

IN THE SUPERIOR COURT OF _____ COUNTY

STATE OF GEORGIA

_____,
Plaintiff,

§

v.

§

Civil Action

§

File No. _____

_____,
Defendant.

§

MOTION FOR CONTEMPT

The Plaintiff moves the Court to attach the Defendant for contempt upon the following grounds:

1.

The Defendant is subject to the jurisdiction of this Court and may be personally served with a copy of this motion at _____.

2.

On _____, 20_____, this Court issued a Final Judgment and Decree [or other Order] in the above-styled case which provided in part as follows: _____.

- or -

On _____, 20_____, this Court issued a Final Judgment and Decree which incorporated an agreement between the parties, providing in relevant part as follows: _____.

3.

Notwithstanding such (judgment) (order) (decree), the Defendant has willfully failed or refused to _____

_____.

- or -

Notwithstanding such Order, the Defendant has willfully refused to allow the Movant to exercise visitation rights as required therein and continues to violate this Court's Order with impunity.

4.

In addition, it has been necessary for the Movant to retain legal counsel and/or incur substantial costs of litigation in order to enforce the Court's judgment.

THEREFORE, the Movant requests that the Court issue a Rule Nisi requiring the Defendant to appear and show cause why (he) (she) should not be attached for contempt [and required to pay reasonable attorney's fees and expenses of litigation]. Movant further requests:

_____ That Defendant pay the back child support
_____ That the Court issue an income deduction order.

Respectfully submitted,

Plaintiff pro se

Address: _____

Telephone: _____

Email: _____

IN THE SUPERIOR COURT OF _____ COUNTY

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VERIFICATION

Personally appeared before me the undersigned who on oath states that the facts set forth in this Complaint are true and correct to the best of her knowledge and belief.

Plaintiff *pro se*

Sworn and subscribed before me

This _____ day of _____, 20____.

Notary Public, State of Georgia

My Commission Expires _____.

IN THE SUPERIOR COURT OF _____ COUNTY

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_____,
Plaintiff,

§

v.

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File No. _____

_____,
Defendant.

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RULE NISI

The within and foregoing Complaint having been read and considered, the same is allowed and ordered filed.

Let the Defendant be served with a copy of this Complaint and Order thereon and let the Defendant show cause before the Honorable Judge _____, at _____ o'clock on the _____ day of _____ 20____, then and there to be heard, why the prayers of the Plaintiff's Complaint should not be granted.

This _____ day of _____, 20_____.

Plaintiff *pro se*

Address: _____

Telephone: _____

Email: _____

IN THE SUPERIOR COURT OF _____ COUNTY

STATE OF GEORGIA

_____, §
Plaintiff, §
v. § Civil Action
File No. _____
_____, §
Defendant. §

RULE FOR CONTEMPT

The above case having been tried by the Court without a jury, on Rule Nisi, and decision having been rendered against defendant, it is

ORDERED and ADJUDGED that _____, defendant, is found to be in arrears in alimony in the amount of \$_____.

No just cause for the arrearage having been found, defendant is adjudged to be in willful contempt by failing to abide by _____, and the Sheriff of _____ County is Ordered to incarcerate the defendant until (he) (she) purges this contempt. Defendant may purge (himself) (herself) from this contempt by paying \$ _____ on or before the _____ day of _____, 20____.

Defendant shall pay the further sum of \$ _____ to _____, Attorney, for attorney's fees for the prosecution of this Rule, on or before the _____ day of _____, 20_____.

Defendant shall pay all costs.

This the _____ day of _____, 20_____.

JUDGE, Superior Court
_____ Judicial Circuit

Presented by:

Plaintiff *pro se*

IN THE SUPERIOR COURT OF _____ COUNTY

STATE OF GEORGIA

_____, §
Plaintiff, §
v. § Civil Action
File No. _____
_____, §
Defendant. §

INCOME DEDUCTION ORDER

The above-styled matter was heard by the court on _____, 20____. The _____ was properly served and present and represented by counsel. This court having entered an Order requiring the _____ to pay child support to the _____, this Income Deduction Order is entered pursuant to O.C.G.A. § 19-6-32(a.1)(1).

_____ Defendant shall pay child support of \$ _____ ☐ weekly ☐ bi-weekly ☐ semi-monthly ☐ monthly with the next payment due on _____, 20_____.

_____ Defendant shall pay \$ _____ ☐ weekly ☐ bi-weekly ☐ semi-monthly ☐ monthly with the next payment due on _____, 20_____.

_____ The total amount to be withheld is \$ _____ ☐ weekly ☐ bi-weekly ☐ semi-monthly ☐ monthly. This amount shall be made payable to _____ and forwarded within two (2) business days of each payment date. Payments shall be made by cash, cashier's check, or money order, personally or by mailing it to: _____.

The maximum amount to be deducted shall not exceed the amounts allowed under § 303(b) of the Consumer Credit Protection Act, 15 U. S. C. § 1673(b), as amended. This Order applies to current and subsequent employers and periods of employment, and may only be contested on the grounds of mistake of fact regarding the amount of support owed pursuant to a support order, the arrearage, or the identity of the obligor. The obligor shall notify the _____ within seven (7) days of any change of address, employer or employer's address. A copy of this Order shall be served on the obligor and the employer.

_____ Other: _____

SO ORDERED this _____ day of _____, 20____.

JUDGE, Superior Courts
_____, Judicial Circuit

Presented by:

Plaintiff *pro se*

Civil Action File No.: _____

County: _____

Address: _____

Telephone: _____

Email: _____

Notice To Employer - Re: Income Deduction Order

TO EMPLOYER: _____
RE: _____
DATE: _____

Attached you will find an Income Deduction Order. Please read this Order carefully and follow the instructions as written. If you have any questions you should contact your attorney.

Employers are required by law to deduct from income due and payable an employee the amount designated by the court to meet support obligations. Income includes wages, salary, bonuses, commissions, compensation as an independent contractor, workers' compensation, disability benefits, annuities and retirement benefits, pensions, dividends, royalties, or any other payment to an employee. **FAILURE TO DEDUCT THE AMOUNT DESIGNATED BY THE COURT MAKES THE EMPLOYER LIABLE FOR THE AMOUNT THAT SHOULD HAVE BEEN DEDUCTED, PLUS COSTS, INTEREST AND REASONABLE ATTORNEYS' FEES.**

Payments must begin no later than the first pay period after fourteen (14) days following the postmark of the notice. You are required to forward to the person or entity specified in the Income Deduction Order within two (2) days after each payment date the amount deducted from the employee's income and a statement as to whether the amount forwarded totally or partially satisfies the periodic amount specified in the Income Deduction Order.

This deduction has priority over all other legal processes under Georgia law pertaining to the same income and the payment required by the Income Deduction Order. It is a complete defense against any claims of the employee or the employee's creditors as to the sum paid.

Employers must continue to deduct the child support amount and send it to the person or entity specified in the Income Deduction Order until further notice by the Court or until the income is no longer provided to the employee. In the event the income is no longer provided, the employer is required to notify the person or entity specified in the Income Deduction Order immediately of such and to give the employee's last known address and to provide a name and address of any new employer of this employee if known. **FAILURE TO DO THIS WILL RESULT IN A CIVIL PENALTY BEING IMPOSED, NOT TO EXCEED \$250.00 FOR THE FIRST VIOLATION OR \$500.00 FOR A SUBSEQUENT VIOLATION.**

Employers may not discharge an employee by reason of the entry of an Income Deduction Order. If an employee is discharged because of this reason, **A FINE OF NOT MORE THAN \$250.00 FOR THE FIRST VIOLATION AND \$500.00 FOR A SUBSEQUENT VIOLATION WILL BE IMPOSED AGAINST THE EMPLOYER.**

Employers should contact their attorney if more than one Income Deduction Order is received against the same employee.

Employers may send a single payment if multiple employees have Income Deduction Orders to pay to the same depository provided the amount attributed to each employee is identified.

An employer may collect up to \$25.00 against the employee's income to reimburse for the administrative costs of the first income deduction and up to \$3.00 for each subsequent income deduction.