



COURT OF COMMON PLEAS, MONTGOMERY COUNTY
DOMESTIC RELATIONS DIVISION

DENISE L. CROSS, ADMINISTRATIVE JUDGE

JUDITH A. KING, JUDGE

Motion for Contempt/Motion to Show Cause

Required Forms:

1. Motion for Contempt, with Affidavit in Support
This is a pleading you must create on your own. We do not provide a form for you. Please review the information below with regard to how to prepare this document.
2. Order to Show Cause
Retype our example enclosed, using your own case information.
3. Notice
Attach the Notice enclosed to the back of your Order to Show Cause.
4. Instructions for Service
Complete this form. Please note service must be perfected on the other party via certified mail, at a minimum.

COST/FILING FEE: \$100.00

FORMAT: All documents must be typed and must be set up in the proper format, including a 2½" top margin, case caption, signature block, etc. DO NOT REVERSE THE ORDER OF "PLAINTIFF" AND "DEFENDANT" IN YOUR CAPTION. IT MUST APPEAR IN THE SAME ORDER AS YOUR ORIGINAL CASE FILING. LOOK AT YOUR DECREE OF DIVORCE OR DISSOLUTION FOR PROPER FORMATTING.

CONTENT OF MOTION: Any motion to show cause why a party should not be held in contempt of court shall state with specificity each provision of a prior court order with which a party allegedly has failed to comply, the date of such order, and the facts constituting the noncompliance. The motion shall be supported by an Affidavit signed by the party.

Motions for Nonsupport. If the motion pertains to nonpayment of child support or spousal support, the motion shall clearly set forth the following: date of the last order of support; amount of said order; amount which should have been paid; amount which was actually paid during that period; and the amount of arrearages existing to the date of filing. For purposes of computing arrearages, the effective date of any order for support shall be the date of journalization of the order unless the order specifically designates some other effective date. An audit from the Support Enforcement Agency will be provided to the Court, however, if the SEA's records are in dispute, it is the responsibility of the party disputing the SEA's records to compel the attendance of a witness from the SEA. The records of the SEA also may be admitted in accordance with Local Rule 4.24(F) if no objection is filed.

Medical Bills or Other Support Obligations. If the motion asserts nonpayment of medical/dental bills or support other than periodic payments, the motion shall itemize such expenses and state whether demand for payment has been made prior to the filing of the motion. **Interest.** If interest on unpaid periodic support is being sought, the party must request in writing such interest and shall have determined a proposed computation prior to hearing. Interest applies only on those support orders made or modified on or after July 1, 1992. See Dunbar v. Dunbar (1994), 68 Ohio St.3d 369 and O.R.C. Section 3113.219. The interest awarded on arrearages and judgments on arrearages shall be simple interest at the statutory rate.

REQUIRED COPIES: Original plus 4 copies of all documents.

PROCEDURE: All motions filed by a party without an attorney must first be presented to the Public Legal Specialist located in the lobby information center at 301 W. Third Street, 2nd Floor for approval. Once approved, documents need to be taken to the Assignment Office to receive a hearing date. After receiving your hearing date, take all documents to the Clerk of Courts at 41 North Perry Street, Basement Room 9 for filing. The Clerk's Office will charge a \$100 filing fee at that time.

Employees of the Domestic Relations Court and the Clerk of Courts are not permitted to give legal advice or answer questions regarding substantive matters relating to a particular pleading, case or litigant. If you need legal advice, consult an attorney.