

FILING FOR CONTEMPT



INFORMATION FOR BOTH PARTIES:

Important Contact Information

CLACKAMAS COUNTY CIRCUIT COURT –

<https://www.courts.oregon.gov/courts/clackamas/Pages/default.aspx>

Oregon State Bar Lawyer Referral Service - <https://www.osbar.org/public/>

Phone: 503.684.3763 or toll-free in Oregon at 800.452.7636



If you are deployed or about to be deployed, contact the Oregon State Bar Military Assistance Panel (www.osbar.org/docs/ris/militaryflier.pdf) for information about special rights and rules that may apply to you.

What these forms do

These contempt forms may be used when one party thinks that another party has failed to comply with (obey) a court order or judgment. The other party may be able to avoid contempt sanctions by complying with that order or judgment.

These forms are for “remedial” sanctions only. “Punitive” sanctions may be requested only by certain authorized lawyers. *(Remedial sanctions that can be requested are listed in paragraph 3 of the Complaint, Declaration in Support, and Ex Parte Motion for Order to Show Cause Re: Contempt).*

In a contempt proceeding, the party filing the Complaint is the Plaintiff. The other party is the Defendant.

NOTE: Oregon Law does not allow contempt actions for the nonpayment of money, except for support and attorney fees in family law matters. You may have other remedies for a Defendant’s failure to pay other money owed to you under a court order or judgment.

If Both Parties Already Agree

If you both agree on a remedy for the violation, you may be able to file a stipulation (agreement). Call the court to find out how to do that.

IF YOU ARE THE RESPONDING PARTY (Defendant):

STEP 1: FILLING OUT THE RESPONSE FORM

- **Use black or dark blue ink and print or type when you fill out your forms.**
- **File the original forms with the clerk.** You should always make yourself an extra copy before you file any form with the clerk.
- **Keep the court informed of your current address.** It is your responsibility to keep the court informed of your current address. **You are not required to use your residential address on any court form.** You may use a contact address where you regularly check in. **Your contact address will become public information.** Please make sure you use an address that is okay for other people, including the other party, to know. It must be an address in the state where you live where you can receive mail. If you use a contact address, the court will assume that you will receive all notices sent to that address.
- If Plaintiff asked for a sanction of confinement, then you have the right to a court-appointed lawyer, if you cannot afford to pay for a lawyer. The process to appoint a lawyer could delay the proceeding.



You *may* fill out the following form:

Response to Complaint and Ex Parte Motion for Order to Show Cause Re: Contempt, and Declaration

NOTICE TO DEFENDANT

You have the right **not** to file a Response

If you choose to file a Response:

- You have the right **not** to make any statements that could indicate you committed a crime.
- If you are concerned about incriminating yourself in your answers, you can choose **not** to explain why you checked a box to show disagreement.

If you choose **not** to file a Response, you still must attend the hearing scheduled in the Court's Order to Show Cause. (See Step 3)

Filling out the *Response to Complaint and Ex Parte Motion for Order to Show Cause Re: Contempt, and Declaration*

- Paragraph 1
 - if you **agree with all or part of the relief Plaintiff asked for in the Complaint**, fill out part 1.A.
 - if you agree **with only part of Plaintiff's requested relief**, explain what you

- disagree with in the part of Paragraph 1.A. that says: “☐ except as follows:_____.”
- if you **do not agree** with the requested relief, **do not complete** Paragraph 1.A. Instead, complete Paragraph 1.B., by marking the same boxes that appear in Plaintiff's *Complaint* and explaining why you disagree with each request.
- Paragraph 2
 - If you were unable to comply with the court's earlier order or judgment, explain why

STEP 2: FILING AND MAILING YOUR RESPONSE



Mail and File your forms

Make two copies of your *Response to Complaint and Ex Parte Motion for Order to Show Cause Re: Contempt, and Declaration*. One for your records, and one for Plaintiff. **Mail** a copy of your *Response* to Plaintiff, by United States mail. **THEN** fill out the ***Certificate of Mailing*** at the bottom of the *Response*.

File your original *Response to Complaint and Ex Parte Motion for Order to Show Cause Re: Contempt, and Declaration* with the court clerk. You will have to pay the filing fee when you file your papers. Go to http://courts.oregon.gov/OJD/selfhelp/pages/fee_information.aspx for the filing fee.

- If you are low income, you may ask the court to defer (postpone) or waive your filing fee. You must complete an ***Application and Declaration for Deferral or Waiver of Fees*** and an ***Order Regarding Deferral or Waiver of Fees*** and file them with your papers. If the fee is deferred, you will have to pay the fee later. If the fee is waived, you don't have to pay it now. However, the judge may reconsider waived and deferred fees at the end of the case.

STEP 3: THE COURT'S RULING ON THE COMPLAINT

Go to court and attend the hearing at the time it is scheduled. During the hearing, the judge may issue an order of further appearance or a judgment. The judge will either grant or deny the relief Plaintiff requested in whole or in part.

IMPORTANT: If you do not attend the hearing, the court may issue an arrest warrant to force you to appear in court.

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

Case No:

Plaintiff

v.

Defendant

**RESPONSE
TO COMPLAINT AND EX PARTE
MOTION FOR ORDER TO SHOW
CAUSE RE: CONTEMPT, AND
DECLARATION**

➤ I need an interpreter: ☐ Spanish ☐ ASL ☐ other: _____

NOTICE TO DEFENDANT

This case involves contempt of court, but some violations of court orders can also be crimes. You have the right not to make any statements that could indicate that you committed a crime. If you are concerned about incriminating yourself in your answers below, you can choose below **not** to explain why you checked a box to show disagreement.

If you believe you were **unable** to comply with the court's order or judgment, you should explain the reason in #2 below, because the court and Plaintiff must know you are claiming a defense.

1. In response to the Complaint and Motion that Plaintiff filed (*mark all that apply*):

A. ☐ I agree with the relief requested in Plaintiff's Complaint and Ex Parte Motion for Order to Show Cause Re: Contempt filed in this case, except as follows:

B. ☐ I disagree with the relief requested in Plaintiff's Complaint and Ex Parte Motion for Order to Show Cause Re: Contempt as follows:

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

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

c. ☐ An order designed to ensure compliance with a prior order of the court.

Explain why you disagree: _____

- d. ☐ 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:

- e. ☐ Other: _____

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

☐ Additional Page Attached

I hereby declare that the above statements are true and complete to the best of my knowledge and belief. I understand they are made for use in court and I am subject to penalty for perjury.

Date

Signature

Print Name

Contact Address

City, State, Zip

Contact Phone

Certificate of Mailing

I certify that on *(date)*: _____ I placed a true and complete copy of this
Response in the United States mail to ☐ Plaintiff or ☐ Plaintiff's lawyer at *(address)*: _____

Date

Respondent (signature)

Respondent Name

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

Plaintiff
v.

Defendant

Case No:

GENERAL JUDGMENT
Re: REMEDIAL CONTEMPT

THIS MATTER CAME BEFORE THE COURT

On Plaintiff's Complaint and Motion for Order to Show Cause Re: Remedial Contempt, at a hearing held on _____, at which the following persons were present:

☐ Defendant APPEARED ☐ with counsel ☐ without counsel
☐ Defendant was advised of the right to counsel ☐ waived the right to counsel

FINDINGS:

The court considered the: ☐ Documents on file herein; ☐ Evidence presented, and found that

a. Plaintiff's action for the imposition of remedial sanctions for contempt ☐ was ☐ was not commenced within two years or less of the act(s) or omission(s) constituting the contempt.

b. Defendant ☐ willfully failed to comply ☐ did **not** willfully fail to comply with the terms of the order or judgment as follows:

Title of Document *Date Entered*
entered by _____ Circuit Court in case number _____
County

c. In relation to the allegations in Plaintiff's Complaint, the Defendant is found:

Allegation 1: ☐ In contempt ☐ Not in contempt
Allegation 2: ☐ In contempt ☐ Not in contempt
Allegation 3: ☐ In contempt ☐ Not in contempt

☐ Additional Allegations are listed on the next page, labeled "Allegations continued..."

THE COURT ORDERS

The relief requested in the *Remedial Contempt Complaint* is:

☐ DENIED. The Complaint is DISMISSED.

☐ GRANTED. The following remedial sanctions shall be imposed upon Defendant for failure to comply with the terms of the above-described order or judgment:

1. ☐ Payment of money sufficient to compensate the plaintiff 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 ensure 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 \$_____ or
☐ as determined under ORCP 68 procedures.

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) ☐ Plaintiff ☐ Defendant	JUDGMENT DEBTOR (This is the party required to pay Judgment Creditor) ☐ Plaintiff ☐ Defendant
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		
Social Security Number (last 4 digits)		

Driver's License Number and State of Issuance (last 4 digits)		
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): ☐ None or ☐ _____ _____ _____	
Type of Judgment		Amount of Judgment
Payment of Money	WHO PAYS ☐ Defendant	A lump sum payment of \$_____ to be paid by (date):_____.
	WHO RECEIVES ☐ Plaintiff	
Other: _____ _____ _____	WHO PAYS ☐ Defendant	\$_____.
	WHO RECEIVES ☐ Plaintiff	
Prejudgment Interest	WHO PAYS ☐ Defendant	\$_____
	WHO RECEIVES ☐ Plaintiff	

Post-judgment Interest	WHO PAYS ☐ Defendant	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 ☐ Plaintiff	
Costs and Service Expenses (e.g., filing fees, hearing fees, trial fees, process fees)	WHO PAYS ☐ Plaintiff ☐ Defendant	\$_____
	WHO RECEIVES ☐ Plaintiff ☐ Defendant	
Attorney Fees (if any)	WHO PAYS ☐ Plaintiff ☐ Defendant	\$_____
	WHO RECEIVES ☐ Plaintiff ☐ Defendant	

Judge Signature:

Certificate of Readiness

This proposed judgment is ready for judicial signature because (*check all that apply*):

- ☐ Service is not required under UTCR 5.100 because the other party has been found in **default** or an order of default is being requested with this proposed judgment; because this judgment is submitted **ex parte** as allowed by statute or rule; or this judgment is being submitted in **open court** with all parties present.

☐ Each party affected by this judgment has **stipulated** to or approved the judgment, as shown by the signatures on the judgment.

☐ I have **served** a copy of this judgment and written notice of the 7-day objection period set out in UTCR 5.100 on all parties entitled to service (*complete service information below*). **And:**

☐ No objection has been served on me within that time frame.

☐ I received objections that I could not resolve with the other party despite reasonable efforts to do so. I have filed with the court a copy of the objections I received and indicated which objections remain unresolved.

☐ After conferring about objections, the other party agreed to file any remaining objection with the court.

Certificate of Service under UTCR 5.100

I certify that on (*date*): _____ I placed a true and complete copy of this proposed *Judgment* in the United States mail to (*name*) _____
_____ at (*address*) _____

Submitted by: ☐ Plaintiff ☐ Defendant

Signature

Print Name

I understand that I am subject to penalty for perjury for giving false information to the court. All factual information in this Judgment is true to the best of my knowledge and belief. I agree to the terms of this Judgment. I understand that this Judgment is enforceable by the court.

Plaintiff, Signature

Date

Plaintiff, Name (printed)

☐ Defendant stipulates (agrees) to the terms of this judgment.

Defendant, Signature

Date

Defendant, Name (printed)