

HOW TO FILE A PETITION FOR CITATION FOR CONTEMPT

NOTE: You would use this packet only:

(a) if the Respondent lives in Clayton County AND you have a Superior Court order from a county in Georgia; or

(b) you have a court order from Clayton Superior Court that orders your ex-spouse or other parent of your child(ren) to do certain things and that person has not done them.

If you meet one of these criteria, you can use this packet in the following types of situations:

- you have not received child support as ordered; or
- you have not been permitted to visit your child(ren) as ordered; or
- the other person has not turned over property as ordered; or
- the other person has not performed certain acts as ordered; or
- the other person has not provided insurance or paid for medical expenses as ordered.

If your ex-spouse or other parent of your child(ren) no longer lives in Georgia and you need to file for contempt for custody or visitation, seek the advice of an attorney unless that ex-spouse or other parent can be served while in Georgia with a copy of your petition. If the other party no longer resides in Georgia, you can use these forms to take a contempt action for nonpayment of child support or alimony, to obtain health or life insurance that had been ordered but not provided, to pay medical expenses, to have property turned over, or to have other expenses that were ordered to be paid by the Court paid.

Step 1: Fill out the Petition. You are the Petitioner, while the Respondent is the person who has not obeyed the order. Print or type your full name and the full name of the Respondent. Do not fill in the Civil Action File number yourself – the clerk will provide you with that number. You can find the date the judge signed the original order on the last page of that order above the judge's signature.

Step 2: Fill out the Verification, which tells the Court that you are swearing under oath that what you wrote in the Petition is true and correct. At the end, print or type your full name and write in your address and phone number, BUT DO NOT SIGN IT UNTIL YOU ARE IN FRONT OF A NOTARY PUBLIC, WHO MUST WITNESS YOUR SIGNING. Notaries can be found at banks, post offices, or the clerk's office.

Step 3: Fill out the Rule Nisi Form, which is used to set a hearing date, by filling in your full name as Petitioner and the other person's full name as Respondent. The clerk will instruct you on how to get a hearing date and will fill in the rest when you take your papers in to be filed.

Step 4: Complete the form for the Summons and Service of Process, which you would obtain from the clerk of court. Write your address under "Petitioner's Address" on the left; put the Respondent's full name and address under "Name and Address of the Party to be Served."

Step 5: Make a copy of your original court order which you are claiming the other party has violated to attach to your Petition.

Step 6: Put your papers together in proper order, which is:

Sheriff's Entry of Service

Petition

Copy of the original court order that the other party violated

Verification

Rule Nisi

Step 7: Make three (3) copies of the whole package.

Step 8: Take your documents to the Clerk's office to be filed. The clerk will fill in the case number and the Rule Nisi on all three copies of your Petition and Rule Nisi. Be sure that you tell the clerk that you want a hearing date for your Rule Nisi. Ask the clerk to date-stamp your copies. If you are seeking waiver of the court's filing fees and the sheriff's service fees, you should fill out the Affidavit of Poverty, also in the packet, prior to coming to the clerk's office (making sure that you do not sign the affidavit except in front of a notary public as witness to your signature) and file it along with your other papers.

Step 9: Take one copy of your package to the Sheriff's office (the clerk may arrange that for you) so that it can be served on the opposing party. The third copy of the package is for your own records.

Step 10: Come to court on the date and time of your hearing as indicated in the Rule Nisi for your hearing.

IN THE SUPERIOR COURT FOR CLAYTON COUNTY
STATE OF GEORGIA

_____,)	
)	
Petitioner)	
)	
vs.)	CIVIL ACTION CASE NO.
)	_____
_____,)	
)	
Respondent)	

PETITION FOR CITATION FOR CONTEMPT

Comes now _____, Petitioner in this action, and in support of this Petition respectfully states as follows:

1. An Order was entered in the Superior Court of _____ County as follows:

The case name as it appeared in the prior action: _____

The Civil Action File No. of that case was: _____.

The date that Order was entered by the Court was: _____.
A copy of that Order is attached.

2. [Check the paragraph that applies]

____ Respondent is subject to the jurisdiction of this Court and may be personally served with a copy of this Petition and Rule Nisi at the following address:

____ Respondent is not a resident of Clayton County but lives in County, State of Georgia, and shall be served with a copy of this Petition and Rule Nisi by second original.

____ Respondent is subject to the jurisdiction of this Court pursuant to the Georgia Domestic Relations Long Arm Statute insofar as he/she is a non-resident of Georgia and I am seeking this contempt citation for his/her failure to pay child support/alimony, to obtain health/life insurance coverage, to pay medical expenses, to turn over property, or

to pay other expenses. Respondent may be personally served with a copy of this Petition and Rule Nisi by second original at the following address:

3. In the prior Order, Respondent was ordered [check all that apply]:

_____ to pay Petitioner \$_____ per _____ in child support/alimony and, as of the date of the filing of this Petition, owes to the Petitioner the following amount: \$_____.

_____ to allow Petitioner to visit with the minor child(ren) but has refused to do so.

_____ to give Petitioner the following property/possessions, but has refused to do so:

4. Respondent was able to do what the Court ordered. Respondent's refusal to do so is willful.

5. Respondent should be held in contempt of this Court's Order and confined to the common jail of Clayton County until such time as he/she purges him/herself of this contempt.

6. Respondent should be ordered to reimburse the Petitioner for payment in filing this action and for cost of service.

WHEREFORE, Petitioner prays:

- (a) That process and summons issue as provided by law; (b) That Respondent be served with a copy of this Petition;
- (c) That Respondent be held in contempt for failure to obey the terms of the Court's Order;
- (d) That a Rule Nisi issue setting a hearing and ordering Respondent to come before this Court and show cause why this Petition should not be granted;
- (e) That Respondent be ordered to reimburse Petitioner for the cost of filing and serving this action; and

(f) That Petitioner be awarded any further relief that this Court finds right and proper under the circumstances.

Date: _____

Petitioner, Pro Se (Signature)

Name: _____
(Print or Type)

Address: _____

Telephone: _____

IN THE SUPERIOR COURT OF CLAYTON COUNTY
STATE OF GEORGIA

_____,

Plaintiff,

vs.

Civil Action
Case Number

_____,

Defendant.

VERIFICATION

My name is _____. I hereby swear or affirm, before a notary public, that I have read the following document [fill in name of document being verified]: _____, which I am filing in court with this Verification, and the facts stated in the document are true.

[INSERT NAME]

Subscribed and sworn before me on
_____, 20__.

Notary Public

Domestic Relations Case Filing Information Form

Superior Court

County _____

Date Filed _____
MM-DD-YYYY

Docket # _____

Plaintiff(s)

Defendant(s)

Last First Middle I. Suffix Prefix Maiden

Last First Middle I. Suffix Prefix Maiden

Last First Middle I. Suffix Prefix Maiden

Last First Middle I. Suffix Prefix Maiden

Plaintiff/Petitioner's Attorney **Pro Se**

Bar # _____

Last First Middle I. Suffix

Check Case Type (one or more)

- Divorce (includes annulment)
- Separate Maintenance
- Adoption
- Paternity (includes legitimation) Interstate
- Support Enforcement Action
- Domestication of Foreign Custody Decree
- Family Violence Act Petition

MODIFICATION

- Modification - Custody and/or Visitation
- Modification - Child Support and Alimony
- Modification - Child Support
- Modification – Alimony

CONTEMPT

- Contempt - Custody and/or Visitation
- Contempt - Child Support and Alimony
- Contempt - Child Support
- Contempt - Alimony
- Other Domestic Contempt

Other Domestic Relations Specify _____

FAMILY VIOLENCE

Additional Information - Ex Parte Relief

Did the initial pleading include a request for relief

1. From alleged family violence? Yes No
2. Was ex parte relief requested? Yes No
3. Was ex parte relief granted? Yes No

IN THE SUPERIOR COURT OF CLAYTON COUNTY
STATE OF GEORGIA

_____ ,

Plaintiff,

vs.

Civil Action
Case Number

_____ ,

Defendant.

DOMESTIC RELATIONS FINANCIAL AFFIDAVIT

(1) Your Name:		Your Age:
Spouse's Name:		Spouse's Age:
Date of Marriage:	Date of Separation:	
Names and birth dates of children for whom support is to be determined in this action:		
Name	Date of Birth	Resides with
Names and birth dates of your other children:		
Name	Date of Birth	Resides with
(2) SUMMARY OF YOUR INCOME AND NEEDS: (fill out this part after you complete pages 2-5)		
A) Gross Monthly Income (from Item 3A below)		\$
B) Net Monthly Income (from Item 3B below)		\$
C) Average Monthly Expenses (Item 5A below)		\$
Monthly Payments to Creditors (Item 5B below)		\$
Total Monthly Expenses & Payments to Creditors (Item 5C below)		\$

(3) (A) YOUR GROSS MONTHLY INCOME: (Complete this section or attach Child Support Schedule A. All income must be entered based on monthly average regardless of date of receipt. Where applicable, income should be annualized.)

Salary or Wages — ATTACH COPIES OF 2 MOST RECENT WAGE STATEMENTS	\$
Commissions, Fees & Tips	\$
Income from self-employment, partnership, close corporations and independent contracts (gross receipts minus ordinary and necessary expenses required to produce income) ATTACH SHEET ITEMIZING YOUR CALCULATIONS	\$
Rental income (gross receipts minus ordinary and necessary expenses required to produce income) ATTACH SHEET ITEMIZING YOUR CALCULATIONS	\$
Bonuses	\$
Overtime Payments	\$
Severance Pay	\$
Recurring Income from Pensions or Retirement Plans	\$
Interest and Dividends	\$
Trust income	\$
Income from Annuities	\$
Capital Gains	\$
Social Security Disability or Retirement Benefits	\$
Worker's Compensation Benefits	\$
Unemployment Benefits	\$
Judgments from Personal Injury or Other Civil Cases	\$
Gifts (cash or other gifts that can be converted to cash)	\$
Prizes & Lottery Winnings	\$
Alimony and maintenance from persons not in this case	\$
Assets which are used for support of family	\$
Fringe Benefits (if significantly reduce living expenses)	\$
Any Other Income (Do not include means-tested public assistance, such as TANF or food stamps.)	\$
TOTAL Gross Monthly Income (also write in 2A on page one)	\$

(3)(B) Net Monthly Income From Employment (deducting only state and federal taxes and FICA) (also write in 2B on page one)			\$	
Your Pay Period (i.e., monthly, weekly, etc.):		Number of Exemptions Claimed by You for Tax Purposes:		
(4) ASSETS (List all assets here, including both non-marital and marital property. If you claim or agree that all or part of an asset is non-marital, indicate the non-marital portion under the appropriate spouse's column and state the amount and the basis: pre-marital, gift, inheritance, source of funds, etc. The total value of each asset must be listed in the "value" column. "Value" means what you feel the item of property would be worth if it were offered for sale.)				
Description	Value	Separate Asset of Husband	Separate Asset of Wife	Basis of the Claim (pre-marital, gift, inheritance, etc.)
Cash	\$	\$	\$	
Stocks, Bonds	\$	\$	\$	
CD's / Money Market Accounts	\$	\$	\$	
Bank Accounts (list each account below):				
(1)	\$	\$	\$	
(2)	\$	\$	\$	
(3)	\$	\$	\$	
Retirement Pensions, 401(k), IRA or Profit-Sharing	\$	\$	\$	
Money Owed to You (or Spouse)	\$	\$	\$	
Tax Refund Owed to You	\$	\$	\$	
Real Estate (list properties & mortgages):				
Home	\$	\$	\$	
Debt owed on Home	\$			
Other Real Estate	\$	\$	\$	
Debt owed on Other Real Estate	\$			
Automobiles / Vehicles (list vehicles & amounts owed on each one):				
(1)	\$	\$	\$	
Debt owed on Vehicle (1)	\$			

(2)	\$	\$	\$	
Debt owed on Vehicle (2)	\$			
(4) ASSETS (continued)				Basis of the Claim (pre-marital, gift, inheritance, etc.)
Description	Value	Separate Asset of Husband	Separate Asset of Wife	
Life Insurance (net cash value)	\$	\$	\$	
Furniture / Furnishings	\$	\$	\$	
Jewelry	\$	\$	\$	
Collectibles	\$	\$	\$	
Other Assets (specify):	\$	\$	\$	
	\$	\$	\$	
	\$	\$	\$	
TOTAL ASSETS	\$	\$	\$	

(5)(A) AVERAGE MONTHLY EXPENSES FOR YOU AND YOUR HOUSEHOLD			
HOUSEHOLD EXPENSES			
Mortgage or Rent Payments	\$	Gas	\$
Property taxes	\$	Repairs & Maintenance	\$
Homeowner's / Renter's Insurance	\$	Lawn Care	\$
Electricity	\$	Pest Control	\$
Water	\$	Cable TV / Internet Access	\$
Garbage & Sewer	\$	Misc. Household & Grocery Items	\$
Telephones		Meals Outside Home	\$
Residential Lines	\$	Other (specify)	\$
Cellular Telephones	\$		\$
AUTOMOTIVE			
Gasoline & Oil	\$	Auto Tags / Registration / License	\$
Repairs & Maintenance	\$	Insurance	\$
OTHER VEHICLES (boats, trailers, RVs, etc.)			
Gasoline & Oil	\$	Tags / Registration / License	\$
Repairs & Maintenance	\$	Insurance	\$

CHILDREN'S EXPENSES			
Child Care (total monthly cost)	\$	Allowance	\$
School Tuition	\$	Children's Clothing	\$
Tutoring	\$	Diapers	\$
Private lessons (e.g., music, dance)	\$	Medical, Dental, Prescriptions (out-of-pocket uncovered expenses)	\$
School Supplies / Expenses	\$	Grooming / Hygiene	\$
Lunch Money	\$	Gifts from children to others	\$
Other Educational Expenses (list type & amount):		Entertainment	\$
	\$	Activities (including extra-curricular, school, religious, cultural, etc.)	\$
	\$	Summer Camps	\$
OTHER INSURANCE			
Health Insurance	\$	Life Insurance	\$
Children's portion:	\$	Relationship of Beneficiary:	
Dental Insurance	\$	Disability Insurance	\$
Children's portion:	\$	Other Insurance (specify)	\$
Vision Insurance	\$		\$
Children's portion:	\$		\$
YOUR OTHER EXPENSES			
Dry Cleaning & Laundry	\$	Publications	\$
Clothing	\$	Dues, Clubs	\$
Medical / Dental / Prescription (out-of-pocket uncovered expenses)	\$	Religious & Charities	\$
Your Gifts (special holidays)	\$	Pet expenses	\$
Entertainment	\$	Alimony Paid to Former Spouse	\$
Recreational Expenses (e.g., fitness)	\$	Child Support Paid for other children	\$
Vacations	\$	Date of initial CS order:	
Travel Expenses for Visitation	\$	Other (attach sheet to list)	\$

TOTAL ABOVE MONTHLY EXPENSES (also write on first line of 2C on page one)					\$
(5)(B) YOUR PAYMENTS & DEBTS TO CREDITORS					
To Whom	Balance Due	Monthly Payments	(Please check one)		
			Joint	Husband	Wife
	\$	\$			
	\$	\$			
	\$	\$			
	\$	\$			
	\$	\$			
	\$	\$			
Total Monthly Payments to Creditors (also write this total on line 2 of 2C on page one)				\$	
(5)(C)TOTAL MONTHLY EXPENSES (Total Expenses from final line on page 5 + Total Monthly Payments to Creditors above) (also write this total on line 3 of 2C on page one)				\$	

 [INSERT YOUR NAME]
 (Sign in front of notary public.)

Name: _____
 Address: _____
 Daytime Phone: _ () _____

Subscribed and sworn before me on
 _____, 20__.

 Notary Public

IN THE SUPERIOR COURT OF CLAYTON COUNTY
STATE OF GEORGIA

Plaintiff,

vs.

Civil Action
Case Number

Defendant.

ACKNOWLEDGMENT OF SERVICE

I am the Defendant in this case. I hereby acknowledge that I have received a copy of
the _____, and the following other documents:

I waive formal process, but I do not waive further notice, or my right to raise any
defenses I may have in this action.

Should further notice be required for any reason, the notice should be mailed to me at
the following address:

Defendant, Pro se

(Signature)

Sworn to and subscribed before
me on _____

Notary Public

IN THE SUPERIOR COURT OF CLAYTON COUNTY
STATE OF GEORGIA

Plaintiff,

vs.

Civil Action
Case Number

Defendant.

ACKNOWLEDGMENT OF SERVICE,
CONSENT TO JURISDICTION AND VENUE,
AND CONSENT TO PRESENT CASE

I am the Defendant in this case. I hereby acknowledge that I have received a copy of the _____ [insert document name], and I consent to both jurisdiction and venue as they are stated in the _____ [insert document name]. So long as any Judgment in this action incorporates the Settlement Agreement I have signed, then I waive formal process, further notice, my right to trial and, if I am on active duty in the armed forces, I also waive my rights under the Soldiers and Sailors Civil Relief Act, 50 USC App. §521. I give my consent for the Court to hear this matter as soon as possible after thirty-one days.

Should further notice be required for any reason, the notice should be mailed to me at the following address:

Defendant, Pro se

(Signature)

Sworn to and subscribed before
me on _____

Notary Public

IN THE SUPERIOR COURT OF CLAYTON COUNTY
STATE OF GEORGIA

_____,

Plaintiff,

vs.

Civil Action
Case Number

_____,

Defendant.

AFFIDAVIT OF DILIGENT SEARCH

I am the Plaintiff in this case. I am filing this Affidavit of Diligent Search under OCGA § 9-11-4 (f)(1)(A). I hereby swear or affirm, before a notary public, that the following information is true:

1.

A diligent search has been made, and the Defendant cannot be found within the State of Georgia. I do not know where the Defendant lives or where the Defendant can be found.

2.

The last known address and telephone number I have for the Defendant is:

To the best of my knowledge, the Defendant still lived at that address as of _____
_____, but no longer lives there.

3.

I have made the following efforts to find the Defendant:

_____ (a) Checking with the following persons:

(1) Name of Person Contacted: _____

Contact's Relationship with Defendant: _____

Contact's Address & Phone Number: _____

Date I contacted this person: _____

Results of Contact / What They Told Me: _____

(2) Name of Person Contacted: _____

Contact's Relationship with Defendant: _____

Contact's Address & Phone Number: _____

Date I contacted this person: _____

Results of Contact / What They Told Me: _____

(3) Name of Person Contacted: _____

Contact's Relationship with Defendant: _____

Contact's Address & Phone Number: _____

Date I contacted this person: _____

Results of Contact / What They Told Me: _____

(4) Name of Person Contacted: _____

Contact's Relationship with Defendant: _____

Contact's Address & Phone Number: _____

Date I contacted this person: _____

Results of Contact / What They Told Me: _____

_____ (b) Checking telephone information and directories, with the following results:

_____ (c) Asking the sheriff to attempt service at either the Defendant's last known residence OR the Defendant's last known place of employment, which was at the following address _____

_____ (d) The following other efforts, with the following results: _____

Defendant, Pro se (Sign here before notary.)

Sworn to and subscribed before
me on _____

Notary Public
