

MOTION FOR CONTEMPT - JUVENILE COURT
31(E)2, 38(F)2(C) and 39(A)(3)

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INSTRUCTIONS

Attached is a form motion requesting that your child's other parent be held in contempt for disobeying a court order. These forms can only be used if the Juvenile Court has already made a specific order granting you visitation or support rights. These instructions are intended to be a general guide to help you get the forms filled out, filed with the court, served on the opposing party, and to get your request properly heard by the Judge. These instructions are not intended to be a legal analysis of your request or whether you should win your motion but merely to assist you in preparing and presenting your request to the court.

A. FILLING OUT THE FORMS:

1. You should fill out the forms before you go to the Courthouse to file it. Other than telling you the time and date of the hearing and telling you the proper case number, the Clerk of Courts will not help you in completing the forms.
2. At the top of the MOTION, fill in the County, the case number, and the Judge who heard the case. Fill in the name(s) of the child(ren) (whom the case was about). Fill in your name and address as Petitioner and the opposing party's name and address as Respondent. This information is available from the final order or decree which you are trying to enforce. 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 opposing party held in contempt of court. You should be specific but brief. You should write down what the opposing party did or did not do that you believe violated the previously written court order. You do not have to go into detail but do be specific enough so that the Judge will know from reading your motion why you want the hearing.
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 opposing party's 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 mail the motion. If you do not have a valid address for opposing party, don't try to file this motion. The Judge has no authority to grant your motion unless the opposing party has been served with a copy of it and has been given an opportunity to be heard. SIGN your name under the "Thank You."

6. Fill in the blanks on the ORDER TO APPEAR AND SHOW CAUSE for the County, your child's(ren)s' names, and the case number. Leave the rest of the form blank. (If the Clerk gives you the time and date of the hearing, you can write that in at the bottom.)
7. Fill out the AFFIDAVIT OF INDIGENCY if you are unable to pay the court costs for filing this motion. To find out the cost you may call the Clerk of Courts in the county where this motion will be filed.

DO NOT SIGN THIS AFFIDAVIT UNLESS YOU ARE IN FRONT OF A NOTARY PUBLIC. This must be done before you take the papers to the court for filing.

8. MAKE THREE (3) COPIES OF EACH PAGE BEFORE GOING TO THE COURT.

B. FILING THE MOTION:

1. After the forms are filled out, go to the Clerk of the Juvenile Court in the courthouse where you received your prior order.
2. The Clerk may tell you the time and date of the hearing. If this information is given, write it in the blank at the bottom of the ORDER TO SHOW CAUSE. The hearings are usually scheduled approximately one month from the date you file the motion. You should make note of the date and time of the hearing if it is given to you at this time.
3. The Clerk will take the original and one (1) copy of the motion. You should ask that your copy be TIME-STAMPED which is your proof you filed the motion.

C. PREPARATION FOR THE HEARING:

1. It helps a lot if you are prepared for the hearing. You should present a neat appearance and have with you any witnesses that you wish to use to support your motion. You should also have with you any papers or other physical evidence that you want the Judge to see. If the motion is to collect unpaid MEDICAL BILLS, be sure you make copies of all the medical bills so you can leave the copies with the court. Do not make duplicates of monthly statements. You only need to show one statement that gives an unpaid balance.
2. You should have in front of you at the hearing the specific part of the Court's order that you believe has been violated. You will probably testify first and you should be prepared to tell the Judge all of the things that have happened that show that the order has been violated. This is the only opportunity that you will have to present the facts so make sure that you include everything. It would be helpful if you were to write down some facts to have in front of you to help you remind yourself what

the opposing party has failed to do.

3. VERY IMPORTANT. Do not tell the Judge everything opposing party has done that makes you angry. Stay to the point of why you asked for the hearing. The Judge will only hear what was mentioned on your motion. Be prepared to limit your testimony to just that complaint and DO NOT RAMBLE ON ABOUT OTHER PROBLEMS. BE SPECIFIC AND TO THE POINT.
4. At the hearing you may be asked questions by the Judge or by an attorney for opposing party. Be brief about what you answer and if you do not understand the question, DO NOT HESITATE TO HAVE IT EXPLAINED TO YOU.
5. Listen to what the Judge has to say after all testimony is given. This is when the Judge will tell you what he has decided on the motion.

GOOD LUCK!

IN THE COURT OF COMMON PLEAS, JUVENILE DIVISION

_____ COUNTY, OHIO

IN THE MATTER OF:

CASE NO. _____

Children

JUDGE: _____

Petitioner

and

MOTION FOR CONTEMPT
(ORAL HEARING REQUESTED)

Respondent

Now comes _____ and asks that this Court hold _____ in contempt for disobeying an order previously granted by this Court. The factual basis for this request is: _____

Respectfully submitted,

Pro Se

INSTRUCTIONS FOR SERVICE

Please serve a copy of the foregoing Motion and Notice of
Hearing upon _____ at the following address: _
_____ by U.S.

CERTIFIED MAIL, RETURN RECEIPT REQUESTED.

Should service fail, please contact me for a better address.

Thank you.

IN THE COURT OF COMMON PLEAS, JUVENILE DIVISION
_____ COUNTY, OHIO

IN THE MATTER OF:

CASE NO. _____

Children

JUDGE: _____

Petitioner

and

ORDER TO APPEAR
AND SHOW CAUSE

Respondent

This day this cause came on for hearing on the Motion of
_____ for an order requiring _____
_____, to appear personally before this Court
to show cause why he/she should not be punished for failing to
comply with the former order of this Court. The Court, being fully
advised in the premises, finds said Motion well taken and hereby
sustains the same.

It is therefore, ORDERED, ADJUDGED and DECREED that the
petitioner/respondent: _____ appear personally
before this Court before Judge/Referee _____ to show cause

why he/she should not be punished for failure to comply with the former order of this Court.

A show cause hearing will be held on _____, the _____ day of _____, 19__ at _____ o'clock __.M.

JUDGE/REFEREE

IN THE COURT OF COMMON PLEAS, JUVENILE DIVISION

_____ COUNTY, OHIO

IN THE MATTER OF:

CASE NO. _____

Children

Petitioner

and

Affidavit of Indigency

Respondent

STATE OF OHIO

_____ COUNTY, SS:

I, _____ state that I am indigent and unable to prepay any cost deposit herein; that my expenses match or exceed my income and that I have no assets from which to raise a deposit or to pay attorneys to represent me. I therefore request that this Motion for Contempt be accepted without prepayment of costs.

Name

Sworn to and subscribed before me, a Notary Public,
this ____ day of _____, 19____.

Notary Public