMON PLEAS  
FAIRFIELD COUNTY, OHIO  
DOMESTIC RELATIONS DIVISION

\_\_\_\_\_

\*

\_\_\_\_\_

\*

\_\_\_\_\_

\*

SSN# \_\_\_\_\_

\*

DOB \_\_\_\_\_,

\*

Plaintiff/Petitioner,

\*

CASE NO. \_\_\_\_\_

vs.

\*

JUDGE \_\_\_\_\_

\_\_\_\_\_

\*

\_\_\_\_\_

\*

\_\_\_\_\_

\*

SSN# \_\_\_\_\_

\*

DOB \_\_\_\_\_,

\*

Defendant/Respondent.

\*

MOTION FOR CONTEMPT

STATE OF OHIO,

SS:

COUNTY OF FAIRFIELD,

Now comes Movant and moves this honorable Court to hold \_\_\_\_\_

in contempt of this Court for disobeying an order previously granted by this Court. The factual

basis for this request is: \_\_\_\_\_

\_\_\_\_\_

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I would like a hearing before this Court to prove these facts to be true. I swear or affirm that the foregoing facts are true to the best of my knowledge or belief.

Respectfully submitted,

\_\_\_\_\_  
MOVANT'S SIGNATURE

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SWORN TO AND SUBSCRIBED BEFORE ME, a Notary Public, this \_\_\_\_\_ day of

\_\_\_\_\_, \_\_\_\_\_.

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

INSTRUCTIONS FOR SERVICE

TO THE CLERK:

Please serve a copy of the foregoing Motion, the Summons, the Order to Appear, and all ancillary papers upon \_\_\_\_\_ by certified mail, return receipt requested at the following address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
MOVANT

IN THE COURT OF COMMON PLEAS  
FAIRFIELD COUNTY, OHIO  
DOMESTIC RELATIONS DIVISION

\_\_\_\_\_, \*  
Plaintiff/Petitioner, \* CASE NO. \_\_\_\_\_  
vs. \*  
\_\_\_\_\_, \*  
Defendant/Respondent. \* ORDER TO APPEAR  
AND SHOW CAUSE

This case comes before this Court on a Motion filed by \_\_\_\_\_,  
requesting an Order finding \_\_\_\_\_ in contempt of this Court for  
failing to comply with this Court's prior order(s).

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that  
\_\_\_\_\_ appear personally before this Court in the Hall of  
Justice, 224 E. Main Street, Lancaster, Ohio on the \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_ at \_\_\_\_\_m. to show cause why s/he should not be punished for failure to comply with  
the prior order of this Court.

\_\_\_\_\_  
MAGISTRATE/JUDGE

IN THE COURT OF COMMON PLEAS FAIRFIELD COUNTY, OHIO

\_\_\_\_\_  
PLAINTIFF/PETITIONER

Case No. \_\_\_\_\_

-VS-

Judge: \_\_\_\_\_

\_\_\_\_\_  
DEFENDANT/RESPONDENT

**SUMMONS IN CONTEMPT**

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

A written charge of CONTEMPT has been filed against you in this court by: (State the name and address of movant.)

\_\_\_\_\_

A copy of the Order to Appear and Show Cause is attached.

You are hereby SUMMONED AND ORDERED TO APPEAR. Failure to appear may result in the issuance of an order for your arrest and, if the matter relates to child or spousal support, the issuance of an order for the withholding of support from your income or assets.

You have the right to have an attorney represent you in this matter. If you are indigent, you have the right to have the Court appoint an attorney to represent you at no cost to you. If you believe you are indigent, you MUST apply to the Court for an appointed attorney within three (3) business days after you receive this summons. The Court may refuse to grant a continuance at the time of the hearing for the purpose of providing you an opportunity to retain an attorney if you have failed to make a good faith effort to retain an attorney or apply for a court-appointed attorney prior to the hearing.

If you are found guilty of contempt, the Court may impose the following sentences: (1) FOR A FIRST OFFENSE: A FINE OF NOT MORE THAN TWO HUNDRED FIFTY DOLLARS, A DEFINITE TERM OF IMPRISONMENT OF NOT MORE THAN THIRTY DAYS IN JAIL, OR BOTH; (2) FOR A SECOND OFFENSE: A FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS, A DEFINITE TERM OF IMPRISONMENT OF NOT MORE THAN SIXTY DAYS IN JAIL, OR BOTH; (3) FOR A THIRD OR SUBSEQUENT OFFENSE: A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS, A DEFINITE TERM OF IMPRISONMENT OF NOT MORE THAN NINETY DAYS IN JAIL, OR BOTH. IN ADDITION, IF THE CONTEMPT CONSISTS OF THE OMISSION TO DO AN ACT WHICH YOU CAN YET PERFORM, THE COURT MAY IMPRISON YOU INDEFINITELY UNTIL YOU PERFORM THE ACT. O.R.C. Sections 2705.05 and 2705 .06.

Date: \_\_\_\_\_

\_\_\_\_\_  
CLERK OF COURTS

By: \_\_\_\_\_  
DEPUTY

RETURN OF SERVICE (PERSONAL)

Received this summons on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ o'clock  
\_\_\_\_\_.M., and the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ I served the same upon

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

By delivering to \_\_\_\_\_ Personally a true copy of summons, a copy  
of the motion and accompanying documents.

\_\_\_\_\_  
Sheriff - Bailiff - Process Server

\_\_\_\_\_  
By Deputy



IN THE COURT OF COMMON PLEAS  
FAIRFIELD COUNTY, OHIO  
DOMESTIC RELATIONS DIVISION

\_\_\_\_\_, \*  
Plaintiff/Petitioner, \* CASE NO. \_\_\_\_\_  
vs. \*  
\_\_\_\_\_, \*  
Defendant/Respondent/Petitioner \* ENTRY

Pursuant to request of the movant and for good cause shown, it is hereby ORDERED that the attached Motion be accepted without pre-payment of the costs.

\_\_\_\_\_  
MAGISTRATE

\_\_\_\_\_  
JUDGE

IN THE COURT OF COMMON PLEAS  
FAIRFIELD COUNTY, OHIO  
DOMESTIC RELATIONS DIVISION

\_\_\_\_\_, \*  
Plaintiff/Petitioner, \* CASE NO. \_\_\_\_\_  
vs. \*  
\_\_\_\_\_, \*  
Defendant/ Respondent. \* NOTICE OF HEARING

Take notice that a hearing in the above-captioned Motion for Contempt has been scheduled for the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_ at \_\_\_\_\_.m. in the Court of Common Pleas of Fairfield County, Ohio.

\_\_\_\_\_  
JUDGE, COURT OF COMMON PLEAS

**IN THE COURT OF COMMON PLEAS OF FAIRFIELD COUNTY, OHIO  
DOMESTIC RELATIONS DIVISION**

\_\_\_\_\_  
Plaintiff/Petitioner  
-vs-/-and-

Case No.: \_\_\_\_\_

**FINANCIAL AFFIDAVIT/MOTION  
FOR TEMPORARY ORDERS/AFFIDAVIT  
OF HEALTH INSURANCE COVERAGE**

\_\_\_\_\_  
Defendant/Petitioner

\_\_\_\_\_, Affiant(s), being duly sworn, say(s):

**PART A - TEMPORARY RELIEF REQUESTED**

I am requesting the following relief:

- |  |  |
|--|--|
| <input type="checkbox"/> Financial Disclosure Only     | <input type="checkbox"/> Spousal Support                                     |
| <input type="checkbox"/> Residential Parent Allocation | <input type="checkbox"/> Debt Allocation                                     |
| <input type="checkbox"/> Companionship Only            | <input type="checkbox"/> Legal Fees and Expenses<br>(Amount Requested _____) |
| <input type="checkbox"/> Child Support                 | <input type="checkbox"/> Other (Please Specify)<br>_____                     |

**PART B - NOTICE OF HEARING**

This matter shall come on for non-oral hearing on affidavits only (parties and counsel need not appear) on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ .m.

<b>PART C - CASE INFORMATION</b>		
	<b>Husband</b>	<b>Wife</b>
Full Name		
Street Address		
City/State/Zip		
Telephone		
Social Security No.		
Date of Birth/Age		
Date Married	When Separated	Number of Children
Children's Ages	With Whom Children Live	Number of Dependents
Children's Address	Home Rented or Owned?_____ Occupied By_____	Number of Dependent Children by Previous Marriage - H____ W____

<b>PART D - ANNUAL INCOME</b>		
	<b>Husband</b>	<b>Wife</b>
<b>Employer/Source of Income</b>		
<b>Street Address</b>		
<b>City/State/Zip</b>		
<b>Telephone</b>		
<b>Gross annual wages or self employment income * (excluding overtime and bonuses)</b>	\$	\$
<b>Gross annual overtime or bonuses</b>	\$	\$
<b>Gross annual unemployment benefits</b>	\$	\$
<b>Gross annual worker's compensation</b>	\$	\$
<b>Gross annual interest or dividends</b>	\$	\$
<b>Child support received for other children</b>	\$	\$
<b>Spousal support received from prior marriage</b>	\$	\$
<b>Other: (eg. pensions, annuities, etc.)</b>	\$	\$
<b>TOTAL GROSS ANNUAL INCOME:</b>	\$	\$
<b>*Attach Verification - Current Pay Stub, W-2's, Tax Return, Etc.</b>		
<b>Deductions from Income</b>		
<b>Income Tax Actually Paid (Federal/State/Local)</b>	\$	\$
<b>F.I.C.A.</b>	\$	\$
<b>Mandatory Retirement Plan</b>	\$	\$
<b>Union Dues</b>	\$	\$
<b>Health Insurance Coverage</b>	\$	\$
<b>Child Support Withheld From Income</b>	\$	\$
<b>Spousal Support Withheld From Income</b>	\$	\$
<b>TOTAL ANNUAL DEDUCTIONS:</b>	\$	\$
<b>TOTAL NET ANNUAL INCOME:</b>	\$	\$

**PART E - FINANCIAL DISCLOSURE**

**LIST ALL CASH AND FUNDS ON DEPOSIT IN ANY AND ALL ACCOUNTS IN ANY BANK, SAVINGS AND LOAN, CREDIT UNION OR OTHER FINANCIAL INSTITUTION. ACCOUNT MAY INCLUDE ONE OR MORE OF THE FOLLOWING: CHECKING, CERTIFICATE OF DEPOSIT, INVESTMENT, SAVINGS, INDIVIDUAL RETIREMENT, STOCK OPTION, ETC. NOTE - YOU ARE REQUIRED TO DISCLOSE ALL FUNDS IN WHICH YOU HAVE AN INTEREST REGARDLESS OF THE NAME IN WHICH THESE FUNDS ARE HELD. INCLUDE CASH OVER \$250.00.**

Name of Financial Institution	Address	Account Number	Name On Account	Balance

**PART F - DEPENDENT INFORMATION**

**LIST EACH BIOLOGICAL OR ADOPTIVE MINOR CHILD, NOT THE SUBJECT OF THIS ACTION, LIVING WITH EITHER PARTY. (DO NOT INCLUDE THE CHILD(REN) INVOLVED IN THIS ACTION. DO NOT INCLUDE STEP-CHILDREN.)**

Husband's Household		Wife's Household	
Child's Name	Date of Birth	Child's Name	Date of Birth

**PART G - EXPENSES**

STATE YOUR ACTUAL EXPENSES PER MONTH:

	Husband		Wife	
1. Rent (Not to include mortgage payments)	\$		\$	
2. Utilities				
a. Gas	\$		\$	
b. Electric	\$		\$	
c. Phone	\$		\$	
d. Other (Identify)	\$		\$	
3. Insurance	\$		\$	
a. Auto	\$		\$	
b. Life	\$		\$	
c. Health (Not withheld from income)	\$		\$	
4. Uninsured Medical/Dental	\$		\$	
5. Clothing	\$		\$	
6. Groceries & Household Supplies	\$		\$	
7. Transportation				
a. Fuel	\$		\$	
b. Maintenance & Repairs	\$		\$	
8. Work-Related Child Care (Attach verification)	\$		\$	
9. Child Support Paid For Other Child(ren) (Not withheld from income)	\$		\$	
10. Spousal Support Paid For Ex-Spouse	\$		\$	
11. Other (Please identify)	\$		\$	

**PART H - DEBTS**

LIST **ALL** DEBTS OWED BY EACH PARTY, WHETHER ALLEGED TO BE MARITAL OR SEPARATE DEBT. **DO NOT INCLUDE ANYTHING LISTED IN PART G AS EXPENSES.**

<b>Secured Creditors</b>	<b>Debtor H W J</b>	<b>Person in Possession, Use or Occupancy</b>	<b>Principal</b>	<b>Monthly Installment</b>
Mortgage				
2nd Mortgage				
Auto				
Auto				
Other				
<b>Unsecured Creditors</b>	<b>Debtor H W J</b>		<b>Principal</b>	<b>Monthly Installment</b>

**PART I - GROUP HEALTH INSURANCE FOR MINOR CHILDREN**

INSTRUCTIONS: IF MINOR CHILDREN ARE INVOLVED IN THIS ACTION, ANSWER THE FOLLOWING QUESTIONS ABOUT THE AVAILABILITY, COST, AND COVERAGE OF GROUP HEALTH INSURANCE FOR THE MINOR CHILDREN. IF MINOR CHILDREN ARE NOT INVOLVED IN THIS ACTION, DO NOT COMPLETE PART I.

	Husband	Wife
AVAILABLE THROUGH EMPLOYER (Yes or No)		
AVAILABLE THROUGH NON-EMPLOYER (Yes or No)		
NAME AND ADDRESS OF INSURANCE COMPANY		
GROUP POLICY NUMBER		
COST TO YOU OR THE OTHER PARTY PER YEAR: (For children only)	\$	\$
Summarize the benefits of each plan (ie. DEDUCTIBLES, CO-PAYMENTS, HMO, COMPREHENSIVE, MAJOR MEDICAL, DENTAL, OPTICAL, ETC...).		
<u>Husband's Policy:</u>		
<u>Wife's Policy:</u>		

\_\_\_\_\_

Affiant

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

\_\_\_\_\_

Notary Public

\_\_\_\_\_

Affiant

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

\_\_\_\_\_

Notary Public