

RESPONSE TO CONTEMPT

This packet contains forms and information on:

How to File a Response to Citation of Contempt

IMPORTANT

IF THERE IS ANY QUESTION in your mind concerning these forms, the use of these forms, or your legal rights, it is strongly recommended that the services of an attorney be obtained. If you do not know an attorney you should contact your local Bar Association.

If you are to afford the services of an attorney, you should contact the following organizations to see if you are eligible for their services:

- **Georgia Legal Services Program, Piedmont Regional Office (404) 894-7707**

DUE TO THE CHANGING NATURE OF THE LAW, the forms and information contained in these packets may become outdated. Therefore, you should review and research statutes and rules of procedure referenced in the instructions to ensure that the forms are accurate and current.

IN NO EVENT will the Clerk of Court or ADR Office or anyone contributing to the production of these forms, commentary, instructions, and appendices be liable for any indirect or consequential damages resulting from the use of the booklet.

USE THESE FORMS AT YOUR OWN RISK. THESE FORMS MAY OR MAY NOT BE APPROPRIATE IN YOUR PARTICULAR CASE. ANY DESIRED OUTCOME FROM THE USE OF THESE FORMS CANNOT BE PREDICTED OR GUARANTEED. IT IS STRONGLY RECOMMENDED THAT YOU SEEK LEGAL ADVICE.

It is advisable to have an attorney when filing legal papers to be sure that your rights are protected and that all the procedures are correctly followed. **Courthouse personnel are prohibited by state law O.C.G.A. § 15-19-51 from giving legal advice.** Different situations may require special procedures and courthouse personnel cannot advise you on how to proceed or what forms may be necessary in specific situations.

Be aware that answering questions about legal procedure (such as what the law requires you to do, how to prove your case, how to respond to requests by the opposing party or how to get that party to respond to your requests, how to comply with a law or a court order, etc.) constitutes “giving legal advice.” Georgia law strictly forbids anyone employed by the Clerk’s office, Sheriff’s office, judge’s chambers, or ADR office from answering such questions. *When you choose to represent yourself, it is your responsibility to research the law yourself and figure out what the law requires you to do and how you should proceed. The fact that you are not an attorney is not an excuse or an exception to this requirement.*

Note: ALL domestic cases except domestic violence cases must be submitted to the ADR Office for mediation prior to ANY court hearing. If there is no mediation, there will be no court hearing unless mediation is excused in writing by the ADR Office. You may contact the ADR Office at 770-288-8448 to initiate the mediation process.

HOW TO FILE A RESPONSE TO A PETITION FOR CITATION OF CONTEMPT

Use this packet if you have been served with a *Petition for Citation of Contempt* from Henry County Superior Court. If the Petitioner did not use the Henry County Forms, you should use this packet as a guideline only and seek the advice of an attorney.

You have 30 days from the date you received the *Petition* to respond to the allegations contained in the *Petition*. Even if the allegations are not true, if you do not respond to the *Petition* within 30 days, you may be fined up to \$500 per citation (order disobeyed) or 20 days in jail. The judge could also order you to pay back the support or alimony you owe, give the other party more visitation, or anything else that the judge sees proper for the situation. Because of the possible penalties involved, you should probably seek the advice of an attorney.

BASIC STEPS OF THIS PROCESS

- STEP 1:** Fill out the *Response to Petition for Citation of Contempt*.
- STEP 2:** Fill out the *Verification* form to go with the *Response*.
- STEP 3:** Fill out the *Certificate of Service* form.
- STEP 4:** Make three (3) copies of the completed forms.
- STEP 5:** File the original and have the clerk stamp the copies.
- STEP 6:** Send the copy of the forms to the Petitioner.
- STEP 7:** Come to Court on the date of the hearing as indicated on the Rule Nisi form you received from the Petitioner.

DETAILED INSTRUCTIONS FOR FORM COMPLETION

Step 1: Response to Petition for Citation of Contempt (Form 310)

- **Respondent:** You are the Respondent. Fill in your name on the line next to “Respondent,” and on the line after “NOW COMES.”
- **Petitioner:** The Petitioner is the person who filed the *Petition for Citation of Contempt*. Fill in that person’s full name on the line next to “Petitioner.”
- **File Number:** Fill in the Civil Action File Number with the same Civil Action File Number that is on the *Petition*.
- **Paragraph 1:**
 - Check the first box if the allegations in paragraph 1 of the *Petitioner* are correct.
 - If any of the information in paragraph 1 of the *Petition* is not correct, check the second box and explain why the information is wrong. For example, if a judge did not sign an order as alleged, then say that. Or, if the date of the order was not correct, write in the correct date that the order was signed. You should neatly type or print your explanation.
 - If you agree with some of the information in paragraph 1, but not all of it, check the second and third boxes and explain what you disagree with as instructed above.
- **Paragraph 2:**
 - Check the first box if you:
 - Were given a copy of the Petition in person; AND
 - You live in Henry County, and Henry County was the county where the original Order was entered.
 - Otherwise check the second box.
- **Paragraph 3:**
 - Check the first box if you agree with the allegations in paragraph 3 of the *Petition*.
 - Check the second box if you do not agree and explain why you disagree in the space provided.
- **Paragraph 4:**
 - Check the first box if you obeyed the Order.
 - Check the second box if you were able to do what the Court ordered but did not do it. Explain why you did not obey the order in the space provided.
 - Check the third box if you were unable to do what the Court ordered and explain why in the space provided.
- **Signature:**
 - Put the date of the day you finish the form, sign your name, and then print your name, address, and telephone number. Make sure you print clearly.

Step 2: Verification (Form 365)

- This document tells the Court that you swear, under oath, that what you wrote or put in the *Petition* is true and correct.
- Print or type the full name of the person who filed the *Petition* next to the word “Petitioner.”
- Print or type your full name next to the word “Respondent.”
- Where it says: “I _____,” print or type your full name.
- Where it says: “This ___ day of ____, 20___,” fill in the current date, month, and year.
- Print or type your full name where indicated and fill in your address and telephone number.
- **DO NOT SIGN THIS DOCUMENT.** You may only sign this document in front of a public notary. Public notaries are available at banks, the post office, grocery stores, or the Henry County Superior Court Clerk’s Office.

Step 3: Certificate of Service (Form 370)

- This document tells the Court that you sent a copy of the *Response* and *Verification* to the Petitioner. A copy of everything that you file in this case should be sent to the Petitioner, and a copy of everything that the Petitioner files should be sent to you.
- Fill in the name of the person who files the *Petition* as Petitioner and your name as Respondent.
- Next to the number 1, print or type the name of each document that you will be sending the Petitioner.
- Next to the number 2, print or type the date you will be sending the Petitioner a copy of the documents.
- Next to the number 3, print or type the Petitioner's name and address where you will be sending the documents.
- Next to the number 4, sign your name and then print or type your name, address, and telephone number.

Step 4: Copies

- Makes three (3) copies of the completed forms.

Step 5: Filing

- Take the document package to the Henry County Superior Court Clerk's Office to file. Have the clerk stamp your copies. Keep a copy of the document package for your records.

Step 6: Mail Completed Forms

- Mail the Petitioner one copy of the completed forms to the address you filled out on the *Certificate of Service*.

Step 7: Court Appearance

- Come to Court on the hearing date and time that is indicated on the Rule Nisi or Notice of Hearing form. You should go to the courtroom indicated on this document. Then, wait for your case to be called by the judge.

**IN THE SUPERIOR COURT OF HENRY COUNTY
STATE OF GEORGIA**

Petitioner: _____
and
Respondent: _____

Civil Action File No.: _____

RESPONSE TO PETITION FOR CITATION OF CONTEMPT

NOW COMES _____ (your full name), Respondent in the above-styled action, and submits this *Response to Petition for Citation for Contempt* and shows the Court as follows:

1. Check the box that applies:

- Respondent agrees that the information contained in paragraph 1 of the *Petition for Citation of Contempt* is correct.
- Respondent disagrees with paragraph 1 of the *Petition for Citation of Contempt* as follows:

- Respondent agrees with all other allegations of paragraph 1 of the *Petition for Citation of Contempt*.

2. Check the box that applies:

- Respondent is subject to the jurisdiction of this Court.
- Respondent is not subject to the jurisdiction of this Court.

3. Check the box that applies:

- Respondent agrees that s/he was ordered to do what was described in paragraph _____ of the *Petition for Citation of Contempt*.
- Respondent disagrees with Paragraph _____ of the *Petition for Citation of Contempt* as follows:

4. Check the box that applies:

- Respondent did what was ordered by the Court.
- Respondent was able to do what the Court ordered, but did not obey the order because:

- Respondent was unable to do what the Court ordered because:

