

HOW TO FILE A PETITION FOR CITATION FOR CONTEMPT

NOTE: You would use this packet only:

- a) If the Respondent lives in Alcovy Judicial Circuit **AND** you have a Superior Court order from a county in Georgia; or
- b) You have a court order from Superior Court of the Alcovy Judicial Circuit that orders your ex-spouse or other parent of your child(ren) to do certain things and that person has not done them.

If you meet one of the above stated criteria, you can use this packet in the following types of situations:

- You have not received child support as ordered; or
- You have not been permitted to visit your child(ren) as ordered; or
- The other person has not turned over property as ordered; or
- The other person has not performed certain acts as ordered; or
- The other person has not provided insurance or paid for medical expenses as ordered.

Step 1: Fill out the Petition. You are the Petitioner, while the Respondent is the person who has not obeyed the order. Print or type your full name and the full name of the Respondent. Do not fill in the Civil Action File number yourself as the clerk will provide you with that number. You can find the date the judge signed the original order on the last page of that order above the judge's signature.

Step 2: Fill out the Verification, which states to the Court that you are swearing under oath that what you wrote in the Petition is true and correct. At the end, print or type your full name and write in your address and phone number, **BUT DO NOT SIGN IT UNTIL YOU ARE IN FRONT OF A NOTARY PUBLIC, WHO MUST WITNESS YOUR SIGNING.** Notaries can be found at banks, post offices, or the clerk's office.

Step 3: Complete the form for the Summons and Service of Process, which you would obtain from the clerk of court. Write your address under “Petitioner’s Address” on the left; put the Respondent’s full name and address under “Name and Address of the Party to be Served.”

Step 4: Make a copy of your original court order which you are claiming the other party has violated to attach to your Petition.

Step 5: Put your papers together in proper order, which is:

- (1) Sheriff’s Entry of Service
- (2) Petition
- (3) Copy of the original court order that the other party violated
- (4) Verification

Step 6: Make two (2) copies of the whole package.

Step 7: Take your documents to the Clerk’s office to be filed. If you are seeking waiver of the court’s filing fees and the sheriff’s service fees, you should fill out the Affidavit of Poverty, also on this website, prior to coming to the clerk’s office (making sure that you do not sign the affidavit except in front of a notary public as witness to your signature) and file it along with your other papers.

Your case number and judge assignment will be issued after you have filed your case. Call the Clerk’s office the day after filling at 770-784-2035 to obtain this information.

You will be required to set your court date and to notify the other party of the court date. You may call the judges office 30 days after the defendant has been served to get a court date.