

RESPONSE TO CONTEMPT

This packet contains forms and information on:

How to File a Response to Citation of Contempt

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.

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 Cobb County Superior Court. If the Petitioner did not use the Cobb County Forms, you should use this packet as a guideline only and you use seek the advice of an attorney.

You have 30 days from the date you receive 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 judges 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

- **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 Cobb County, and Cobb 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

- 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 Cobb County Superior Court Clerk’s Office.

Step 3:

Certificate of Service

- 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 Cobb 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 form. You should go to the courtroom indicated on this document, and let the case manager know that you are there. Then, wait for your case to be called by the judge. For further instructions on presenting your case, see the instructions titled, "How to Prepare Your Case for Trial."

**IN THE SUPERIOR COURT OF COBB 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 3 of the *Petition for Citation of Contempt*.
- Respondent disagrees with Paragraph 3 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:

5. Check the box that applies:

- Respondent agrees that the information contained in paragraph 5 of the *Petition for Citation of Contempt* is correct.
- Respondent disagrees with paragraph 5 of the *Petition for Citation of Contempt* as follows:

WHEREFORE, Respondent demands:

- (a) That Respondent not be held in contempt; and
- (b) That Respondent be awarded any other relief this Court finds right and proper.

Signed this _____ day of _____.
 [day] [month] [year]

(Sign your name here before Notary)

Self-Represented

Respondent's Name (print or type): _____

Respondent's Address: _____

Respondent's Telephone Number: _____

Sworn to and affirmed before me, this
_____ day of _____.

NOTARY PUBLIC

My commission expires: _____

(Notary Seal)

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

Petitioner: _____

and

Respondent: _____

Civil Action File No.: _____

VERIFICATION

I, _____, personally appeared before the undersigned Notary Public, and declare under oath that I am the Respondent in the above-styled action and that the facts stated in the foregoing *Response to Petition for Citation for Contempt* are true and correct.

Signed this _____ day of _____.
[day] [month] [year]

(Sign your name here before Notary)

Self-Represented

Respondent's Name (print or type): _____

Respondent's Address: _____

Respondent's Telephone Number: _____

Sworn to and affirmed before me, this
_____ day of _____.

NOTARY PUBLIC

My commission expires: _____

(Notary Seal)

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

Petitioner: _____

and

Respondent: _____

Civil Action File No.: _____

CERTIFICATE OF SERVICE

This document certifies that on _____, 20_____, I sent copies of the following documents:

to the opposing party by first class mail/ certified mail and return receipt was requested.

The documents were addressed as follows:

Signed this _____ day of _____
 [day] [month] [year]

 (Sign your name here before Notary) *Self-Represented*

Respondent's Name (print or type): _____

Respondent's Address: _____

Respondent's Telephone Number: _____

Sworn to and affirmed before me, this _____ day of _____.

NOTARY PUBLIC

My commission expires: _____

(Notary Seal)