

IN THE COURT OF COMMON PLEAS
MAHONING COUNTY, OHIO

Petitioner _____ : Case No. _____

Address _____ : Judge BETH A. SMITH

City, State, Zip Code _____ : **MOTION FOR CONTEMPT OF A DOMESTIC VIOLENCE CIVIL PROTECTION ORDER**

v.

Notice: Throughout this form, check every that applies

Respondent _____ : **DO NOT WRITE YOUR ADDRESS ON THIS FORM IF YOU ARE REQUESTING CONFIDENTIALITY. PLEASE PROVIDE AN ADDRESS WHERE YOU CAN RECEIVE NOTICES FROM THE COURT.**

Address _____ :

City, State, Zip Code _____ :

Petitioner Respondent moves this Court to find in contempt of this Court's Civil Protection Order dated _____ for the reasons below.

For any item that needs additional explanation, you may use paragraph 18 and/or attach additional pages as needed.

1. Respondent violated the Civil Protection Order by engaging in one or more of the following acts against me and/or another protected person:

- Harmed or attempted to harm
- Threatened
- Followed
- Stalked
- Harassed
- Forced sexual relations upon
- Committed a sexually oriented offense
- Other _____

2. Respondent failed to vacate the residence at _____

3. Respondent interfered with the exclusive possession of the residence located at _____

Furthermore, Respondent interfered with my right to occupy the residence by

- Canceling utilities
- Canceling insurance
- Interrupted telephone service
- Interrupted mail delivery
- Interrupted delivery of any other documents or items

Case No. _____

- 4. Respondent failed to surrender keys and/or garage door openers to the residence for which exclusive use was ordered in the Civil Protection Order.
- 5. Respondent entered or interfered with the residence, school, business, place or employment, day care center, or child care provider of the protected persons.
- 6. Respondent violated the stay away provision of the Civil Protection Order.
- 7. Respondent violated the no contact provision of the Civil Protection Order.
- 8. Respondent failed to surrender the keys to the motor vehicle for which exclusive use was granted to the Petitioner in the Civil Protection Order.
- 9. Respondent removed, damaged, hid or disposed of personal property or pets in violation of the Civil Protection Order.
- 10. Respondent caused or encouraged another person to do acts prohibited by the Civil Protection Order.
- 11. Respondent violated the Civil Protection Order by possessing, using, carrying, obtaining or failing to turn over a deadly weapon.
- 12. Petitioner Respondent violated the temporary allocation of parental rights and responsibilities (custody).
- 13. Petitioner Respondent violated the visitation order.
- 14. Petitioner Respondent violated the support provision of the Civil Protection Order.
- 15. Respondent used or possessed alcohol and/or illegal drugs in violation of the Civil Protection Order.
- 16. Petitioner Respondent failed to attend the ordered counseling program.
- 17. List other violations of the Civil Protection Order here: _____

- 18. Additional explanation here: _____

I hereby swear or affirm that the statements above are true, complete, and accurate to the best of my knowledge. I understand that falsification of this document may result in a contempt of court finding against me which could result in a jail sentence and fine, and that falsification of this document may also subject me to criminal penalties for perjury under R.C. 2921.11.

SIGNATURE OF PETITIONER/RESPONDENT

Case No. _____

DO NOT WRITE YOUR ADDRESS BELOW IF YOU ARE REQUESTING CONFIDENTIALITY. PLEASE PROVIDE AN ADDRESS WHERE YOU CAN RECEIVE NOTICES FROM THE COURT.

Sworn to and subscribed before me on this _____ day of _____

Address _____

NOTARY PUBLIC

Signature of Attorney (if applicable) _____

Name _____

Address _____

Attorney Registration Number _____

Phone Number _____

REQUEST FOR SERVICE

Please serve a copy of the foregoing Motion upon Petitioner/Respondent by **PERSONAL SERVICE** through the _____ County Sheriff's Department (insert the county in which the Petitioner/Respondent resides), at the following address: _____

NOTICE OF HEARING

This matter shall come on for hearing on the _____ day of _____, 20____, at _____m. before Magistrate _____, at the Mahoning County Domestic Relations Court, 120 Market Street, Youngstown, Ohio.

IN THE COURT OF COMMON PLEAS COURT OF MAHONING COUNTY, OHIO,
DOMESTIC RELATIONS DIVISION

_____)	Case No.
PLAINTIFF/PETITIONER)	
vs/and)	JUDGE BETH A. SMITH
_____)	
DEFENDANT/PETITIONER)	SUMMONS
_____)	AND
_____)	ORDER TO APPEAR

TO THE FOLLOWING NAMED PARTY:

YOU ARE HEREBY ORDERED TO APPEAR BEFORE THIS COURT AND SHOW CAUSE WHY YOU SHOULD NOT BE FOUND IN CONTEMPT FOR FAILING TO COMPLY WITH A PRIOR ORDER OF THIS COURT. THE DATE, TIME AND PLACE OF THIS HEARING IS AS FOLLOWS:

_____ IN THE MAHONING COUNTY

COURT.

<i>DAY</i>	<i>DATE</i>	<i>TIME</i>
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Failure to appear at the hearing may result in the issuance of an Order for your Arrest. If this Case involves the failure to pay support, the court may also issue an Order for the payment of support by withholding or deducting an amount from personal earnings or some other asset of yours.

Right to Counsel: You have the right to be represented by legal counsel in this matter. If you believe that you are indigent and entitled to Court-appointed counsel, you must apply for Court-appointed counsel within Three business days of receiving this Summons and Order to Appear. The Court may refuse to give you a continuance at the time of the hearing for the purpose of obtaining counsel, if you fail to make a good faith effort to retain counsel or to request Court-appointed counsel in a timely manner.

Statutory Penalties: The following penalties could be imposed upon you if you are found guilty of contempt for your failure to comply with any prior Orders of this Court, including special penalties for specific areas of contempt as set forth below: RC 2705.05

1 st Offense	\$250.00	30 Days	Or both
2 nd Offense	\$500.00	60 Days	Or both
3 rd Offense	\$1,000.00	90 Days	Or both

Imprisonment until compliance: If your contempt consists of the omission to do an act which the court finds you can yet perform you may be imprisoned until you perform it. R.C. 2705.06

Support Contempt: If you are found in contempt for failure to make child support or spousal support payments as ordered, in addition to all the other penalties, the court must order you to pay all court costs and reasonable attorney fees to the other party. R.C. 3105.21, 3113.31(K) and 3105.18(G) In addition, if the Court finds your failure to pay child support was willful, it must require you to pay interest on your child support arrearages. R.C. 3123.17

Health Insurance Contempt: If you are found in contempt for failure to comply with Health Insurance Orders relating to minor children, you are liable for any medical expenses incurred as a result of your failure, and upon a 2nd offense, your child support obligation may be increased. 3119.44 and 3119.45

Parenting Time Contempt: If you are found in contempt for failure to comply with, or interference with, companionship rights, in addition to all other penalties, the court must order you to pay all court costs and reasonable attorney fees to the other party and may also order compensatory companionship time. R.C. 3109.051(K)

Payor Contempt: If you, as the Payor, are found in Contempt for failure to withhold or deduct the the amount of money as ordered by the support Order, the Court may also require you to pay the accumulated support arrearage. R.C. 2705.05(B)

Additional Penalties: In addition to all penalties imposed by Statute, the Court has inherent power to impose additional sanctions for contempt of Court. *Hale v. State* (1896), 55 Ohio St. 210, *Zakany v. Zakany* (1984), 9 Ohio St 3d 192

DATE _____

JUDGE/MAGISTRATE

**IN THE COURT OF COMMON PLEAS
DIVISION OF DOMESTIC RELATIONS
MAHONING COUNTY, OHIO**

_____) **CASE NO.** _____
PLAINTIFF/PETITIONER)
)
VS/AND) **REQUEST FOR**
) **COURT APPOINTED ATTORNEY**
_____)
DEFENDANT/PETITIONER)
)

I, _____, hereby acknowledge receipt of the summons and order to appear as well as the motion and notice for the contempt hearing scheduled.

I believe myself to be indigent and unable to retain counsel for the hearing as scheduled above. I hereby apply for a court-appointed attorney for representation.

Please contact me at the address or phone number listed below for verification of indigency hearing date.

DATE: _____ **SIGNATURE** _____

Name and Address (print or type)

Home Phone: _____

Work Phone: _____

PLEASE RETURN THIS FORM TO:

**MAHONING COUNTY DOMESTIC RELATIONS COURT
Mahoning County Courthouse, 4th Floor
120 Market Street
Youngstown, Ohio 44503
Attn: Amy**