

VERIFIED MOTION FOR CONTEMPT REGARDING PARENTING TIME (VISITATION) General Instructions

PLEASE READ FIRST: It is very important for you to know that when you sign a Court document, you may be helping or hurting your case. Before you sign any Court document or get involved with a Court case, it is important that you see a lawyer to make sure you are doing the right thing. Although there are risks in self-representation, should you choose to represent yourself you must be prepared. Although these forms have been prepared to help you represent yourself, you should know that certain Courts have their own procedures and may not accept every form. You may represent yourself in court, but you will have to abide by the appropriate court rules, Indiana Rules of Evidence, Indiana Rules of Trial Procedure, and any local rules. For additional information, you may refer to the Indiana Self-Service Legal Center which can be found at www.in.gov/judiciary/selfservice/index.html. For legal advice about your case, you should contact a lawyer.

Please keep in mind that the term "Parenting Time" has replaced the term "Visitation" in Indiana Child Custody Law. You can find a copy of the new Parenting Time Guidelines at <http://www.in.gov/judiciary/rules/parenting/index.html>.

Step 1: Who should use this packet

You should use these forms if:

1. You have a Court order giving you Parenting Time (Visitation) rights over your child(ren),
2. The custodial parent has violated your Parenting Time (Visitation) rights, and
3. You would like the Court to hold the other party in contempt for violating your Parenting Time (Visitation) rights.

Step 2: What this packet contains

This packet contains forms for you to fill out and take to the Court. There are three forms in this packet. This packet also contains instructions.

Step 3: Which forms to fill out

You must fill out all three forms.

1. Appearance form
2. Verified Motion for Contempt Regarding Parenting Time (Visitation)
3. Order to Appear and Notice of Hearing

Step 4: How to File These Forms

1. Follow the instructions attached to each form to fill it out. You will need to look at a copy of your Court Parenting Time (Visitation) Order to answer questions on these forms. You will need to type or print neatly in black ink. Do not write on the back or sides of the forms, write only in the blanks provided.
2. Before filing these forms, check with your local Clerk to find out the number of copies you must provide and to find out the Clerk procedure for advising the other party of the hearing date.

3. Prepare the required number of copies of the forms that you have filled out.
4. Take the forms and copies to the Clerk in the Court where the action was originally filed. The Clerk will file stamp the forms, keep the originals and necessary copies, and hand back the rest of the copies to you.
5. Leave two stamped envelopes with the Clerk, one with your address and one with the other side's address, for mailing the Notice of Hearing. This will tell you when your court date is scheduled.
6. Mail one stamped copy of each form that you filed to the opposing attorney, or the opposing party if the opposing party is not represented by an attorney.
7. You must comply with your local court rules with regard to service of process. The Notice of Hearing form found in this packet might not satisfy your local rules. For example, you might have to fill out a summons to serve the other side.
8. Please be aware that any protective orders or restraining orders remain in effect throughout this process.
9. We suggest that you review Indiana Custody and Parenting Time (Visitation) Rights in Family Law, Title 31, Article 17 of the Indiana Code to prepare yourself for court. This can be located at <http://www.in.gov/legislative/ic/code/title31/ar17/>.

Instructions for filling out the Appearance (Form #1)

The instructions below correspond to the line numbers on the forms. Check the box in the first column as you complete each line.

Line #	Instructions
1 – 3	Look at the Court papers you have from this case. Copy the title as it appears on those court papers.
5	If you were married to your child(ren)'s other parent, print "Marriage" in the first blank. If you were not married to your child(ren)'s other parent, print "Paternity" in the first blank and print the names of the child(ren) you and the other parent have together in the second blank.
7	Print the full name of the Petitioner as it appears on your Court papers.
12	Print the full name of the Respondent as it appears on your Court papers.
18	In the first blank, print whether you are the Petitioner or Respondent as it appears on the Court papers you have from this case. In the second blank, print your complete name.
22 & 23	Print the names of all family members involved in this case.
24	Print the number of children involved in this case.
25	Check "Yes" or "No" depending on whether there are other Court cases involving yourself, the other party, and/or your child(ren).
26	For each case, you should describe what kind of case it is, name the Court that the case is in, and give the case number of the case.
27	Sign your name.
29	Print your name.
31	Print your complete mailing address.
33	Print your town, state, and zip code.
35	Print your telephone number, with area code.

Instructions for filling out the Verified Motion

Instructions for filling out the Verified Motion

for Contempt Regarding Parenting Time (Visitation) (Form #2)

The instructions below correspond to the line numbers on the forms. Check the box in the first column as you complete each line.

Line #	Instructions
1 - 3	Look at the Court papers you have from this case. Copy the title as it appears on those court papers.
5	If you were married to your child(ren)'s other parent, print "Marriage" in the first blank. If you were not married to your child(ren)'s other parent, print "Paternity" in the first blank and print the names of the child(ren) you and the other parent have together in the second blank.
7 & 8	Print the full name of the Petitioner as it appears on your Court papers along with their home address.
11 & 12	Print the full name of the Respondent as it appears on your Court papers along with their home address.
17	Print your full name in this blank.
19	Print the number of minor children that you and the other party have together.
22 - 25	Print the name and date of birth of each of those children in these blanks.
27	Fill in the first blank by printing the date the current Parenting Time (Visitation) order was issued. Make sure to attach a copy of the current Parenting Time (Visitation) order to this Motion. Title it by writing "Exhibit A" at the top center of the first page of the Order.
30	Print the name of the custodial parent.
32	Print your name since you are the parent who was granted Parenting Time (Visitation) rights.
34	Print the name of the custodial parent since they have violated your Parenting Time (Visitation) rights.
36 & 38	On these two lines, state how the other side has violated your Parenting Time (Visitation) rights. Be brief and specific! State dates, times, and locations.
42	Print your name in this blank.
48	Sign your name.
51	Print your name.
53	Print your complete mailing address.
55	Print your town, state, and zip code.

	57	Print your telephone number, with area code.
	64	Print the date that you will send the stamped copy of your forms to the opposing party or their attorney. This should be the same day you filed your documents with the Court.
	66	Sign your name to acknowledge that you sent the stamped copy of your forms to the opposing party or their attorney.
	68	Print your full name to acknowledge that you sent the stamped copy of your forms to the opposing party or their attorney.

Instructions for filling out the Order to Appear and Notice of Hearing (Form #3)

The instructions below correspond to the line numbers on the forms. Check the box in the first column as you complete each line.

	Line #	Instructions
	1 - 3	Look at the court papers you have from this case. Copy the title as it appears on those court papers.
	5	If you were married to your child(ren)'s other parent, print "Marriage" in the first blank. If you were not married to your child(ren)'s other parent, print "Paternity" in the first blank and print the names of the child(ren) you and the other parent have together in the second blank.
	7 & 8	Print the full name of the Petitioner as it appears on your Court papers along with the Petitioner's home address.
	11 & 12	Print the full name of the Respondent as it appears on your Court papers along with the Respondent's home address.
	17 - 19	Print the name and home address of the other side.
	26	Print the full name of the other side. Next, circle "lives" if you want the other side given these papers at their house and you will provide this address in line 28, or circle "works" if you want the other side given these papers at their place of employment and you will provide this address in line 28.
	28	Print the address you are providing for the other side where you want them to be given these papers.
	30	Print the name of the Court in the first blank. Print the address where the Court is located in the second blank. Print the city or town where the Court is located in the third blank. Call the Court to make sure you have the correct information.
	32 - 105	Leave these lines blank. If you are granted a hearing in this matter, the Court will fill in these blanks.

STATE OF INDIANA) IN THE _____ JUDICIAL CIRCUIT COURT
) SS:
COUNTY OF DELAWARE) CASE NO. _____

IN RE THE _____ OF:

Petitioner,

V.

Respondent.

**VERIFIED MOTION FOR CONTEMPT
REGARDING PARENTING TIME (VISITATION) ORDER**

Comes now _____, pro se, and states the following:

1. That parties have _____ minor child(ren) together, namely:

Name

Date of birth

_____	_____
_____	_____
_____	_____
_____	_____

2. That on _____, this Court entered the current Parenting Time (Visitation) Order in this case (a copy is attached to this Motion as an exhibit);

3. That _____ was awarded custody of the child(ren);

4. That _____ was awarded Parenting Time (Visitation) rights;

5. That since the date of such Order, _____ has violated the above order by:

6. That a hearing should be set to hear the issue contained herein.

WHEREFORE, _____ requests that this Court set this matter for hearing, and upon hearing, find the other side in contempt for violating my Parenting Time (Visitation) rights, and order all other further relief that is just and proper in the premises.

I affirm under the penalties of perjury that the foregoing representations are true.

Signature

Address _____
City, State, Zip Code _____
Phone Number _____

CERTIFICATE OF SERVICE

I hereby certify that I sent a copy of this Motion by first class mail to the opposing attorney, or the opposing party if the opposing party is not represented by an attorney, on _____.

Signature

STATE OF INDIANA) IN THE _____ 'CIRCUIT COURT
) SS:
COUNTY OF DELAWARE) CASE NO. _____

IN RE THE _____ OF: _____

Address _____
City, State, Zip Code _____

Petitioner,

V.

Address _____
City, State, Zip Code _____

Respondent.

TO: _____

ORDER TO APPEAR AND NOTICE OF HEARING

A Verified Motion for Contempt has been filed in this Court in this case. **IT IS THEREFORE ORDERED** by the Court that _____, who (lives)/(works) at _____, **IS ORDERED TO APPEAR** in the _____ Court, located at _____, _____, Indiana, on the _____ day of _____, 200____, at _____, ____m., to explain why such person should not be punished for contempt of this Court's Parenting Time (Visitation) Order. Failure to appear if properly served may result in a warrant for your arrest.

Dated: _____

Judge _____, _____ Court