

# HALL COUNTY CONTEMPT

You may use this packet and forms  
only if you have an order from  
**Hall County Superior Court.**

## **No Authority to Give Legal Advice**

State law, O.C.G.A. § 15-19-51, prohibits court personnel (including staff attorneys or law clerks, calendar clerks, clerk's office staff, and sheriff's department staff) from giving legal advice or answering legal questions.

## **Use These Forms at Your Own Risk**

In no event will the Court Administrator, Clerk of Court, Family Law Information Center (FLIC) staff or anyone contributing to the development of these forms or instructions be liable for any damages resulting from the use of this packet. These forms may not be appropriate for your particular case. In addition, due to the changing nature of the law, the information in these instructions and forms may be or become outdated. You should review any statutes (laws) or rules mentioned in this packet to make sure the forms are current. **Obtain the services of an attorney to protect your legal rights.**

## Will this packet work for you?

You can use this packet **only if you have a court order from Hall County Superior Court** which orders your ex-spouse or parent of your child(ren) to do certain things, and that person has not done them. You may use this packet if:

- You have not received child support as ordered OR
- You have not been permitted to exercise parenting time with your child(ren) as ordered OR
- The other person has not turned over property as ordered or has not performed other acts as ordered OR
- The other person has not obtain health insurance or paid you back for medical expenses as ordered.

Important notes if the other party no longer lives in Georgia:

- If the other party no longer lives in Georgia, you can use these forms to file a contempt action *if* the Respondent was previously subject to the jurisdiction of the Court which resulted in the Hall County Court Order you are seeking to enforce *and* this contempt action involves failure to pay child support/alimony, to allow parenting time, to obtain health/life insurance coverage, to pay medical expenses, to turn over property or to pay other expenses as ordered.
- If the other party no longer lives in Georgia and you need to file a contempt for any other issue not listed above, you must seek the advice of an attorney, unless the other party can be personally served with a copy of your Georgia-filed petition while he/she is in Georgia.

**If you have a court order from another county or state**, please contact an attorney.

There may be circumstances in your case that especially call for the help of an attorney. It is always best to have a lawyer representing you in any legal action.

## Basic steps for filing a contempt in Hall County

- STEP 1: Fill out the following forms:
  - Petition for Citation of Contempt (you are the “Petitioner” and the other party is the “Respondent” – use full names for completing headings on all of your forms)
  - Verification (**sign in the presence of a notary**)
  - Domestic Relations Action Standing Order and Certificate of Service (“DRASO” - **complete only the heading on the front page and the certificate of service on the last page**)
  - General Civil and Domestic Relations Case Filing Information Form (“FIF”)
- STEP 2: Make a copy of your court order (the order you believe the other party is not following) and write Exhibit “A” at the bottom of the first page.
- STEP 3: Place your documents in the following order and make **TWO** complete sets of copies, stapling the copies only (leave the originals UNSTAPLED):
  - Petition for Citation of Contempt
  - Exhibit “A” (copy of your court order from Step 2)
  - Verification (signed and notarized)
  - DRASO (from Step 1)
- STEP 4: Have your filing fees and service fees ready (contact the Clerk of Courts at (770) 531-7025 for current fees) - **\*\*NOTE: contempt actions involving nonpayment of alimony and child support do not require fees in Hall County.\*\*** If you cannot afford the fees for other issues of contempt you may request a Poverty Affidavit and instructions from the Family Law Information Center on the 3<sup>rd</sup> floor. If you are having the other party served in another county or state, you must get the service fee information and instructions for serving someone from that sheriff’s office directly.
- STEP 5: Obtain and complete the following forms available from the Clerk of Courts:
  - Summons
  - Sheriff’s Entry of Service
- STEP 6: Place the Summons, FIF (see above) and Sheriff’s Entry form with the originals and take them to the Clerk of Courts. Ask for the two copies of all your documents to be stamped.
- STEP 7: Take the Rule Nisi the clerk gives you to the appropriate Judge’s office for a court date and return it immediately to the Clerk of Courts for filing (and the copies given you by the Judge’s office).
- STEP 8: Arrange for the other party to be personally served with one set of stamped copies of all of your documents, including the Rule Nisi (you may handle this step at the Clerk’s office or Hall County Sheriff’s office). **\*\*Note\*\*** - if you are having the other party served in a county other than Hall County, you must take or mail your service copy (copies of all documents, including Rule Nisi, that have been filed) and fees to that county sheriff’s office with any forms they require.
- STEP 9: Confirm the other party was actually served. You may contact the Hall County Sheriff’s office at (770) 531-7090 to inquire. If serving in a county other than Hall County, contact that sheriff’s office to confirm service.
- STEP 10: Schedule mediation using the enclosed Mediation Referral Form or submit a request for a waiver of mediation to the Judge assigned to your case. Mediation waiver request forms are available on the Hall County Superior Court website at: [https://www.nejc.org/programs/family\\_law\\_information\\_center.php](https://www.nejc.org/programs/family_law_information_center.php) under “Forms and “Links”. To submit a request to waive mediation, you must print, complete, copy and file the original waiver forms and send a stamped copy to the other party, as well as submit a stamped copy to the Judge assigned to your case with the proposed order. You must then follow up on the status of your request with that Judge’s office.
- STEP 11: Come prepared for Court at the date and time indicated on your Rule Nisi.

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

Petitioner,	§	
	§	
v.	§	<b>CIVIL ACTION</b>
	§	<b>FILE NO.:</b> _____
Respondent.	§	
	§	

**PETITION FOR CITATION OF CONTEMPT**

My name is \_\_\_\_\_ [full name], and I am representing myself in this contempt action. In support of my case I state the following:

1. An Order was entered in the Superior Court of Hall County, Georgia as follows:

The case name as it appeared in the prior action [full name v. full name format]:

\_\_\_\_\_

Civil Action File Number [use the number and letter from that case]: \_\_\_\_\_

The date the Order was filed in the Court: \_\_\_\_\_

A copy of that Order is attached as Exhibit "A".

2. Jurisdiction and venue: [Choose only one]

Petitioner is seeking enforcement of the above-referenced Order. Respondent is subject to the jurisdiction of the Court as a resident of Hall County, Georgia or can be personally served in Georgia with a copy of this Petition and Rule Nisi at:

\_\_\_\_\_  
\_\_\_\_\_.

Petitioner is seeking enforcement of the above-referenced Order. Respondent is not a resident of Hall County but is subject to the jurisdiction of the Court as a resident of \_\_\_\_\_ County, Georgia. Respondent shall be served with a copy of this Petition and Rule Nisi by second original.

Petitioner is seeking enforcement of the above-referenced Order. Respondent lives in the State of \_\_\_\_\_ and is subject to the jurisdiction of this Court pursuant to the Georgia Domestic Relations Long Arm Statute O.C.G.A. § 9-10-91(6). Respondent was subject to the jurisdiction of the Court which resulted in the above-referenced Order and this contempt action involves failure to pay child support/alimony, to allow parenting time, to obtain health/life insurance coverage, to pay medical expenses, to turn over property or to pay other expenses as ordered. Respondent may be personally served with a copy of this Petition and Rule Nisi by second original.

3. In the prior Order, Respondent was ordered: [check all that apply]

to pay Petitioner the amount of \$\_\_\_\_\_ per \_\_\_\_\_ in child support, and owes \$\_\_\_\_\_ to Petitioner as of the date of the filing of this Petition;

to pay Petitioner the amount of \$\_\_\_\_\_ per \_\_\_\_\_ in alimony, and owes \$\_\_\_\_\_ to Petitioner as of the date of the filing of this Petition;

to allow Petitioner certain parenting time with the minor child(ren);

to give to Petitioner the following possessions: \_\_\_\_\_  
\_\_\_\_\_;

to pay for and have medical insurance for the minor child(ren);

to reimburse Petitioner for medical bills, and owes \$ \_\_\_\_\_ to Petitioner as of the date of filing this Petition; and/or

other: \_\_\_\_\_  
\_\_\_\_\_.

4. Respondent has failed to do what the Court ordered as specified above. Respondent was able to do what the Court ordered. Respondent's refusal to do so is willful.

5. Respondent should be held in contempt of this Court's Order and fined and/or confined to the common jail of Hall County until he/she purges him/herself of said contempt.

6. Respondent should be ordered to reimburse Petitioner for payment of filing this action and cost of service.

WHEREFORE, Petitioner requests the following relief:

1. Process and summons issue as provided by law;

2. Respondent be served with a copy of Petitioner's Petition for Citation of Contempt;

3. Respondent be held in contempt for failure to obey the terms of the Court's Order;

4. A Rule Nisi hearing be set ordering Respondent to come to Court and tell the Court why Petitioner's Petition should not be granted;

5. Respondent be ordered to reimburse Petitioner for the cost of filing and serving this action;

6. Petitioner be awarded any other relief this Court finds right and proper.

This the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
[day] [month] [year]

\_\_\_\_\_  
[Sign your name here]

Pro Se

Petitioner's name [print]: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: (\_\_\_\_\_) \_\_\_\_\_

**IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA**

_____ ,	§	
Petitioner,	§	
	§	
<b>v.</b>	§	<b>CIVIL ACTION</b>
	§	<b>FILE NO.:</b> _____
_____ ,	§	
Respondent.	§	

**VERIFICATION**

My name is \_\_\_\_\_. I hereby swear or affirm before the undersigned Notary Public I have read the Petition for Citation of Contempt I am filing with this *Verification* and the facts stated in it are true and correct to the best of my knowledge and belief.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
                  [date]                                  [month]                                  [year]

\_\_\_\_\_  
Petitioner, Pro se  
[print/type your name]: \_\_\_\_\_

Sworn to and subscribed before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires:  
(Notary Seal)

## General Civil and Domestic Relations Case Filing Instructions

1. Provide the class of court and county in which the case is being filed.
2. Provide the plaintiff's and defendant's names.
3. Provide the plaintiff's attorney's name and State Bar number. If you are representing yourself, provide your own name and check the self-represented box.
4. Provide the primary type of case by checking only *one* appropriate box. Cases can be either general civil or domestic relations and only *one* type of primary case within those categories. Check the case type that most accurately describes the primary case. If applicable, check one sub-type under the primary case type. If you are making more than one type of claim, check the case type that involves the largest amount of damages or the one you consider most important. See below for definitions of each case type.
5. Provide an answer to the four questions by checking the appropriate boxes and/or filling in the appropriate lines.

### Case Type Definitions

#### General Civil Cases

**Automobile Tort:** Any tort case involving personal injury, property damage, or wrongful death resulting from alleged negligent operation of a motor vehicle.

**Civil Appeal:** Any case disputing the finding of a limited jurisdiction trial court, department, or administrative agency.

**Contempt/Modification/Other Post-Judgment:** Any case alleging failure to comply with a previously existing court order, seeking to change the terms of a previously existing court order, or any other post-judgment activity in a general civil case.

**Contract:** Any case involving a dispute over an agreement between two or more parties.

**Garnishment:** Any case where, after a monetary judgment, a third party who has money or other property belonging to the defendant is required to turn over such money or property to the court.

**General Tort:** Any tort case that is not defined or is not attributable to one of the other types of torts listed.

**Habeas Corpus:** Any case designed to review the legality of the detention or imprisonment of an individual, but not the question of his or her guilt or innocence.

**Injunction/Mandamus/Other Writ:** Cases involving a written court order directing a specific person to perform or refrain from performing a specific act.

**Landlord/Tenant:** Any case involving a landlord/tenant dispute if the landlord removed a tenant and his or her property from the premises or placed a lien on the tenant's property to repay a debt.

**Medical Malpractice Tort:** Any tort case that alleges misconduct or negligence by a person in the medical profession acting in a professional capacity, such as doctors, nurses, physician's assistants, dentists, etc.

**Product Liability Tort:** Any tort case that alleges an injury to a person was caused by the manufacturer or seller of an article due to a defect in, or the condition of, the article sold or an alleged breach of duty to provide suitable instructions to prevent injury.

**Real Property:** Any case involving disputes over the ownership, use, boundaries, or value of land.

**Restraining Petition:** Any petition for a restraining order that does not result from a domestic altercation or is not between parties in a domestic relationship.

**Other General Civil:** Any case that does not fit into one of the other defined case categories in which a plaintiff is requesting the enforcement or protection of a right or the redress or prevention of a wrong.

#### Domestic Relations Cases

**Adoption:** Cases involving a request for the establishment of a new and permanent parent-child relationship between persons not biologically parent and child.

**Contempt:** Any case alleging failure to comply with a previously existing court order. If the contempt action deals with the non-payment of child support, medical support, or alimony, also check the corresponding sub-type box.

**Dissolution/Divorce/Separate Maintenance/Alimony:** Any case involving the dissolution of a marriage or the establishment of alimony or separate maintenance.

**Family Violence Petition:** Any case in which a protective order from a family member or domestic partner is requested.

**Modification:** Any case seeking to change the terms of a previously existing court order. If the modification deals with custody, parenting time, or visitation, also check the corresponding sub-type box.

**Paternity/Legitimation:** Cases involving establishment of the identity and/or responsibilities of the father of a minor child or a determination of biological offspring.

**Support – IV-D:** Cases filed by the Georgia Department of Human Services to request maintenance of a minor child by a person who is required under Title IV-D of the Social Security Act of 1973 (42 USC §§ 651-669b) to provide such maintenance.

**Support – Private (non-IV-D):** Cases filed to request maintenance of a parent/guardian or a minor child by a person who is required by a law other than Title IV-D of the Social Security Act of 1973 (42 USC §§ 651-669b) to provide such maintenance.

**Other Domestic Relations:** Domestic relations cases that do not adequately fit into any of the other case types, including name changes.

**Please note:** This form is for statistical purposes only. It shall have no legal effect in a case. The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or court rules. Information on this form will not be entered into evidence.

## General Civil and Domestic Relations Case Filing Information Form

Superior or  State Court of \_\_\_\_\_ County

**For Clerk Use Only**

Date Filed \_\_\_\_\_ Case Number \_\_\_\_\_  
MM-DD-YYYY

**Plaintiff(s)**

**Defendant(s)**

Last	First	Middle I.	Suffix	Prefix
Last	First	Middle I.	Suffix	Prefix
Last	First	Middle I.	Suffix	Prefix
Last	First	Middle I.	Suffix	Prefix

Last	First	Middle I.	Suffix	Prefix
Last	First	Middle I.	Suffix	Prefix
Last	First	Middle I.	Suffix	Prefix
Last	First	Middle I.	Suffix	Prefix

Plaintiff's Attorney \_\_\_\_\_ State Bar Number \_\_\_\_\_ Self-Represented

**Check one case type and one sub-type in the same box (if a sub-type applies):**

**General Civil Cases**

- Automobile Tort
- Civil Appeal
- Contempt/Modification/Other Post-Judgment
- Contract
- Garnishment
- General Tort
- Habeas Corpus
- Injunction/Mandamus/Other Writ
- Landlord/Tenant
- Medical Malpractice Tort
- Product Liability Tort
- Real Property
- Restraining Petition
- Other General Civil

**Domestic Relations Cases**

- Adoption
- Contempt
  - Non-payment of child support, medical support, or alimony
- Dissolution/Divorce/Separate Maintenance/Alimony
- Family Violence Petition
- Modification
  - Custody/Parenting Time/Visitation
- Paternity/Legitimation
- Support – IV-D
- Support – Private (non-IV-D)
- Other Domestic Relations

Check if the action is related to another action pending or previously pending in this court involving some or all of the same: parties, subject matter, or factual issues. If so, provide a case number for each.

_____	_____
<b>Case Number</b>	<b>Case Number</b>

I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in OCGA § 9-11-7.1.

Is a foreign language or sign-language interpreter needed in this case? If so, provide the language(s) required.

\_\_\_\_\_ **Language(s) Required**

Do you or your client need any disability accommodations? If so, please describe the accommodation request.



## General Civil and Domestic Relations Case Disposition Form Instructions

1. Provide the class of court and county in which the case is being disposed.
2. Provide the plaintiff's and defendant's names.
3. Provide the reporting party (the individual completing the form).
4. Provide the attorneys' names and State Bar numbers. If parties represented themselves, provide their names and check the self-represented box.
5. Provide the manner of disposition by checking the appropriate box. See below for definitions.
6. Provide an answer to the three questions by checking the appropriate boxes.

### Manner of Disposition Definitions

**Jury Trial:** Cases in which a jury is impaneled to determine the issues of fact in the case. A jury trial should be counted when the jury has been sworn, regardless of whether a verdict is reached.

**Bench/Non-Jury Trial:** Cases in which a judge or judicial officer is assigned to determine both the issues of fact and law in the case. A bench/non-jury trial should be counted when the first evidence is introduced, regardless of whether a judgment is reached.

**Non-Trial Disposition:** Cases in which the disposition does not involve either a jury trial or a bench trial.

**Alternative Dispute Resolution:** If a case was disposed of via a non-trial disposition and the method of disposition was alternative dispute resolution. If this box is checked, then the Non-Trial Disposition box must also be checked. Only check if the whole case was resolved via alternative dispute resolution.

## General Civil and Domestic Relations Case Disposition Information Form

Superior or  State Court of \_\_\_\_\_ County

### For Clerk Use Only

Date Disposed \_\_\_\_\_  
MM-DD-YYYY

Case Number \_\_\_\_\_

Case Style \_\_\_\_\_

### Plaintiff(s)

\_\_\_\_\_  
Last First Middle I. Suffix Prefix

\_\_\_\_\_  
Last First Middle I. Suffix Prefix

\_\_\_\_\_  
Last First Middle I. Suffix Prefix

\_\_\_\_\_  
Last First Middle I. Suffix Prefix

### Defendant(s)

\_\_\_\_\_  
Last First Middle I. Suffix Prefix

\_\_\_\_\_  
Last First Middle I. Suffix Prefix

\_\_\_\_\_  
Last First Middle I. Suffix Prefix

\_\_\_\_\_  
Last First Middle I. Suffix Prefix

Reporting Party \_\_\_\_\_

Plaintiff's Attorney \_\_\_\_\_ State Bar Number \_\_\_\_\_ Self-Represented

Defendant's Attorney \_\_\_\_\_ State Bar Number \_\_\_\_\_ Self-Represented

### Manner of Disposition

#### Check Only One

- Jury Trial
- Bench/Non-Jury Trial
- Non-Trial Disposition, such as:
  - Alternative Dispute Resolution

- Check if any party was self-represented at any point during the life of the case.
- Check if the court ordered an interpreter for any party, witness, or other involved individual.
- Check if the case was referred/ordered to a court-annexed alternative dispute resolution process.

# PRO SE MEDIATION REFERRAL FORM

This form is for self-represented parties in domestic cases (divorce, legitimation, custody, visitation, child support, etc.). You may use this form if you are the Plaintiff or Defendant. **It is your responsibility pursuant to Court Order to make sure the mediation is scheduled and takes place prior to your final hearing (contact the mediation office for timing requirements).** If it does not occur within enough time before your final hearing, your hearing may be postponed.

**Please Complete the Following Information:**

Today's Date \_\_\_\_\_

Next Court Date \_\_\_\_\_ Judge \_\_\_\_\_ County \_\_\_\_\_

Case # \_\_\_\_\_ (top right corner of your legal papers)

## PLAINTIFF

Name \_\_\_\_\_ Personal Phone \_\_\_\_\_ Bus. Phone \_\_\_\_\_

Address \_\_\_\_\_

Email \_\_\_\_\_

Attorney (if represented) \_\_\_\_\_ Office Phone \_\_\_\_\_ Fax \_\_\_\_\_

Address of Attorney \_\_\_\_\_

## DEFENDANT

Name \_\_\_\_\_ Personal Phone \_\_\_\_\_ Bus. Phone \_\_\_\_\_

Address \_\_\_\_\_

Email \_\_\_\_\_

Attorney (if represented) \_\_\_\_\_ Office Phone \_\_\_\_\_ Fax \_\_\_\_\_

Address of Attorney \_\_\_\_\_

**TYPE OF ADR REQUESTED:** MEDIATION

**CASE TYPE:** DOMESTIC

**TYPE OF DOMESTIC CASE** (please specify): \_\_\_\_\_ DIVORCE \_\_\_\_\_ MODIFICATION

\_\_\_ CUSTODY \_\_\_ VISITATION \_\_\_ CHILD SUPPORT \_\_\_ PROPERTY \_\_\_ ALIMONY \_\_\_ DEBTS

**OTHER COMMENTS** (specify) \_\_\_\_\_

**HAVE THERE BEEN ANY ALLEGATIONS OF DOMESTIC VIOLENCE:** \_\_\_\_\_

Yes No Unknown

\*\*\*\*Mail or fax the form to:

NINTH JUDICIAL ADMINISTRATIVE DISTRICT  
OFFICE OF DISPUTE RESOLUTION  
756 Green Street  
Gainesville, GA 30501  
Phone: 770.535.6909 / Fax: 770.531.4072  
www.adr9.com