

PETITION TO CITE FOR CONTEMPT

APPENDIX F

This package contains information needed to file Petition to Cite for Contempt when your visitation rights are being denied or requesting a modification to your existing order. This package is only useful if you already have a court order that granted you visitation rights.

Before you begin completing this paperwork to take legal action; you should review your child support order to ensure you are the named father/mother of the child in the order and that you are ordered to pay child support. If you do not have a copy, you can find paperwork in the clerk's office in the courthouse that heard your case and signed the order.

You should have one of the following (1) Judgment Determining Support, (2) Judgment approving Stipulated Agreement of Support and Admission of Paternity or (3) Final Divorce Decree. Attach a copy of these to your petition.

Please **circle** the one you are referring to in the text – on the petition where the options are listed: *his/her, father/mother, or the RESPONDENT/DEFENDANT/OTHER PARENT/OR CUSTODIAN.*

FEES: Upon filing your papers with the court clerk, you will be charged a filing fee. This amount ranges between \$100 and \$150 depending on the court you are filing in.

You will also be charged a service fee by the local Sheriff's office. This fee is usually \$35 and must be paid to have the Sheriff Department serve the court papers to the custodial parent. **You cannot serve these papers yourself.**

If you cannot afford to pay these fees, the clerk may waive them under various circumstances. To try to have your fees waived, you must sign the **"PAUPER'S OATH" (Page 7)** and have it notarized, stating that you cannot afford to pay such fees. You should sign this sworn statement in the presence of a Notary Public.

Please take the original (six or seven pages filled in) and two copies to the Courthouse to file.

PETITION TO CITE FOR CONTEMPT
SAMPLE GUIDE FOR PAGE 1

IN THE CHANCERY/COUNTY COURT OF CHILD SUPPORT COUNTY, MISSISSIPPI
FIRST/SECOND JUDICIAL DISTRICT

YOUR NAME

PETITIONER/PLAINTIFF

VS

CIVIL ACTION

CAUSE NO. G2017-123

OTHER PARENT or CUSTODIAN'S NAME

RESPONDENT/DEFENDANT

PETITION TO CITE FOR CONTEMPT

The Petitioner/Plaintiff moves the Court to Cite the **RESPONDENT/DEFENDANT/ OTHER PARENT/OR CUSTODIAN** for Contempt upon the following grounds:

1. YOUR NAME, hereinafter referred to as the **Petitioner/ Plaintiff**, is an adult resident citizen of YOUR COUNTY, MS; whose address is YOUR ADDRESS.
2. The **RESPONDENT/DEFENDANT/ OTHER PARENT/OR CUSTODIAN** is subject to the jurisdiction of the Court and may be served with a copy of this Petition at: **OTHER PARENT OR CUSTODIAN'S ADDRESS: 321 FIRST AVENUE, JACKSON, MS. 39204**.
3. On JANUARY 23RD, 2001, this Court issued a **VISITATION ORDER, FINAL DECREE OF DIVORCE, AN AGREED OR A STIPULATED AGREEMENT OF PATERNITY/SUPPORT,** in the above styled case which provides in part that the **RESPONDENT/DEFENDANT/OTHER PARENT/OR CUSTODIAN** has visitation rights with the minor child(ren).
4. The **RESPONDENT/DEFENDANT/OTHER PARENT/OR CUSTODIAN** was granted visitation rights with the following child(ren):

<u>CHILD'S NAME</u>	<u>born</u>	<u>DATE OF BIRTH</u>
<u>CHILD'S NAME</u>	<u>born</u>	<u>DATE OF BIRTH</u>
<u>CHILD'S NAME</u>	<u>born</u>	<u>DATE OF BIRTH</u>

IN THE _____ COURT OF _____ COUNTY, MISSISSIPPI
_____ JUDICIAL DISTRICT

PETITIONER/PLAINTIFF

VS

CIVIL ACTION

CAUSE NO. _____

RESPONDENT/DEFENDANT

PETITION TO CITE FOR CONTEMPT

The Petitioner/Plaintiff moves the Court to Cite the **RESPONDENT/DEFENDANT/ OTHER PARENT/OR CUSTODIAN** for Contempt upon the following grounds:

1. _____, hereinafter referred to as the **Petitioner/Plaintiff**, is an adult resident citizen of _____, MS; whose address is _____.
2. The **RESPONDENT/DEFENDANT OTHER PARENT/OR CUSTODIAN** is subject to the jurisdiction of the Court and may be served with a copy of this Petition at:
_____.
3. On _____, **20**____, this Court issued a _____,
4. _____ in the above styled case which provides in part that **RESPONDENT/DEFENDANT/ OTHER PARENT/OR CUSTODIAN** has visitation rights with the minor child(ren).

The **RESPONDENT/DEFENDANT OTHER PARENT/OR CUSTODIAN** was granted visitation rights with the following child(ren):

_____ **born** _____
_____ **born** _____
_____ **born** _____

SAMPLE GUIDE TO CITE FOR CONTEMPT

PAGE 1 CONTINUED

ATTACH THIS PAGE BEHIND PAGE 1

5. Despite such an order, the **RESPONDENT/DEFENDANT/OTHER PARENT/OR CUSTODIAN** has willfully refused to follow the visitation order as required and continues to violate this Court's order with impunity.

6. In addition, it has been necessary for the **Petitioner/Plaintiff** to incur costs of litigation to enforce the Court's judgement.

5. Despite such an order, **RESPONDENT/DEFENDANT OTHER PARENT/OR CUSTODIAN** has willfully refused to follow the visitation order as required and continues to violate this Court's order with impunity.

6. In addition, it has been necessary for the **Petitioner/Plaintiff** to incur costs of litigation to enforce the Court's judgement.

SAMPLE GUIDE PETITION TO CITE FOR CONTEMPT

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Petitioner/Plaintiff prays for process to issue for said **RESPONDENT/DEFENDANT OTHER PARENT/OR CUSTODIAN**, returnable to this Court and that on final hearing herein will enter a decree adjudicating the **RESPONDENT/DEFENDANT OTHER PARENT/OR CUSTODIAN** to be in Contempt of this Court, and that said **RESPONDENT/DEFENDANT OTHER PARENT/OR CUSTODIAN** to be punished therefore until he/she shall perform the decree; and **Petitioner/Plaintiff** prays for general relief.

Respectfully submitted,

YOUR SIGNATURE _____

PRINT YOUR NAME _____

Pro Se Petitioner

YOUR NAME _____ Pro Se Petitioner

YOUR ADDRESS _____

CITY, STATE, ZIP _____

Telephone: _____

STATE OF: MISSISSIPPI

COUNTY OF : example: HINDS

This day personally appeared before me, the undersigned authority in and for the county and state aforesaid, within my jurisdiction, and above and within named. **YOUR NAME** _____, who being before me duly sworn, on oath states that *he/she* signed, executed, and delivered the above and foregoing Petition to Cite for Contempt on the day and date mentioned therein and for the purposes contained therein, as *his/her* free and voluntary act and deed and that the facts, things, and matters contained therein, are true and correct therein stated.

SWORN TO AND SUBSCRIBED BEFORE ME this the 25th day of JANUARY, 20 24.

NOTARY PUBLIC

My Commission Expires:

Petitioner/Plaintiff prays for process to issue for said **RESPONDENT/DEFENDANT OTHER PARENT/OR CUSTODIAN**, returnable to this Court and that on final hearing herein will enter a decree adjudicating the **RESPONDENT/DEFENDANT OTHER PARENT/OR CUSTODIAN** to be in Contempt of this Court, and that said **RESPONDENT/DEFENDANT OTHER PARENT/OR CUSTODIAN** to be punished therefore until he/she shall perform the decree; and **Petitioner/Plaintiff** prays for general relief.

Respectfully submitted,

Pro Se Petitioner

_____ Pro Se Petitioner

_____.

Telephone: _____

STATE OF: _____

COUNTY OF : _____

This day personally appeared before me, the undersigned authority in and for the county and state aforesaid, within my jurisdiction, and above and within named.

_____, who being before me duly sworn, on oath states that **he/she** signed, executed, and delivered the above and foregoing Petition to Cite for Contempt on the day and date mentioned therein and for the purposes contained therein, as **his/her** free and voluntary act and deed and that the facts, things, and matters contained therein, are true and correct therein stated.

SWORN TO AND SUBSCRIBED BEFORE ME this the _____ day of _____, 20____.

NOTARY PUBLIC

My Commission Expires:

SAMPLE GUIDE FOR PAGE 3

IN THE CHANCERY COURT OF CHILD SUPPORT COUNTY , MISSISSIPPI
FIRST/SECOND JUDICIAL DISTRICT

YOUR NAME

PETITIONER/PLAINTIFF

VS

OTHER PARENT or CUSTODIAN'S NAME

RESPONDENT/DEFENDANT

SUMMONS

THE STATE OF MISSISSIPPI

TO: OTHER PARENT or CUSTODIAN

TO: OTHER PARENT or CUSTODIAN

HOME ADDRESS

WORK ADDRESS

CITY, STATE ZIP

CITY, STATE ZIP

THE LEGAL PLEADINGS WHICH ARE ATTACHED TO THIS SUMMONS ARE IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

YOU ARE SUMMONED TO APPEAR AT TIME O'CLOCK AM/PM ON DAY OF WEEK THE DATE OF MONTH DAY OF MONTH, YEAR, IN THE COUNTY NAME COUNTY CHANCERY/COUNTY COURTHOUSE, BEFORE HONORABLE NAME OF JUDGE LOCATED AT ADDRESS OF COURTHOUSE, IN THE CITY OF NAME OF CITY, MISSISSIPPI. IF YOU FAIL TO APPEAR AND DEFEND YOURSELF A JUDGEMENT WILL BE ENTERED AGAINST YOU OR THE MONEY OR OTHER RELIEF DEMANDED IN THE PLEADINGS ATTACHED HERETO.

ISSUED UNDER MY HAND AND SEAL OR COURT, THIS DATE DAY, OF MONTH, YEAR .

CLERK OF THE _____ COURT
OF _____ COUNTY MS.

IN THE _____ COURT OF _____, COUNTY MISSISSIPPI
_____ JUDICIAL DISTRICT

VS

PETITIONER/PLAINTIFF

RESPONDENT/DEFENDANT

SUMMONS

THE STATE OF MISSISSIPPI

TO: _____

TO: _____

THE LEGAL PLEADINGS WHICH ARE ATTACHED TO THIS SUMMONS ARE IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

YOU ARE SUMMONED TO APPEAR AT _____ O'CLOCK _____ ON _____

THE _____ DAY OF _____, IN THE _____ COUNTY

_____, BEFORE HONORABLE _____

LOCATED AT _____, IN THE CITY OF _____,

MISSISSIPPI. IF YOU FAIL TO APPEAR AND DEFEND YOURSELF A JUDGEMENT WILL BE ENTERED AGAINST YOU OR THE MONEY OR OTHER RELIEF DEMANDED IN THE PLEADINGS ATTACHED HERETO.

ISSUED UNDER MY HAND AND SEAL OR COURT, THIS _____ DAY,
OF _____.

CLERK OF THE _____ COURT
OF _____ COUNTY MS.

SHERIFF'S RETURN

(TO BE COMPLETED BY THE SHERIFF'S DEPARTMENT)

STATE OF MISSISSIPPI

COUNTY OF _____

PERSONALLY DELIVERED COPIES OF THE SUMMONS AND PETITION OF THE _____ DAY OF _____, TO _____ IN THE _____ COUNTY OF _____.

AFTER EXERCISING REASONABLE DILIGENCE I WAS ABLE TO DELIVER COPIES OF THE SUMMONS AND PETITION TO _____ WITHIN _____ COUNTY, MISSISSIPPI, I SERVED THE SUMMONS AND PETITION OF THE _____ DAY OF _____, _____ AT THE USUAL PLACE OF THE ABOVE OR EMPLOYMENT OF SAID, BY LEAVING A TRUE COPY OF THE SUMMONS AND COMPLAINT WITH _____ WHO IS THE _____ (FAMILY MEMBER OR EMPLOYMENT SUPERVISOR), AS THE CASE MAY BE ABOVE THE AGE OF SIXTEEN (16) YEARS AND WILLING TO RECEIVE THE SUMMONS AND COMPLAINT. THEREAFTER ON THE _____ DAY OF _____, _____, I MAILED (BY FIRST CLASS MAIL POSTAGE PREPAID) COPIES TO THE PERSON SERVED AT THE DEFENDANT'S USUAL PLACE OF ABOVE OR EMPLOYMENT WHERE THE COPIES WERE LEFT.

WAS UNABLE TO SERVE THE SUMMONS AND PETITION BECAUSE:

THIS THE _____ DAY OF _____, _____ SHERIFF OF _____, COUNTY, MISSISSIPPI.

BY: _____

DEPUTY SHERIFF

IF COPY OF SUMMONS AND PETITION ARE NOT DELIVERED TO RESPONDENT, THIS CASE CANNOT BE HEARD ON THAT DAY.

SAMPLE GUIDE PAGE 5

IN THE CHANCERY COURT OF HINDS COUNTY, MISSISSIPPI
CIVIL ACTION CAUSE NO. _____
_____ JUDICIAL DISTRICT

YOUR NAME

PETITIONER/PLAINTIFF

VS

OTHER PARENT or CUSTODIAN'S NAME

RESPONDENT/DEFENDANT

JUDGMENT FOR CONTEMPT

(LEAVE BLANK BELOW FOR COURT)

This cause came to be heard on the _____ day of _____, _____.
The Court having jurisdiction over the parties and subject matter, FINDS,
RULES AND ADJUDGES.

1. The Court finds that the _____ is in Contempt of the
_____ order, granting the following to the **Petitioner/Plaintiff**.

2. The **Respondent/Defendant/Other Parent or Custodian** is ordered to

Respectfully submitted by

YOU SIGN HERE: _____ Pro se Petitioner

PRINT YOUR NAME: _____

SO ORDERED AND ADJUGED THIS THE _____ DAY OF _____, _____.

CHANCELLOR

IN THE _____ COURT OF _____ COUNTY, MISSISSIPPI
_____ JUDICIAL DISTRICT

VS

PETITIONER/PLAINTIFF

RESPONDENT/DEFENDANT

JUDGMENT FOR CONTEMPT

This cause came to be heard on the _____ day of _____, _____.

The Court having jurisdiction over the parties and subject matter, FINDS,
RULES AND ADJUDGES.

1. The Court finds that the _____ is in Contempt of the
_____ order, granting the following to the Petitioner/Plaintiff.

2. The **Respondent/Defendant/Other Parent or Custodian** is ordered to

Respectfully submitted by

_____ Pro se Petitioner

SO ORDERED AND ADJUGED THIS THE _____ DAY OF _____, _____.

CHANCELLOR

SAMPLE GUIDE FOR PAGE 6, AND PAGE 7

INSTRUCTIONS FOR FILLING OUT THE FIAT PAGE 6

Some Chancery Courts require a FIAT page (aka an Order of Setting Page).

The Petitioner/Plaintiff fills out the top part only and the Court will fill out the hearing date and time when it is set and have the appropriate signatures from the Court.

INSTRUCTIONS FOR FILLING OUT THE PAUPER'S OATH PAGE 7

Only fill out PAGE 7 if you are unemployed, destitute, or unable to pay the petition filing fee. The Court may or may not waive this fee.

IN THE CHANCERY COURT OF _____ COUNTY, MISSISSIPPI
_____ JUDICIAL DISTRICT

VS

PETITIONER(S)/PLAINTIFF(S)
CIVIL ACTION NO. _____
RESPONDENT(S)/DEFENDANT(S)

FIAT

This civil action is set for hearing in accordance with MRCP Rule 81(d) on the Complaint or Petition for _____ on the ____ Day of _____, 20 __, at _____ o'clock, a.m., in the Chancery Courtroom of the _____ County Courthouse/Chancery Building in _____, Mississippi.

Respondent(s)/Defendant(s) (is/are) not required to file an Answer to responsive pleading but may do so if (he/she/they) desire(s). Any financial documents required by Rule 8.05 of the Uniform Chancery Court Rules shall be mailed to counsel the opposing party no later than three days before the hearing.

Process accordance with this FIAT shall issue for the Respondent(s)/Defendant(s).

SO ORDERED AND ADJUDGED, this the _____ day of _____, 20 __.

CHANCELLOR

OR

Names of ANY Attorneys Involved

BY: _____
Chancery Court Administrator

OR

BY: _____
Deputy Court Administrator

PAUPER'S OATH

STATE OF MISSISSIPPI
COUNTY OF _____

I, _____ do solemnly swear that I am a citizen of the State of Mississippi, and because of poverty (destitute), I am not able to pay the costs or give security for the same in the suit _____ which I have this day Filed, and that to the best of my belief, I am entitled to the redress which I seek by such suit.

WITNESS MY SIGNATURE this the _____ day of _____, _____.

Petitioner

Pursuant of Section 6906-03 as amended by Senate Bill NO. 1519, laws of 1971.

STATE OF MISSISSIPPI
COUNTY OF _____

Personally appeared before me, the undersigned authority in and for the aforesaid county and state, _____, who acknowledged that she/he signed and delivered the foregoing instruction on the day and year shown and for the purposes therein expressed.

GIVEN UNDER MY HAND AND SEAL the _____ day of _____, _____.

NOTARY PUBLIC

My Commission Expires: