

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.