

If you're 60 or over, call your local legal aid office:

Eastern CT	800-413-7796	Western CT	800-413-7797
Hartford Area	860-541-5000	Bridgeport Area	800-809-4434
Stamford Area	800-541-8909	New Haven Area	203-946-4811

If you're under 60, call SLS for help:



Statewide Legal Services
1-800-453-3320
860-344-0380

Search our website for help:



www.ctlawhelp.org

FAMILY

LEGAL SERVICES

Self-Help Series

What if the other parent does not obey a court order?

How to ask for a contempt order

October 2016

We offer free legal help in many areas, including

- welfare,
- SNAP (food stamps),
- divorce,
- child support,
- domestic violence,
- bankruptcy,
- special education,
- nursing home care,
- health insurance,
- eviction,
- foreclosure,
- and more.

See the reverse side for more about legal services.



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Statewide Legal Services
1-800-453-3320 or 860-344-0380

Search our website for help:



www.ctlawhelp.org

If you're over 60, call your local legal aid office.

Connecticut Legal Services

www.ctlegal.org

Bridgeport

211 State Street 203-336-3851

New Britain

16 Main Street 860-225-8678

New London

153 Williams Street 860-447-0323

Stamford

20 Summer Street 203-348-9216

Waterbury

85 Central Avenue 203-756-8074

Willimantic

872 Main Street 860-456-1761

New Haven Legal Assistance Association

www.nhlegal.org

426 State Street
New Haven, CT 06510
203-946-4811

Consumer Law Project for Elders

Free legal assistance to people 60 and over throughout Connecticut who have money/debt problems.

1-800-296-1467

Greater Hartford Legal Aid

www.ghla.org

999 Asylum Avenue
Hartford, CT 06105
860-541-5000

What if the other parent doesn't obey a court order?

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This booklet was produced by Connecticut Legal Services, Greater Hartford Legal Aid, New Haven Legal Assistance Association, and Statewide Legal Services of Connecticut. The information in this booklet is based on laws in Connecticut as of 10/2016. We hope that the information is helpful. It is not intended as legal advice for an individual situation. Please call Statewide Legal Services or contact an attorney for additional help.
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Sample Marshal's Letter

[Date]
[Marshal's Name]
[Address]
[City, State, Zip]

Dear Marshal:

Enclosed please find a Motion for Contempt and an Order to Attend Hearing and Notice to be served on name of other party.

The best place to serve him/her is at his/her home address at other party's home address between the hours of time and time or at his/her place of employment, other party's employer, located at employer's address, between the hours of time and time.

Name of other party is age years old, height tall, and other details about the person's appearance.

Please make your return of service to me and [check one]

☐ bill me directly, or

☐ submit to State of CT for payment in accordance with enclosed Order to Waive Fees.

Please file proof of service with this court at least six days before the hearing and call me if you have any questions. Thank you.

Sincerely,

[Your Name]
[Your Street Address]
[Your City, State, Zip]
[Your Telephone Number]

This booklet explains what to do if the other parent has disobeyed a court order that involves you, including orders of

- custody,
- child support,
- visitation,
- medical bills, or
- health insurance.

If the other parent does not obey a court order, you can ask the court for a *contempt order* by filing a form called a *Motion for Contempt*. If you ask the court for a contempt order, the court can make the other parent go to court to explain why he or she has not followed the court's orders. A parent who violates a court order can be found guilty of *contempt*, and the judge can order him or her to obey the order.

Custody or Visitation?

If the other parent has disobeyed a *custody* or *visitation order*, see our booklet, *How to Change Your Custody or Visitation Order*.

What if the court order was made in another state?

If the court order wasn't made in Connecticut and you have very low income, call Statewide Legal Services at 860-344-0380 (Central CT & Middletown) or 1-800-453-3320 (all other areas in Connecticut). Statewide Legal Services may be able to help you file paperwork to allow the court in Connecticut to hear your concerns. This booklet may not help you at this time.

Do I need a lawyer to ask for a contempt order?

You don't need an attorney to file a *Motion for Contempt*, but it is a good idea to have one. If you decide to represent yourself, you can go to the courthouse that made the order and ask for help at the Court Service Center. Court staff can answer questions about forms and help you understand the process, but they cannot give you legal advice.

If your problem is with child support, you can get help from Support Enforcement Services. The child support hotline number in Connecticut is 1-800-228-5437.

Can I get help without going in front of a judge?

Yes. You can go to the Family Services office at the court where your orders were made. They may have services that can help you and the other parent solve the problem without going in front of a judge. If Family Services can't help you, follow the steps below.

Note: In some courts, Family Services is called Family Relations.

How do I ask for a contempt order?

If the court order was made in Connecticut, you can file a *Motion for Contempt* in the court that made the order. Follow the steps below to learn how.

Important: Some courts may have different rules. Check with the court clerk or Court Service Center to make sure you are following the rules.

Step 1: Fill out the court forms

You must fill out the following two court forms. You can get them online at www.jud.ct.gov or at the court clerk's office.

- ***Appearance (#JD-CL-12)***

Fill out an *Appearance* form if you don't have a lawyer or if your address has changed so the court knows where to mail you court notices.

- ***Motion for Contempt/Contempt Citation (#JD-FM-173)***

This form tells the court which orders you think the other parent disobeyed. Fill out the top of the form. If you don't know the docket number or other court information, the clerk can tell you.

Don't write anything below the line that says "Order to Attend Hearing and Notice." The clerk will fill out the rest of the form.

When you finish, the other party will have a chance to speak. The other party may want to ask you questions, too.

You will then have a chance to ask questions of the other party and any witnesses.

When will the judge decide my case?

The judge may decide the case at the end of the hearing and announce the orders while you are still there.

The judge may also decide to take more time to make a decision. (You may hear the judge say "I'll take the papers.") Don't be concerned: that means the judge wants more time to think about the case. The clerk will mail you a copy of the orders once the judge decides. If you haven't heard from the court in a few days, call the clerk's office to ask about your case.

Will the judge make a contempt order?

If you are able to prove that the other party disobeyed a court order willfully (or on purpose), the judge will usually give the other party a chance to comply with (or obey) whatever part of the order that he or she violated. If the other party still doesn't follow the court order, the judge can order imprisonment until he or she obeys the order. This doesn't usually happen unless everything else fails.

The judge can write an order that holds the other party in contempt and explains what he or she can do to comply. The judge can either order that the person must obey the court order right away or that they have time to comply. The judge may decide not to order jail time if

- there is no one else to care for dependent children,
- it is possible that he or she could lose their job, or
- he or she has physical or emotional disabilities.

If you and the other party do not have an agreement, look for your name and the courtroom location on a paper posted in the courthouse lobby. There should also be a list available for you to sign up to meet with a counselor from Family Services who can help you work out a written agreement. Some courthouses require that parties in every case meet with Family Services, whether there is an agreement or not. You may wish to check with the Clerk's Office beforehand to see what the rules are.

Do I have to accept the Family Services Counselor's recommendations?

You don't have to accept Family Services' recommendations. If there is no agreement, you have the right to present your case to the judge and let the judge decide. Keep in mind that judge may or may not agree with you. You must obey the judge's orders even if you disagree with them.

The court hearing

What happens when I am in the courtroom before the judge?

When your name is called, say either, "Ready" or "Ready with an agreement," depending on your situation. You will then stand at one of the tables in front of the judge's bench. Follow the judge's instructions, and do not approach the judge's bench or witness stand unless the judge tells you.

- The clerk will have you swear to tell the truth.
- You will have to prove that the other party disobeyed the order, so be prepared to say exactly how you think the order was disobeyed. Bring proof if you have any.
- The judge will ask you questions. If you don't understand something, tell the judge.

Step 2: File the court forms with the clerk

Go to the clerk's office at the court that made the orders. Give the clerk your completed *Motion for Contempt* and *Appearance* forms. The clerk will write a *hearing date* and time on the motion, sign it, and give it back to you. The hearing date is when you and the other person must go to court.



Make 3 copies of your *Motion for Contempt*. Most courthouses have copy machines that you can use. You will need

- one copy for the other parent,
- one copy for the marshal to fill out for the court, and
- one copy for your own records.

The originals will need to be returned to the court. There is more information about that below.

Do I have to pay to file the forms?

There is **no fee** to file a *Motion for Contempt*.

If the other party disobeyed an order from a case that has gone to *final judgment* (check with the Clerk's Office if you are unsure), you'll need to have a marshal serve the papers on (in other words, give them to) the other person. The marshal's fee is usually **\$50 to \$75**.

If you can't afford the marshal's fee, you can ask for a fee waiver by filling out an *Application for Waiver of Fees* (#JD-FM-75) that asks the court for a fee waiver, which will allow you to skip paying certain court fees. If the judge grants your fee waiver request, you won't have to pay the marshal's fee. You should bring the granted *Fee Waiver* application to the marshal along with the rest of your paperwork.

Step 3: Tell the other party about the court case

If the order is from a case that is open now (*Pendente Lite*, or *pending*), you don't need to have a marshal serve the papers. You can mail a copy of the *Motion for Contempt* through regular U.S. mail. While it is fine to send the *Motion for Contempt* by regular mail, it is a good idea to also send it by certified mail with delivery confirmation.

If the order is from a case that has gone to final judgment, you will need to have a marshal serve the other party with a copy of the motion. You can find a list of state marshals on the Connecticut Judicial Branch website. You will also need to give the marshal these papers:

- A completed marshal's letter (see the sample letter at the end of this booklet) that explains where to find the other party so he or she can be served.
- The original *Motion for Contempt* with the court hearing date.
- One copy of the *Motion* to be given to the other party.
- The original *Fee Waiver* application.

Is there a deadline to notify the other person?

The other party must be mailed a copy of the motion or served by a marshal **at least 12 days** before the date of the hearing. Proof of mailing or delivery must be made to the court **at least 6 days** before the hearing.

Step 4: Return the original papers to the clerk

Once the *Motion* has been delivered to the other party, the original papers must be returned to the clerk's office with proof that they were delivered. If the judge granted you a fee waiver, you must return the granted *Fee Waiver* application along with the *Motion*.

If you mailed the papers, you will need to fill out the *Certification* section of the motion.

If a marshal delivered the papers, the marshal will need to complete the *Return of Service* section of the motion (or the marshal may type up their own *Return of Service*). Ask the marshal if he or she will return your motion after service is complete, or if you will need to return them to the court yourself.

You should also ask the clerk if you are required to call the clerk's office to mark the case "ready" before the hearing date.

Step 5: Go to your court hearing

Don't be late! Try to arrive about 30 minutes early so you have time to go through security and find your courtroom. If you have witnesses, they must arrive at the same time.

Once you arrive, go to the clerk's office and ask if there will be a *call of the calendar*.

If the clerk tells you that the court will call the calendar, it means that all the cases scheduled for that day are called out loud to see who is there. You should go to the courtroom and wait for your case to be called. When your case is called, you will do one of the following:

If you and the other party have a written agreement, say, "Ready with an agreement."

If you and the other party do not have a written agreement, say, "Ready," so the court knows you are there. You will then meet with Family Services (called Family Relations in some courts) in their office inside the courthouse. A Family Services Counselor can help you work out an agreement and put it in writing.

If the clerk says there will not be a call of the calendar:

If you and the other party have a written agreement, ask the clerk for a *Memo to the Clerk* form. Fill out this form to show the court you are ready to tell the judge about your agreement. You should check the box that says, "Ready with an agreement."