

**MONTGOMERY COUNTY JUVENILE COURT
GENERAL INFORMATION**

FILING A MOTION FOR CONTEMPT

Montgomery County Juvenile Court is committed to providing our clients and the community with the best customer service possible. However, the court and its staff are prohibited from giving any legal advice or assisting clients with completion of forms.

Pro Se Filing and Attorneys

Filing *pro se* means you will prepare documents and represent yourself, without the assistance of an attorney. Montgomery County Juvenile Court has prepared packets to assist you in this filing process. If you decide you want to have an attorney represent you, you are responsible for contacting and retaining an attorney. The Juvenile Court is prohibited by law from appointing attorneys in civil matters.

If you cannot afford an attorney, you may contact the Dayton Bar Association Volunteer Lawyer Project or Legal Aid society at 888-534-1432 (Monday through Thursday, 9:00a.m.- 5:00p.m.).

You can also access the court's Local Rules online at <http://www.mcjcoho.org>
If your filing is dismissed for any reason, there will be no refund for filing fees.

THINGS TO THINK ABOUT WHEN FILING FOR AN ORDER OF CONTEMPT:

- DO YOU HAVE A COURT ORDER THAT YOU THINK THE OTHER PARTY HAS VIOLATED?
- DO YOU HAVE PROOF THAT THE OTHER PARTY HAS VIOLATED THIS COURT ORDER (DATES, TIMES, POLICE REPORTS, WITNESSES, ETC.)
- If YES to the above, please complete -
 “MOTION FOR “CONTEMPT / SHOW CAUSE”

Please note: A filing fee for this process will be charged by the court and the Clerk's Office will tell you the total cost. You will need to complete an Instructions for service and the 'caption' on another document that will be sent with your motion to all of the parties. **If your case is dismissed for any reason, your filing fee will not be refunded.**

INSTRUCTIONS

MOTION for CONTEMPT / SHOW CAUSE

PRINT all information, using a blue or black pen.

CAPTION (TOP SECTION)

1. Fill-in the child's name where it says, "IN RE:"
2. Fill-in your name and the other parties name on the lines above Petitioner / Plaintiff and Respondent / Defendant
3. Fill-in the case number where it says "JC #" and Judge / Magistrate, if you already have a case number

MOTION (PAGE 1)

1. Print your first and last name on the FIRST LINE. Print the other party's name on the second line that states they are not following the court order.
2. CIRCLE WHAT ORDER THEY ARE NOT FOLLOWING – SUPPORT, VISITATION OR CUSTODY

AFFIDAVIT (PAGE 2) – THIS IS A SWORN STATEMENT (MUST BE THE COMPLETE TRUTH) THAT TELLS THE COURT WHAT IS GOING ON AND WHY YOU ARE FILING.

Explain your situation to the court.

SIGNATURE

You MUST sign your filing in front of a NOTARY (SHOW THE CLERK YOUR VALID LICENSE OR IDENTIFICATION CARD WHEN YOU SIGN, if you do not complete at another location).

**IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO
JUVENILE DIVISION**

IN RE: _____

JC# _____

JUDGE _____

(Petitioner / Plaintiff)

MAGISTRATE _____

SETS# _____

vs.

**MOTION FOR CONTEMPT/
SHOW CAUSE**

(Respondent / Defendant)

MOTION

I, _____ am filing a Motion for Contempt / Show Cause as
_____ is failing to comply with the current court order
for **SUPPORT / VISITATION / CUSTODY**. I am filing this motion based on the information
in the Affidavit on the following page.

AFFIDAVIT

These are the specifics of how _____ is not complying
with the court order:

WHEREFORE, the Petitioner requests this Court for _____

and any other relief as may be necessary.

Respectfully Submitted,

[Your Signature]

[Your Printed Name]

Sworn to and signed in my presence this _____ day of _____, 20_____.

Commission Expires

Notary Public

**IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO
JUVENILE DIVISION**

IN RE: _____

* J.C. No. _____

*

* JUDGE _____

*

* MAGISTRATE _____

*

* NOTICE OF HEARING
* SHOW CAUSE / CONTEMPT

*

* * * * *

_____ is ordered to appear before
_____, on _____ at _____ am /

pm. This hearing will be held in the Montgomery County Juvenile Justice Center, 380 West Second Street, Dayton, Ohio. Please check in with the Information Desk upon your arrival, and you will be directed to the courtroom upon your arrival.

NOTE: IF YOU ARE NAMED AS A DEFENDANT IN THIS CASE, AND YOU FAIL TO APPEAR, AN ORDER FOR YOUR ARREST MAY BE ISSUED.

NOTICE

TO THE PERSON SERVED WITH THIS NOTICE. YOU ARE ACCUSED OF CONTEMPT OF A COURT ORDER - YOU SHOULD READ THIS NOTICE.

- (1) A notice of a hearing date is attached. **Your failure to appear at this hearing may result in the issuance of an order for your arrest.** If this case involves alleged failure to pay support, the court may also issue an order for the payment of support by withholding an amount from your personal earnings or by withholding or deducting an amount from some other asset of yours.
- (2) You have a right to be represented by legal counsel in this matter. If you believe that you are indigent, you must apply for a public defender or court appointed counsel within three (3) business days after receipt of the attached summons. THE ADDRESS OF THE MONTGOMERY COUNTY PUBLIC DEFENDER'S OFFICE IS 117 S. MAIN STREET, SUITE 400, DAYTON, OHIO 45422 THIS IS LOCATED IN THE REIBOLD BUILDING.
- (3) The court may refuse to grant you a continuance at the time of the hearing for the purpose of obtaining counsel, if you fail to make a good faith effort to retain counsel or to obtain a public defender.

STATUTORY PENALTIES: FOR A FIRST OFFENSE, YOU MAY BE FINED NOT MORE THAN \$250.00 AND IMPRISONED NOT MORE THAN THIRTY DAYS OR BOTH. FOR A SECOND OFFENSE, YOU MAY BE FINED NOT MORE THAN \$500.00 AND IMPRISONED NOT MORE THAN SIXTY DAYS, OR BOTH. FOR A THIRD OFFENSE, YOU MAY BE FINED NOT MORE THAN \$1,000.00 AND IMPRISONED NOT MORE THAN 90 DAYS, OR BOTH (R.C.§2705.05)

IMPRISONMENT UNTIL COMPLIANCE: IF YOUR CONTEMPT CONSISTS OF THE OMISSION TO DO AN ACT WHICH THE COURT FINDS YOU CAN YET PERFORM, YOU MAY BE IMPRISONED UNTIL YOU PERFORM IT. (R.C.§2705.06)

SUPPORT CONTEMPT: IF YOU ARE FOUND IN CONTEMPT FOR FAILURE TO MAKE CHILD SUPPORT OR SPOUSAL SUPPORT PAYMENTS, AS ORDERED, IN ADDITION TO ALL OTHER PENALTIES, THE COURT MUST ORDER YOU TO PAY COURT COSTS AND REASONABLE ATTORNEY FEES TO THE OTHER PARTY. (R.C.§3105.21; §3113.31(K); & §3105.18(G)). IN ADDITION, IF THE COURT FINDS YOUR FAILURE TO PAY CHILD SUPPORT WAS WILLFUL, IT MUST REQUIRE YOU TO PAY INTEREST ON YOUR CHILD SUPPORT ARREARAGES. (R.C.§3123.17)

HEALTH INSURANCE CONTEMPT: IF YOU ARE FOUND IN CONTEMPT FOR FAILURE TO COMPLY WITH HEALTH INSURANCE ORDERS RELATING TO MINOR CHILDREN, YOU ARE LIABLE FOR ANY MEDICAL EXPENSES INCURRED AS A RESULT OF YOUR FAILURE, AND UPON A SECOND OFFENSE, YOUR CHILD SUPPORT OBLIGATION MAY BE INCREASED (R.C. §3119.56)

VISITATION CONTEMPT: IF YOU ARE FOUND IN CONTEMPT FOR FAILURE TO COMPLY WITH OR INTERFERENCE WITH ANY COMPANIONSHIP OR VISITATION RIGHTS, IN ADDITION TO ALL OTHER PENALTIES, THE COURT MUST ORDER YOU TO PAY ALL COURT COSTS AND REASONABLE ATTORNEY FEES TO THE OTHER PARTY, AND MAY ALSO AWARD COMPENSATORY VISITATION TIME: (R.C. §2705.031).

ADDITIONAL PENALTIES: IN ADDITION TO ALL PENALTIES IMPOSED BY STATUTE, THE COURT HAS THE INHERENT POWER TO IMPOSE ADDITIONAL SANCTIONS FOR CONTEMPT OF COURT. (Hale v. State, 55 Ohio St. 210 (1896); Zakany v. Zakany, 9 Ohio St. 3d 192 (1984)).

**IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO
JUVENILE DIVISION - INSTRUCTIONS FOR SERVICE**

IN RE: _____ J.C. No. _____

PLEASE ISSUE SERVICE TO: _____ **Check if a RE-ISSUE OF SERVICE**

Name: _____

Address: _____

VIA: _____ REGULAR MAIL _____ CERTIFIED MAIL _____ RESIDENTIAL
_____ PERSONAL (CHECK ONE): _____ Process Server _____ MCSO
_____ FedEx _____ Commercial Carrier*

Name: _____

Address: _____

VIA: _____ REGULAR MAIL _____ CERTIFIED MAIL _____ RESIDENTIAL
_____ PERSONAL (CHECK ONE): _____ Process Server _____ MCSO
_____ FedEx _____ Commercial Carrier*

Name: _____

Address: _____

VIA: _____ REGULAR MAIL _____ CERTIFIED MAIL _____ RESIDENTIAL
_____ PERSONAL (CHECK ONE): _____ Process Server _____ MCSO
_____ FedEx _____ Commercial Carrier*

Name: _____

Address: _____

VIA: _____ REGULAR MAIL _____ CERTIFIED MAIL _____ RESIDENTIAL
_____ PERSONAL (CHECK ONE): _____ Process Server _____ MCSO
_____ FedEx _____ Commercial Carrier*

The Clerk's Office will not include the child custody affidavit, application for IV-D services and any release for information with service on the persons / agencies listed above, unless requested in writing.

Name: _____ Phone# _____

(Filing party (attorneys put client's name))

***NOTE: If you choose a commercial carrier, you are responsible for supplying the packaging, delivery and direct payment to that commercial carrier. FedEx / Commercial Carriers may require extra fees for processing.**