

INSTRUCTIONS FOR PETITION FOR CITATION OF CONTEMPT

This form should be used if you have a FINAL ORDER from the Superior Court of Fulton County, Georgia which the other party is not following. For example, among other things, you can use this form if:

- you have not received child support as ordered,
- you have not been permitted to visit with your child(ren) as ordered,
- the other person has not turned over property as ordered or has not performed other acts as ordered,
- the other person has not obtained health insurance or paid you back for medical expenses as ordered, or
- the other party has otherwise violated the court order.

If you have a court order from another state or county, please contact an attorney.

HERE ARE DETAILED INSTRUCTIONS ON HOW TO FILL OUT THE FORMS:

The Petition for Citation of Contempt:

- A. In Fulton County, contempt cases do not keep the same case heading format as the original case where the Final Order was entered more than 30 days ago. Enter your name as Petitioner. Enter the other party's name as Respondent. In the first paragraph, write your name in the first blank.
- B. **Paragraph 1:**
Check box (a) if the other party lives in Fulton County. Check (b) if the other party lives outside of Fulton County in Georgia. Check (c) if the other party lives outside of Georgia.

Paragraph 2:

Enter the Respondent's name (who will be served with the court papers). Check (a) if the other party will be served by the sheriff. On the blank lines, write the other party's address. Check (a-1) if the other party lives outside of Fulton County. Check (b) if the other party has signed an acknowledgement of service.

Paragraph 3:

In the first blank space, write in the case number from the order that is not being obeyed. You can find this at the top right of your original court order. In the second blank space, write the date the order was signed by the judge.

Paragraph 4:

You should check all boxes that apply and fill in the amount of money or items owed in the blank spaces.

Check "a" if the other party has failed to pay child support. On the blank lines enter the amount the other party was ordered to pay each month and the total amount owed now.

Check "b" if the other party has failed to pay alimony. On the blank lines enter the amount the other party was ordered to pay each month and the total amount owed now.

Check "c" if the other party is not allowing visitation as ordered.

Check "d" if the other party has not given you property as ordered. On the blank lines list the property or items that should have been given to you.

Check "e" if the other party has failed to provide health insurance for the minor children as ordered.

Check "f" if the other party has failed to pay for medical expenses as ordered. On the blank line, enter the amount the total amount owed now.

Check "g" for other violations. On the blank lines explain how the other party has violated the order.

Paragraphs 5-7:

Review the statements in paragraphs 5, 6, and 7.

Review the Requests at the end of the Petition.

At the end of the document, enter the date you are signing the Petition, sign your name, print your name, address, telephone number, and email address if you have one.

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

- A. Fill in the case heading the way it is on the Petition for Citation of Contempt
- B. Next to the word "I", print or type your name.
- C. Where it says: This _____ day of _____, , fill in the date, month and year where indicated.
- D. 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, the post office, and the Justice Resource Center.

The Petition for Citation of Contempt must be **served** on the opposing party. You can either have the sheriff serve the papers or the Respondent may sign an Acknowledgment of Service form.

HOW TO PUT THE PAPERS TOGETHER: Put them in this order:

- Sheriff's Entry of Service (*available from Sheriff's Office*)
- Summons (*available from Fulton County Clerk's Office or downloadable at <http://www.fultonclerk.org/285/Civil-Forms>*)
- Petition for Contempt
- A copy of the preexisting Court Order that the opposing party failed to follow. Attach this as an exhibit to the Petition.
- Verification

Follow the Clerk's Office's instructions for e-filing your case.

NOTE: These instructions are for filing a Petition for Citation of Contempt on a final order in a case that has been closed by judgment or dismissal for more than 30 days. If you are filing a Contempt of a temporary order in an open, pending case, or a case that has been closed by judgment or dismissal for 30 days or less, you should use a different form called a Motion for Contempt.

- (a) You can also cross out the words "Petition for Citation of" in the title of this document and Re-title this document "Motion for Contempt;"
- (b) Use the case heading and case number from your current open case; and
- (c) Serve the other party under the e-filing rules by mailing or emailing the motion (via STATUTORY ELECTRONIC SERVICE) to the address on file with the court and filing a certificate of service.

Talk to an attorney to make sure you are following the correct procedure for you case. Check with the Clerk of Court to confirm the costs of filing.