

VIOLATION OF AN ORDER OF THE COURT

Papers to File:

TELL THE COURT ABOUT THE VIOLATION

Indigent Parties:

[jdf-205](#)
[jdf-206](#)



- Instructions [jdf-1800](#)
- Motion & Affidavit for Issuance of Contempt Citation [jdf 1816](#)
must be signed in front of Court Clerk or Notary ([jdf-123/124/129](#) for judgment debtors)
- Draft Order for Issuance of Contempt Citation [jdf 1817](#)
- A copy of original, signed Order of the Court which was violated
- Include the Proof of Service from the original Order
- Self-addressed, stamped envelope for the Court to mail the Order and Citation back to Petitioner to complete service
- Fee is \$70.00 ----- **WHEN YOU FILE**
- Clerk assigns a date, time & place for the Show Cause Hearing
- A Citation for Contempt must be personally served

SERVE THE CONTEMPT CITATION ON THE DEFENDANT



- Provide two copies of the Motion and the Order and the Contempt Citation to your process server, or the Sheriff's Office
- Defendant must be served at least 21 days before the Show Cause Hearing
- After personally serving the Defendant, the Deputy will return copies of what was served, and the Proof of Service to Petitioner
- If you cannot file the Return of Service with the Court before the hearing, then bring the Proof of Service with you to the hearing.

First Court Appearance

Petitioner will:



SHOW CAUSE HEARING

- 1) Show the Court the **order**
- 2) Show the court the **violation**
- 3) Explain the **remedy** sought (*usually compliance*)



- The Show Cause Hearing allows the Court to decide if there is sufficient cause to go to trial on the Contempt Citation
- Petitioner appears & tells the Court why sufficient cause exists for the Defendant to go to trial in the Contempt Action
- Defendant will receive an advisement as to their rights.
- If a jail sentence is contemplated, and if defendant cannot afford an attorney, the court will appoint counsel

Second Court Appearance

Petitioner will:



TRIAL

- 1) Show the Court the **order**
- 2) Show the Court the **violation**
- 3) Explain the **remedy** sought (*usually compliance*)

- Defendant stands trial on Contempt charges
 - Possible defenses in a Contempt Action:
 - "You never told me to do that"
 - "I already did it"
 - "I couldn't have done it if I wanted to"
 - If Defendant is found guilty of Contempt, Court may impose a fine of up to \$5,000, or up to six months in jail, or both.
- Petitioner must prove:
- 1) There is a valid order
 - 2) Defendant knew of the Order
 - 3) Defendant could comply
 - 4) Defendant did not comply
 - 5) (for Punitive Contempt only) Violation was willful