



## 26<sup>th</sup> Judicial District SelfServe Center

### CONTEMPT

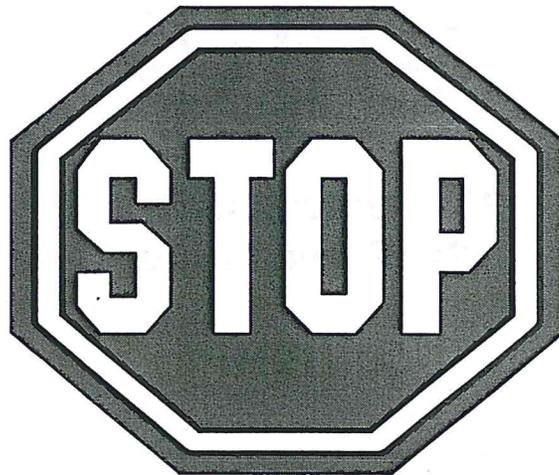
Due to the changing nature of the law, the forms and information contained in this packet may become outdated. Therefore, you should review and research statutes and rules of procedure referenced in the instructions to ensure that the forms are accurate and current.

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!**

THE FILING FEE IS: \_\_\_\_\_



**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. If at any point during the process you become confused or wish to proceed with the help of an attorney, contact the Mecklenburg County Bar Lawyer Referral Service (704) 375-0120 or the North Carolina Bar Lawyer Referral Service (800) 662-7660. The SelfServe Center also maintains a list of attorneys willing to provide “unbundled services.”

## **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.

### **What do I do first?**

1. After you get your packet, **READ THE INSTRUCTIONS!**
2. Complete the forms by typing or printing *neatly* in black ink. You may fill them out at home or at the courthouse. Please read the forms carefully as some have a “Verification” page. This means that they must be signed in the presence of a Notary Public. If the document does require this, do not sign until you are in front of a Notary.
3. Have your documents already notarized when you take them to the Clerk’s Office to file.
4. Put your *case number* (located on your original court order) at the upper right hand corner of these documents.
5. Attach a copy of the order being violated to your motion.

### **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**

\*\*\*CHECKLIST\*\*\*

You must complete the following documents:

- ◆ **Domestic Civil Action Cover Sheet**
- ◆ **Motion for Contempt** (Attach a copy of the order to each copy of this form)
- ◆ **Verification** (Sign in the presence of a Notary Public)
- ◆ **Certificate of Service** (Complete before mailing the other party copies of the Motion)
- ◆ **Notice of Hearing** (This form will be filled out by the Family Court Office, Room 3520)

*Please* make sure to place your existing case number in the upper right hand corner of each document.

**STEP 2**  
**Photocopying the documents**

Make two (2) copies of the documents, copies can be made in the Civil Files Office, (832 E. Fourth St., Room 3342).

**STEP 3**  
**Filing the documents**

Take the original and 2 copies to the Civil Filing Department, (832 E. Fourth St., Room 3725). The clerk will file them for you.

**STEP 4**  
**Obtaining a court date**

Take the Motion for Contempt to the Family Court Office (832 E. Fourth St., Room 3520) to obtain a hearing date. A Family Court Case Manager will assign a date and time for your hearing. **You will have to file the Notice of Hearing by returning to the Civil Filing Department, Room 3725.**

**STEP 5**  
**Service of Process**

North Carolina General Statutes require that you give notice to the defendant 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.

## SERVICE OF PROCESS

**PLEASE READ THIS SECTION VERY CAREFULLY.**

**If you have concerns or are confused, consult with an attorney immediately!**

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.**

Complete the Certificate of Service once you have served the other party the Motion for Contempt through 1<sup>st</sup> Class US Mail. File the Certificate of Service with the Civil Filing Department (832 E. Fourth ST., Room 3725).

## **STEP 6**

### **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.

*Lawyer Referral Services:*

*Mecklenburg County Bar Lawyer Referral Service: (704) 375-0120 or  
[www.meckbar.org](http://www.meckbar.org)*

*North Carolina Bar Lawyer Referral Service: (800) 662-7660*

Steps for filing a Motion for Contempt

Fill out the following forms:  
1. Domestic Civil Action Cover Sheet  
2. Motion for Contempt  
3. Verification  
4. Certificate of Service

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

Make two copies of each form

Take the completed forms and 2 copies to the Civil Filing Department.

Go to Family Court to obtain a hearing date.

File the Notice of Hearing in the Civil Filing Department.

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



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

Jury Demanded In Pleading?  No  Yes

Name Of Defendant 1

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

Summons Submitted  Yes  No

Telephone No. Cell Telephone No.

Name Of Defendant 2

NC Attorney Bar No.  Attorney E-Mail Address

Summons Submitted  Yes  No

Initial Appearance in Case  Change of Address

Counsel for  
 All Plaintiffs  All Defendants  Only (List party(ies) represented)

Name Of Firm

FAX No.

TYPE OF PLEADING

CLAIMS FOR RELIEF FOR:

(check all that apply)

- Amended Answer/Reply (AMND-Response)
- Amended Complaint (AMND)
- Answer/Reply (ANSW-Response)
- Complaint (COMP)
- Confession Of Judgment (CNFJ)
- Contemp (CNTP) Assess Motions Fee
- Continue (CNTN) Assess Motions Fee
- Compel (CMPL) Assess Motions Fee
- Counterclaim vs. (CTCL) Assess Counterclaim Costs
- Extend Time For An Answer (MEOT-Response) Assess Motion Fee
- Modification Of Alimony (MALI) Assess Motions Fee
- Modification Of Custody (MCUS) Assess Motions Fee
- Modification Of Support in non-IV-D cases (MSUP) Assess Motions Fee
- Modification Of Visitation (MVIS) Assess Motions Fee
- Rule 12 Motion In Lieu Of Answer (MDLA) Assess Motions Fee
- Sanctions (SANC) Assess Motions Fee
- Show Cause (SHOW) Assess Motions Fee
- Transfer (TRFR) Assess Motion Fee
- Vacate/Modify Judgment or Order (VCMD) Assess Motions Fee
- Other (OTHR): (Use codes from Motions Coversheet AOC-CV-752 or specify)

(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.





5. Plaintiff/Defendant (*circle one*) specifically failed to comply with the order as follows:

Decretal Paragraph \_\_\_\_\_ (*insert paragraph number of order*) says:

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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*)

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Decretal Paragraph \_\_\_\_\_ (*insert paragraph number of order*) says:

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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*)

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**(You may attach additional sheets if necessary)**

WHEREFORE, PLAINTIFF/DEFENDANT (*circle one*) respectfully asks the court to:

1. Grant this Motion for Contempt.
2. State what the Plaintiff/ Defendant (*circle one*) must do to purge the contempt.
3. Grant the Plaintiff/ Defendant (*circle one*) any additional relief the court finds fair and appropriate.

This is the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

By:

\_\_\_\_\_  
**(SIGN YOUR NAME HERE)**

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)*



**CERTIFICATE OF SERVICE**

I certify that I served a copy of this **Motion for Contempt and Notice of Hearing** 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)

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This \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
(day) (month) (year)

BY: \_\_\_\_\_  
(SIGN YOUR NAME HERE)



STATE OF NORTH CAROLINA  
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION

CASE NUMBER \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
PLAINTIFF

VS.

**NOTICE OF HEARING**

\_\_\_\_\_

\_\_\_\_\_  
DEFENDANT

.....  
To: \_\_\_\_\_  
Plaintiff/Defendant

YOU ARE HEREBY NOTIFIED that the presiding judge will hear plaintiff's/defendant's claim for relief on \_\_\_\_\_, \_\_\_\_\_, 20 \_\_\_\_, beginning at \_\_\_\_\_ o'clock \_\_\_\_\_ m (or as  
(day of week) (date)

soon thereafter as this matter can be heard) in Courtroom No. \_\_\_\_\_, which is located in Mecklenburg County Courthouse, 832 E. 4th Street, Charlotte, NC.

The plaintiff/defendant is seeking \_\_\_\_\_  
(state relief you are seeking)

If this case involves child support, the Presiding Judge requires that the attached Affidavit of Financial Standing be completed and filed with the Clerk of Superior Court and served on the opposing party either with the responsive pleading or by the Wednesday preceding the first week of the domestic term in which the case is scheduled for hearing, whichever is earlier. The affidavit must be fully and completely filled out, sworn to, and notarized before filing.

You are required to attach to the Affidavit and bring to the hearing true and accurate copies of the documents listed on page three (3) of the Financial Affidavit.

FAILURE TO APPEAR ONCE YOU HAVE BEEN SERVED WILL NOT DELAY THE ENTRY OF AN ORDER THAT MAY AWARD THE RELIEF SOUGHT.

\_\_\_\_\_  
Attorney for  Plaintiff  Defendant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone

(Attach Sheriff's Return or Certificate of Service)

