

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

IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

\_\_\_\_\_, §  
Plaintiff, §  
v. § Civil Action  
§ File No. \_\_\_\_\_  
\_\_\_\_\_, §  
Defendant. §

**SUMMONS**

**To the above-named defendant:**

You are hereby summoned and required to file with the Clerk of said Court and serve upon \_\_\_\_\_, the pro se plaintiff, whose address is \_\_\_\_\_ an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Clerk of Superior Court, \_\_\_\_\_ County

IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

\_\_\_\_\_,  
Plaintiff,

§

v.

§

Civil Action

§

File No. \_\_\_\_\_

\_\_\_\_\_,  
Defendant.

§

**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

STATE OF GEORGIA

\_\_\_\_\_,  
Plaintiff,

§

v.

§

Civil Action

§

File No. \_\_\_\_\_

\_\_\_\_\_,  
Defendant.

§

**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

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.

**SO ORDERED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
**JUDGE**, Superior Courts  
Southern Judicial Circuit

Presented by:

\_\_\_\_\_  
Plaintiff *pro se*

STATE OF GEORGIA

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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\_\_\_\_.

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**JUDGE**, Superior Courts  
Southern Judicial Circuit

Presented by:

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Plaintiff *pro se*

*Civil Action File No.:* \_\_\_\_\_

*County:* \_\_\_\_\_



**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.