



Motions for Contempt

A motion for contempt asks the court to address a party's failure to follow an existing court order. Contempt is about enforcing what the judge has already ordered, such as child support, parenting time, or property division terms.

How it works

- 1 An Existing Order.** There must be a clear court order in place. Contempt cannot enforce informal promises or terms that are not in the order.
- 2 The Violation.** The filing party must show the order was not followed and, generally, that the failure was willful.
- 3 Filing and Service.** The motion is filed and served, and the court sets a hearing date, often through an order called a rule nisi.
- 4 The Hearing.** Both parties can present evidence. The accused party can explain why they could not comply.
- 5 The Ruling.** If the judge finds contempt, the judge decides what the party must do to make it right.

Possible outcomes

Payment. Paying past-due amounts, sometimes on a set schedule.

Make-Up Time. Additional parenting time to replace time that was missed.

Attorney Fees. The court may order the violating party to pay fees.

Jail as a Last Resort. Used to compel compliance, with release once the party complies.

What to keep in mind

Contempt is for clear violations of the order, not general disagreements.

If you are struggling to comply with an order yourself, let us know right away. Inability to comply can be a defense.

Whichever side you are on, keep records of payments, messages, and exchanges.

Keep following the order yourself while the motion is pending.

If you are served with a contempt motion, send it to us right away along with proof of your compliance.

This guide provides general information about motions for contempt in Georgia family law matters and is not legal advice about your specific case. Your attorney will explain how contempt applies to your situation.

YOUR ROLE

Keep detailed records related to the order, send us any motion and documentation right away, and continue following the order yourself.

QUESTIONS?

As always, all questions and requests should be directed to the team via email to team@pepitone.law.