

Instructions: How to Hold Someone in Contempt of a Court Order

Use this outline if you have a **Child Support Order, Parenting Plan, Restraining Order or Maintenance Order** signed by a Judge or Commissioner and the other party is not complying with that order. There is no filing fee for bringing a **Contempt** action if the original order that is being violated was entered in Skagit County Superior Court.

1. Obtain the forms listed in this outline. The Skagit County Superior Court Clerk sells a packet for **Contempt** which includes the required state and local forms. You may also download the forms for free at www.courts.wa.gov/forms . **Skagit County Local Court Rules** and local forms are available for purchase at the Clerk's Office or can be downloaded at www.skagitcounty.net (see links to Superior Court).
2. If you need assistance with forms or procedures, the Court Facilitator can review forms you have prepared yourself, answer questions, or help you with procedures. The Facilitator cannot give legal advice and does not represent you. The Facilitator may also assist the other party in your case. There is a \$20 fee per 30 minute appointment. Call for an appointment: (360) 416-1200 or (360) 416-1800.
3. Fill out a **Motion for Contempt Hearing (FL All Family 165)**. Your caption and case number should be the same as your original case (in other words if you were the "Respondent" in the original case you are still the "Respondent" on your contempt paperwork and if you were the "Petitioner" in the original case then you are still the "Petitioner"). In the Contempt action you are also the "requesting party".

In your **Motion** explain *in detail* what type of order is being violated and how that order is being violated. Include the date that the order was entered and include a copy of the order if possible. If you are claiming that money is not being paid to you as ordered, then describe in detail the dates of the missed payments and the amount owed. If you are claiming that visitation is not occurring as ordered, then detail the specific dates and circumstances of each incident. Also explain what you want to court to give you as a remedy for the violation. If you have additional evidence you can attach it to your **Motion** and if you have other people who have relevant information on the contempt issue, then have each of those people fill out a **Declaration (FL All Family 135)**. Make two copies of your **Motion** and any **Declarations**.

4. Fill in the caption only of the **Order to Go to Court for Contempt Hearing (Order to Show Cause)(FL All Family 166)** and sign that document.
5. Turn in your **Motion, Order to Go to Court for Contempt Hearing** and any **Declarations** to the Clerk's office between 8:30am and 12:00pm and let them know you are appearing on the Ex Parte Calendar. At 1:15pm go to the Courtroom where the Ex Parte Calendar is being heard and wait for your case to be called. The Judge or Commissioner may ask you some questions before deciding whether or not to sign your **Order to Go to Court for Contempt Hearing** which sets a hearing on the contempt action.

6. If the Judge/Commissioner signs your **Order to Go to Court for Contempt Hearing**, then get two copies of that **Order** and have the other party in your case personally served with your **Motion**, any **Declarations**, and the **Order to Go to Court for Contempt Hearing**. ***You cannot serve the documents yourself.*** Have someone over 18 serve the copies to the other party by handing them to the other party. Have the person who serves the documents fill out and sign a **Proof of Personal Service (FL All Family 101)**. Make sure that all the documents that were served are listed on the **Proof of Personal Service** and that the date, time and place of service are filled in. Make a copy of the **Proof of Personal Service** and file the original in the Clerk's Office. Note that local court rules require that the other party have 9 court days notice of the hearing.
7. Go to the hearing with a **Contempt Hearing Order (FL All Family 167)**. At the hearing the Judge/Commissioner will decide whether or not the other party is in contempt and what remedy to award. The Court can also choose to set a review hearing. If the other party did not appear in Court, then you will be responsible for having the other party served with a copy of the **Contempt Hearing Order**.

Helpful Phone Numbers and Websites:

Skagit County Superior Court Clerk's Office (360) 416-1800
Skagit County Superior Court Administration (360) 416-1200
Skagit County Law Library (360) 416-1290
Volunteer Lawyer Program of Skagit County (360) 416-7585
CLEAR line for a referral to the VLP (888) 201-1014
State Prosecuting Attorney – Family Support Division (360) 336-9461

www.courts.wa.gov/forms to download standard family law forms
www.washingtonlawhelp.org for general information on a variety of legal topics
www.nwjustice.org for general information and resources
www.skagitcounty.net Skagit County website (follow the links to Superior Court).
www.dshs.wa.gov/dcs Washington Division of Child Support (forms and information)
<https://fortress.wa.gov/dshs/dcs/SSGen/Home> DCS Support Calculator (use to create a child support worksheet).

This list of instructions is not a substitute for legal advice. Before starting any legal action, it is always wise to consult an attorney regarding your rights and responsibilities. Many attorneys offer consultations. Your specific situation may require additional forms and procedures which may not be listed on this outline. The Family Law Facilitator and the Clerk's Office cannot give legal advice. Only an attorney can give legal advice.