



26th Judicial District SelfServe Center

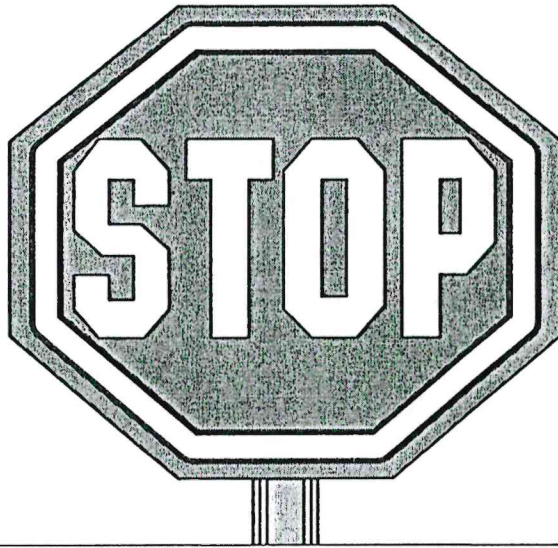
MOTION FOR CONTEMPT

Due to the changing nature of the law, the forms and information contained in this packet may become outdated.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!



**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.

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.

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

You must complete the following documents:

- ♦ Domestic Civil Action Cover Sheet
- ♦ Motion for Contempt (The plaintiff and defendant stay the same through out the entire case. Look on the original complaint to see who the plaintiff and defendant are.)
- ♦ Verification (Sign in the presence of a Notary Public)
- ♦ Order to Appear and Show Cause

* Submit a copy of the current order with this motion.

STEP 2

Filing of the Forms

Take the original copy of the documents listed below to the Clerk of Superior Court, Civil Filing Department, (832 E. Fourth St., Room 3725). The clerk will file them for you.

- ♦ Domestic Civil Action Cover Sheet
- ♦ Motion for Contempt
- ♦ Verification
- ♦ Order to Appear and Show Cause

A Judge will need to provide a court date and sign the Order to Appear and Show Cause. You may check the North Carolina eCourts Portal at <https://portal-nc.tylertech.cloud/Portal/> to print and mail your forms to the other party.

STEP 3

Service of Process

PLEASE READ THIS SECTION VERY CAREFULLY.
If you have concerns or are confused, consult with an attorney immediately!

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

In order for your case to be binding against the other party, the other party must be given notice of the case, or *served* in a manner that is recognized by the court. **PLEASE NOTE that service of process must be *completed successfully* for your case to proceed and avoid dismissal.** This means that **IT IS YOUR RESPONSIBILITY** to follow up and make sure service was completed.

Service of Process by US Mail.

The filing party shall serve the on the other party through 1st Class US Mail.

- ♦ Motion for Contempt
- ♦ Verification
- ♦ ♦ Order to Appear and Show Cause

STEP 4

Filing of Two Certificates of Service

Once the documents listed in **Step 3** have been mailed to the other party, you must file the two Certificates of Service with the Civil Filing Department (832 E. Fourth ST., Room 3725).

- ♦ **Certificate of Service – Motion for Contempt** (Complete after mailing the other party a copy of the Motion)
- ♦ **Certificate of Service – Order to Appear and Show Cause** (Complete after mailing the other party a copy of the Order to Appear and Show Cause.)

STEP 5

Attendance

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

Legal Resources listed below:

Mecklenburg County Bar Lawyer Referral Service by searching online at

<https://www.meckbar.org/?pg=LRS-home>

or the North Carolina Bar Lawyer Referral Service at

<https://www.ncbar.org/public-resources/find-an-nc-lawyer/>

Steps for filing a Motion for Contempt

Fill out the following forms:

1. Domestic Civil Action Cover Sheet
2. Motion for Contempt
3. Verification

Make sure you sign the Motion for Contempt in the presence of a Notary Public

Take the completed forms to the Civil Filing Department (832 E. 4th Street, Suite 3725, 3rd Floor).

Serve a copy of the documents on the other party via 1st Class US Mail.

Once the documents have been mailed to the other party, you must file the two Certificates of Service with the Civil Filing Department (832 E. Fourth ST., Room 3725).

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

Name Of Defendant 1

Jury Demanded In Pleading? ☐ No ☐ Yes

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

Summons Submitted ☐ Yes ☐ No

Name Of Defendant 2

Telephone No.

Cellular Telephone No.

NC Attorney Bar No.

Attorney E-Mail Address

☐ Initial Appearance in Case

☐ Change of Address

Summons Submitted ☐ Yes ☐ No

Counsel for

☐ All Plaintiffs ☐ All Defendants ☐ Only (List party(ies) represented)

Name Of Firm

FAX No.

TYPE OF PLEADING

(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):

CLAIMS FOR RELIEF

(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.

AOC-CV-750, Rev. 1/14

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IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NUMBER _____ CV _____ ()

Defendant,

- Which section of the order was violated _____(insert paragraph number of 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)

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)

Which section of the order was violated _____ (insert paragraph number of 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)

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)

(You may attach additional sheets if necessary)

WHEREFORE, PLAINTIFF/DEFENDANT respectfully asks the court:

1. To issue a Show Cause Order.
2. To grant this Motion for Contempt.
3. To enforce the exsisting Order issued on _____.
(Insert the date of the Order)

This the ____ day of _____, _____.

By:

(SIGN) ☐ Plaintiff ☐ Defendant

State of North Carolina)
)
County of Mecklenburg)

Verification

_____, being duly sworn, deposes and says that he/she is the Plaintiff/Defendant (*circle one*) in the foregoing action, that he/she has read the foregoing MOTION FOR CONTEMPT and is familiar with the contents thereof, that same is true of his/her own knowledge except as to those matters as may therein be alleged upon information and belief and as to those matters, he/she believes them to be true.

(SIGN IN THE PRESENCE OF A NOTARY PUBLIC)

Sworn to and subscribed before me, this
____ day of _____, _____.

_____ *My Commission expires:*_____

(Notary Public)

STATE OF NORTH CAROLINA
Mecklenburg County

In The General Court of Justice
District Court Division

File Number _____

ORDER TO APPEAR AND SHOW CAUSE

Plaintff

Assigned Judge: _____

VERSUS

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 contempt for violating an order of the Court as alleged in the Motion for Contempt filed on _____ (Fill in date of motion). 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 and/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.

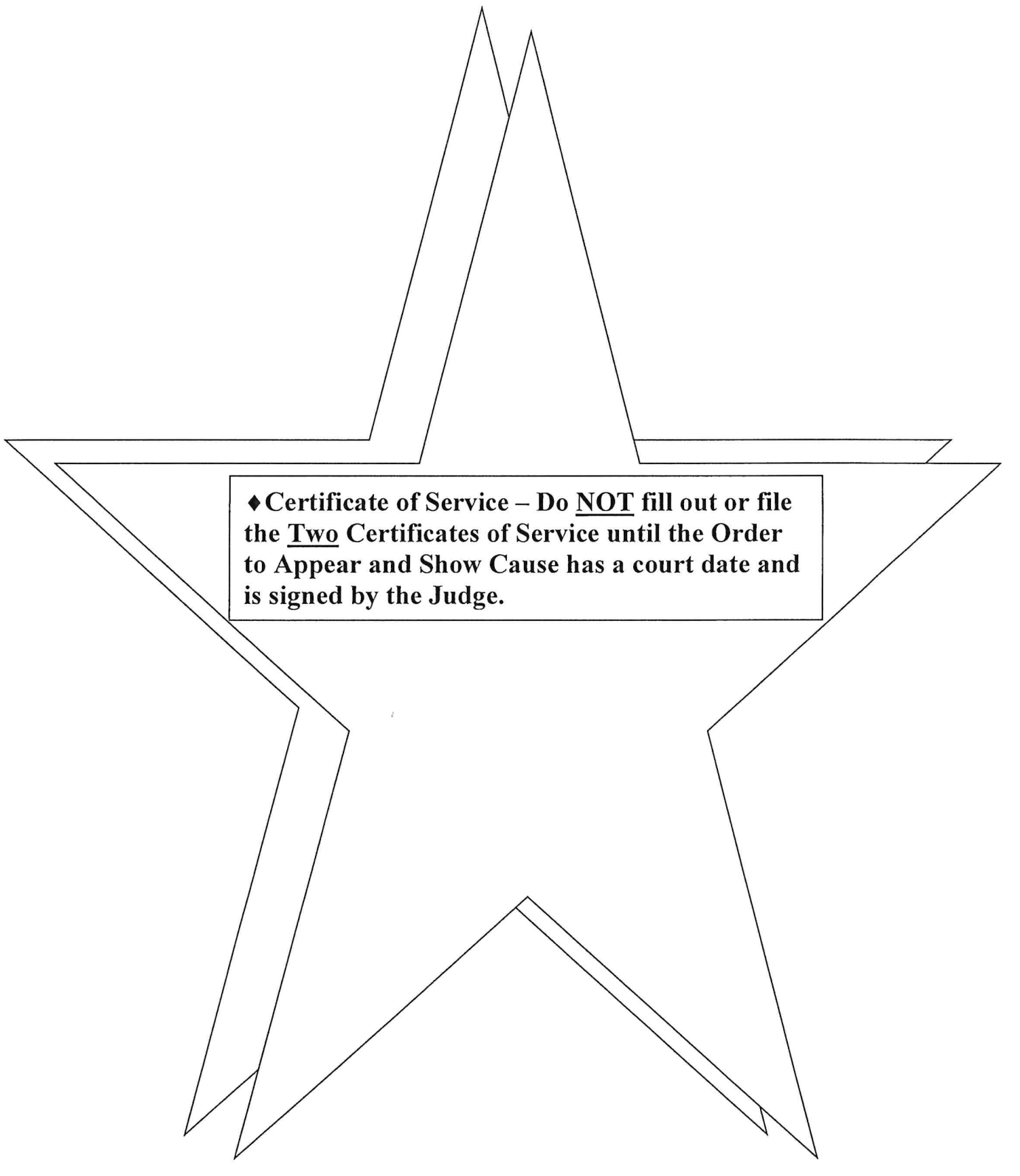
Date	Time	Location:

The hearing shall take place at the Mecklenburg County Courthouse 832 E. 4th Street, Charlotte, NC 28202 in the courtroom listed above.

If the Court finds you in civil contempt, you may be committed to jail for as long as such contempt continues. If the Court finds you in criminal contempt, you may be fined up to \$500, imprisoned for up to 30 days (may be up to 120 days for a single act of criminal contempt resulting from failure to pay child support under certain conditions), censure, or any combination of the three.

Date _____

District Court Judge



♦ **Certificate of Service – Do NOT fill out or file the Two Certificates of Service until the Order to Appear and Show Cause has a court date and is signed by the Judge.**

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NUMBER ____ CV _____

(Type or Print Plaintiff's Name)

Plaintiff,

vs.

(Type or Print Defendant's Name)

Defendant,

Certificate of Service

I certify that I served a copy of this **Motion for Contempt** on the Plaintiff/Defendant (circle one) by delivering a copy the documents to the US Postal Service, in an envelope with postage paid, addressed to the Plaintiff/Defendant (circle one) as follows: (write name and address of Plaintiff/Defendant below)

This ____ day of _____, _____.
(day) (month) (year)

BY: _____
(SIGN YOUR NAME HERE)

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NUMBER ____ CV_____

Defendant,

I certify that I served a copy of this **Order to Appear and Show** on the Plaintiff/Defendant (circle one) by delivering a copy the documents to the US Postal Service, in an envelope with postage paid, addressed to the Plaintiff/Defendant (circle one) as follows: (write name and address of Plaintiff/Defendant below)

BY: _____
(SIGN YOUR NAME HERE)

