

# Contempt: How to Enforce a Court Order

If the Court made an order in the past and the other party is not following the order, read this information about how to ask the court to hold the other party in contempt.

## What is contempt?

**Contempt** means failure to follow a court order. If the court finds someone in contempt, the court will usually give that person a new chance to start following the order. If the person does not start following the order, the court can make the person pay a fine or even go to jail. If you want the court to make the other party follow a court order, you can file a Motion for Contempt.

## Examples of using contempt to enforce a court order

You may want to file a motion for contempt if the other party fails to:

- pay child support
- follow a visitation or parenting time order
- pay bills or medical expenses
- turn over property
- refinance a mortgage

## Before you go to court, try again to work out the problem

Before you go to court, you should try once again to work out the problem with the other party. Make sure that he/she knows exactly what you expect. Give the other party a letter (with the date on it) saying that you expect him/her to follow the court's order exactly as it is written. Tell him/her that you will take the matter to court if the order is not followed. Keep a copy of this letter for your records.

## Keep copies of all your records and court papers

It is important to keep copies of all letters and electronic messages you send to (or get from) the other party. You should also keep copies of all letters you receive from outside parties (example: letters from collection agencies). You may also want to keep a notebook where you write down all of the problems you are having. You may need these details for court.

Be sure you have a copy of your court order (for example, your divorce decree). Your court papers have your case number on them and tell you exactly what your rights are.

If you need copies of your court papers, you can get them from the court that issued the original order.

## How do I file for contempt?

Go back to the court that issued your original order. Most courts have their own packet of forms for a contempt case. Check your court's website or go to the clerk's office. If the clerk says they do not give out forms, call Legal Aid again.

You must fill out the forms completely. Use a typewriter or write neatly with a black pen. Take 4 copies of each form back to the Clerk's office to be filed.

**Read the directions on the forms carefully. You may have to sign some forms in front of a Notary Public.**

## You must have an address for the other party

When you file your contempt papers in court, the court must serve a copy of the papers on the other party. Therefore, you must give the Clerk a current address for the other party. If you do not have a home address, a work address will usually do. If you do not have any address, you should contact friends and family who may have an address for the other party. If the court can not serve the paperwork on the other party, you will not be able to have a hearing.

## Do I have to pay a fee to file for contempt?

Normally, there is a fee to file for contempt. However, if you can not afford to pay the fee, the court may accept your "Poverty Affidavit" and waive the fee. You may have to provide proof of your income to get the fees waived. The Judge may order you to pay the fees later.

If Legal Aid sent you a packet of forms, a Poverty Affidavit is included. If you did not receive a packet, ask the Clerk for a form to waive the fees.

## How should I get ready for my court hearing?

You should make copies of all letters, emails and other papers that are related to your case. Bring two copies of everything with you to court - one for the judge and one for the other party. If you have witnesses who have first-hand, personal knowledge about the issue, bring those witnesses to court with you.

## What will happen at the court hearing?

The first time you go to court, you may not have a hearing. In a contempt hearing, the other party has the right to have an attorney. The Court will almost always grant a "continuance" (postponement) if the other party says they need time to get a lawyer. If that happens, you will have to come back to court to have your hearing another day.

When you have your hearing, you will testify first. You should explain why you think the other party has violated the court order. Be specific. Show the court any papers that prove your case. The other party will then have a chance to cross-examine you. Next, you can call other witnesses to testify. They can all be cross-examined by the other party.

Next, the other party will have a chance to present his/her defense. He or she can also call witnesses. You will have the chance to cross-examine the other party and all witnesses.

After both sides present their cases, the Judge will make a decision. The Judge may tell you his/her decision while you are in court, or might mail the decision to you.

If the Judge believes you and finds the other party in contempt, the other party will likely be given another chance to follow the court order. The Judge will likely have you come back to court again to see if the order is being followed. If the other party is still not following the court order, the Judge may put him/her in jail.

*Not Legal Advice. Legal Aid provides this information to help you understand Ohio laws and procedures.  
This is not legal advice concerning your case. Lawyer Referral Service 513-381-8359*

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