



**26th Judicial District
SelfServe Center**

Contempt Packet

This packet is a brief summary of North Carolina contempt law.
You should consider consulting with or retaining an attorney.

Lawyer Referral Services:

Mecklenburg County Bar Lawyer Referral Service: (704) 375-0120
www.meckbar.org

North Carolina Bar Lawyer Referral Service: (800) 662-7660
<https://www.ncbar.org/public-resources/lawyer-referral-service/>

What must you include in your Motion for Contempt?

This is where you describe what the other party did to violate the court order.

- Re-read the court order that you believe they violated. If you don't have your copy, make a copy of the order from the file in the Clerk's Office. Re-read it again.
 - o Make sure that you're alleging a violation of a *specific* portion of the existing order. In your motion, include a reference to the violated portion of the order.

- Decide whether you want to pursue civil or criminal contempt against the other party.
 - o What is the difference between civil and criminal contempt?
 - Choose **civil contempt** if you want the court to force the other party to follow the existing order and the other party has the ability to do so *right now*. Don't choose civil contempt if the violation has already been completed. You'll be required to prove civil contempt *by a preponderance of the evidence*.
 - Choose **criminal contempt** if you want the other party to be punished for previously violating the current order. You'll be required to prove criminal contempt *beyond a reasonable doubt*.
 - o Check the appropriate box at the top of your motion. List the type of order which you are alleging has been violated (*custody, child support, etc.*) and the date that order was issued.

- Include a description of what the other party did that was, or is, in violation of the court order. Be clear. Be specific. Write legibly. Make sure that you're ready and able to prove, in court, exactly what you're alleging they did to violate the order.
 - o Include the violations that you want the court to consider. Know that the court will not find the other party in contempt for violations that you failed to include in your motion for contempt.

What is this?

This is information about North Carolina contempt law that you will need if you proceed and pursue contempt, specifically without the assistance of an attorney. It includes instructions you must follow in Mecklenburg County to file a contempt action in a domestic relations case.

Where do I begin?

1. Read all contempt center documents given to you by the SelfServe Center *thoroughly*. Fill out the documents as necessary and as known to you. Make three copies of documents (Room 3342).
 - a. Domestic Civil Action Cover Sheet (*1 copy*)
 - b. Motion for Contempt (*3 originals*)
 - This is where you describe what the other person did to violate the current order. You should include specific details and dates of the violation.
 - List the type of order violated and the date the order was issued.
 - c. Verification
 - You must sign the Motion for Contempt in the presence of a notary. (*3 originals*)
 - d. Certificate of Service
 - You will file this after you serve the other party with the Motion for Contempt through 1st Class U.S. Mail or by Sheriff. (*3 originals*)
 - This shows that you have notified the other party of your allegations.
 - e. Order to Appear and Show Cause
 - The Judge will consider issuing this order after reviewing your motion,
 - f. Notice of Hearing
2. Take your completed packet to the Clerk's Office (Civil Filing Department), Room 3725. This is where you file your motion and pay the required \$20 filing fee.
3. Request that the Judge sign the Order to Appear and Show Cause.
 - a. Determine which Judge is assigned to your case.
 - b. Take your completed packet and proposed order to Courtroom 8150 and place it in the "Drop Off" basket outside of the courtroom.
 - However, if Judge Smith is the assigned Judge, take the packet to Courtroom 6350 and place it in the "Drop Off" basket outside of that courtroom.
 - c. Return 24 hours later to the courtroom and retrieve the packet from "Pick Up".
 - Check to ensure that the Judge signed your proposed order!
4. Get a contempt hearing date from the Family Court Administrator's Office, Room 3520.
5. Mail the Motion for Contempt and Order to Appear and Show Cause OR pay the Sheriff to personally serve these documents on the opposing party.
6. If you mailed the documents, file a completed Certificate of Service with the Clerk, Room 3725.
7. File the completed Notice of Hearing with the Clerk, Room 3725. On this, list the hearing date, time, and courtroom you received from the Family Court Administrator's Office.

STATE OF NORTH CAROLINA

File No.

_____ County

In The General Court Of Justice
District Court Division

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. _____ Cell 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 FOR:

(check all that apply)

- Amended Answer/Reply (AMND-Response)
- Amended Complaint (AMND)
- Answer/Reply (ANSW-Response)
- Complaint (COMP)
- Confession Of Judgment (CNFJ)
- Contemp (CNTP) Assess Motions Fee
- Continue (CNTN) Assess Motions Fee
- Compel (CMPL) Assess Motions Fee
- Counterclaim vs. (CTCL) Assess Counterclaim Costs
- Extend Time For An Answer (MEOT-Response) Assess Motion Fee
- Modification Of Alimony (MALI) Assess Motions Fee
- Modification Of Custody (MCUS) Assess Motions Fee
- Modification Of Support in non-IV-D cases (MSUP) Assess Motions Fee
- Modification Of Visitation (MVIS) Assess Motions Fee
- Rule 12 Motion In Lieu Of Answer (MDLA) Assess Motions Fee
- Sanctions (SANC) Assess Motions Fee
- Show Cause (SHOW) Assess Motions Fee
- Transfer (TRFR) Assess Motion Fee
- Vacate/Modify Judgment or Order (VCMD) Assess Motions Fee
- Other (OTHR): (Use codes from Motions Coversheet AOC-CV-752 or specify)

(check all that apply)

- 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.

Mecklenburg County

Name Of Plaintiff

File No.

VERSUS

Name Of Defendant

MOTION FOR CONTEMPT

REQUESTING AN ORDER TO SHOW CAUSE
FOR FAILURE TO COMPLY WITH
_____ ORDER

ISSUED ON _____

criminal or **civil contempt**
(MUST CHECK ONE)

Name, Address, and Telephone of Plaintiff

Name, Address, and Telephone of Defendant

The undersigned, a party in the above-entitled action, moves the Court to require the Plaintiff Defendant to appear and show cause why he/she should be in criminal or civil contempt for failing to comply with a prior order of this court issued on _____. A COPY OF THIS ORDER IS ATTACHED.

Describe why the Court should issue an Order to Show Cause (Be specific about what the party was required to do and how they failed to comply with the court's Order.)

- 1. Plaintiff/Defendant (*circle one*) specifically failed to comply with the order as follows:

List which part of the Order was violated _____ (*insert paragraph number of the order*) says:

On _____ (*date or dates of the violation*) Plaintiff/Defendant (*circle one*) failed to comply with this paragraph of the order by: (*describe how the other party violated this part of the order*)

2. Next Violation (if necessary):

List which part of the Order was violated _____ (insert paragraph number of the order) says:

On _____ (date or dates of the violation) Plaintiff/Defendant (circle one) failed to comply with this part of the order by: (describe how the other party violated this part of the order)

(You may attach additional sheets if necessary)

I am informed and believe that the responding party has the means to comply with the order.

(Attach a copy of the order to this form.)

I want the Court to issue an order which requires the Respondent to appear and to 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.

VERIFICATION

SWORN AND SUBSCRIBED TO BEFORE ME

Date:

Signature of Notary

My commission Expires:

The Movant, being duly sworn, deposes and says that he/she is a party in the above-entitled action, that he/she has read the foregoing document and knows the contents thereof, that the same are true of his/her own knowledge, except as to those matters and things stated upon belief, and as to those matters and things, he/she believes them to be true.

Signature Of Person Making Motion

Plaintiff

Defendant

CERTIFICATE OF SERVICE (IF SERVED BY MAIL)

I hereby certify that a copy of this Order to Appear and Show Cause has been served on the opposing party/counsel in the following manner:

By depositing a copy in the U.S. Mail in a property addressed, postpaid envelope to:

Date:	<input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
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SHERIFF'S AFFIDAVIT (IF SERVED BY SHERIFF)

I certify that this Order to Appear and Show Cause was received and served as follows:

Date Served:	Responding Party:
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- By delivering to the Responding Party named above a copy of this order
- By leaving a copy of this order at the dwelling house or usual place of abode of the Responding Party named above with a person of suitable age and discretion then residing therein.

Name and Address of person with whom copies left:

The Responding Party WAS NOT served for the following reason:

Date Received:	Name of Sheriff:
	County:
Date of Return	Deputy Sheriff Making Return:

STATE OF NORTH CAROLINA Mecklenburg County	In The General Court of Justice District Court Division
Plaintiff:	File No
VERSUS	ORDER TO APPEAR AND SHOW CAUSE
Defendant:	

TO THE RESPONDING PARTY (PLAINTIFF DEFENDANT) NAMED ABOVE:

Name and address of person to be served:

YOU ARE HEREBY ORDERED TO APPEAR AND SHOW CAUSE why you should not be found in civil or criminal contempt for violating an order of the Court as alleged in the Motion for Order to Show Cause, **a copy of which is attached**. You are hereby ordered to appear at the date, time, and place set out below to show cause, if any, why the Court should not hold you in either civil or criminal contempt.

Your failure to appear as ordered may result in the issuance of an **Order for Arrest** or you being jailed for further contempt of court.

Date	Time	Courtroom

If the Court finds you in civil contempt, you may be committed to jail for as long as such civil contempt continues. If the Court finds you in criminal contempt, you may be fined up to \$500, imprisoned for up to 30 days, or both.

This the _____ day of _____, 20 _____.

District Court Judge

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

CASE NUMBER _____

PLAINTIFF

VS.

NOTICE OF HEARING

DEFENDANT

.....

To: _____
Plaintiff / Defendant

YOU ARE HEREBY NOTIFIED that the presiding judge will hear plaintiff's/defendant's claim for relief on _____, 20____, beginning at _____ o'clock _____ m (or as soon thereafter as this matter can be heard) in Courtroom No. _____, which is located in Mecklenburg County Courthouse, 832 E. 4th Street, Charlotte, NC.

The plaintiff / defendant is seeking _____
(state relief you are seeking)

***If** this case involves child support, the Presiding Judge requires that the attached Affidavit of Financial Standing be completed and filed with the Clerk of Superior Court and served on the opposing party either with the responsive pleading or by the Wednesday preceding the first week of the domestic term in which the case is scheduled for hearing, whichever is earlier. The affidavit must be fully and completely filled out, sworn to, and notarized before filing.

You are required to attach to the Affidavit and bring to the hearing true and accurate copies of the documents listed on page three (3) of the Financial Affidavit.

FAILURE TO APPEAR ONCE YOU HAVE BEEN SERVED WILL NOT DELAY THE ENTRY OF AN ORDER THAT MAY AWARD THE RELIEF SOUGHT.

Attorney for Plaintiff Defendant

Date

Address

Phone

(Attach Sheriff's Return or Certificate of Service)

CERTIFICATE OF SERVICE

I hereby certify that I have served this Motion for Contempt and Notice of Hearing on the Plaintiff / Defendant (*Circle One*) by delivering a copy of this Motion for Order to Show Cause, Domestic Civil Action Cover Sheet and Notice of Hearing to the US Postal Service, in an envelope with postage paid, addressed to the Plaintiff / Defendant (*Circle One*) as follows:
(*insert name and address of the Plaintiff or Defendant below*)

Name

Address

Town, State, Zip Code

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

(*Plaintiff / Defendant sign your name here*)