

IN THE ____ CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

_____,)	
)	
Petitioner,)	
)	
vs)	Docket No. _____
)	
_____,)	
)	
Respondent.)	

PETITION FOR CONTEMPT (AND OTHER RELIEF)

Comes Petitioner, _____, and would respectfully show to the Court as follows:

1. The parties hereto (were divorced by Order of this court by Order dated the ____ day of ____, 20__) (are litigants in a pending divorce action under the above style and docket number). Pursuant to (Final Decree of Divorce)(the Permanent Parenting Plan dated _____,) (a temporary Order of support entered on the ____ day of _____,) the Court ordered the Respondent to pay as (child support for the support and maintenance of the parties' minor child(ren) (family support)(alimony) the amount of \$_____ per (week) (month) due the ____ day of each (month) (week) commencing on _____.

2. Despite the clear wording of the Court's Order, the Respondent, (name of party)_____, has willfully failed and refused to pay the support as ordered despite having the ability to do so. Petitioner would show as follows:

a. On the ____ day of _____, 20__, the Respondent was ordered to pay the sum of \$_____ but (paid only \$_____,) (failed to make any payment whatsoever) resulting in an arrearage of \$_____ despite having the ability to pay said support.

- b. _____
- c. _____
- d. _____
- e. _____

(Note: A more concise version of the above description of the contemptuous act is acceptable provided it lists the due date, amount due, amount paid, if any, and a resulting arrearage figure.)

The Respondent willfully failed and refused to pay the support as ordered despite having the ability to do so resulting in a total arrearage of \$_____.

CRIMINAL CONTEMPT

3. Pursuant to T.C.A. §29-9-103, the above conduct on behalf of the Respondent constitutes willful and deliberate criminal contempt of the Orders of this Court. Petitioner requests that the Court find the Respondent in willful criminal contempt for each instance cited above and punish him/her accordingly by ordering him/her to serve up to ten (10) days in the county jail or workhouse. (and to pay a fine of up to fifty (\$50.00) dollars) for each instance of contempt for a total sentence of up to _____ days in confinement (and a fine of up to \$_____ dollars.)

CIVIL CONTEMPT

4. In the alternative and pursuant to T.C.A. § 29-9-104, the Petitioner submits that the foregoing conduct on behalf of the Respondent constitutes willful and deliberate civil contempt of the Orders of this Court as the Respondent has the present ability to purge the contempt by complying with the Court’s Order but has failed and refused to do so. Petitioner would request that the Court find the Respondent in willful civil contempt and punish him/her accordingly by

ordering him/her to serve time in the county jail or workhouse until he/she has purged himself/herself of contempt by (paying the outstanding support arrearage in the amount of \$_____.) or (complying with the Orders of this Court.)

(Insert the following Paragraph 5 if applicable:)

(5. As additional relief, the Petitioner would respectfully request that he/she be awarded a judgment in an amount equal to all outstanding (child support) (family support) arrearages proved in this cause and that the Court set a reasonable arrearage payment on said arrearage to be paid on a monthly basis until paid in full.)

(Insert additional paragraphs for other relief if applicable.)

REQUEST FOR APPEARANCE ORDER

6. The Petitioner would show that he/she is in dire need of the relief requested herein and that the Petitioner will suffer irreparable harm unless the Court compels the Respondent to obey this Court's Order. Petitioner would therefore request that the Court immediately issue an Appearance Order requiring the Respondent to appear before this Court on a date certain and then and there defend the allegations of contempt filed against him/her.

PREMISES CONSIDERED; PETITIONER PRAYS:

1. That proper process issue and the Respondent be served with this Petition for Contempt (and Other Relief) and the Respondent be required to defend this cause.

2. That the Court immediately issue an Appearance Order requiring the Respondent to appear before this Court on a date certain to then and there defend this Petition for Contempt (and Other Relief.)

3. That at the final hearing of this cause, the Respondent be found in willful and

deliberate criminal contempt of the Orders of this Court and ordered him/her to serve ten days in the county jail or workhouse for each instance of contempt (and order him/her to pay a fine of Fifty (\$50.00) Dollars for each instance of contempt.

4. That, in the alternative, the Court find the Respondent in willful and deliberate civil contempt of the Orders of this Court and he/she be ordered to serve time in the county jail or workhouse until he/she has purged himself/herself of contempt by (paying the outstanding support arrearages proved in this cause.)or (complying with the Orders of this Court.)

(If applicable, insert Prayer No. 5.)

(5. That the Petitioner be awarded a judgment in an amount equal to all outstanding support arrearages proved in this cause and that the Court set a reasonable monthly payment on said arrearage until the arrearage is paid in full.)

6. That the Petitioner be awarded his/her reasonable attorney's fees for enforcing the Court's Order in this cause and be awarded a judgment against the Respondent in said amount.

7. That the Respondent be ordered to pay the Court cost in this cause.

8. For general relief.

THIS IS THE FIRST APPLICATION OF EXTRAORDINARY PROCESS IN THIS CAUSE.

Respectfully submitted,

Attorney for Petitioner

BPR #: _____

Address: _____

Phone #: _____

PETITIONER'S OATH

I, _____, after first being duly sworn make oath that I am the Petitioner in the foregoing Petition and that the statements contained therein are true and correct to the best of my knowledge, information and belief.

Petitioner

STATE OF TENNESSEE)

COUNTY OF DAVIDSON)

Sworn to and subscribed before me on this the ____ day of _____, 20__.

Notary Public

My Commission Expires: _____

IN THE ____ CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

_____,)
)
 Petitioner,)
)
 vs) **Docket No.** _____
)
 _____,)
)
 Respondent.)

NOTICE OF RIGHTS

PURSUANT to Rule 42 of the Tennessee Rules of Criminal Procedure, the Respondent is hereby given notice of the following:

1. That you are hereby charged with **CRIMINAL CONTEMPT** pursuant to T.C.A. §29-9-101, et seq.

2. The Petitioner alleges that you willfully violated the Court's Order by failing to pay support as Ordered in the correct amount by the date that it became due or otherwise violating the Court's Order.

3. If you are found guilty of violating the Court's Order, you are subject to incarceration for up to ten (10) days for each violation of the Court's Order for a maximum sentence of one hundred eighty (180) days in jail.

1. As said charge is in the nature of criminal contempt, you have certain constitutional rights, and Petitioner hereby gives notice of those rights.

(A) You have the right to be represented by an attorney in this contempt proceeding. If the Court determines that you are unable to afford an attorney, the Court will appoint an attorney for you.

(B) You have the right to have guilt proven against you beyond a reasonable doubt with the burden of proof being on the Petitioner.

(C) You have the right against self-incrimination, which includes the right to remain silent as to the allegations of criminal contempt filed against you.

(D) You have the right to a presumption of innocence until such time as the allegations of guilt are proven beyond a reasonable doubt.

(E) You have all the other rights afforded to any other individual charged with violation of a criminal statute.

Attorney for Petitioner

IN THE _____ CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

_____ ,)	
)	
Petitioner,)	
)	
vs.)	Docket No. _____
)	
_____ ,)	
)	
Respondent.)	

APPEARANCE ORDER

TO: (Insert name) _____
 (Insert address) _____

You are hereby ORDERED to appear before this Court on the ____ day of _____, 20__ at 9:00 a.m. and then and there defend the Petition for Contempt (and Other Relief) filed against you.

YOUR FAILURE TO APPEAR AS ORDERED MAY RESULT IN AN ATTACHMENT FOR YOUR PERSON AND YOUR INCARCERATION PENDING A HEARING IN THIS MATTER AND/OR A FINDING OF CONTEMPT AND INCARCERATION.

This the ____ day of _____, 20_____.

JUDGE

APPROVED FOR ENTRY:

 (Attorney for Plaintiff/Petitioner)
 BPR No.: _____
 Address: _____
 Phone No.: _____