

# Giving Notice to the Defendant in a Contempt Case

Use these instructions if the Court has given you a Contempt Summons

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.

# STEPS TO TAKE TO ENFORCE AN ORDER OF THE COURT

## Filing a Complaint for Contempt

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*.

## **INSTRUCTIONS FOR COMPLETING the CONTEMPT SUMMONS**

**IF YOU REPRESENT YOURSELF IN A COMPLAINT CONTEMPT YOU ARE RESPONSIBLE FOR SERVING THE COMPLAINT ON THE OTHER PARTIES. THE COURT DOES NOT DO IT FOR YOU.**

*You will be given two copies of the Complaint for Contempt and you will be given a Contempt Summons, with the following information typed in: Plaintiff's name, Defendant's name, Date of the contempt hearing*

- A.** PUT YOUR NAME IN HERE.
- B.** Cross out the word attorney.
- C.** PUT YOUR ADDRESS IN HERE.

***YOU MUST ARRANGE FOR THE COMPLAINT and the SUMMONS TO BE DELIVERED TO THE DEFENDANT. THIS INCLUDES THE ORIGINAL OF THE SUMMONS ALONG WITH A COPY OF THE COMPLAINT. THIS IS CALLED SERVICE OF PROCESS.***

The rules of the court allow for service in the following way:

1. BY a "Disinterested Party", which means someone who is not involved in the case, may serve the papers upon the Defendant in person.
2. You may hire a CONSTABLE or SHERIFF to serve the papers. A CONSTABLE is a person authorized by the Court to deliver legal papers to Defendants and other parties in court cases. We have a list of CONSTABLES who are authorized to deliver papers in Suffolk County. If the Defendant in your case lives in another county, the Constable may be authorized to deliver papers there, but you should make sure to ask. The fee starts at \$25 dollars. Check with the sheriff or constable for the exact fee.
3. If you decide to have a Constable or Sheriff deliver the papers, phone the Constable and arrange to get the original Summons, and the Complaint to the Constable.

The Constable will deliver the papers and return the original summons to you. The Constable will fill out the back of the summons. In some instances the sheriff or constable will return the completed summons to the court. Make sure you discuss with the sheriff or constable whether they will be returning the summons to you or to the court. **IN MOST CASES THEY WILL RETURN IT TO YOU AND YOU WILL HAVE TO FILE IT WITH THE COURT, EITHER IN PERSON OR BY MAIL.**

4. **YOU must now mail or bring in to the court the completed Summons. IF YOU DO NOT FILE THE COMPLETED SUMMONS WITH THE COURT, YOUR CASE CANNOT BE HEARD. THE COURT NEEDS PROOF THAT YOU HAVE NOTIFIED THE OTHER PARTY ABOUT THE CASE. Come to court on the hearing date. Report to Family Services. Their office is on the 3<sup>rd</sup> floor of the courthouse.**