

# HOW TO FILE A RESPONSE TO A PETITION FOR CITATION OF CONTEMPT

You would use this package if you have been served with a Petition for Citation of Contempt, DeKalb County Superior Court. (If the Petitioner did not use the DeKalb County Forms then you should use this packet as a guideline only, and you should seek the advice of an attorney.) You have 30 days from the date you received 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 judge thinks is proper under the situation. Because of the possible penalties involved, you should probably seek the advice of an attorney.

- ☐ 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 copies of the completed forms.
- ☐ STEP 5: File the original and have the clerk stamp the copies
- ☐ STEP 6: Send a copy of the forms to the Petitioner
- ☐ STEP 7: Come to Court on the date of the hearing as indicated in the Rule Nisi form you received from The Petitioner

HERE ARE DETAILED INSTRUCTIONS HOW TO FILL OUT THE FORMS:

**STEP 1: The Response to Petition for Citation of Contempt**, In order to fill out the response form you will need to have the Petition handy.

- A. You are the Respondent. Fill in your name on the line next to Respondent, and on the line after "NOW COMES."
- B. 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.
- C. Fill in the Civil Action File Number with the same Civil Action File Number that is on the Petition. It will begin with a letter and will be followed by up to 5 numbers.
- D. In Paragraph 1:
  - 1. Check the first box if the allegations in paragraph 1 of the Petition are correct.
  - 2. If any of the information in paragraph 1 of the Petition not correct, then check the second box and explain what was 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, then write in the correct date the order was signed. You should type or print neatly your explanation.
  - 3. If you agree with some of the information in paragraph 1, but not all of it, then check both the second and third boxes and explain what you disagree with as instructed above.
- E. In Paragraph 2:
  - 1. Check the first box if you:
    - a. Were given a copy of the Petition in person **AND**
    - b. You live in DeKalb County, and DeKalb County was the county where the original Order was entered.
  - 2. Otherwise check the second box.
- F. In Paragraph 3:
  - 1. Check the first box if you agree with the allegations in paragraph 3 of the Petition.
  - 2. Check the second box if you not agree and explain why you disagree in the space provided.
- G. In Paragraph 4:
  - 1. Check the first box if you obeyed the Order.
  - 2. 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.
  - 3. Check the third box if you were unable to do what the Court ordered and explain why in the space provided.

H. Then 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:** The **Verification Form** tells the Court that you swear, under oath, that what you wrote or put in Response is true and correct.

- A. Print or type the full name of the person who filed the Petition next to the word "Petitioner".
- B. Print or type your full name next to the word "Respondent".
- C. Next to the number [1], print or type your name.
- D. Where it says: This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, fill in the date, month and year where indicated.
- E. Next to the number [2], print or type your name where indicated, and fill in your address and telephone number. **DO NOT SIGN THIS UNTIL YOU ARE IN FRONT OF A NOTARY PUBLIC.** You can find a Notary Public at banks, the post office, and the DeKalb County Family Law Information Center.

**STEP 3:** The **Certificate of Service**, 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.

- A. Fill in the name of the person who files the Petition as Petitioner and your name as the Respondent.
- B. Next to number [1] print or type the name of each document that you will be sending the Petitioner, "Response to Petition for Citation of Contempt, Verification, and Certificate of Service".
- C. Next to number [2] print or type the date you will be sending Petitioner a copy of the documents.
- D. Next to number [3] print or type Petitioner's name and address where you will be sending these of documents.
- E. Next to number [4] sign your name and then print or type your name, address, telephone number and email address.

**STEP 4: MAKE THREE COPIES OF THE COMPLETED FORMS.**

**STEP 5: Take the forms to the Clerk's Office to file them.** Have the clerk stamp the copies.

**STEP 6:** **Mail the Petitioner one copy of the completed forms** to the address you filled out in the Certificate of Service.

**STEP 7:** **Come to Court** on the date and time as indicated on the Rule Nisi form for your hearing (trial). You should go to the courtroom indicated on the Rule Nisi form, 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."