

CONTEMPT
Instructions for Packet 19
(For Requesting Parties)

Notice about these instructions and forms.

These instructions are not a complete statement of the law. They cover basic procedure for uncomplicated family law cases. For legal information, please talk to a lawyer or visit your local law library.

The instructions may refer to some forms not included in this packet. If you have a question about a form you cannot locate, you should consult your local court which may have the form available.

IMPORTANT: Check with your local court or your court's family law facilitator to make sure you have followed the procedures and used the correct forms for your court. Many courts have their own forms and rules. Information about how to contact your local court may be found at the Oregon Judicial Department website: <http://www.courts.oregon.gov>.

GENERAL INFORMATION ABOUT THESE FORMS

These contempt forms may be used when one party has failed to comply with (obey) an order or judgment by the court. They are for "remedial" sanctions only - "punitive" sanctions may only be requested by certain authorized attorneys. Remedial sanctions that you can request against the uncooperative party are listed in Paragraph 7 of the EX PARTE MOTION FOR ORDER TO SHOW CAUSE FOR CONTEMPT form.

IMPORTANT - These forms do **not** allow you to ask the court to put the other party in jail for violating the order or judgment. If this is a sanction you want to request, you will most likely need the assistance of an attorney.

IMPORTANT - To get a judgment for contempt and sanctions imposed against the other party, you must file your motion **within two years** of the date when the other party failed to comply with (obey) the order or judgment at issue. If you file after more than two years, the court will not be able to award a judgment of contempt or impose sanctions against the other party.

IMPORTANT - These forms are NOT meant to be used to enforce child support awards or custody or parenting time orders. However, they may be used to enforce spousal support awards. If you have child support enforcement issues and are receiving services through the Oregon Division of Child Support, you should contact them by calling their 24 hour information hotline (800) 850-0228 inside Oregon, (503) 378-5567 outside Oregon, or on the Internet at <http://www.dcs.state.or.us>. If you have custody, or parenting time enforcement issues, you will need to either contact an attorney or use forms similar to those in Packet 5 on the Oregon Judicial Department's Family Law website (<http://www.courts.oregon.gov/familylaw>).

STEP ONE - Filling Out the Forms

- Fill out the EX PARTE MOTION FOR ORDER TO SHOW CAUSE RE: CONTEMPT (MOTION) form. The case heading (names and case number) at the top of each form will be the same as it is on the petition that started the divorce, separation, or other family law case. When filling out Paragraph 6 (Relief Requested), you will need to select the maximum sanction(s) that you wish the court to order against the other party. The relief that you ask for in the MOTION cannot be changed later in the process, so be careful in choosing what sanction(s) you ask the court to order against the other party. If you change your mind and want to change the type of sanction(s) you have asked for, you will have to file an amended/new motion and re-serve it on the other party. Sign the copy of the MOTION that will be served at the bottom where it says "I certify that this is a true copy." Do not sign this line on the original form or on your own copy, just on the copies that are served on the other party.

- After filling out the MOTION, you will need to fill out the AFFIDAVIT SUPPORTING EX PARTE MOTION FOR ORDER TO SHOW CAUSE RE: CONTEMPT (AFFIDAVIT). Check with your local court to find out how much it will cost to file the MOTION.

STEP TWO - Filing and Serving the Motion

- File the MOTION, AFFIDAVIT, and the ORDER TO SHOW CAUSE RE: CONTEMPT (ORDER) with the court. After the judge has signed the ORDER, a "true copy" of the MOTION, AFFIDAVIT, and ORDER must be "served" on (personally delivered to) the other party to inform them that the court will hold a hearing and that they have a right to appear and challenge your MOTION. **Important: You cannot serve the other party yourself, because you are a party to the case.** You may have service completed by the Sheriff in the county where the other party lives or works, by a private process server, or by another individual who is a competent person 18 years or older, an Oregon resident (or of the state where service is made) and not a party nor an attorney for a party. A fee for service will typically be charged by the Sheriff's Office or a private process server.

STEP THREE - The Hearing and the Judge's Ruling

- Show up and attend the hearing at the time it is scheduled. Bring the SUPPLEMENTAL JUDGMENT with you to the hearing. During the hearing, the judge may issue a judgment or order of further appearance, depending on the issues involved in your case and whether or not the other party shows up for the hearing. If the other party does not attend the hearing, the court may issue a warrant to compel that party's appearance. At the hearing, the judge will either grant or deny the relief requested in whole or in part.