

# INSTRUCTIONS FOR THE RULE FOR CONTEMPT FORM PACKET

THE FAMILY COURT OF EAST BATON ROUGE PARISH

## SELF-HELP RESOURCE CENTER

**Located on the Fourth Floor  
Nineteenth Judicial District  
Courthouse  
300 North Boulevard  
Baton Rouge, LA  
Tues. & Thurs. 10 am – 2 pm**

The staff cannot give you legal advice, but they may be able to give you legal information and can help you fill out these forms.

You can also find form packets and other resources online at [www.familycourt.org](http://www.familycourt.org).

These instructions are meant to guide you through the process of filing for contempt when someone has violated a custody order. The law allows the Court to find someone in contempt for willfully disobeying a court order. It is your duty to specifically prove that the other party violated the Court's custody order.

This packet of forms is not legal advice and cannot take the place of the advice that a lawyer can give you. It is always best to speak with a lawyer before taking any legal action. **When you represent yourself in court, you must follow all the proper procedures and the law. It is your responsibility to see your case through the whole process.**

## STEP ONE: THE RULE



*The first step is to fill out and file the “Rule for Contempt” form with the attached “Verification.” Read everything carefully, double check the information you fill in, and make sure you fill out the forms clearly and completely.*

This part will guide you through the rule paragraph by paragraph.

- The top part of this form is your case information.
  - If there is already a case open in family court between you and the other parent, you will have to file this rule in that case. Get all of the case information from the Clerk’s office when you file it. Leave this part blank for now if you are unsure, until you can confirm the information with the Clerk of Court’s office
  - If there is no previous case in family court with the other parent, fill in your name in the first blank on the left. The other parent is the defendant, so write his/her name underneath. When you file this form in the Clerk of Court’s office, they will give you the docket number and the division. For now, leave the blanks on the right empty
- The beginning paragraph asks you to fill in your name and domicile. Your domicile is the parish/county and the state where your current permanent address is.
- Paragraph 1 asks you to fill in the other parent’s name and domicile.
- Paragraph 2 asks you to fill in the names and dates of birth of all of your minor children that you have with the other parent.
- Paragraph 3 asks you about the current custody order in effect. To fill this part out, it is a good idea to have a copy of the order with you. If you do not have a copy, you can get one from the Clerk of Court’s office in the parish where the judgment was done.
  - Write the date of the order in the first blank space, then the case title in the next two blank spaces. This is usually listed at the top of your order, and looks something like “John Doe v. Jane Roe.”
  - In the next blank space, write the docket number of the order. Finally, write in the name of the court that gave the order and the city where the court gave the order.
- Paragraph 4 asks you to select the custody that is currently in place. You have to select one of the following options.
  - The first option is if you and the other parent have joint custody of the child(ren). If this is the case, check this option and write the name of the parent that has domiciliary status in the first blank line. Then in the lines that follow, explain the time periods that you and the other parent have with the child(ren).
  - The second option is if you or the other parent have sole custody of the child(ren). If this is the case, check this option and write the name of the parent that has sole custody in the first blank line. Then in the new blank line write the name of the parent that has visitation with the child and explain the time periods that he/she has with the child(ren).
  - The third option is only if the first and second options do not apply to your situation. If this is the case, check this option and explain the custody arrangement fully.

## STEP ONE *CONTINUED*

- Paragraph 5 asks you to tell the court what the other parent has done to violate the custody order that is in place. It is very important that you give as many details as possible, including how he/she violated the custody order and the dates that each incident occurred. If you run out of space, attach a separate sheet of paper.
- Finally, sign and provide your name, address, and telephone number at the top, under where it says “Respectfully submitted.”

Along with your rule, you will also have to sign the “Verification” form, which states that you are swearing that everything in your rule is true.

- This step requires you to go to a notary. Free notary services may be available at the Self-Help Resource Center for you. You must have a picture ID to get the form notarized.
- Fill out the top part with your case information just like your rule.
- Write in the parish that you get the form notarized in the first blank. Write your name in the center blank. Finally, sign in the blank to the right in front of the notary.
- The notary will fill in the bottom part of the form.

## STEP TWO: SERVICE



*The next step is to give the other parent notice of the contempt hearing by serving the rule on him/her.*

To have the Sheriff’s office make service, you have to request it by asking for it on the “Order” page of the packet. Make sure that you have the service information filled out correctly on that page. **NOTE: If your spouse lives outside of Louisiana, you will have to get “long arm” service.** Please visit the Self-Help Resource Center for more information on how to do this.

## STEP THREE: FILING



*Once you have filled out your paperwork, you have to file all documents with the Clerk of Court's office.*

To file, you must go to Clerk of Court's Suit Accounting office, located on the Third Floor of the Nineteenth Judicial District Courthouse, 300 North Boulevard, Baton Rouge, Louisiana. If you want to make other arrangements for filing, you should contact that office at (225) 389-3982.

You must file the original forms that you filled out. It's also a good idea to make 2 copies of your filled out forms and bring them with you. When you file the originals, ask the Clerk of Court's office to stamp your copies for your records.

- If you have come to court before with your spouse, let the Clerk of Court's office know so they can look up your information and put the right case number on your paperwork.
- If this is the first time coming to court with your spouse, the Clerk of Court's office will assign a case number to you and write it at the top of your filed pleadings. They will also assign you to one of court divisions (A, B, C, or D). Make sure you keep this information it because you will need it to check the status of your case.

Anytime you file something with the Clerk of Court's office, you will have to pay a filing fee, unless you have been granted pauper status. There are different fees for different documents. The Clerk of Court's office can tell you how much the fees are.

If you cannot afford to pre-pay the costs, you may request to file as a pauper by checking the second box. You also have to fill out and file a separate "*In Forma Pauperis*" form, which you can get from the Self-Help Resource Center or the Clerk of Court's office. \*IMPORTANT- Pauper status does not make filing free, but only lets you go without paying in advance. You may have to pay court costs after the case is over.

## STEP FOUR: CHECK ON YOUR CASE



*Before you can come to court, you will have to contact the judge's office and the Clerk of Court's office to check on the status of your case.*

Once you file your documents with the Clerk of Court's office, it will take a little time for it to get to the judge's office. Once the judge signs it, the judge's office will send the documents back to the Clerk of Court's office. Check with the Clerk's office 7 to 10 days after you file to find out what your court date will be. Please be patient because the court deals with a lot of matters. When you call, have your case number and information ready. The Family Court divisions and their telephone numbers are listed below:

- Division A, Judge Baker's office, (225) 389-4676
- Division B, Judge Woodruff-White's office, (225) 389-7657
- Division C, Judge Day's office, (225) 389-4673
- Division D, Judge Greene's office, (225) 389-4678

You should also check to make sure that the other parent was served to come to court. To do this, you will have to call or visit the Clerk of Court's office. You can reach the Clerk of Court's Family Processing office by telephone (225) 389-3936. That office is located on the Third Floor of the courthouse. Check these things:

- Make sure the service return from the Sheriff's office is in the record.
- Make sure that Sheriff was able to serve your spouse either domiciliary or personally. If the service was "due and diligent", it means that the Sheriff's office was not able to make service on your spouse.

## STEP FIVE: COMING TO COURT



*This is the final step in setting the contempt hearing. You will have to come to court to put on your case and explain to the judge why the other parent should be found in contempt of court.*

Be sure to bring any evidence or witnesses that will help you prove your case. Remember, it is your responsibility to show the court how the other parent has disobeyed the court's custody order. You have to prove this in court using testimony from the witnesses and any evidence that you have that is relevant.

Make sure you are present in the courtroom on the day and time that you were given by the court. Get to court early to allow time for traffic, parking, walking to the courthouse, and getting through security.

Go to the courtroom and wait quietly until your case is called. When your case is called, stand up and go forward. The judge will allow you to call your witnesses and testify. The judge will also allow the other side to question you and your witnesses. Make sure to introduce any evidence that you brought with you when it's your turn.

The first court date that you will be assigned will probably be on a Rule Day. On Rule Days, the court generally allows 30 minutes per case, with 15 minutes given to each side. If you cannot prove your case in that time, the court *may* schedule another trial date where you will have more time.