

# ENFORCING COURT ORDERS

## How do I get someone to follow a court order?

You can file a “motion for contempt” with the Court. The filing fee is \$50.00, but if you win, the Court may force the person refusing to follow the Order to reimburse you.

## What is a Motion for Contempt?

When the Court makes an Order, the Court does that with the full force and authority of the State of Arkansas, and the Order is the law. If someone disobeys the Order, the Court has the power to hold that person in “contempt of court.” When you file a Motion for Contempt, you tell the Court that the other person has disobeyed the Order.

After you file your Motion for Contempt, the Court will issue an “Order to Show Cause,” which orders the person not following the Court’s order to appear in Court and explain why he or she is not in contempt of court.

After a hearing, if the Court decides that the other party did not follow its order, the Court may fine the other party, put the other party in jail until he or she agrees to follow the Order, and can order the other person to pay your court costs.

## STEP 1: It is best to do these things, if there is not an emergency, BEFORE you file the motion:

- Get a copy of the Court Order from the court clerk
- Find the other party’s current address
- Send a letter to the other party by certified mail, return receipt requested, demanding that he or she comply with the Order

### TIPS FOR SUCCESS

- Use the sample demand letter to write your letter and be specific about how the adverse party is disobeying the Court and what they should be doing.
- Attach a copy of the Order to your letter.
- Keep the return receipt when you receive it from the post office.

## STEP 2: Write your Motion for Contempt

- Have the sample motion included in the packet handy to use as a guide in writing your motion
- Make sure the caption of your case is correct. The caption is the top part of the order with the court information, the parties’ names, and the case number

## STEP 3: Gather your supporting documents and attach them to the Motion

- A copy of the Order you want to enforce, label “Exhibit A”
- A copy of your demand letter, label “Exhibit B”
- The return receipt “green card” from your demand letter, stapled to a blank, white sheet of paper, label “Exhibit C”
- Put together the completed, original motion, and the Exhibits (in order)
- Make three copies and staple each set

## STEP 4: File your Motion

- Gather the four sets and a completed “Order to Show Cause”
- Write a check money order to the Court Clerk for \$50.00 to reopen the case.
- Take the motions, order, and check or money order to the circuit clerk’s office
- Ask the clerk to file the motion
- The clerk will stamp your motions and give two copies back to you
- The clerk may ask if you want to wait for the judge to review your motion
- If a judge reviews your motion immediately and signs the Order, you will probably be given the signed order and then will take it to the sheriff’s office to have it served
- If a judge does not review your motion right away, you may need to call the judge’s case coordinator later to see if your motion is granted

## **STEP 5: Prepare for your hearing**

When the judge signs the Order to Appear and Show Cause he or she will include a court date in that order. The other party must be served with the Motion and Order. Take the order to the sheriff's department and ask them to serve them.

**At your hearing**, be sure to bring any evidence you have that the other party has not complied with the Court's Order. Examples would be a witness who personally saw the violation or heard the other party refuse to comply, a voicemail or email in which the other party says he or she does not plan to follow the order, or photographs, documents or anything that proves your version of what has happened (or not happened).

**The Court will allow both you and the other party to present your side of the story.** Once the Court has heard all the evidence, the Court will decide whether to hold the other party in contempt of court.

**Punishments for contempt of court can include any of the following:** a fine, jail time until the other party agrees to follow the Order, or order the other person to pay your court costs.

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*The information and statements of law in this fact sheet should not be considered legal advice. This fact sheet is provided as a broad guide to help you understand how certain legal matters are handled in general. Courts may interpret the law differently. Before you take action, talk to an attorney and follow his or her advice. Always do what the court tells you to do.*

### **Additional Information:**

*See Sample Form Packet Motion for Contempt*