

Making Someone Obey a Court Order

Use these instructions to file a Complaint for Contempt

Produced by the Suffolk Probate & Family Court Community Outreach Program—Richard Iannella, Register

READ THIS:

Information provided in this packet IS NOT LEGAL ADVICE, It is information. This information is not a substitute for a competent lawyer.

When you sign a legal document or file any papers in court, it can seriously affect you in the future. You should always try to get legal advice before filing documents.

Bar Association lawyer referral services are listed in our brochure "Legal Resources in and around Suffolk County." Also listed are free legal service providers. You may be eligible for help.

Take each step in order. ***There are parts of each step that YOU must do.*** Blank forms and instructions for the individual steps are available at the front desk or in the Addington Resource Center.

- 1 **COMPLETE AND COPY THE FOLLOWING FORMS:** Fill out all the forms completely and in black ink. You may want to make an extra copy of the blank forms before you fill them in or get an extra packet, in case you make mistakes as you are completing the forms. **There are detailed instructions for each form.**
 - ✓ **COMPLAINT FOR CONTEMPT**
 - ✓ **FINANCIAL STATEMENT (if the contempt is about payment of money)**
 - ✓ **AFFIDAVIT DISCLOSING CARE OR CUSTODY PROCEEDINGS(if the contempt is about minor children)**
 - ✓ **AFFIDAVIT OF INDIGENCY.** If you do not have much income, you may not have to pay the costs related to the case. Fill out these forms if you think you cannot afford to pay any costs.
 - ✓ **SERVICE OF CONTEMPT SUMMONS (Instructions only-no form)**
- 2 **COPIES:** Make two (2) copies of all the completed forms. Assemble the copies so that you have 3 COMPLETE PACKETS OF THE FORMS-- the originals and 2 sets of copies. Keep one copy for yourself.

TO FILE THE PAPERS AT THE COURT:

- 3 **TAKE THE ORIGINALS AND COPIES IN TO THE COURT TO BE FILED:** Take the **originals** of the documents to **Office of the Register of Probate, Richard Iannella**, on the third floor of the court, for processing. You may also mail in the completed forms to: Register of Probate, Suffolk County Probate and Family Court, 24 New Chardon St., Boston, MA 02115. If you mail in the forms, a summons will be mailed out to you.
- 4 **PICK UP THE CONTEMPT SUMMONS (Read instruction sheet for details)**
- 5 **SERVE THE SUMMONS AND COMPLAINT ON THE OTHER PARTY (Read instruction sheet for details)**
- 6 **RETURN THE COMPLETED SUMMONS TO THE COURT (Read summons instructions for details)**
- 7 **COME TO COURT ON THE SCHEDULED HEARING DATE**
- 8 **OTHER HELP:** If you still have questions about this procedure, you should ask a lawyer for legal advice. You can look up a lawyer in the telephone book under “Attorneys”. Also, the Resource Center has a list of *Legal Resources in and around Suffolk County*.

***Look at the sample form attached and follow the instructions for each letter or number.
Please print (in ink) or type all information.***

- A.** The Docket number of the Contempt is the same as the docket number of the case with the order not being followed. Fill in that Docket Number here.
- B.** You are the plaintiff. Print your name here.
- C.** The person who is not following the court order is the Defendant. Print their name here.
 - 1.** Print your address here. Then print the address of the defendant.
 - 2.** Fill in the date of the order which is not being followed. Check the box that explains your situation. If none of the explanations apply to you, check off the last box and fill in the blank space with the explanation of the order you are asking the court to enforce. For example...the court ordered that.. John Smith, pay for the cost of after school care for the minor child.
 - 3.** Check the box which describes what the defendant has not done. If none of the explanations applies check off the last box and fill in the blank space with the explanation of the violation of the order. For example, on....September 15, October 1, and October 15, the Defendant has violated the order by failing to pay \$50 on each of those occasions for the cost of after school care.
- D.** Put in today's date.
- E.** Sign the form, then print your name, address, and telephone number.

**TURN TO THE BACK PAGE OF THESE INSTRUCTIONS
FOR A CHECKLIST OF ALL THE NECESSARY STEPS (In
addition to completing a Complaint for Contempt) FOR
ENFORCING A COURT ORDER**