

CONTEMPT
Instructions for Packet 19
(for both the Requesting and Responding 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 it 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>).

IF YOU ARE THE REQUESTING PARTY:

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 7 (Relief Requested), you will need to select the maximum sanction 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 a 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.** You may have service completed by the Sheriff in the county where the other party lives, 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.

IF YOU ARE THE RESPONDING PARTY:

STEP ONE - Filling Out the Response

- Fill out the form called "PETITIONER'S /RESPONDENT'S AFFIDAVIT RESPONDING TO EX PARTE MOTION FOR ORDER TO SHOW CAUSE RE: CONTEMPT (RESPONSE).
- If you AGREE with all or part of the requested relief, complete Paragraph 1. If you agree with only part of the requested relief, explain what you disagree with in the portion of Paragraph 1 that begins: "□ except as follows: _____." Do NOT complete Paragraph 2.
- If you DO NOT AGREE with the requested relief, complete Paragraph 2 by marking the same boxes that appear in the other party's MOTION and explaining why you disagree with each request.
- If you were unable to comply with the court's order or judgment, explain why in Paragraph 3.
- Make two copies of your forms. One is for your records and the other is to send to the other party. Sign the copies for the other party where it says "I certify this is a true copy."

STEP 2 - Filing and Mailing the Forms

- File your response with the circuit court. Mail a copy of your RESPONSE to the other party, or his/her attorney. Fill out the CERTIFICATE OF MAILING form and file it with the court.

STEP 3 - The Court's Ruling on the Motion

- Show up and attend the hearing at the time it is scheduled. During the hearing, the judge may issue a judgment or order of further appearance. **IMPORTANT: If you do not attend the hearing, the court may issue a warrant to compel your appearance.** The judge will either grant or deny the relief requested in whole or in part.

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF _____

In the Matter of the Marriage of:) Case No. _____
)
_____,)
) Petitioner,) PETITIONER'S RESPONDENT'S
and) EX PARTE MOTION FOR ORDER
_____,) TO SHOW CAUSE RE: CONTEMPT
)
Respondent.)

MOTION

I, Petitioner Respondent, request that:

1. The court issue an Order to Show Cause requiring Petitioner Respondent to appear in _____ Circuit Court, in _____, Oregon to show cause why this court should not grant relief for remedial sanctions for non-compliance with the following order or judgment:

Title of Order/Judgment *Date Entered*

entered by _____ Circuit Court.
County

2. As described below, the Petitioner Respondent has failed to comply with (obey) the above-described order or judgment and Petitioner Respondent seeks remedial sanctions as set forth in Paragraph 7 below.

3. It has been within the other party's power to obey the court's order or judgment.

4. Not more than two years have passed since the occurrence of the act or omission that constituted the contempt.

5. **REQUIRED DESCRIPTION OF FAILURE TO COMPLY WITH ORDER OR JUDGMENT:**

Petitioner Respondent failed to comply with the terms of the order or judgment as follows:

(Explain the acts or behaviors that show how the order or judgment was not obeyed, and provide the dates) _____

Additional page attached, labeled "Paragraph 6 continued."

6. REQUESTED RELIEF (Check all boxes that apply):

Petitioner Respondent is seeking the following remedial sanctions as authorized by ORS 33.105:

- a. Payment of money sufficient to compensate the Petitioner Respondent for any loss, injury or costs suffered as the result of contempt of court in the amount of: \$ _____
Describe the loss, injury or costs suffered in detail: _____

- b. Payment of an amount not to exceed \$500 or one percent of the Petitioner's Respondent's annual gross income, whichever is greater, for each day the contempt of court continues.
- c. An order designed to insure compliance with a prior order of the court. Explain type of order requested: _____

- d. Payment of all or part of attorney fees incurred by Petitioner Respondent as the result of Petitioner's Respondent's contempt of court in the amount of: \$ _____
- e. Other: _____

7. Petitioner Respondent has stipulated to the relief requested above, as evidenced by their signature on the attached SUPPLEMENTAL JUDGMENT FOR CONTEMPT.

Points and Authorities

ORS 33.015(2)(b) defines "contempt" as the willful disobedience of court orders or judgments. ORS 33.105(1)(a, c-f) allows the court to impose one or more of the following sanctions: payment of a sum of money sufficient to compensate a party for the loss, injury, or costs suffered by the party as the result of contempt; an amount not to exceed \$500 or one percent of the defendant's annual gross income, whichever is greater, for each day the contempt of court continues; an order designed to insure compliance with a prior order of the court; payment of all or part of attorney fees incurred by a party as the result of contempt; and a sanction other than the sanctions specified in (a) to (e) if the court determines that the sanction would be an effective remedy for contempt.

DATED this _____ day of _____, 20_____.

Petitioner Respondent, Signature

Print Name

Address or Contact Address

City, State, Zip

Telephone or Contact Telephone

///

Certificate of Document Preparation. You are required to truthfully complete this certificate regarding the document you are filing with the court. Check all boxes and complete all blanks that apply:

- I selected this document for myself and I completed it without paid assistance.
- I paid or will pay money to _____ for assistance in preparing this form.

Petitioner Respondent, Signature

Print Name

Address or Contact Address

City, State, Zip

Telephone or Contact Telephone

I certify that this is a true copy:

Petitioner Respondent, Signature

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF _____

In the Matter of the Marriage of:)
)
_____,)
) Petitioner,)
 and)
)
_____,)
) Respondent.)
)

Case No. _____

AFFIDAVIT SUPPORTING EX PARTE
MOTION FOR ORDER TO SHOW CAUSE
RE: CONTEMPT

STATE OF OREGON)
) ss.
County of _____)

I, _____, being first duly sworn, say: I am the Petitioner
 Respondent in this proceeding.

1. Petitioner Respondent has failed to comply with the following court order or judgment:

_____)
Title of Order/Judgment) *Date Entered*
entered by _____) Circuit Court.
County)

2. Petitioner Respondent failed to comply with the terms of the order or judgment as evidenced by
the following actions or behavior: *(Explain and provide dates.)*

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF _____

In the Matter of the Marriage of:)
)
_____) Case No. _____
)
Petitioner,)
and) ORDER TO SHOW CAUSE
) FOR CONTEMPT
) [Personal Appearance Required]
_____)
Respondent.)

Based upon the Ex Parte Motion and Affidavit of the Petitioner Respondent on file herein, the request for an Order to Show Cause is hereby:

- allowed
- denied, because: _____

IT IS HEREBY ORDERED that Petitioner Respondent appear in person before the court, on the date and time listed below at the following location: _____

to show cause why an order should not be entered granting the relief requested in the attached Ex Parte Motion and Affidavit:

Day: _____, 20_____
Time: _____ A.M. P.M.

DATED this _____ day of _____, 20_____.

Circuit Court Judge

Print Name

Certificate of Document Preparation. You are required to truthfully complete this certificate regarding the document you are filing with the court. Check all boxes and complete all blanks that apply:

- I selected this document for myself and I completed it without paid assistance.
- I paid or will pay money to _____ for assistance in preparing this form.

Submitted by:

Petitioner Respondent, Signature _____ Print Name _____

Address or Contact Address City, State, Zip Telephone or Contact Telephone

I certify that this is a true copy: _____
 Petitioner Respondent, Signature

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF _____

In the Matter of the Marriage of:)
)
_____,)
) Petitioner,)
and)
_____,)
) Respondent.)

Case No. _____

PETITIONER'S RESPONDENT'S
AFFIDAVIT RESPONDING TO
EX PARTE MOTION FOR ORDER TO
SHOW CAUSE RE: CONTEMPT

1. I, Petitioner Respondent, being first duly sworn, appear and say that the following is true. In response to the motion that has been filed, I (*mark those that apply*):

a. agree with the requested relief contained in the Ex Parte Motion for Order to Show Cause Re: Contempt filed in this case, except as follows: _____

b. disagree with the relief requested in Petitioner's Respondent's Ex Parte Motion for Order to Show Cause for Contempt as follows: (*Check the appropriate boxes below*):

i. Payment of money sufficient to compensate the Petitioner Respondent for any loss, injury or costs suffered as the result of contempt of court in the amount of \$_____ Explain why you disagree: _____

ii. Payment of an amount not to exceed \$500 or one percent of the Petitioner's Respondent's annual gross income, whichever is greater, for each day the contempt of court continues. Explain why you disagree: _____

iii. An order designed to insure compliance with a prior order of the court.

Explain why you disagree: _____

iv. Payment of all or part of attorney fees incurred by a party as the result of a contempt of court in the amount of: \$_____. Explain why you disagree:_____

v. Other:_____

Explain why you disagree:_____

vi. Other: _____

2. I was unable to comply with the terms of the order or judgment because: _____

Certificate of Document Preparation. You are required to truthfully complete this certificate regarding the document you are filing with the court. Check all boxes and complete all blanks that apply:

- I selected this document for myself and I completed it without paid assistance.
- I paid or will pay money to _____ for assistance in preparing this form.

Dated this _____ day of _____, 20_____.

Signature Print Name

Address or Contact Address City, State, Zip Telephone or Contact Telephone

SIGNED AND SWORN to before me this _____ day of _____, 20_____.

Notary Public for _____/Court Clerk
My Commission Expires: _____

I certify that this is a true copy:

 Petitioner Respondent, Signature

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF _____

In the Matter of the Marriage of:)
)
_____,)
) Petitioner,)
)
and)
)
_____,)
) Respondent.)

Case No. _____

SUPPLEMENTAL JUDGMENT FOR CONTEMPT
 WITH MONEY AWARD

1. **This matter came before the court:**

- a. On the Motion of Petitioner Respondent;
- b. On the court's own motion;
- c. At a hearing held on _____ (date), at which the following persons were present:
 - Petitioner Petitioner's Attorney _____
 - Respondent Respondent's Attorney _____
 - Other: _____

2. **Findings.** The court considered the: Documents on file herein; Evidence presented and found that
- a. Petitioner Respondent failed to comply did not fail to comply with the terms of the order or judgment as follows:

Title of Document *Date Entered*

entered by _____ Circuit Court.
County

b. The action for the imposition of remedial sanctions for contempt was commenced within two years or less of the act(s) or omission(s) constituting the contempt.

IT IS HEREBY ORDERED that the following remedial sanctions shall be imposed upon Petitioner

Respondent for their failure to comply with the terms of the above-described order or judgment:

1. Payment of money sufficient to compensate the Petitioner Respondent for any loss, injury or costs suffered as the result of contempt of court in the amount of \$_____.
2. Payment of an amount not to exceed \$500 or one percent of the defendant’s annual gross income, whichever is greater, for each day the contempt of court continues in the amount of \$_____.
3. An order designed to insure compliance with a prior order of the court as follows (*set forth order*):_____

4. Payment of all or part of attorney fees incurred by a party as the result of a contempt of court in the amount of \$_____.

5. Other: _____

The “money award” portion of the judgment shall be as follows:

Money Award

	JUDGMENT CREDITOR (This is the party receiving payment from Judgment Debtor) <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	JUDGMENT DEBTOR (This is the party required to pay Judgment Creditor) <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
Full Name		
Address or Contact Address		
Attorney’s Name, Telephone Number and Address		
The following information is required ONLY for the party designated as the “Judgment Debtor” above.		
Year of Birth		
Last Four Digits of Social Security Number		
Last Four Digits of Driver License Number and State of Issuance		

The following information is to be provided by the party designated as the “Judgment Creditor” above.

Others Entitled to Portions of Judgment	The following person(s) or public bod(ies) are known by judgment creditor to be entitled to a portion of a payment made on the judgment (other than the judgment creditor’s attorney): <input type="checkbox"/> None or <input type="checkbox"/> _____ _____ _____
---	--

Type of Judgment		Amount of Judgment
------------------	--	--------------------

Payment of Money	WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	A lump sum payment of \$_____ to be paid by (date): _____.
	WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	

Other: _____ _____ _____	WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	\$_____.
	WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	

Prejudgment Interest	WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	\$_____
	WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	

Postjudgment Interest	WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	Nine percent (<u>9</u> %) per annum simple interest on the total judgment amount(s) of \$_____. Interest begins accruing on the date the judgment is entered until fully paid.
	WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	
Costs and Service Expenses (e.g., filing fees, hearing fees, trial fees, process fees)	WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	\$_____
	WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	
Attorneys Fees (if any)	WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	\$_____
	WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	

DATED this _____ day of _____, 20____.

 Circuit Court Judge

 Print Name

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF _____

In the Matter of the Marriage of:)
)
_____,) Case No. _____
)
Petitioner,)
and)
) AFFIDAVIT OF SERVICE
)
_____,) Personal Service (ORCP 7D(2)(a))
)
Respondent.)

I, _____, declare I am a resident of the County of _____, State of _____. I am a competent person 18 years of age or older and not a party to or attorney in this proceeding. I certify that the person, firm, or corporation served is the identical one named in this action.

1. **Personal Service.** On the _____ day of _____, 20____, at _____ a.m./p.m., I served a true copy of the Ex Parte Motion for Order to Show Cause Re: Contempt, Affidavit Supporting Ex Parte Motion for Order to Show Cause Re: Contempt, and the Order to Show Cause Re: Contempt by delivering them to Petitioner Respondent _____ (name) in person at the following address _____ within the County of _____, State of _____.

Certificate of Document Preparation. You are required to truthfully complete this certificate regarding the document you are filing with the court. Check all boxes and complete all blanks that apply:

- I selected this document for myself and I completed it without paid assistance.
- I paid or will pay money to _____ for assistance in preparing this form.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

Dated this _____ day of _____, 20_____.

Signature of Server Print Name

Address or Contact Address City, State, Zip Telephone or Contact Telephone

