

Legal Services Offices

Statewide Legal Services: (Entry point for the legal services network in Connecticut). **860-344-0380** Central CT area or **1-800-453-3320**.

Other Legal Services Programs:

Hartford, Hartford County:

Greater Hartford Legal Aid

999 Asylum Avenue
Hartford, CT 06105
(860) 541-5000
FAX: (860) 541-5050

Greater New Haven Area:

New Haven Legal Assistance Association, Inc.

426 State Street
New Haven, CT 06510
(203) 946-4811
TDD: (203) 946-4811
FAX: (203) 498-9271

Visit us on the internet:

www.slscct.org
www.ghla.org
www.nhlegal.org
www.connlegalservices.org
www.larcc.org

This pamphlet was produced by the Legal Assistance Resource Center of CT in cooperation with Connecticut Legal Services, Greater Hartford Legal Aid, New Haven Legal Assistance Association, and Statewide Legal Services.

The information in this pamphlet is based on the law as of January 2008. We hope that the information is helpful. It is not intended as legal advice for an individual situation. If you need further help and have not done so already, please call Statewide Legal Services (see above) or contact an attorney.

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Throughout Connecticut:

Statewide Legal Services (*see left*)

Connecticut Legal Services:

Administrative Office: (860) 344-0447

Offices:

211 State Street
Bridgeport, CT 06604
(203) 336-3851

587 Main Street
New Britain, CT 06051
(860) 225-8678

153 Williams Street
New London, CT 06320
(860) 447-0323

20 Summer Street
Stamford, CT 06901
(203) 348-9216

85 Central Avenue
Waterbury, CT 06702
(203) 756-8074

872 Main Street
Willimantic, CT 06226
(860) 456-1761

CLS Satellite Offices:

Danbury (203) 348-9216
Meriden (860) 225-8678
Middletown (860) 225-8678
Norwalk (203) 899-2451
Norwich (860) 447-0323
Rockville 1-800-413-7796
Torrington 1-800-413-7797

AIDS Legal Network for CT

999 Asylum Avenue
Hartford, CT 06105
(860) 541-5027 or 1-888-380-3646

How to Get A Contempt Order

(When Family Court Orders
Are Not Being Obeyed)



How to Get a Contempt Order



If someone does not obey court orders, he or she may be held in contempt of court. So, if you are having problems with your former spouse or parent of your child not following court orders, you can ask the court to hold him/her in contempt. (Examples of not following court orders are: if he or she fails to pay the proper share of medical bills, does not turn over furniture that you were supposed to get in a divorce, or does not follow custody or visitation orders).

You may first try to see if the problem can be mediated (resolved) with the help of the Family Services office where the orders were made. If that office cannot help you, this pamphlet may help you enforce your court orders.

If you can afford an attorney to represent you, we urge you to hire one. If not, please follow the outlined steps VERY carefully, keeping in mind that court and marshal procedures may be different from one part of the state to another. ***Please read this entire pamphlet before starting any of the steps.***

There is a \$40 to \$75 marshal's fee involved in getting a Contempt Order. If you cannot afford to pay it, you can ask the court to allow you not to pay. Please see the Legal Aid pamphlet, *A Guide to Fee Waivers*.

Notes:

- ✓ The procedures outlined in this pamphlet will work **ONLY** if an **order has been made by a court in Connecticut and the person it was made against now lives in Connecticut.**
- ✓ If the problem is that a visitation order is not being followed, see the Legal Aid pamphlet *How to Modify and Enforce Child Visitation Orders*.
- ✓ If the order was made by a Connecticut Court but the person lives out of state, see the clerk in the court that made the orders to find out how to serve that person out of state.

Preparing Papers for a Motion for Contempt

1. You will need to complete: A ***Motion for Contempt*** and a ***Letter to the Marshal***. The **Motion for Contempt** is a document which notifies the person who has disobeyed the court orders that you are seeking an order of contempt. Filing (giving the court clerk) this document also sets a date for a court hearing and orders the person to attend the court hearing and present his/her side of the case. The **marshal's letter** is used to have the papers delivered to the other person.

2. Fill out the blank **Motion for Contempt** form (JD-FM-173) before you go to the courthouse. (A blank form is in this pamphlet). First read the SAMPLE form to see what gets filled out such which of the court's orders are not being obeyed. You need the docket number (which starts with 3 capital letters, then "FA") and the year your case started. Contact the court clerk where your original orders were entered if you do not have all the information.

Do not fill out anything below the line that reads "*Order to Attend Hearing and Notice*". The court clerk will fill in the other sections such as the date and time of the hearing. (*The back page does not appear on the sample*).

3. After you have filled out the **Motion for Contempt**, take it to the clerk's office at the same court that entered the original orders. The clerk will write in the date and time when the person disobeying the court order must appear in court as well as the date by which the marshal must serve the papers.

In some courts, the fee waiver papers must also be filed at this time; ask the clerk. (See the legal aid pamphlet, *A Guide to Fee Waivers*).

4. While you are in the clerk's office, **fill out and file an Appearance** form (JD-CL-12). This form tells the court that you are representing yourself. Also, **ask** the clerk for a **list of marshals**.

Most forms are also available on the state's judicial web site www.jud.ct.gov

5. When the clerk gives the papers back to you, **make two copies** of the Motion--one for yourself and one for the marshal.

Getting the Papers "Served" (Given to the Other Party)

6. Before contacting the marshal, fill out the blank **marshal's letter**. Then, **bring or mail the marshal's letter and the original Motion for Contempt along with one copy to a marshal** who covers the town in which the other party lives or works. You should have a list of marshals from when you filed your *Appearance* form. If not, most courts have a marshal's office in the courthouse. Look in the blue pages of your phone book under your court or ask the clerk or an available marshal how you can reach a marshal who covers the town you need. Get the name and phone number of the marshal you use for service. You may need to call him/her before your court date to confirm that service was made.



7. The marshal's fee for service is around \$40-\$75. Some marshals will bill you after service and some may require payment before service. You can call the marshal to find out. Tell the marshal if you have received a *fee waiver* (meaning the State of Connecticut will pay the fee instead of you).

8. After the marshal makes service, he will give you the original Motion for Contempt with his **Return of Service** - showing when and where he gave the papers to the other party. **Make a copy of this Return of Service** for yourself and keep it with your copy of the Motion for Contempt.

If the marshal does not return the original Motion for Contempt to you, contact the marshal to see if he/she filed the Motion with the clerk's office.

9. Mail or bring the original **Motion for Contempt** (with the marshal's **Return of Service**) to the clerk's office to file.

Presenting Your Case in Court

10. **Be in court on the day and time set for the hearing.** It is a good idea to arrive about 15-20 minutes early. **Note:** Your witnesses (who must have personally seen or heard what they are testifying to) must also go to court. Witnesses might be the child's doctor, teacher or someone who was watching how the other parent behaved with the child.

11. **Go to the court clerk's office and ask about the way the court starts the day** (called "opening" the court). Courts operate differently--some courts open with a "calendar call" (where the names of the cases are read out loud in the courtroom), while others do not call the cases.

■ **Calendar Call**

- If you **do NOT have an agreement**, say, "Ready," when your name is called. You will probably have to meet with Family Services to try to work out an agreement.
- If you **do have an agreement**, say, "Ready with an agreement" and follow the judge's instructions. The judge may take agreements immediately after the calendar call.

■ **NO Calendar Call**

- If you **do NOT have an agreement**, find your name and room assignment on the list which is posted in the lobby. Then go directly to your assigned room to meet with Family Services. Put your name on the Family Services list.
- If you **do have an agreement**, prepare a "Memo to the Clerk" form (you can get it from the court clerk) to let the court know that you are ready to present your agreement to the judge.

12. Meet with Family Services. A meeting is only needed if you do not have an agreement or if you need help writing down your agreement. The Family Services Officer (sometimes called Family Relations Officer or Counselor) will ask both of you questions and try to help you reach an agreement.

The Family Services' Officer may make a recommendation to both of you about how to settle your disagreement. You do not have to accept his/her recommendation. You have a right to tell your side to the judge. The judge may order something different after hearing both sides. If you still have not reached an agreement after this meeting, you will have a hearing where you present your case to the judge. The judge will then make a decision. You will have to accept and follow his/her orders.

13. Present your case to the judge after your meeting with Family Services:

- If you **do have an agreement** after the meeting,
 - Write down the agreement. Both parties must sign it.
 - In some courts you will need to fill out a “Memo to the Clerk” to let the court know you are ready to present your agreement. Just check the proper boxes.
 - When your name is called, say, “Ready with an agreement.” Then follow the judge's instructions.
 - Present the agreement to the judge for approval.

- If you **do NOT have an agreement** after meeting with Family Services, you will have a *hearing* (called an "oral argument") where you will present your side to the judge.
 - Go back to the courtroom. You may need to fill out a “Memo to the Clerk”. Check the box that says you do NOT have an agreement.
 - When your name is called, say, “Ready.” Then go stand behind one of the tables in the front of the courtroom and follow the judge’s instructions.

What happens at the hearing (oral argument) if you DO NOT have an agreement after meeting with Family Services?

- ✓ You will present your case first since you filed the Motion for Contempt.
- ✓ Be polite and respectful of the judge and the other side. The judge will probably require that you be “sworn in” (take an oath to tell the truth) before you testify.
- ✓ Be specific as to how the court order was disobeyed and why you believe the court should enter a contempt order.
- ✓ Give your side of the story slowly and completely. Try to stick to the facts. Tell the judge what you are asking for. *For example*, you are seeking a contempt order because your ex-spouse has failed to make child support payments. Say what the previous order was and how it has been disobeyed. *An example:*
On June 1 this court ordered my ex-husband to pay me \$100 per week in child support. He did not make any payments on December 7, 14, and 21, or January 4. On January 11 he paid me only \$50. He therefore owes me \$450.
- ✓ The other side will have the right to ask you questions (*cross-examine you*). After you are finished, the other side will be allowed to present its case. You have the right to cross-examine his/her witnesses; your questions should relate only to what they testified about. Never argue with a witness. You also have a right to testify again to rebut (prove false) what was said.
- ✓ The judge may allow both sides to make a short summary or argument after the witnesses have testified. You will probably get to speak first. Be brief and stay on the specific issues raised in your Motion.

The Judge Rules on the Case:

At the end of the hearing, the judge may make a ruling “from the bench” (right at that moment). Often, though, the judge will say “I’ll take the papers” which means a decision will be made later. In that case, the clerk will send you a copy of the decision that has the judge’s orders. If you do not hear from the court in a few days, call the clerk and ask about the case.

Sample 1 - Motion for Contempt

MOTION FOR CONTEMPT

JD-FM-173 Rev. 11-06
C.G.S. § 46b-87 § 46b-220 P.B. § 25-27

STATE OF CONNECTICUT
SUPERIOR COURT
www.jud.ct.gov

COURT USE ONLY
MFCNTP



Ask clerk which one to check
(Check one) Before Judgment (pendente lite) After Judgment

JUDICIAL DISTRICT OF (court that made orders)	AT (Town) (city where court is located)	DOCKET NO. (from court papers)
PLAINTIFF'S NAME (Last, First, Middle Initial) (from court papers)	DEFENDANT'S NAME (Last, First, Middle Initial) (from court papers)	
PLAINTIFF'S ADDRESS (No., street, city, state, zip code) (from court papers)	DEFENDANT'S ADDRESS (No., street, city, state, zip code) (from court papers)	

I, the PLAINTIFF DEFENDANT, respectfully represent that this Court issued an order on **date of order**
(month, day, year)
directing the plaintiff defendant to (complete only the information below that applies to the order(s)
you claim was/were disobeyed):

PAY CHILD SUPPORT IN THE AMOUNT OF \$100 per week	PAY ALIMONY IN THE AMOUNT OF per	TOTAL BALANCE OWED \$800.00	AS OF (Date) 9/9/07
HAVE VISITATION OR PARENTING TIME AS FOLLOWS: (Attach a copy of the visitation schedule if available)			
PAY MEDICAL BILLS OR PROVIDE HEALTH INSURANCE AS FOLLOWS			
OTHER:			

The plaintiff or defendant has disobeyed the court order in the following ways: (Please be specific. Include the amount of any arrears claimed due as of the date of this motion or a date specifically identified.)

Joe Smith has not made the court-ordered payments for the past 8 weeks.

I ask the Court to find the plaintiff defendant in contempt. I certify that the above information is true to the best of my knowledge.

SIGNATURE*	DATE (enter date)	TELEPHONE (Area Code first) (enter your phone)
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CERTIFICATION (Complete if motion is filed before judgment (pendente lite))

Leave blank I certify that I mailed/delivered a copy of this motion to:	NAME**	DATE MAILED/DELIVERED
ADDRESS (No., street, city, state, zip code)		

SIGNATURE	PRINT NAME	DATE SIGNED
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**If necessary, attach additional sheet with name of each party served and the address at which service was made.

ORDER TO ATTEND HEARING AND NOTICE (TO BE COMPLETED BY THE COURT)

The court orders the plaintiff the defendant to attend a hearing at the time and place shown below to show why you are not in contempt. The Court also orders the plaintiff the defendant to give notice to the opposing party of the Motion and of the time and place where the Court will hear it, by having a true and attested copy of the Motion and this Order served on the opposing party by any proper officer at least **12 days** before the date of the hearing. Proof of service shall be made to this Court at least **six days** before the hearing.

BY THE COURT (Judge/Assistant Clerk)	DATE SIGNED
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HEARING TO BE HELD AT →	SUPERIOR COURT, JUDICIAL DISTRICT OF	DATE	TIME
	COURT ADDRESS	ROOM NO. (If known)	TELEPHONE (Area code first)

If you do not attend the court hearing, a civil arrest order (capias) may be issued against you.

(Continued on back/page 2)

*Check appropriate court: Superior Court Family Support Magistrate Division

Sample 2 - Marshal's Letter

Date: March 2, 20XX

Marshal John Jones
(Marshal's Name)
111 Court St
(Address)
Plainville CT 06000
(City, State)

Dear Marshal:

Enclosed please find a Motion for Contempt which includes an Order to Attend Hearing and Notice to be served on Joe Smith .

The best place to serve him/her is at his/her home address at 1090 Old Town Road, Smallville, CT between the hours of 6 pm and 10pm or at his/her place of employment, ZYZ Tooling Company , located at 17 Center St., Smallville, CT , between the hours of 8 am and 5 pm .

 Joe Smith is 43 years old, 6 feet tall, and
(Name of person to be served)

 weighs around 225 lbs., has curly blond hair and a moustache.
(physical description).

Please make your return of service to me and (check one)

bill me directly, or

submit to State of CT for payment in accordance with enclosed order to waive fees.

Please file proof of service with this court at least six days before the hearing. Please call me if you have any questions. Thank you.

Sincerely,
 Jane Wagner
(Your Name)
 64 Cedar Street
(Your Street Address)
 Smallville, CT
(Your City, State, Zip)
 860-401-7777
(Your Telephone Number)

Pamphlets in Our Family Law Series

How to Modify Child Custody Orders

How to Modify Child Support and Alimony Orders

How to Modify Child Visitation Orders

How to Get a Contempt Order

Custody Disputes: What to Expect From the
Family Relations Office

A Guide to Fee Waivers

A Guide to Financial Affidavits

How to Get Your Maiden Name Back After a Divorce

How to Get a Restraining Order

How to Extend a Restraining Order

Child Support Series

Help with Child Support Enforcement --
If You Are Not On State

If You Are Behind on Child Support Payments

Help Modifying Support Orders

Establishing Paternity and Support for Your Child

Date: _____

(*Marshal's Name*)

(*Address*)

(*City, State*)

Dear Marshal:

Enclosed please find a Motion for Contempt which includes an Order to Attend Hearing and Notice to be served on _____.

The best place to serve him/her is at his/her home address at _____
_____ between the hours of _____ and _____ or at his/her place of
employment, _____, located at _____
_____, between the hours of _____ and _____.
_____ is _____ years old, _____ tall, and
(*Name of person to be served*)

(*physical description*).

Please make your return of service to me and (*check one*)

_____ bill me directly, or

_____ submit to State of CT for payment in accordance with enclosed order to waive fees.

Please file proof of service with this court at least six days before the hearing. Please call me if you have any questions. Thank you.

Sincerely,

(*Your Name*)

(*Your Street Address*)

(*Your City, State, Zip*)

(*Your Telephone Number*)