



**26<sup>th</sup> Judicial District  
SelfServe Center**

**CONTEMPT - CHILD SUPPORT**

Due to the changing nature of the law, the forms and information contained in this packet may become outdated. Therefore, you should review and research statutes and rules of procedure referenced in the instructions to ensure that the forms are accurate and current.

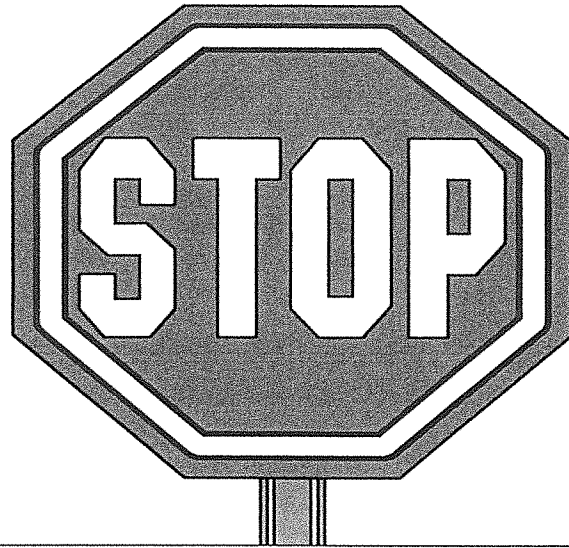
IN NO EVENT will the SelfServe Center, Clerk of Court or anyone contributing to the production of these forms, instructions, or guidelines be liable for any indirect or consequential damages resulting from the use of the forms or for information provided to you by the SelfServe Center.

IF THERE ARE ANY QUESTIONS in your mind concerning these forms, the use of these forms, or your legal rights, it is strongly suggested that you consult with or retain an attorney.

**USE THESE FORMS AT YOUR OWN RISK. THESE FORMS MAY OR MAY NOT BE APPROPRIATE IN YOUR PARTICULAR CASE. ANY DESIRED OUTCOME FROM THE USE OF THESE FORMS CANNOT BE PREDICTED OR GUARANTEED. IT IS STRONGLY RECOMMENDED THAT YOU SEEK LEGAL ADVICE!**

THE FILING FEE IS: \_\_\_\_\_

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**PLEASE CAREFULLY READ THE FORMS AND  
INSTRUCTIONS CONTAINED IN THIS PACKET.**

**IF YOU HAVE ANY QUESTIONS, PLEASE CONSULT  
WITH AN ATTORNEY.**

THESE ARE EDUCATIONAL FORMS DESIGNED TO  
ASSIST YOU, BUT YOU ARE REPRESENTING  
YOURSELF. PLEASE REVIEW AND FOLLOW THE  
DIRECTIONS TO IMPROVE YOUR PERFORMANCE IN  
YOUR CASE. FAILURE TO READ AND FOLLOW THE  
INSTRUCTIONS MAY ADVERSELY IMPACT YOUR  
CLAIM.

# INTRODUCTION

## **What is this?**

This packet of information is provided for individuals who wish to pursue a case without the assistance of an attorney. This is called a *pro se* or self represented case. If you are not sure that you want or need to go to court, please ask the SelfServe Center staff to direct you to numbers for lawyer referral services or the list of local attorneys willing to provide “unbundled services” (*willing to represent you for a limited portion of your case on an hourly fee basis*).

## **How will it help me?**

If you do not plan to use an attorney, this packet will guide you through the process by providing the forms and filing instructions that you will need. Since you are representing yourself, it is YOUR responsibility to ensure that these are the correct and current forms for the nature of your case. Therefore, you should review and research *applicable laws* and *rules of procedure* that apply to your type of case. If you are not able to do this, you should talk with an attorney. If at any point during the process you become confused or wish to proceed with the help of an attorney, contact the Mecklenburg County Bar Lawyer Referral Service (704) 375-0120 or the North Carolina Bar Lawyer Referral Service (800) 662-7660. The SelfServe Center also maintains a list of attorneys willing to provide “unbundled services.”

## **What does this mean?**

Certain legal terms will be used throughout your proceeding. A complete legal glossary is available for your convenience in the SelfServe Center. If you still do not understand the term, consult a legal dictionary or the SelfServe Center staff. Staff CANNOT provide legal advice but can provide procedural information and definitions of legal terms.

## **What is Contempt?**

The packet available in the SelfServe Center allows a party to file a motion when **the other party is willfully refusing to abide by the terms of the court order.**

## **Can or should I file a Motion for Contempt?**

Please note that the SelfServe Center staff CANNOT provide legal advice. Therefore, we cannot tell you if you should file or what you should file, but we can tell you that you must meet certain criteria to be eligible. For instance, you must have an existing court order from North Carolina that the other party refuses to abide by.

### **What do I do first?**

1. After you get your packet, **READ THE INSTRUCTIONS!** Then fill out the forms by printing *neatly* in **black** ink. You may fill them out at home or at the courthouse. Please read the forms carefully as some have a “Verification” page. This means that they must be signed in the presence of a Notary Public. If the document does require this, do not sign until you are in front of a Notary. They can be likely found at banks, law firms, and insurance agencies. A few may also be found in the Yellow Pages. Notaries often charge a small fee and require you to show a picture ID for their services. Be sure you have your documents already notarized when you take them to the Clerk’s Office to file.
2. The SelfServe Center has a video available on filing for contempt. It is suggested that you view it for procedural information.
3. Make sure you put your *case number* (located on your original court order) at the upper right-hand corner of these documents.
4. After the forms are filled out and notarized, you must make 2 COPIES (one for yourself, one for the other party and the original for the file).
5. Take your completed forms and 2 copies to the Civil Filing Department (Clerk’s Office) at 832 E. Fourth Street, Room 3725.
6. Take the documents to the Family Court Office (832 E. Fourth St., Room 3520) to obtain a hearing date.
7. You must serve the defendant with a copy of these documents via US mail.

### **IMPORTANT REMINDERS BEFORE YOU BEGIN**

Your case involves complicated legal issues! This packet describes the general process, but it is impossible to cover everything that may affect your rights. If you get confused during the process, you should stop and seek advice from an attorney. The staff of the SelfServe Center, Clerk of Court, Judge, or the Trial Court Administrator’s Office **CANNOT GIVE YOU LEGAL ADVICE!**

**PLEASE...**if you are thinking of contacting an attorney, do so as soon as possible. Unless there is an emergency, try to contact an attorney at least 30 days before your hearing. Waiting could decrease your chances of obtaining representation.

## STEP 1

### Filling out the forms

\*\*\*CHECKLIST\*\*\*

You must complete the following documents:

- ◆ **Domestic Civil Action Cover Sheet**
- ◆ **Motion and order to Show Cause for Failure to Comply with order in Child Support Action** (the Motion must be signed in the presence of a Notary Public.)
- ◆ **Certificate of Service** (complete after mailing defendant copies of Motion and Order)

Attach a copy of the original order that you feel is being willfully violated to each copy of this form)

Please note that the **Motion and Order to Show Cause For Failure to Comply with order in Child Support Action** needs to be signed in the presence of a Notary Public. Please make sure to place your **existing case number** in the upper right-hand corner of each document.

## STEP 4

### Photocopying the Documents

Make two (2) copies of each document contained in your form packet. Copies can be made for a fee in the Civil Files Office, Room 3342.

## STEP 3

### Filing the Documents

Take these documents and 2 copies to the Civil Filing Department (832 E. Fourth St., Room 3725). Copies can be made for a fee in the Civil Files Office. The clerk will file them for you.

## STEP 3

### Obtaining a Court Date

Take the Motion and Order to Show Cause to the Family Court Office (832 E. Fourth St., Room 3520) to obtain a hearing date. A Family Court Case Manager will assign a date and time for your hearing. **Once you have obtained a hearing date, you must take the Motion and Order to Show Cause and file this in the Civil Filing Department, Room 3725.**

**STEP 4**  
**Service of Process**

North Carolina General Statutes require that you give notice to the defendant about the filing of your claim. This is known as “Service of Process.” The correct way to serve the defendant is determined by law. If the documents are not correctly served on the defendant, the court will not hear your case.

**ATTENTION:** Complete the **Certificate of Service** once you have served the defendant the **Motion for Order to Show Cause for failure to comply with order in child support** and **Order to Appear and Show Cause for Failure to Comply** through 1<sup>st</sup> Class US Mail. File the Certificate of Service with the Civil Filing Department (832 E. Fourth St., Room 3725).

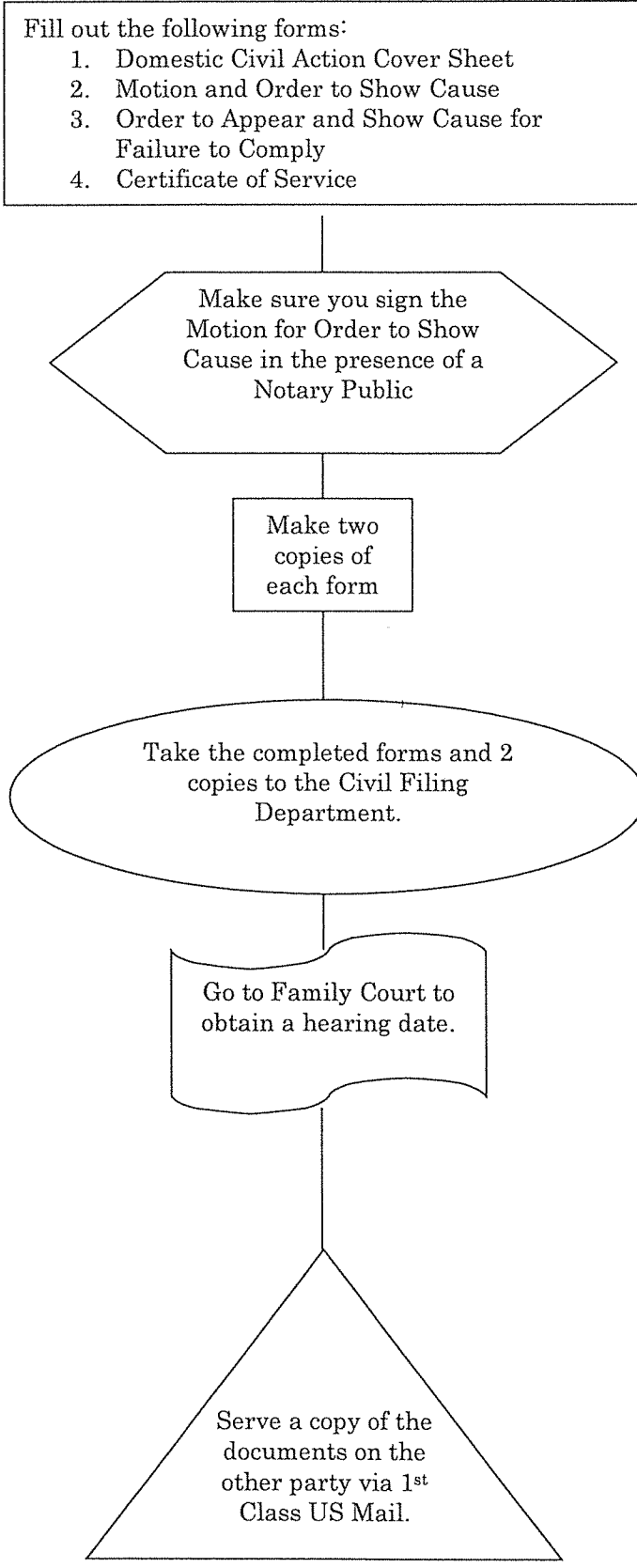
*For further clarification regarding service of process for written motions, see the North Carolina Rules of Court (State) Rule 5.*

**STEP 5**  
**Attendance**

Be sure to attend all scheduled court events on time and dress appropriately (as if you were going to a job interview). This is very important.

*Lawyer Referral Services:  
Mecklenburg County Bar Lawyer Referral Service: (704) 375-0120 or  
[www.meckbar.org](http://www.meckbar.org)  
North Carolina Bar Lawyer Referral Service: (800) 662-7660*

Steps for filing a Motion for Contempt - Child Support



**STATE OF NORTH CAROLINA**

File No.

In The General Court Of Justice  
District Court Division

\_\_\_\_\_ County

Name And Address Of Plaintiff 1

Name And Address Of Plaintiff 2

**DOMESTIC  
CIVIL ACTION COVER SHEET**  
 INITIAL FILING     SUBSEQUENT FILING

Rule 5(b), Rules of Practice For Superior and District Courts

**VERSUS**

Jury Demanded In Pleading?     No     Yes

Name Of Defendant 1

Name And Address Of Attorney Or Party, If Not Represented (complete for initial appearance or change of address)

Summons Submitted     Yes     No

Telephone No.    Cellular Telephone No.

Name Of Defendant 2

NC Attorney Bar No.    Attorney E-Mail Address

Summons Submitted     Yes     No

Initial Appearance in Case     Change of Address

Counsel for  
 All Plaintiffs     All Defendants     Only (List party(ies) represented)

Name Of Firm

FAX No.

**TYPE OF PLEADING**

**CLAIMS FOR RELIEF**

(check all that apply)

(check all that apply)

- Amended Answer/Reply (AMND-Response)
- Amended Complaint (AMND)
- Answer/Reply (ANSW-Response)
- Complaint (COMP)
- Confession Of Judgment (CNFJ)
- Contempt (CNTP)
- Continue (CNTN)
- Compel (CMPL)
- Counterclaim vs. (CTCL) Assess Counterclaim Costs
- Extend Time For An Answer (MEOT-Response)
- Modification Of Alimony (MALI)
- Modification Of Custody (MCUS)
- Modification Of Support in non-IV-D cases (MSUP)
- Modification Of Visitation (MVIS)
- Rule 12 Motion In Lieu Of Answer (MDLA)
- Sanctions (SANC)
- Show Cause (SHOW)
- Transfer (TRFR)
- Vacate/Modify Judgment or Order (VCMD)
- Other (OTHR):

- Alimony (ALIM)
- Annulment (ANUL)
- Child Support (CSUP)
- Custody (CUST)
- Divorce (DIVR)
- Divorce From Bed And Board (DIVB)
- Domestic Violence (DOME)
- Equitable Distribution (EQU)
- Medical Coverage (MEDC)
- Paternity (PATR)
- Possession Of Personal Property (POPP)
- Post Separation Support (PSSU)
- Reimbursement For Public Assistance (RPPA)
- Visitation (VIST)
- Other: (specify and list separately)

Date

Signature Of Attorney/Party

**NOTE:** All filings in civil actions shall include as the first page of the filing a cover sheet summarizing the critical elements of the filing in a format prescribed by the Administrative Office of the Courts and the Clerk of Superior Court shall require a party to refile a filing which does not include the required cover sheet. For subsequent filings in civil actions, the filing party must include a Domestic (AOC-CV-750), Motions (AOC-CV-752), or Court Action (AOC-CV-753) cover sheet.



STATE OF NORTH CAROLINA

Court File No.

IV-D Case No.

In The General Court Of Justice
District Court Division

County

Name Of Plaintiff

VERSUS

Name Of Defendant

Name And Address Of Obligee

Name And Address Of Obligor

MOTION AND ORDER TO SHOW CAUSE
FOR FAILURE TO COMPLY
WITH ORDER IN CHILD SUPPORT ACTION

G.S. 50-13.4; 5A-21

I, the undersigned, request the Court to issue an order requiring the obligor to appear and show cause, if any, why he/she should not be held in civil or criminal contempt for his/her failure to comply with the Court's order, and in support of the motion, present the following information:

- 1. The obligor has willfully failed to comply with an Order dated ... by
a. failing to pay medical expenses in the amount of \$ ...
b. failing to provide medical insurance for the child(ren).
c. failing to provide obligee with a medical insurance card or information required to file a claim for the child(ren).
d. failing to pay child support. The obligor owes \$ ... in past-due child support as of ... (date).
e. Other:

2. I am informed and believe that the obligor has the means to comply with the Court's order.

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME

Date

Date Signature Of Person Authorized To Administer Oaths

Signature Of Person Making Motion

Deputy CSC Assistant CSC Clerk Of Superior Court

Nature of Interest In This Action

Notary

Date My Commission Expires

Plaintiff Defendant

Other

SEAL

County Where Notarized

ORDER TO APPEAR AND SHOW CAUSE

TO THE PLAINTIFF DEFENDANT NAMED ABOVE:

The Court finds probable cause to believe that you are in civil or criminal contempt for failing to comply with the Court's order as specified above. You are Ordered to appear at the date, time and place set out below to show cause, if any, why the Court should not enter an order holding you in civil or criminal contempt. Your failure to appear as ordered may result in the issuance of an Order For Arrest or your being jailed for civil contempt.

Date Of Hearing

Time Of Hearing

AM PM

Date Issued

Place Of Hearing

Signature

Judge

Assistant CSC

Clerk Of Superior Court

**RETURN OF SERVICE**

I certify that this Motion and Order was received and served as follows:

Date Served	Time Served <input type="checkbox"/> AM <input type="checkbox"/> PM	Name Of Obligor
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delivering a copy personally to:

Name Of Person With Whom Copy Left	Name Of Person With Whom Copy Left
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depositing a copy in the United States mail in an envelope bearing proper postage and addressed as follows:

Name And Address	Name And Address
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leaving a copy at the office of the attorney named below, with a partner or employee

Name Of Attorney	Name Of Attorney
Party Represented	Party Represented
Person With Whom Copies Left	Person With Whom Copies Left

By leaving a copy of this Motion and Order at the dwelling house or usual place of abode of the obligor named above with a person of suitable age and discretion residing therein.

Name Of Person With Whom Copy Left	
Address Where Copy Delivered Or Left	
Date Accepted	Signature Of Person Who Served Motion And Order

Date Received	Signature Of Deputy Sheriff Making Return
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Date Of Return	Name Of Sheriff (Type Or Print)
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County Of Sheriff
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**CERTIFICATE OF SERVICE**

I hereby certify that I have served this Motion and Order to Show Cause For Failure to Comply with Order in Child Support Action on the Plaintiff/Defendant by delivering a copy of this Motion and order to Show Cause and Domestic Civil Action Cover Sheet to the US Postal Service, in an envelope with postage paid, addressed to the Plaintiff/Defendant as follows: *(insert name and address of Plaintiff/Defendant below)*

\_\_\_\_\_  
*Name*

\_\_\_\_\_  
*Address*

\_\_\_\_\_  
*City, State, Zip Code*

\_\_\_\_\_  
*Telephone*

This the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
*(date) (month) (year)*

\_\_\_\_\_  
*(Plaintiff/Defendant sign your name here)*