

INSTRUCTIONS

Attached is a form motion requesting that a party be held in contempt for failure to follow a court order. These instructions are intended to be a general guide to help you fill out the forms to be filed with the court, served on the opposing party, and get your request properly heard by the Judge/Magistrate. These instructions are not intended to provide a legal analysis of your request or indicate whether you should win your motion but merely to assist you in preparing and presenting your request to the Court.

FILLING OUT THE FORMS:

1. You should fill out the forms before you go to the Courthouse to file them. Other than telling you the proper case number and caption, the Clerk of Courts cannot help you in completing the forms.
2. At the top of the MOTION, fill in the caption of the case, address for each name and the case number. This information is available from the previously filed court order. If you do not have this information, you can get it from the Clerk of Courts when you go to file the motion.
3. In the FIRST PARAGRAPH of the MOTION there is a space for you to list the reason or reasons that you have for wanting the other party to be held in contempt of court for failure to obey a court order. You should be specific but brief. You should write down what the other party did or did not do that you believe violated a written court order. You do not have to go into detail but do be specific enough that the other party will know from reading your motion why you want the hearing. **A COPY OF THE COURT ORDER NEEDS TO BE ATTACHED TO YOUR MOTION.**
4. You must sign the MOTION under the words “Respectfully submitted.” The words “pro se” mean you are representing yourself.
5. Under the words “Instructions for Service”, print the parties name in the first blank and the street address, city, state and zip in the next space. You **MUST** have a valid address for the Clerk’s office to serve the motion. If you do not have a valid address for the other party don’t try to file this motion. The Judge has no authority to grant your motion unless the other party has been served with a copy of it and has been given an opportunity to be heard.
6. Fill in the blanks on the ORDER TO APPEAR AND SHOW CAUSE for the names of the plaintiff, defendant or if the case is captioned in the matter of, the name of the child and the case number. Leave the rest of the form blank.
7. The filing fee for this action is \$163.00 per case and is due at the time of filing. **There may be additional Sheriff Fees that you may be responsible for at the conclusion of the hearings.** Make sure all forms are properly filled out and notarized. **The Clerks cannot notarize your paperwork.**

EMPLOYEES OF THE JUVENILE COURT ARE NOT PERMITTED TO GIVE LEGAL ADVICE OR ANSWER QUESTIONS REGARDING SUBSTANTIVE MATTERS RELATED TO YOUR PARTICULAR PLEADING, CASE OR LITIGANT. IF YOU NEED LEGAL ADVICE, CONSULT AN ATTORNEY.

IN THE COURT OF COMMON PLEAS

SENECA COUNTY, OHIO

JUVENILE DIVISION

Plaintiff

Vs.

CASE NO. _____

JUDGE JAY A. MEYER

Defendant

IN THE MATTER OF: _____

CASE NO. _____

D.O.B. _____

MOTION FOR CONTEMPT

Now comes _____, and moves this honorable Court to hold _____ (list the name of the party alleged to have violated the Court's order) in contempt of this Court for disobeying an order previously granted by this Court.

(Please attach a copy of the current Court order that you are stating has been violated.)

The specific reasons for this request for contempt are as follows (you must be specific. Please list the actions and or failure of action taken by the other party and the specific dates of the same):

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,

SIGNATURE (person filing complaint)

ADDRESS

CITY, STATE, ZIP CODE

Telephone Number

SWORN TO AND SUBSCRIBED BEFORE ME, a Notary Public this _____ day of
_____, 20_____.

NOTARY PUBLIC

IN THE COURT OF COMMON PLEAS

SENECA COUNTY, OHIO

JUVENILE DIVISION

Plaintiff

Vs.

CASE NO. _____

JUDGE JAY A. MEYER

Defendant

ORDER TO APPEAR AND SHOW CAUSE

IN THE MATTER OF : _____ CASE NO. _____

D.O.B.: _____

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 orders.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that:

_____ appear personally before this Court, 108 Jefferson
Street, Tiffin, Ohio on _____ day of _____, 20____ at _____m. to show cause
Why s/he should not be punished for failure to comply with the prior order of this Court.

JUDGE

IN THE COURT OF COMMON PLEAS

SENECA COUNTY, OHIO

JUVENILE DIVISION

Plaintiff

Vs.

CASE NO. _____

JUDGE JAY A. MEYER

Defendant

IN THE MATTER OF: _____

CASE NO. _____

D.O.B.: _____

REQUEST FOR SERVICE

TO THE CLERK OF SAID COURT:

Please serve: _____ at the following

Address: _____

a copy of the motion and notice of hearing by SHERIFF SERVICE . Should service fail, please notify me so a better address may be found.

Signature of Petitioner (person filing contempt)

IN THE COURT OF COMMON PLEAS

SENECA COUNTY, OHIO

JUVENILE DIVISION

Plaintiff

Vs.

CASE NO. _____

JUDGE JAY A. MEYER

Defendant

IN THE MATTER OF: _____ CASE NO. _____

D.O.B.: _____

SUMMONS IN CONTEMPT

To: _____

A written charge of CONTEMPT has been filed against you in this court by:

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 immediate arrest. Failure to appear is a separate violation of a court order and may result in additional fines and jail sentence.

The attached NOTICE is provided for your benefit. The party that the alleged contempt is against has the right to have an attorney represent him/her 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. You will be asked the day of the Court hearing if you wish to have an attorney to be appointed for you. There is a \$25.00 non-refundable application fee for court appointed counsel.

Date: _____

CLERK OF COURT

By: _____
DEPUTY

NOTICE

ATTACH TO SUMMONS (O.R.C. 2705.031)

TO THE PERSON SERVED WITH THIS NOTICE: YOU ARE ACCUSED OF CONTEMPT OF A COURT ORDER. YOU SHOULD READ THIS NOTICE:

(1) A notice of hearing date is attached. Your failure to appear at this hearing may result in the issuance of an order for your arrest. If this case involves alleged failure to pay support, the court may also issue an order for the payment of support by withholding an amount from your personal earnings or by some other asset of yours.

(2) You have the right to be represented by legal counsel in this matter. If you believe that you are indigent, you must apply for a public defender or court appointed counsel within three business days after receipt of the attached summons.

(3) The court may refuse to grant you a continuance at the time of hearing for the purpose of obtaining counsel, if you fail to make a good faith effort to retain counsel or to obtain a public defender.

(4) The following potential penalties could be imposed upon you, if you are found guilty of contempt for failure to pay support, of for your failure to comply with, or your interference with a visitation order or decree.

STATUTORY PENALTIES: FOR A FIRST OFFENSE, YOU MAY BE FINED NOT MORE THAT \$250 AND IMPRISONED NOT MORE THAN THIRTY DAYS, OR BOTH. FOR A SECOND OFFENSE, YOU MAY BE FINED NOT MORE THAT \$500 AND IMPRISONED FOR NOT MORE THAN SIXTY DAYS, OR BOTH. FOR A THIRD OFFENSE, YOU MAY BE FINED NOT MORE THAT \$1,000 AND IMPRISONED NOT MORE THAN 90 DAYS, OR BOTH. (R.C. 2705.05)

IMPRISONMENT UNTIL COMPLIANCE: IF YOUR CONTEMPT CONSISTS OF THE OMISSION TO DO AN ACT WHICH THE COURT FINDS YOU CAN YET PERFORM, YOU MAY BE IMPRISONED UNTIL YOU PERFORM IT. (R.C.270506)

SUPPORT CONTEMPT: IF YOU ARE FOUND IN CONTEMPT FOR FAILURE TO MAKE CHILD SUPPORT OR SPOUSAL SUPPORT PAYMENTS AS ORDERED, IN ADDITION TO ALL OTHER PENALTIES, THE COURT MUST ORDER YOU TO PAY ALL COURT COSTS AND REASONABLE ATTORNEY FEES TO THE OTHER PARTY (O.R.C. 3105.21, 3109.05(C); & 3105.18(G)). IN ADDITION, IF THE COURT FINDS THAT YOUR FAILURE TO PAY CHILD SUPPORT WAS WILLFUL, IT MUST REQUIRE YOU TO PAY INTEREST ON YOUR CHILD SUPPORT ARREARAGES. (R.C. 3123.17)

HEALTH INSURANCE CONTEMPT: IF YOU ARE FOUND IN CONTEMPT FOR FAILURE TO COMPLY WITH HEALTH INSURANCE ORDERS RELATING TO MINOR CHILDREN, YOU ARE LIABLE FOR ANY MEDICAL EXPENSES INCURRED AS A RESULT OF YOUR FAILURE, AND UPON A SECOND OFFENSE, YOUR CHILD SUPPORT OBLIGATION MAY BE INCREASED. (R.C. 3119.563119.57, 3119.58)

PARENTING TIME CONTEMPT: IF YOU ARE FOUND IN CONTEMPT FOR FAILURE TO COMPLY WITH OR INTERFERE WITH ANY COMPANIONSHIP OR PARENTING TIME RIGHTS, IN ADDITION TO ALL OTHER PENALTIES, THE COURT MUST ORDER YOU TO PAY ALL COURT COSTS AND REASONABLE ATTORNEY FEES TO THE OTHER PARTY, AND MAY ALSO AWARD COMPENSATORY VISITATION TIME. (R.C. 31109.051(K))

ADDITIONAL PENALTIES: IN ADDITION TO ALL PENALTIES IMPOSED BY STATUE, THE COURT HAS THE INHERENT POWER TO IMPOSE ADDITIONAL SANCTIONS FOR CONTEMPT OF COURT. (Hale v.State (1896), 55 Ohio St. 210; Zakany v. Zakany (1984), 9 Ohio St. 3d 192.