

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](http://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*

March 2018

### 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](http://www.ctlawhelp.org)

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

**Connecticut Legal Services**

[www.ctlegal.org](http://www.ctlegal.org)

**Bridgeport**

1000 Lafayette Blvd Suite 950 203-336-3851

**New Britain**

16 Main Street 860-225-8678

**New London**

125 Eugene O'Neill Dr. Suite 120 860-447-0323

**Stamford**

20 Summer Street 203-348-9216

**Waterbury**

85 Central Avenue 203-756-8074

**Willimantic**

1125 Main Street 860-456-1761

**Greater Hartford Legal Aid**

[www.ghla.org](http://www.ghla.org)

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

**New Haven Legal Assistance Association**

[www.nhlegal.org](http://www.nhlegal.org)

205 Orange 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

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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 2/2018. 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.*

*© February 2018*

## 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 doesn't 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.

### ***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) 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's 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?**

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**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](http://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 person will have a chance to speak. They 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 – this just 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 and 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) the part of the order that was violated. If the other party still doesn't follow the court order, the judge can order imprisonment until the order is obeyed. 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 they may be given 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 they could lose their job, or
- the person has physical or emotional disabilities.

agreement. You should check the box that says, “Ready with an agreement.”

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 Family Relations Counselor to 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 can check with the clerk’s office to see what the rules are.

### ***Do I have to accept the Family Relations Counselor’s recommendations?***

You don’t have to accept the 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.

### ***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. You can discuss the fees with the marshal.

If you can’t afford the marshal’s fee, you can fill out an *Application for Waiver of Fees* (JD-FM-75) asking the court to let you skip paying certain court fees. If the judge grants your 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 parent 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. It is also 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 person 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 (if you filed one and it was granted).

### **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 with the motion.

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

**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 the right 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 says 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 person have a written agreement**, say, "Ready with an agreement."

**If you and the other person don't have a written agreement**, say "Ready" so the court knows you are there. You will then meet with Family Services (also sometimes called Family Relations) in their office inside the courthouse. A Family Relations 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